

**Authority:** Item 9, Economic Development and  
Planning Committee  
Report: 10-012 (PED07236(d))  
CM: June 9, 2010

**Bill No. 164**

**CITY OF HAMILTON**

**BY-LAW NO. 10-164**

**To Adopt:**

**Official Plan Amendment No. 224 to the former City of Hamilton Official Plan and  
Official Plan Amendment No. 159 to the former City of Stoney Creek Official Plan**

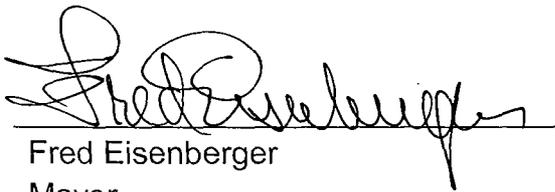
Respecting:

**Trinity West Secondary Plan**

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

1. Amendment No. 224 to the Official Plan of the former City of Hamilton Planning Area consisting of Schedule '1', hereto annexed and forming part of this by-law, is hereby adopted and approved.
2. Amendment No. 159 to the Official Plan of the former City of Stoney Creek Planning Area consisting of Schedule '1', hereto annexed and forming part of this by-law, is hereby adopted and approved.

**PASSED** this 23<sup>rd</sup> day of June , 2010.

  
Fred Eisenberger  
Mayor

  
Rose Caterini  
City Clerk

**Schedule '1'**

**Amendment No. 159 to the City of Stoney Creek Official Plan  
And  
Amendment No. 224 to the City of Hamilton Official Plan**

The following text, together with:

City of Stoney Creek

- Schedule "A" (Schedule "A" - General Land Use Plan);
- Schedule "B" (Schedule "A3" - Secondary Plan, West Mountain Planning District, (Heritage Green));
- Schedule "C" (Schedule "A3-4" - Trinity West Secondary Plan);
- Schedule "D" - (Schedule "A3-5" - Trinity West Natural Heritage System);
- Schedule "E" - (Schedule "B" - Stoney Creek Open Spaces and Natural Environment System);
- Schedule "F" - (Schedule "D" - Functional Road Classification);

City of Hamilton

- Schedule "G" - (Schedule "A" - Land Use Concept);

attached hereto, constitute Official Plan Amendment No. 224 to the City of Hamilton Official Plan and Official Plan Amendment No. 159 to the City of Stoney Creek Official Plan.

**Purpose and Effect:**

The purpose of the Amendment to the former City of Hamilton Official Plan is to:

- Amend the land use schedule to reflect the new land use designations of the Trinity West Secondary Plan that fall within the boundaries of the former City of Hamilton Official Plan.

The purpose of the Amendment to the former City of Stoney Creek Official Plan is to:

- Incorporate the Trinity West Secondary Plan into the City of Stoney Creek Official Plan, identifying land uses, densities, development forms, cultural heritage features, development standards, and provide for the protection of existing natural features for the Trinity West Area.
- Amend various policies and schedules of the Official Plan to reflect the principles and policies contained in the Trinity West Secondary Plan.

The effect of the Amendment is to establish a policy framework which shall guide the development and redevelopment of lands within the Trinity West planning area.

**Location:**

The lands affected by this Amendment are located in the area situated south of Highland Road, north of Rymal Road, east of the proposed Trinity Church Arterial Corridor and west of the midpoint of the Trinity Neighbourhood, within the former City of Stoney Creek as illustrated on Schedule “B” to this amendment.

**Basis:**

The intent of this Amendment is to establish a detailed land use framework for the Trinity West Planning Area in the former City of Stoney Creek Official Plan. The basis for permitting this amendment is as follows:

- The proposed Secondary Plan implements the Places to Grow Plan.
- The Secondary Plan is consistent with the Hamilton-Wentworth Official Plan and the Provincial Policy Statement as it accommodates a range of densities and a mix of uses to meet residents’ long-term needs and provides park and open space areas for active and passive use.
- The proposed policy framework for lands in the Trinity West planning area is in conformity with the general intent and objectives of the former City of Stoney Creek Official Plan.
- The proposed policy framework for Trinity West is in conformity with the general intent and objectives of the City’s new Urban Hamilton Official Plan (adopted by Council, awaiting Ministerial approval, not yet in effect).

**Actual Changes:**

**Map Changes:**

**City of Stoney Creek**

**(a) City of Stoney Creek Official Plan Schedule “A” - General Land Use Plan**

This Schedule is revised by adding the following annotation: “**See Schedule “A3-4”**”, as shown on the attached Schedule “A” to this amendment.

**(b) City of Stoney Creek Official Plan Schedule “A3” - Secondary Plan, West Mountain Planning District, Heritage Green Section**

This Schedule is revised by adding the following annotation: **“See Schedule “A3-4”**, as shown on the attached Schedule “B” to this amendment.

- (c) The City of Stoney Creek Official Plan is revised by adding **“Schedule “A3-4” - Trinity West Secondary Plan”** to the Official Plan, as shown on the attached Schedule “C” to this amendment.
- (d) The City of Stoney Creek Official Plan is revised by adding **“Schedule “A3-5” - Trinity West Natural Heritage System”** to the Official Plan, as shown on the attached Schedule “D” to this amendment.
- (e) **Stoney Creek Official Plan Schedule “B” - Stoney Creek Open Spaces and Natural Environment System.**

This Schedule is revised by adding the following annotation: **“See Schedule “A3-5”**, as shown on the attached Schedule “E” to this amendment.

- (f) **City of Stoney Creek Official Plan Schedule “D” - Functional Road Classification.**

This Schedule is revised by adding the following annotation: **“See Schedule “A3-4”**, as shown on the attached Schedule “F” to this amendment.

### City of Hamilton

- (g) **City of Hamilton Official Plan Schedule “A” - Land Use Concept**

This Schedule is revised by re-designating the lands from Industrial to Commercial, as shown on the attached Schedule “G” to this amendment.

### **Text Changes:**

- (h) Subsection A.13.3 West Mountain Area - Heritage Green Section Area Secondary Plan is amended by adding Policy 13.3.21, as follows:

#### **“13.3.21 Trinity West Secondary Plan**

Notwithstanding Part II, Sections A, B, C, D, E, and F of the former City of Stoney Creek Official Plan, the following policies shall apply:

- a) The policies of this section in conjunction with Schedule “A3-4” and “A3-5” constitute the Secondary Plan for the Trinity West Planning Area. These policies establish land uses, basic transportation network, infrastructure requirements and development standards to guide the development and/or redevelopment of lands in the Trinity West Planning Area. These policies provide guidance and

direction for the protection of the area's natural areas and environmental resources.

### **13.3.21.1 Planning and Development Principles**

Development of the Trinity West Area shall be based on the following principles:

- (a) Provision of safe, continuous, and accessible public access throughout the neighbourhood and between adjacent neighbourhoods;
- (b) Provision of a mixture of land uses, including a full range and mix of housing types. All built forms shall be designed at a human scale;
- (c) Inclusion of mixed use and live/work development to help enhance walkability and compact urban form;
- (d) Provision of a variety of streetscapes appropriate to adjacent land uses;
- (e) Integration of new parks and open spaces with existing natural open spaces to provide new passive and active recreational opportunities and to establish linkages creating an interconnected system of parks and open space;
- (f) Creation of a balanced multi-modal transportation system which facilitates public transit, cycling, and walking modes, in addition to automobiles, and provides accessibility to all users;
- (g) Development of community structure based on a modified grid pattern of streets to maximize connectivity and permeability while respecting the natural topography of the land;
- (h) Conservation and enhancement of significant natural heritage features within and adjacent to Trinity West, including the Eramosa Karst and other Environmentally Significant Areas;
- (i) Preservation and enhancement of cultural heritage features such as the Rymal Road Community Church at 1969 Rymal Road East and adjacent Hannon Free Methodist Cemetery, for present and future generations.

### **13.3.21.2 Objectives**

- a) General Land Use
  - i) To ensure the development of Trinity West as a compact mixed use, transit-supportive and active transportation friendly neighbourhood.

