

Authority: Item 7, Planning Committee Report 24-009 (PED24060)
CM: June 26, 2024 Ward: City Wide
Written approval for this by-law was given by Mayoral Decision MDE-2024-15
Dated June 26, 2024

Bill No. 114

**CITY OF HAMILTON
BY-LAW NO. 24-114**

To Adopt:

**Official Plan Amendment No. 252 to the
City of Hamilton Official Plan**

Respecting:

**Alignment with Parks Master Plan and Bill 23
(Ward 2)**

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 252 to the City of Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 26th day of June, 2024.

A. Horwath
Mayor

J. Pilon
Acting City Clerk

Amendment No. 252 to the City of Hamilton Official Plan

The following text constitutes Official Plan Amendment No. 252 to the City of Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to:

- Amend the West Harbour (Setting Sail) Secondary Plan to allow temporary and permanent road closures to support public gathering and open space programming and establish a minimum service radius/walking distance standard for neighbourhood parkland; and,
- Amend the Municipal Land Acquisition Policies to change the density and unit number standards used for the calculation of parkland dedication for residential uses and to establish parkland dedication rates for plans of subdivision based on land area, to align with the changes to the Planning Act made by Bill 23.

2.0 Location:

The lands affected by this amendment are located within the West Harbour (Setting Sail) Secondary Plan area.

3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment implements a recommendation of the City of Hamilton Parks Master Plan (September 2023); and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Changes:

4.1 Text Changes

4.1.1 That Section A.6.3.2 – Planning Principles be amended by adding Policy No. A.6.3.2.5 ix) as follows:

“A.6.3.2.5 ix) Enable the use of temporary and permanent road closures to support public gathering, open space programming and naturalization.”

4.1.2 That Section A.6.3.3 – General Policies be amended by adding Policy Nos. A.6.3.3.2.17, A.6.3.3.2.18 and A.6.3.3.2.19 as follows:

“A.6.3.3.2.17 Notwithstanding Policy C.1.1.1, to ensure the provision of an adequate amount of parkland, a minimum service radius/walking distance standard of 500 metres shall be used in the determination of neighbourhood parkland needs within the West Harbour Secondary Plan.

A.6.3.3.2.18 In addition to Policy A.6.3.3.2.17, the provision of parkland shall also consider social equity factors such as the proportion of potential low-income households and consideration of the availability of private amenity space.

A.6.3.3.2.19 Notwithstanding Policy A.6.3.3.2.17, a greater minimum service radius/walking distance for a Neighbourhood Park may be deemed acceptable by the City where another park which provides an equivalent function to a Neighbourhood Park is located within the 500 metre service radius.”

4.1.3 That Section D.5 – Municipal Land Acquisition Policies be amended by deleting Policy Nos. D.5.8 and D.5.9 and adding Policy Nos. D.5.12 to D.5.13 as follows:

“D.5.12 In accordance with the Planning Act, and in considering any development/redevelopment proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.

- i) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 600 dwelling units proposed where land is

dedicated or 1.0 hectare for each net 1,000 dwelling units where cash-in-lieu of payment is provided.

The rate to be applied will be that which yields the greater amount of either land or cash-in-lieu. The maximum parkland dedication shall also include any reductions required by the Planning Act for affordable or attainable residential units or non-profit housing development.

For the purposes of calculating parkland dedication on the basis of the number of units, the following rates shall apply to any dedication of parkland or cash-in-lieu as a condition of residential development or redevelopment:

- a) Regardless of the density of development, a maximum land dedication of 5% of the net land area shall apply to developments of single or semi-detached lots, or duplexes.
- b) Council shall require a parkland dedication in the amount not exceeding 2% for commercial purposes except as exempted in the Parkland Dedication By-law.
- c) Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals, and all other land use proposals other than residential and commercial uses, subject to any exemption as set out in the Parkland Dedication By-law.
- d) Council shall require a combination of dedication rates as defined in Policy D.5.12 applicable to specific use and/or density for any development including a subdivision containing lands proposed for a variety of land uses.
- e) Notwithstanding Policy D.5.12 i), Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or

social/affordable housing, as provided for in the Parkland Dedication By-law.

D.5.13 Notwithstanding Policy D.5.12, the maximum alternative parkland dedication shall also be limited by any maximums required by the Planning Act.”

5.0 Implementation:

An implementing amendment to the City’s Parkland Dedication By-law will give effect to the amendments to the City of Hamilton Official Plan.

This Official Plan Amendment is Schedule “1” to By-law No. 24-114 passed on the 26th day of June, 2024.

**The
City of Hamilton**

A. Horwath
Mayor

J. Pilon
Acting City Clerk