- ii) To develop Trinity West as part of a complete community, where people can live, work, shop, and play.
  - iii) To recognize and incorporate the Eramosa Karst natural open space as a major defining characteristic of the Trinity West area.
  - iv) To provide a framework for the development of Trinity West as a *designated greenfield area*, with at least 50 persons and jobs per hectare.
  - v) To facilitate the development of a residential and mixed use community to accommodate approximately 2,800 people and 1,400 dwelling units.
- b) Residential
- i) To ensure opportunities for a full range and mix of housing types and densities are provided.
  - ii) To ensure compatibility of adjacent residential areas by providing for a gradual transition of densities which are lower adjacent to existing homes and open space, and higher along major arterial roads.
  - iii) To create varied and distinguishable residential areas which provide a strong, identifiable sense of place for residents.
- c) Mixed Use
- i) To establish a mixed use area along Rymal Road, functioning as a Secondary Corridor within the City's overall urban structure, linking Nodes and Employment areas.
  - ii) To encourage the development of mixed use development, with residential dwellings and smaller scale commercial uses located in close proximity or in the same building.
  - iii) To provide mixed use areas with a range of commercial uses which serve as gathering places for the community, creating a sense of place.
  - iv) To design mixed use areas which can evolve over time into compact mixed use, people places where people can live, work, and shop.
  - v) To create and retain a vibrant mixed use area which accommodates a range of uses and is accessible by automobile, transit, and active transportation, at a density which supports transit.

d) Parks, Open Space, and Natural Heritage Features

- i) To provide a system of linked natural heritage features and parks, including the Eramosa Karst Conservation Area, the neighbourhood park and the East Mountain Trail Loop.
- ii) To provide an integrated open space and park system with a clear functional relationship to the overall community, accessible to all citizens.
- iii) To conserve the natural beauty, character and hydrological function of the Eramosa Karst Conservation Area.
- iv) To provide a Neighbourhood Park for active and passive recreational use, sized in accordance with City parkland standards.
- v) To ensure linkages between Natural Open Space and the Neighbourhood Park, by means of walkways, multi-use paths and the East Mountain Trail Loop.
- vi) To ensure that natural heritage features, including the Area of Natural and Scientific Interest, Core Area and Linkages (springs, sinkholes and other karst features) within and near the area are protected and enhanced.
- vii) To restrict development of lands with inherent natural hazards, such as areas prone to flooding, by reserving these lands as natural open space.
- viii) To encourage the preservation of hedgerows, where possible, within new development areas.

e) Transportation

- i) To develop a compact, mixed-use, transit-supportive, and active transportation friendly neighbourhood.
- ii) To develop a land use pattern and street pattern to support vehicular traffic, transit, cyclist, and pedestrian movement through the neighbourhood.
- iii) To minimize through vehicular traffic within low density residential development areas, especially adjacent to existing residences.
- iv) To provide for residential and mixed use development at densities to support extensions to the City transit system, by such means as the location of higher densities adjacent to major arterial roads.

- v) To provide a barrier free transportation network to address the needs of persons with disabilities, seniors, children and those with reduced mobility, by the appropriate design of transit facilities, sidewalks, crossings, and parking spaces.
  - vi) To define functional classification and future ultimate rights-of-way for existing and proposed roads in the area.
  - vii) To provide pedestrian friendly streets by means such as visually appealing streetscapes, barrier free pathways, adequate lighting, and applying design policies and design guidelines.
  - viii) To provide cycling and trail facilities in accordance with City master plans, including the Cycling Master Plan and Trails Master Plan recommendations and priorities.
- f) Cultural Heritage
- i) To identify and conserve historically or architecturally significant buildings.
  - ii) To ensure that all new development, site alterations, building alterations and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.
  - iii) To protect, conserve or mitigate sites of archaeological value and areas of archaeological potential as provided for under all applicable legislation.
- g) Infrastructure
- i) To ensure that all new development occurs on the basis of full urban water and wastewater services.
  - ii) To provide the necessary infrastructure and services to facilitate the timely and orderly development of the community.
  - iii) To provide municipal services and utilities in a manner that minimizes the impacts on the natural environment.
  - iv) To ensure that private property owners pay for their proportional share of the costs of providing necessary infrastructure.
  - v) To establish adequate utility networks to serve the anticipated development, and that they can be phased in a way that is cost-effective and efficient.

- vi) To ensure public and private utilities are clustered or grouped where possible to minimize visual impact.
  - vii) To design and implement a stormwater management system that is integrated with the open space system and which mitigates impacts on the natural environment.
- h) Urban Design
- i) To enhance the sense of community pride and identification by creating and maintaining a unique sense of place.
  - ii) To provide and create quality spaces in all public and private development.
  - iii) To create pedestrian-oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.
  - iv) To ensure that new development is compatible with and enhances the character of the existing environment and locale.
  - v) To design the community with a unique and cohesive character including a focal point to which all elements of the area are connected.
  - vi) To ensure that development adjacent to the Eramosa Karst Conservation Area minimizes impacts on natural heritage features and preserves views.
- i) Implementation
- i) To provide studies, services, public facilities and infrastructure required to support development of the area in an orderly and timely manner.
  - ii) To ensure an integrated program of planning approvals, and other resource commitments, to implement the provisions of this Secondary Plan.
  - iii) To ensure the costs of services and facilities required to support development of the area are financed in accordance with the ability of the municipality and property owners to pay, and the provisions of the Development Charges By-law.
- j) Finance
- i) To ensure the costs of services and facilities required to permit and support the development of the community are financed in accordance with:

- The ability of the municipality and the landowners to pay;
- The provisions of the Development Charges Act; and.
- The Development Charges By-law adopted by the City.

### **13.3.21.3 General Land Use Policies**

The policies in the following sections address land uses and other matters common to all parts of the Trinity West Neighbourhood.

- a) The Trinity West Secondary Plan area consists of lands located south of Highland Road, north of Rymal Road, east of the proposed Trinity Church Arterial Corridor, and west of the midpoint of the Trinity Neighbourhood, as indicated on Schedule "A3-4".
- b) Schedule "A3-4" - Trinity West Secondary Plan, identifies the land use designations for the Trinity West planning area.
- c) Development within the Trinity West area shall provide a mix of housing opportunities in terms of lot size, unit size, style and tenure that are suitable for residents of different age groups, income levels and household sizes.
- d) Trinity West shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character. Accordingly, site plans and draft plans of subdivisions shall be subject to an urban design brief and/or urban design guidelines to ensure conformity with the Urban Design goals and objectives of this plan and all other relevant City of Hamilton policies and guidelines.

### **13.3.21.4 Residential Designations - General Policies**

The residential policies shall define the location and scale of each type of residential use, and shall help ensure that a variety of residential types are provided to meet the needs of all area residents.

The residential areas are designated Low Density Residential 1, Low Density Residential 2, Medium Density Residential 2 and Medium Density Residential 3 as identified on Schedule "A3-4" Trinity West Secondary Plan. The following policies shall apply:

#### **Scale and Design**

- a) The City shall require quality urban and architectural design. Development of lands within the Trinity Neighbourhood shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- i) New development on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.
  - ii) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
  - iii) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
  - iv) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.
  - v) *Development* shall comply with Section 13.3.21.11 - Urban Design Policies and all other applicable policies.
- b) Innovative neighbourhood designs incorporating energy and environmental design standards and the conservation of natural resources shall be promoted in accordance with Section 13.3.21.11 - Urban Design Policies.
  - c) Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.
  - d) *Development* or *redevelopment* adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are *compatible* with existing and future uses in the surrounding area.
  - e) Where karst features occur within these areas, such as springs and sinkholes, Policy 13.3.21.9.4 shall apply.

#### **13.3.21.4.1 Low Density Residential (LDR)**

- a) For lands designated “**Low Density Residential**”, including Low Density Residential 1 and Low Density Residential 2 on Schedule “A3-4”, the following policies shall apply:

##### **Function**

- i) The preferred location for low density residential uses is within the interior of neighbourhoods.
- ii) Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.

- iii) Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.
- iv) Other permitted uses will include second dwelling units and housing with supports, and other supporting uses except for local commercial.

**Scale**

- v) The maximum *net residential density* shall be 60 units per hectare.
- vi) The maximum height shall be three storeys.

**Design**

- vii) Direct access from lots adjacent to major or minor arterial roads shall be discouraged.
- viii) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible.
- ix) A mix of lot widths and sizes *compatible* with streetscape character; and a mix of dwelling unit types and sizes *compatible* in exterior design, including character, scale, appearance and design features; shall be encouraged. *Development* shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure *compatibility*.
- x) *Development*, including the creation of infill lots involving the creation of new public streets or extensions, shall generally proceed by way of plan of subdivision. Such plans shall achieve the logical and sequential extension of streets and municipal services and an efficient lotting pattern.

**13.3.21.4.2 Low Density Residential 1 (LDR1)**

- b) Notwithstanding Policy 13.3.21.4.1 a) iii), v), and vi), for lands designated “**Low Density Residential 1**” on Schedule “A3-4”, the following policies shall apply:
  - i) Permitted uses shall include only single detached dwellings.
  - ii) The maximum net residential density of development shall not exceed 20 units per hectare (uph).
  - iii) The maximum building height shall be two storeys.

**13.3.21.4.3 Low Density Residential 2 (LDR2)**

- c) Notwithstanding Policy 13.3.21.4.1 a) v), for lands designated “**Low Density Residential 2**” on Schedule “A3-4”, the following policy shall apply:
- i) The net residential density of development shall be greater than 20 units per hectare and shall not exceed 40 units per hectare (uph).

**13.3.21.5 Medium Density Residential (MDR)**

- a) For lands designated “**Medium Density Residential**”, including MDR2 and MDR3, on Schedule “A3-4”, the following shall apply:

**Function**

- i) Medium density residential areas are characterized by *multiple dwelling* forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- ii) Uses permitted in medium density residential areas include *multiple dwellings* except street town homes.
- iii) Local commercial uses may be permitted on the ground floor of buildings containing *multiple dwellings*, provided the provisions of Section 13.3.21.7- Local Commercial are satisfied.
- iv) Medium density residential uses shall be located within safe and convenient walking distance of existing or planned *community facilities*, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- v) Medium density residential built forms may function as transitions between high and low profile residential uses.

**Scale**

- vi) For medium density residential uses, the *net residential density* shall be greater than 60 units per hectare and not greater than 100 units per hectare.
- vii) For medium density residential uses, the maximum height shall be six storeys.

**Design**

- viii) *Development* within the Medium Density Residential category shall be evaluated on the basis of the following criteria:

- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
- b) *Development* shall be integrated with other lands in Trinity West with respect to density, design, and physical and functional considerations.
- c) *Development* shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be *compatible* with existing and future uses in the surrounding area.
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) The City may require studies, in accordance with Section 13.3.21.17 - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.

**13.3.21.5.1 Medium Density Residential 2 (MDR2)**

- a) Notwithstanding Policy 13.3.21.5 a) ii), vi), and viii) a), for lands designated “**Medium Density Residential 2**” on Schedule “A3-4”, the following policies shall apply:
  - i) Uses permitted include multiple dwellings and street town homes.
  - ii) The net residential density of development shall be greater than 60 units per hectare and shall not exceed 75 units per hectare (uph).
  - iii) The Trinity Church Arterial Corridor shall function as a controlled access arterial. Direct access to the Medium Density Residential 2 land uses shall not be permitted from Trinity Church Arterial Corridor. Access to the Medium Density lands shall be provided by the adjacent collector and internal roads.

**13.3.21.5.2 Medium Density Residential 3 (MDR3)**

- a) Notwithstanding Policy 13.3.21.5 a) vi), and viii) a), for lands designated “**Medium Density Residential 3**” on Schedule “A3-4”, the following policies shall apply:

- i) The net residential density of development shall be greater than 75 units per hectare and shall not exceed 100 units per hectare (uph).
  - ii) The Trinity Church Arterial Corridor shall function as a controlled access arterial. Direct access to the Medium Density Residential 3 land uses shall not be permitted from Trinity Church Arterial Corridor. Access to the Medium Density lands shall be provided by the adjacent collector and internal roads.
- b) Sensitive land uses, such as residential uses, within the Medium Density Residential 3 (MDR3) areas located adjacent to the Trinity Church Arterial Corridor shall be protected from the potential adverse impacts of industrial uses within the Employment lands to the west, and industrial uses shall be protected from sensitive uses as follows:
- i) The City shall have regard for provincial guidelines concerning compatibility between industrial facilities and sensitive land uses, and in mitigating the potential adverse impacts not addressed by the guidelines.
  - ii) The proponent of a new sensitive land use within the Residential area shall be responsible for addressing and implementing the necessary mitigation measures to the satisfaction of the City.

**13.3.21.6 Mixed Use - Medium Density**

- a) For lands designated “**Mixed Use - Medium Density**” on Schedule “A3-4” the following policies apply:

**Function**

- i) The range of commercial uses is intended to serve the surrounding community as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.
- ii) Newer areas designated Mixed Use - Medium Density shall evolve over time into compact, mixed use people places where people can live, work, and shop.
- iii) It is also the function of the Mixed Use - Medium Density areas to serve as vibrant people places with increased day and night activity through the introduction of residential *development*. Residential *development* enhances the function of these areas as *transit supportive* nodes and corridors.

**Permitted Uses**

- b) The following uses shall be permitted on lands designated **Mixed Use - Medium Density** on Schedule "A3-4":
- i) Commercial uses such as retail stores, *auto* and *home centres*, *home improvement supply stores*, offices oriented to serving residents, personal services, financial establishments, live-work units, artist studios, restaurants, and gas bars;
  - ii) Institutional uses such as places of worship and schools;
  - iii) Arts, cultural, entertainment, and recreational uses;
  - iv) *Multiple dwellings*; and,
  - v) *Accessory* uses.

**Prohibited Uses**

- c) The following uses shall be prohibited on lands designated Mixed Use - Medium Density on Schedule "A3-4":
- i) Drive-through facilities;
  - ii) Hotels;
  - iii) Hospitals;
  - iv) Vehicle dealerships; and,
  - v) Garden centres as a primary use.

**Scale**

- d) Lands designated Mixed Use - Medium Density shall contain a range of building heights and densities to a maximum height of six storeys, which shall be set out in the implementing Zoning By-law. The following exceptions apply to the Mixed Use - Medium Density designation:
- i) Within Mixed Use - Medium Density areas adjacent to the Natural Open Space which is the Eramosa Karst Conservation Area, the maximum building height shall be three storeys;
  - ii) Within Mixed Use - Medium Density areas adjacent to Low Density Residential, the maximum building height shall be four storeys;
- e) In other areas, additional height up to a total of eight storeys may be permitted without an amendment to this Plan, provided the applicant demonstrates:

- i) There are no adverse shadow impacts created on existing residential uses within adjacent lands;
  - ii) Buildings are progressively stepped back from adjacent areas. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,
  - iii) Buildings are stepped back from the street to minimize the height appearance from the street, where necessary.
- f) The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted.
- g) Permitted uses shall be located in single or mixed use buildings.
- h) The amount of retail and service commercial space within each area designated Mixed Use - Medium Density shall not exceed 10,000 square metres of gross floor area.
- i) All offices within the Mixed Use - Medium Density designation shall not exceed 10,000 square metres of gross floor area for each free standing building.
- j) Although residential *development* is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan.

### **Design**

- k) New *development* shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.
- l) Areas designated Mixed Use - Medium Density are intended to develop in a *compact urban form* with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.
- m) Buildings shall be located close to the street with no parking, drive-throughs, or stacking lanes between the building and the street. Larger single use buildings over 5,000 square metres may be situated in the interior or at the rear of the site with smaller foot print buildings located close to the street. Alternatively, larger stores could be located up to the streetline provided they are lined with smaller stores, multiple entrances, or other similar means to animate the streetscape.

- n) New *development* shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new *development* to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.
- o) Direct access to individual properties or units from Rymal Road shall be discouraged; shared or combined common access points and rear lane arrangements shall be provided where possible through land consolidation and/or rights of way.
- p) The Trinity Church Arterial Corridor shall function as a controlled access arterial with limited access points. Access to the land uses adjacent to the Trinity Church Arterial Corridor shall be from internal local and collector roads.
- q) Any buildings containing both residential and commercial uses shall be subject to the following:
  - i) Amenity areas shall be provided exclusively for the residential component and shall be separated from public areas associated with the commercial component; and,
  - ii) Customer parking areas for the commercial component shall be separated from residential uses, and shall not interfere with the safe and efficient use of residential parking areas.
- r) Buildings shall be located close to the street at grade, with main entrances on a street, with barrier free access at street level;
- s) Principal entrances shall face the public street or an exterior space directly adjacent and visible from the public street;
- t) Loading, service and garbage areas shall be located to minimize their visual impact on the public street;
- u) Loading, service and garbage areas shall be screened with enhanced landscaping and fencing constructed and designed to be in keeping with the design of the building;
- v) Where possible, combined accesses shall be provided;
- w) All facades facing a public street shall have window openings directly onto the street; and,
- x) In order to maintain unimpeded views of the building façade and to enhance a pedestrian oriented environment, parking on corner sites shall be encouraged to locate in the rear yard, away from the street.

### 13.3.21.7 Local Commercial

#### Function

- a) The following uses shall be permitted:
  - i) Retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, medical office, business office, professional office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service;
  - ii) Medical offices or clinic, provided it has direct access to an arterial road and is adjacent to other local commercial uses; and,
  - iii) Residential uses, in accordance with Policy 13.3.21.7 g).
- b) Drive-through facilities *accessory* to commercial uses shall be regulated through the Zoning By-law and site plan approval to ensure *compatibility* with adjacent uses, in accordance with Policy 13.3.21.7 n).

#### Scale

- c) Local commercial uses may be permitted in the following built forms:
  - i) Small single-use buildings such as those occupied by a convenience store or a medical office;
  - ii) A plaza form at varying scales containing multiple commercial uses;
  - iii) A main street configuration with multiple commercial uses; or,
  - iv) Multiple storey buildings with the local commercial uses on the ground floor and residential units above.
- d) The City shall encourage numbers and sizes of local commercial uses to adequately serve local residents.
- e) Local commercial uses shall comply with the following provisions:
  - i) The gross floor area for any individual office shall not exceed 500 square metres.
  - ii) The total maximum gross floor area and height for a development located on a particular site shall be determined through Zoning By-laws.

## Design

- f) *Development and redevelopment* of local commercial uses shall:
  - i) Front and have access to a major arterial, minor arterial, or collector road;
  - ii) Provide safe and convenient access for pedestrians and cyclists; and,
  - iii) Be *compatible* with the surrounding area in terms of design, massing, height, setbacks, on-site parking, landscaping, and lighting.
- g) Residential units located in the same building as local commercial uses shall generally be located above the ground floor. Some components of the residential use may be located in ground floor areas in the rear of buildings. All commercial space shall be located on the ground floor with the primary entrances to the commercial space through the principal façade of the building.
- h) New local commercial uses shall be planned and designed to be integrated with and easily accessible from the surrounding neighbourhood.
- i) New local commercial uses and properties shall be clustered and generally located at intersections with arterial and collector roads.
- j) New local commercial buildings or uses which could result in strip commercial development shall not be permitted, but new local commercial buildings or uses may be permitted within or as an expansion of an existing main street area provided such buildings or uses:
  - i) Are located up to the street or in line with other buildings along the main street;
  - ii) Strengthen the pedestrian focus of the main street and assist in creating a vibrant and active street;
  - iii) Provide an active storefront along the street with the main entrance of each building or store and substantial fenestration facing onto the street; and,
  - iv) Do not exacerbate an oversupply of retail space in the neighbourhood or along the main street.
- k) New local commercial buildings or uses in areas other than those referred to in Policy 13.3.21.7 j) shall:
  - i) Be located close to the street to create a strong pedestrian orientation particularly along adjoining collector roads;

- ii) Provide a principal entrance facing the arterial and collector road;
  - iii) Provide direct access from the sidewalk;
  - iv) Provide windows and signage facing the street; and,
  - v) Provide for a consistent minimum setback.
- l) Office uses are intended to be part of local commercial clusters, therefore, conversions of dwellings to accommodate offices identified in Policy 13.3.21.7 a), i), shall not be permitted in scattered locations along arterial and collector roads.
- m) Notwithstanding Policy 13.3.21.7 l), conversions of dwellings to accommodate offices identified in Policy 13.3.21.7 a) i), may be permitted provided the following criteria shall be met:
- i) The block face between two roads in which the conversion is proposed is not occupied predominantly by residential uses;
  - ii) The conversion shall not create access problems or result in transportation impacts;
  - iii) The use shall be clustered with other similar uses or other non-residential uses;
  - iv) The required parking and manoeuvring area is accommodated in the side or rear yard;
  - v) Appropriate landscaped buffering, as specified in the implementing Zoning By-law, is provided between the parking and adjacent residential uses; and,
  - vi) Driveway access widening or upgrades may be required to accommodate dwelling conversions.
- n) No parking, drive-throughs, or stacking lanes should be permitted between buildings and the public sidewalk.

### **13.3.21.8 Parkland Policies**

- a) The uses permitted on lands identified as Neighbourhood Park, General Open Space, and Natural Open Space on Schedule "A3-4" shall be parks for both active and passive recreational uses, community/recreational facilities, and other open space uses.

- b) To ensure the provision of an adequate amount of parkland, the standards of Table 13.3.21.8 - Parkland Standards, shall be used in the determination of parkland needs.

**Table 13.3.21.8 - Parkland Standards**

<b>Park Classification</b>	<b>Per 1,000 Population (Ratios)</b>	<b>Minimum Service Radius/ Walking Distance</b>
Neighbourhood Parks	0.7 ha/1000	800m
Community Parks	0.7 ha/1000	2 km
City-Wide Parks	0.7 ha/1000	n.a.

- d) The City may consider a smaller minimum size for Neighbourhood or Community Parks provided one or more of the following criteria are met:
- i) There is a demonstrated deficiency of existing parkland in the surrounding area.
  - ii) The subject lands are currently used for recreational or public uses (e.g. playground of a surplus school).
  - iii) The subject lands fulfill identified recreational needs.
  - iv) Designation of the subject lands does not adversely impact operational priorities.
- e) The City shall determine the amount and type of park required based on the following considerations:
- i) The parkland standards in Policy 13.3.21.8 b);
  - ii) Projected population;
  - iii) The location of other parks in adjacent areas;
  - iv) The feasibility of locating parks near schools and Natural Open Spaces; and,
  - v) Site characteristics (slope, natural features, frontage in a public road) as defined by the Landscape Manual for Parks, adopted by Council.

#### **13.3.21.8.1 Neighbourhood Park**

- a) For lands designated “**Neighbourhood Park**” on Schedule “A3-4”, the following policies shall apply:

- i) Neighbourhood Parks primarily cater to the recreational needs and interests of the residents living within its general vicinity. Residents can easily walk or bike to these parks. Neighbourhood Parks are generally comprised of municipal parkland, containing a mixture of passive areas, sports facilities, informal and formal play areas, and may include natural areas. They serve a population of approximately 5,000 people and have a minimum size of approximately 2 hectares.

#### **13.3.21.8.2 General Open Space and Natural Open Space**

- a) There are two open space categories not considered as parks but which contribute to the City's open space and parks system:
  - i) General Open Space shall include golf courses, community gardens, pedestrian and bicycle trails, walkways, picnic areas, beaches, remnant parcels of open space lands, and urban plazas, squares and core spaces. These areas do not function as parks but are used for both active and passive recreational activities.
  - ii) Natural Open Space shall include lands with significant natural features and landscapes such as woodlots, hazard lands, forested slopes, creek/ravine corridors, the Niagara Escarpment, environmentally sensitive areas (of natural and scientific interest), and areas of wildlife habitat. These areas perform important biological and ecological functions and provide passive recreational opportunities.
- b) In certain cases, single parks may have dual classifications, such as Natural Open Space and Community Park, which recognize that parks can have multiple functions
- c) General Open Space and Natural Open Space Areas are not considered parkland. Therefore no standards are applied.

#### **13.3.21.8.2.1 General Open Space**

- a) For lands designated **General Open Space** on Schedule "A3-4", the following policies shall apply:
  - i) Permitted uses shall be restricted to multi-use trails for active and passive recreational purposes.
  - ii) The small area near the south end of Upper Mount Albion Road designated as "General Open Space" shall provide a pedestrian link from Upper Mount Albion Road, which is to be closed to vehicular traffic just north of Rymal Road.

### **13.3.21.8.2.2 Natural Open Space**

- a) For lands designated “**Natural Open Space**” on Schedule “A3-4”, the following policies shall apply:
  - i) Lands designated Natural Open Space are generally part of a park or conservation area. They have environmental features and are intended to be preserved in their natural state. Where appropriate, limited recreational activities/uses may be permitted including trails, picnic areas, forest management, and conservation management.
- b) The Natural Open Space area east of Upper Mount Albion Road is the Eramosa Karst Conservation Area, which shall be maintained as natural open space, and be managed by the Hamilton Conservation Authority in accordance with the Eramosa Karst Master Plan. No buildings shall be permitted except for the visitor centre, kiosk, parking area and similar amenities to be provided for interpretive purposes in accordance with the approved Eramosa Karst Master Plan.
- c) The Natural Open Space area west of Upper Mount Albion Road is a wetland area with high constraints, which shall be retained as undeveloped open space to serve a hydro-geological function, with no development permitted.
- d) Portions of the Natural Open Space areas are designated Core Areas and Linkages on Schedule “A3-5” Trinity West Natural Heritage System and as such, the policies in Section 13.3.21.9 shall apply to these areas.

### **13.3.21.9 Natural Heritage System**

Components of the Natural Heritage System located within the Trinity West Secondary Plan area shall be preserved to ensure preservation of the integrity of these natural features which contribute to the area’s beauty, character and quality of life.

- a) All natural features, required vegetation protection zones, and enhancement or restoration areas on a property shall be placed under appropriate zoning in the zoning by-law and/or protected through a conservation easement to the satisfaction of the City or the relevant Conservation Authority, or deeded to a public authority. Acquisition by a public body may also be considered as an option for protecting natural features and functions.
- b) The Natural Heritage System in Trinity West is shown on Schedule “A3-5” - Trinity West Natural Heritage System.

**13.3.21.9.1 Natural Heritage System - Core Areas**

- a) *Core Areas* include *local natural areas* that are more specifically identified by Schedule "A3-5". *Core Areas* are the most important components in terms of biodiversity, productivity, and ecological and hydrological functions. It is the intent of this policy to preserve and enhance core areas to ensure that any development or *site alteration* within or adjacent to them shall not negatively impact their environmental features or *ecological functions*.
- b) The natural features and ecological functions of Core Areas shall be protected and enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into *Core Areas* shall generally not be permitted, and appropriate *vegetation protection zones* shall be applied to all *Core Areas*.
- c) Permitted uses within Core Areas as identified on Schedule "A3-5" - Natural Heritage System and which may be further refined by the completion of an Environmental Impact Statement, including any associated *vegetation protection zone* shall include:
  - i) Forest, fish and wildlife management;
  - ii) Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;
  - iii) *Existing* uses, in accordance with Section 13.3.21.17.9 - Existing, Non-Complying and Non-Conforming Uses, and according to the requirements in Policy 13.3.21.9.2 a) - Environmental Impact Statements;
  - iv) *Passive recreation uses* and *small scale structures* for recreation uses (such as boardwalks, footbridges, fences, docks, and picnic facilities) where permitted by Conservation Authority policies; however, the *negative impacts* on these features should be minimized; and,
  - v) Infrastructure projects, in accordance with Section 13.3.21.13 - Infrastructure.
- d) New *development* and *site alteration* shall not be permitted within provincially significant *wetlands*, *significant coastal wetlands* or *significant habitat of threatened and endangered species*.
- e) New *development* and *site alteration* shall not be permitted within *fish habitat*, except in accordance with provincial and federal requirements.
- f) New *development* and *site alteration* shall not be permitted within significant woodlands, significant valleylands, significant wildlife habitat and significant

areas of natural and scientific interest unless it has been demonstrated that there shall be no *negative impacts* on the natural features or on their *ecological functions*.

- g) *New development* and *site alteration* shall not be permitted on *adjacent lands* to the natural heritage features and areas identified in Section 13.3.21.9.1 d) to f) unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there shall be no *negative impacts* on the natural features or on their *ecological functions*.
- h) The construction of a single dwelling on an *existing* lot of record having frontage on a public road may be permitted within or adjacent to *Core Areas*, subject to Section 13.3.21.17.9 - Existing, Non-Complying and Non-Conforming Uses and Conservation Authority policies.
- i) Streams have been separated into two classes: Coldwater Watercourse/Critical Habitat and Warmwater Watercourse/ Important/Marginal Habitat. If the stream has not been classified as part of an EIS, subwatershed study, or other study, a scoped EIS is required to determine the classification.
- j) For Stream sections within Trinity West, as identified on Schedule "A3-5", if the stream has not been classified as part of an Environmental Impact Statement (EIS), subwatershed study, or other study, a scoped EIS is required to determine the type of fish habitat present.
- k) *New development* or *site alteration* subject to Policies 13.3.21.9.1 e) to i) requires, prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant Conservation Authority that:
  - i) There shall be no *negative impacts* on the *Core Areas* or their *ecological functions*.
  - ii) *Connectivity* between *Core Areas* shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape.
  - iii) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or *site alteration* wherever possible.
- l) An Environmental Impact Statement shall propose a *vegetation protection zone* which:
  - i) Has sufficient width to protect the *Core Area* and its *ecological functions* from impacts of the proposed land use or *site alteration* occurring during

and after construction, and where possible, restores or enhances the *Core Area* and/or its *ecological functions*; and,

- ii) Is established to achieve, and be maintained as *natural self-sustaining native vegetation*.
- m) Where *vegetation protection zone* widths have not been specified by *watershed* and sub-watershed *plans*, secondary or rural settlement area plan policies, Environmental assessments and other studies, the following minimum *vegetation protection zone* width objectives shall be evaluated and addressed by Environmental Impact Statements. Other agencies, such as Conservation Authorities, may have greater vegetation protection zone requirements.
- i) Coldwater Watercourse and Critical Habitat - 30-metre vegetation protection zone on each side of the watercourse, measured from the bankfull channel.
  - ii) Warmwater Watercourse and Important and Marginal Habitat - 15-metre vegetation protection zone on each side of the watercourse, measured from the bankfull channel.
  - iii) Provincially Significant Wetlands and Locally Significant Wetlands (all evaluated wetlands) - 30-metre vegetation protection zone, measured from the boundary of the wetland, as approved by the Conservation Authority or Ministry of Natural Resources.
  - iv) Unevaluated wetlands - Unevaluated wetlands greater than 2 hectares in size require a 30-metre vegetation protection zone, measured from the boundary of the wetland, as approved by the Conservation Authority or Ministry of Natural Resources. Unevaluated wetlands 2 hectares or less in size require a 30-metre vegetation protection zone, unless an Environmental Impact Statement recommends a more appropriate vegetation protection zone.
  - v) Woodlands - 10-metre vegetation protection zone, measured from the edge (drip line) of the woodland.
  - vi) Significant woodlands - 15-metre vegetation protection zone, measured from the edge (drip line) of the significant woodland.
  - vii) Areas of Natural and Scientific Interest (ANSI) - Life and Earth Science ANSIs require a 15-metre vegetation protection zone.
  - viii) Valleylands - As required by the relevant Conservation Authority.

- n) *Vegetation protection zone* widths greater than specified in a) to j) above may be required if *ecological* features and *functions* warrant it, as determined through an approved Environmental Impact Statement. The minimum *vegetation protection zone* widths in Policy 13.3.21.9.1 m) are guidelines. Widths shall be determined on a site-specific basis, by considering factors such as the sensitivity of the habitat, the potential impacts of the proposed land use, the intended function of the buffer, and the physiography of the site.
- o) Where the Greenbelt Plan Natural Heritage System abuts the Urban Area, the Greenbelt Plan *vegetation protection zone* requirements apply for the purposes of conducting Environmental Impact Studies, watershed plans, and subwatershed studies.
- p) At disturbed sites which are undergoing re-development adjacent to Core Areas, *vegetation protection zone* widths narrower than those minimums recommended in Policy 13.3.21.9.1 m) may be considered on constrained sites and when an Environmental Impact Statement (EIS) confirms that reduced *vegetation protection zones* will not negatively impact the existing features and functions of the Core Area.
- q) Permitted uses within a *vegetation protection zone* shall be limited to low impact uses, such as *vegetation restoration*, resource management, and open space. Septic tanks, holding tanks, impervious surfaces, and grading works shall not be permitted within the *vegetation protection zone*. Storm water management facilities and recreational trails shall generally not be permitted within the *vegetation protection zone*. New *development* or *site alteration* areas shall be located outside of the *vegetation protection zone*. Private sewage disposal systems and new impervious surfaces associated with the *development* shall not be permitted within the *vegetation protection zone*. Permitted uses within the *vegetation protection zone* should be similar to those within the protected natural area and the *vegetation protection zone* should remain in or be returned to a natural state.
- r) All plantings within *vegetation protection zones* shall use only non-invasive plant species native to Hamilton. The City may require that applicants for *development* or *site alteration* develop a restoration or management plan for the *vegetation protection zone* as a condition of approval.

### **13.3.21.9.2 Environmental Impact Statements**

- a) Any required Environmental Impact Statement shall be completed in accordance with Section 13.3.21.19.2 - Environmental Impact Statements, and comply with all provisions of Section 13.3.21.9.1 - Core Areas.

### 13.3.21.9.3 Natural Heritage System - Linkages

Linkages are remnant natural areas within the landscape that connect Core Areas. Connections between natural areas provide opportunities for plant and animal movement, hydrological and nutrient cycling, and maintain ecological health and integrity of the overall Natural Heritage System. The City recognizes the importance of Linkages to be shown on Schedule "A3-5" - Natural Heritage System in reducing the adverse impacts of habitat fragmentation of natural areas. Habitat fragmentation results in loss of species diversity and reduced ecosystem health and resilience. It is the intent of this policy that Linkages be protected and enhanced to sustain the Natural Heritage System wherever possible. In addition, there may be areas where a natural area is degraded, presenting an opportunity to recreate or enhance a Linkage.

- a) The City shall encourage the connection of *Core Areas* within the municipality and adjacent to its municipal boundaries through the identification of *Linkages* in Environmental Impact Statements, Secondary Plans, watershed plans, and other studies. *Linkages* include the following:
  - i) *Woodland linkages* (e.g. small woodlands);
  - ii) *Other natural vegetation types* (e.g. meadows, old field, thickets); or
  - iii) Streams and watercourses that connect *Core Areas*.
- b) On its own properties, including road rights-of-way, utilities, major infrastructure facilities, and storm water management ponds the City shall enhance *Linkages* by restoring natural habitat, where appropriate. The City shall support the naturalization of vegetation in inactive sections of parks and open space areas, where appropriate.
- c) The City shall require the incorporation of *Linkages* into a design of new *development* requiring approval by this Plan to retain and enhance the cultural, aesthetic, and environmental qualities of the landscape, wherever possible.
- d) Where new *development* or *site alteration* is proposed within a Linkage in the Natural Heritage System as identified in Schedule "A3-5" - Natural Heritage System, the applicant shall prepare a Linkage Assessment. On sites where an Environmental Impact Statement (EIS) is being prepared, the Linkage Assessment can be included as part of the EIS report. Any required Linkage Assessment shall be completed in accordance with Policy 13.3.21.19.2 j) - Linkage Assessments.
- e) *Linkage* Assessments shall include the following information:
  - i) Identify and assess the Linkage including its vegetative, wildlife, and/or landscape features or functions;

- ii) Assess the potential impacts on the viability and integrity of the *Linkage* as a result of the development proposal; and,
  - iii) Make recommendations on how to protect, enhance or mitigate impacts on the *Linkage(s)* and its functions through planning, design and construction practices.
- f) In addition to the Linkages identified on Schedule “A3-5” - Natural Heritage System, there may be Hedgerows that are worthy of protection, especially where:
- i) They link Core Areas;
  - ii) There is evidence that wildlife regularly use them as movement corridors or habitat;
  - iii) They are composed of mature, healthy trees and generally provide a wide, unbroken linkage between Core Areas;
  - iv) They contain trees which are rare, unique, culturally important, or old (more than 100 years); or,
  - v) They represent an important cultural feature and contribute to the aesthetics of the landscape, particularly adjacent to the Niagara Escarpment.

#### **13.3.21.9.4 Other Environmental Policies**

There are a number of other environmental features that are identified on Schedule “A3-5” - Natural Heritage System. The following policies apply:

##### **Subsurface Conduit Area Overlay**

- a) The area identified as Subsurface Conduit Overlay on Schedule “A3-5” contains subsurface flow conduits originating from the Eramosa Karst ANSI to a spring within the Trinity West Neighbourhood. The subsurface water flow function shall be maintained to sustain the drainage function of the conduit.
- b) Prior to approval of development applications within the area subject to the Subsurface Conduit Overlay, the specific location and depth of this conduit and an appropriate buffer width shall be determined through further detailed study. Once defined, development including building structures and deep buried services shall only be permitted on land over the conduit and within the recommended buffer if accompanied by a detailed study prepared by a professional geoscientist with demonstrated expertise in karst environments, which demonstrates that the function of the conduit can be maintained.

- c) In accordance with Policy 13.3.21.9.4 b), the study should include comprehensive tracer testing during several peak flow periods to be able to map out the main hydraulic conduit and its sub-conduits in sufficient detail such that the full extent of the hydraulic system and factors that contribute to its long-term functioning are well understood. Road crossings and shallow utilities may be permitted subject to the recommendations of the detailed study. Specific permitted uses may include amenity space, parks, recreation and open space uses and those which are compatible with the planned residential neighbourhood and which shall maintain the conduit function. These uses shall be set out in the implementing Zoning By-law.

#### **Buried Eramosa Escarpment**

- d) The area identified as “Buried Eramosa Escarpment” on Schedule “A3-5” - Natural Heritage System, is an area of shallow soil depth over karstic bedrock. Development of buildings and structures which require extensive intrusions into bedrock, such as apartment buildings, shall be supported by a site specific geotechnical study. The geotechnical study shall be prepared in support of Site Plan applications and any specific design measures resulting from the study shall be implemented.

#### **Springs**

- e) The location of Springs are identified on Schedule “A3-5” - Natural Heritage System. The function and geomorphology of these springs shall be maintained. Prior to approval of development applications a geotechnical study shall be required to determine appropriate buffer widths and permitted uses.

#### **Sinkholes**

- f) The location of Sinkholes are identified on Schedule “A3-5” - Natural Heritage System. Prior to approval of development applications a geotechnical study shall be required to determine whether or not the sinkholes should be protected and if so what protection measures are to be used.

#### **Subwatershed Studies**

- g) The eastern portion of Trinity West is subject to the Davis Creek Subwatershed Study and the western portion of Trinity West is subject to the Hannon Creek Subwatershed Study. Development shall conform with the recommendations of these studies.

### **13.3.21.10 Area Specific Policy - USC-1 (Eramosa Karst)**

Area Specific Policy - USC 1 is intended to help ensure the protection of the Feeder Areas of the Eramosa Karst Area of Natural and Scientific Interest (ANSI), located in the south-east portion of Trinity West.

- a) In addition to the policies of Section 13.3.21.9 - Natural Heritage System and Section 13.3.21.6 Mixed Use - Medium Density Policies of the Trinity West

Secondary Plan, the following policies shall apply to the lands designated Area Specific Policy - USC 1 on Schedule "A3-5":

- i) The Eramosa Karst Area of Natural and Scientific Interest (ANSI) has been divided into various zones, with different levels of protection. The Core Area includes the highest density of significant features and has been identified as a Core Area in the Natural Heritage System. The Feeder Area includes all of the watersheds for streams that contribute flow to the provincially significant karst systems in the Core Area. The Feeder Area provides water flows which are important to the continued functioning and development of the karst features within the Core Area.
- ii) Notwithstanding Section 13.3.21.9 - Natural Heritage System, the Feeder Area shall be afforded a level of protection to ensure that:
  - a) The flows of the creeks into the Core Area are substantially maintained (i.e. stream discharge including low flow and high flow characteristics and discharge response to runoff events);
  - b) Water quality is improved (i.e. primarily a reduction in sediment load); and,
  - c) Protective measures are employed to reduce the risk of contamination of surface streams by substances that would significantly impact groundwater and the karst.
- b) Notwithstanding Section 13.3.21.9 - Natural Heritage System, no *development* shall occur within the Feeder Area unless it can be shown, through technical studies completed to the satisfaction of the City and the Conservation Authority, that these objectives shall be met. Individuals who prepare these studies must have expertise in environmental hydrology and geomorphology, and civil engineering.
- c) As part of the recommendations in the Eramosa Karst ANSI report (Buck, Worthington, and Ford, 2003) a 50 metre wide buffer was applied to the boundary of the ANSI Core Area. Notwithstanding the requirements of Policy 13.3.21.9.1 m), any additional buffer requirements shall be identified through an Environmental Impact Statement.
- d) Within the Feeder Area of the Eramosa Karst ANSI, below grade fuel and chemical storage tanks shall not be permitted.

### **13.3.21.11 Urban Design Policies**

The design of the Trinity West area provides a sense of community pride and identity by respecting existing character, and promoting quality design which is sensitive to local character and context.

- a) Urban design should foster a sense of community pride and identity by:
  - i) Respecting existing character, development patterns, built form, and landscape;
  - ii) Promoting quality design consistent with the local and surrounding environment;
  - iii) Recognizing and protecting the cultural history of the area;
  - iv) Conserving and respecting the existing built heritage features of the area;
  - v) Conserving, maintaining, and enhancing the natural heritage and topographic features of the area;
  - vi) Demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
  - vii) Contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
  - viii) Respecting prominent sites, views, and vistas; and,
  - ix) Incorporating public art installations as an integral part of urban design.
  
- b) Quality spaces physically and visually connect the public and private realms. Public and private *development* and *redevelopment* should create quality spaces by:
  - i) Organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
  - ii) Recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
  - iii) Using materials that are consistent and compatible with the surrounding context in the design of new buildings;
  - iv) Creating streets as public spaces that are accessible to all;
  - v) Creating a continuous animated street edge in urban environments;

- vi) Including transitional areas encouraging interaction between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs;
  - vii) Creating public spaces that are human-scale, comfortable, accessible and publicly visible with ample building openings and glazing;
  - viii) Creating, reinforcing, and emphasizing important public vistas and view corridors; and,
  - ix) Minimizing excessive street noise and stationary noise source levels through the design, placement, and construction of buildings and landscaping.
- c) Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:
- i) Connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways;
  - ii) Providing connections and access to all buildings and places for all users, regardless of age and physical ability;
  - iii) Ensuring building entrances are visible from the street and promoting shelter at entrance ways;
  - iv) Integrating conveniently located public transit and cycling infrastructure with existing and new development;
  - v) Providing appropriate way-finding signage considering size, placement, and material that clearly identifies landmarks, pathways, intersections, cycling and transit routes, and significant natural and cultural heritage features;
  - vi) Providing pedestrian-scale lighting;
  - vii) Designing streets and promoting development that provides real and perceived safety for all users of the road network;
  - viii) including *urban braille* components in streetscape improvements;
  - ix) Considering traffic calming techniques in *redevelopment* projects and streetscape improvements; and,
  - x) Creating places and spaces which are publicly visible and safe.

- d) Where it has been determined through the policies of this Plan that *compatibility* with the surrounding areas is desirable, new *development* and *redevelopment* should enhance the character of the existing environment by:
  - i) Complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
  - ii) Respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
  - iii) Allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
  - iv) Complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
  - v) Encouraging a harmonious and *compatible* approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.
- e) Places that are adaptable in accommodating future change are desirable and should be created by:
  - i) Designing buildings, sites, and public spaces that can be used for a variety of uses in the future in response to changing social, economic, and technological conditions;
  - ii) Encouraging design that accommodates the changing physical needs of people and their lifestyles through all stages of their lives; and,
  - iii) Encouraging innovative design of built forms and public spaces.
- f) Urban design should promote environmental sustainability by:
  - i) Achieving compact *development* and resulting built forms;
  - ii) Integrating, protecting, and enhancing environmental features and landscapes, including existing topography, forest and vegetative cover, green spaces and corridors through building and site design;
  - iii) Encouraging on-site storm water management and infiltration through the use of techniques and technologies, including storm water management ponds, green roofs, and vegetated swales;

- iv) Encouraging the use of Leadership in Energy and Environmental Design (LEED) or other environmental building rating tools for buildings and infrastructure for all *development* and *redevelopment*;
  - v) Encouraging the reduction of resource consumption in building and site development and avoiding the release of contaminants into the environment; and,
  - vi) Encouraging energy efficiency in neighbourhood design and *development*.
- g) Urban design plays a significant role in the physical and mental health of our citizens. Community health and well-being shall be enhanced and supported through the following actions, where appropriate:
- i) Creating high quality, safe streetscapes, parks, and open spaces that encourage physical activity and *active transportation*;
  - ii) Ensuring an equitable distribution of accessible and stimulating amenity areas, including the development of places for passive and active recreation and use;
  - iii) Encouraging *development* of complete and compact communities or neighbourhoods that contain a variety of land uses, transportation, recreational, and open space uses; and,
  - iv) Reducing air, noise, and water pollution through the following:
    - a) Facilitating and promoting the use of *active transportation* modes through building and site design;
    - b) Providing adequate green space, landscaped buffering, and storm water management facilities;
    - c) Using appropriate pavement treatments;
    - d) Promoting energy efficient design of sites and buildings; and,
    - e) Promoting innovative construction materials and techniques.
- h) Streets shall be designed not only as a transportation network but also as important public spaces and shall include, where appropriate:
- i) Adequate and accessible space for pedestrians, bicycles as well as transit, other vehicles, and utilities;
  - ii) Continuous sidewalks;

- iii) Landscaping such as street trees and landscaped boulevards;
- iv) Pedestrian amenities such as lighting, seating, way-finding signage, and *urban braille*;
- v) On-street parking;
- vi) Public art; and,
- vii) Amenities and spaces that encourage pedestrian activity and animate the streetscape such as public gathering places, patios and sidewalk cafés.

**13.3.21.11.1 Built Form**

- a) *New development* shall be located and organized to fit within the existing or planned context of the area.
- b) *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:
  - i) Creating transitions in scale to neighbouring buildings;
  - ii) Ensuring adequate privacy and sunlight to neighbouring properties; and,
  - iii) Minimizing the impacts of shadows and wind conditions.
- c) *New development* shall be massed to respect existing and planned street proportions.
- d) Built form shall create comfortable pedestrian environments by:
  - i) Locating principal façades and primary building entrances parallel to and as close to the street as possible;
  - ii) Including ample glazing on ground floors to create visibility to and from the public sidewalk;
  - iii) Including a quality landscape edge along frontages where buildings are set back from the street;
  - iv) Locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
  - v) Using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.

- e) The presence of garages on the public street shall be minimized by:
  - i) Setting them back from the front façade or locating them flush with the front façade of the building;
  - ii) Locating them at the rear or side of the building by a private lane or driveway;
  - iii) Minimizing the width of the garage by creating deeper garages to accommodate storage;
  - iv) Incorporate varied roof lines; architectural details and porches to emphasize the pedestrian entrance to the building while minimizing the presence of the garage.
- f) Architectural variation shall be encouraged through the incorporation of varied roof lines, materials and colours in each building and from building to building.
- g) Variation in the number of storeys, porch designs, architectural style and building type from building to building shall be encouraged.
- h) Continuous rows of building facades shall be discouraged.
- i) Buildings on corner sites shall be encouraged to have facades with architectural details and windows facing both streets.
- j) The layout of streets, configuration of lots and the sighting of buildings shall ensure that:
  - i) There is no reverse lotting adjacent to streets unless otherwise approved by the City;
  - ii) There is generally unobstructed road frontage adjacent to public open spaces;
  - iii) Streets and open spaces have an appropriate degree of continuity and enclosure, and opportunities are provided for the creation of views both within the community and to adjacent to natural heritage areas;
  - iv) Service and parking facilities are integrated into the design of buildings to minimize disruption to the safety and attractiveness of the adjacent public realm;
  - v) Pedestrian ease of access and enjoyment of public street and other outdoor spaces is encouraged; and,

- vi) The safety and security for all persons in public places including streets, parks and amenity areas are promoted through the design and lighting of buildings, entrances, walkways, amenity and parking areas to provide visibility and opportunities for informal surveillance.

#### **13.3.21.11.2 Urban Services and Utilities**

- a) The City encourages urban services and utilities to be located underground to maintain a pleasant visual environment along public roads. The City may consider relocating existing above ground utilities to underground locations as part of roads improvements and streetscape installation projects. The feasibility of the relocation shall be determined through discussions with utility providers.
- b) Above ground utility service providers shall be encouraged to cooperate with the City in identifying locations which minimize visual intrusions. Screening and buffering of utilities shall be required. Innovative methods of containing utility services within streetscape features such as gateways, light standards, public art installations, or transit shelters are encouraged when determining appropriate locations for large utility equipment and utility cluster sites.
- c) Site and building services and utilities such as waste storage facilities, loading, air handling equipment, hydro and telecommunication facilities, and metering equipment shall be located away from and/or screened from public streets and adjacent residential areas or other *sensitive land uses*, to minimize their visual impacts and operational effects. Location and screening of telecommunications antennas shall be in accordance with the City's telecommunications antenna siting protocol policy.

#### **13.3.21.11.3 Storage, Service and Loading Areas**

- a) Service and loading areas shall be located away from streets so as to minimize disruption or conflicts with adjacent land uses and pedestrian routes and shall be screened as necessary from views from the public right-of-way.
- b) Service and loading areas shall be buffered to reduce visual and noise impacts, particularly when located adjacent to residential areas. Buffering methods should include berms, tree and shrub plantings, noise walls, fences, and/or the use of quality construction materials and methods.
- c) Outside storage areas shall be sited and organized to reduce their potential negative impacts on the streetscape. Open storage areas should be located in the rear or side yards and screened from public view or from views from adjacent properties.

- d) Outside storage and loading areas shall be paved with a hard surface to reduce dust and promote improved air quality.
- e) Outside storage and loading areas shall provide sufficient manoeuvring area for delivery and refuse trucks to enter the site in a forward manner, turn around, and re-enter the municipal roadway in a forward manner.

#### **13.3.21.11.4 Signage, Display Areas, and Lighting**

- a) All signs shall be designed as an integral element of the site layout and building design.
- b) Signs shall not dominate the overall character of a site or *development* and should complement the site, architecture, and context in which they are to be placed.
- c) Signs on *cultural heritage properties* or within Heritage Conservation Districts or *cultural heritage landscapes* shall be *compatible* with the architecture and character of the property or district.
- d) Outdoor display areas shall be designed to make a positive contribution to the streetscape and the overall site development. Display areas shall be well defined through architecture and landscaping to work in harmony with adjacent buildings and display areas.
- e) Lighting of buildings and display areas shall be provided at levels sufficient for building identification and safety. All building lighting shall be oriented so as not to cause glare on adjacent properties or public roads. Outdoor lighting fixtures that reduce energy consumption and direct light away from the night sky shall be encouraged.

#### **13.3.21.11.5 Access and Circulation**

- a) Joint access driveways, specifically on arterial roads, shall be considered between adjacent sites to reduce collision conflict points, minimize disruption of the public sidewalk, maximize the areas available for landscaping, and minimize expanses of pavement.
- b) On large sites, clearly defined internal driving aisles shall be provided to provide visual and functional definition of the site, to direct traffic, and to frame parking areas.
- c) To ensure safety and promote their priority over vehicular traffic, pedestrian walkways shall differ in material and appearance from driving surfaces.

- d) Landscaped walkways shall be provided along buildings, particularly in areas with high levels of pedestrian traffic. Walkways shall be connected to other pedestrian routes on the site and linked to pedestrian entry points at the street, and where appropriate to adjacent developments.
- e) Pedestrian walkways shall be made continuous across driving aisles as well as across driveway entrances at the street where appropriate.
- f) Transit access shall be enhanced by:
  - i) Connecting sidewalks to transit stops and shelters;
  - ii) Locating transit stops and principal building entrances in close proximity to each other, where appropriate; and,
  - iii) Ensuring lighting, seating, trash receptacles, and route information are available at each transit stop.

**13.3.21.11.6      Parking**

- a) To create and enhance safe, attractive pedestrian oriented streetscapes, surface parking shall be discouraged, and parking located below grade or in parking structures shall be encouraged.
- b) Shared parking facilities shall be encouraged, where appropriate.
- c) Where surface parking is proposed, it should be located to the sides or rear of buildings to enable the development of a continuous street edge and the creation of quality urban spaces consistent with Section 13.3.21.11 - Urban Design Policies.
- d) Parking areas shall be connected to the street through safe, landscaped pedestrian walkways.
- e) Perimeters of surface parking lots shall be landscaped with appropriate materials that allow visibility from the public realm to the interior of the parking area.
- f) Interiors of parking lots shall include landscaped islands, when possible, to provide shade and visual relief from hard surfaces. Landscaped islands should be of sufficient size to ensure growth of vegetation.
- g) Parking lots shall be paved with hard surfaces to reduce dust and promote improved air quality. The use of permeable pavement systems or other low impact development practices is encouraged for storm water management, when technically possible.

- h) Parking lots shall be lit with sufficient light for safety. On surface parking lots, lighting shall be internally oriented so as not to cause glare on adjacent properties or public roads. Outdoor lighting fixtures that reduce energy consumption and direct light away from the night sky are encouraged.
- i) Bicycle parking facilities shall be located as close as possible to the entry points to buildings. A variety of bicycle parking formats, such as sheltered racks and lockers, catering to both employees and visitors is encouraged.

**13.3.21.11.7 Barrier Free Design**

- a) All newly constructed and/or renovated City of Hamilton owned, leased, or operated facilities, parks and open spaces, infrastructure, and any other space that are accessible to the public, shall comply with the City of Hamilton Barrier Free Design Guidelines.
- b) The City shall require barrier free design, wherever possible, on private sector sites and in private sector buildings and facilities through site plan approval, enforcement of the Ontario Building Code, and implementation of all applicable provincial legislation, standards and guidelines.
- c) *Urban braille* installation may be required as part of new *development* and *redevelopment* and shall be implemented through the site plan approval process.

**13.3.21.11.8 Public Art**

- a) Public art may include murals, sculptures, fountains, benches, walkway design, pavement designs and amenity design.
- b) Public art that fosters community identify through interpreting local history, traditions and culture is encouraged in all public and private spaces.
- c) Private developments that include spaces attracting significant pedestrian traffic are encouraged to include public art in the design of the building and/or site.
- d) The City shall consider the inclusion and installation of public art as part of the following public infrastructure projects, where appropriate:
  - i) Bridges;
  - ii) Roadway designs;
  - iii) Noise barriers;
  - iv) Transit stations, stops and facilities;

- v) Paving design;
  - vi) Street furniture; and,
  - vii) Other infrastructure that is highly visible from the public right-of-way.
- e) The City shall initiate partnerships with other public institutions in the development of public art projects on publicly assessable lands.

**13.3.21.11.9 Other Policies**

- a) The policies of Section 13.3.21.11 - Urban Design, shall be implemented through mechanisms such as zoning, plans of subdivision and condominium, site plan control, site plan guidelines, and urban design guidelines as specified in Section 13.3.21.17 – Implementation.
- b) Prior to registration of a plan of subdivision, the City may require the owner to prepare urban design and/or architectural guidelines to the satisfaction of the City. The City may undertake *architectural control* to ensure compliance with the approved urban design or architectural guidelines.

**Parks and Open Space**

- c) Open space connections shall be provided for pedestrian and cyclist access from public streets to trails within the Eramosa Karst Conservation Area.
- d) Access to the Eramosa Karst Conservation Area shall be provided along the proposed Collector Road A at Upper Mount Albion Road, as shown on Schedule “A3-4”.
- e) The design of the recreational trails shall be barrier-free and adhere to the City of Hamilton Parks and Open Space standards.
- f) Signage and safety requirements set out in the City of Hamilton Engineering and Parks and Open Space Standards shall be applied where sidewalks and pedestrian trails cross arterial and collector roads.
- g) Where possible, public open space (i.e. streets and trails) shall encourage connections with adjacent natural areas.

**Entrance Features**

- h) In order to promote and enhance community identity, two entrance features shall be provided in the following locations:
  - i) The intersection of Rymal Road East and Local Road B; and,

- ii) The roundabout location at the Trinity Church Arterial Corridor and Collector Road A.
- i) In accordance with Policy 13.3.21.11.9 h), these entrances shall be designed to express the distinct character of the neighbourhood and signal entrance into a safe, pedestrian friendly, accessible area that is home to the Eramosa Karst Conservation Area. These entrances shall:
- i) Be designed whereby buildings address the corner, through the use of glazing, building entrance features, signage, and/or other architectural features;
  - ii) Incorporate enhanced hard and soft landscaping within both the public and private realm, including but not limited to: enhanced paving materials, decorative fencing, pedestrian amenities, signature tree species, etc.;
  - iii) Provide wayfinding elements to guide visitors to the Eramosa Karst Conservation Area;
  - iv) Include enhanced pedestrian crossing through the use of enhanced paving materials, pedestrian scaled lighting, and incorporation of bicycle lanes; and,
  - v) Incorporate public Art, where feasible.

### **Views and Vistas**

- j) New developments within the Trinity West Area shall be designed to enhance views to the Eramosa Karst Conservation Area.

### **13.3.21.12 Cultural Heritage Resource Policies**

Cultural heritage resources may include tangible features, structures, sites, or landscapes that, either individually or as part of a whole, are of historical, architectural, archaeological, or scenic value. Cultural heritage resources represent intangible heritage, such as customs, ways-of-life, values, and activities. The resources may represent local, regional, provincial, or national heritage interests and values.

#### **13.3.21.12.1 General Cultural Heritage Policies**

- a) The City of Hamilton shall, in partnership with others where appropriate:
  - i) Protect and *conserve* the tangible *cultural heritage resources* of the City, including *archaeological resources*, *built heritage resources*, and *cultural heritage landscapes* for present and future generations.

- ii) Identify *cultural heritage resources* through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources.
  - iii) Promote awareness and appreciation of the City's cultural heritage and encourage public and private stewardship of and custodial responsibility for the City's *cultural heritage resources*.
  - iv) Avoid harmful disruption or disturbance of known archaeological sites or *areas of archaeological potential*.
  - v) Encourage the ongoing care of individual *cultural heritage resources* and the properties on which they are situated together with associated features and structures by property owners, and provide guidance on sound conservation practices.
  - vi) Support the continuing use, reuse, care, and conservation of *cultural heritage resources* and *properties* by encouraging property owners to seek out and apply for funding sources available for conservation and restoration work.
  - vii) Ensure the conservation and protection of *cultural heritage resources* in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals.
  - viii) *Conserve* the character of areas of cultural heritage significance, including designated heritage conservation districts and *cultural heritage landscapes*, by encouraging those land uses, *development* and *site alteration* activities that protect, maintain and enhance these areas within the City.
  - ix) Use all relevant provincial legislation, particularly the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act, the Municipal Act, the Niagara Escarpment Planning and Development Act, the Cemeteries Act, the Greenbelt Act, the Places to Grow Act, and all related plans and strategies in order to appropriately manage, *conserve* and protect Hamilton's *cultural heritage resources*.
- b) The City consists of many diverse districts, communities, and neighbourhoods, each with their own heritage character and form. The City shall recognize and consider these differences when evaluating development proposals to maintain the heritage character of individual areas.

### **13.3.21.12.2 Heritage Designation**

- a) The City may by by-law designate individual and groups of properties of cultural heritage value under Parts IV and V respectively of the Ontario Heritage Act, including buildings, properties, *cultural heritage landscapes*, heritage conservation districts, and heritage roads or road allowances.

### **13.3.21.12.3 Protection of Non-Designated or Non-Registered Heritage Properties**

- a) The City recognizes there may be *cultural heritage properties* that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the Ontario Heritage Act, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.
- b) The City shall ensure these non-designated and non-registered *cultural heritage properties* are identified, evaluated, and appropriately *conserved* through various legislated planning and assessment processes, including the Planning Act, the Environmental Assessment Act and the Cemeteries Act.
- c) To ensure consistency in the identification and evaluation of these non-designated and non-registered *cultural heritage properties*, the City shall use the criteria for determining cultural heritage value or interest established by provincial regulation under the Ontario Heritage Act and set out in Policy 13.3.21.12.4 a).

### **13.3.21.12.4 Cultural Heritage Evaluation Criteria**

- a) For consistency in all heritage conservation activity, the City shall use, and require the use by others, of the following criteria to assess and identify *cultural heritage resources* that may reside below or on real property:
  - i) Prehistoric and historical associations with a theme of human history that is representative of cultural processes in the settlement, development, and use of land in the City;
  - ii) Prehistoric and historical associations with the life or activities of a person, group, institution, or organization that has made a significant contribution to the City;
  - iii) Architectural, engineering, landscape design, physical, craft, or artistic value;
  - iv) Scenic amenity with associated views and vistas that provide a recognizable sense of position or place;

- v) Contextual value in defining the historical, visual, scenic, physical, and functional character of an area; and,
  - vi) Landmark value.
- b) Any property that fulfills one or more of the foregoing criteria listed in Policy 13.3.21.12.4 a) shall be considered to possess cultural heritage value. The City may further refine these criteria and provide guidelines for their use as appropriate.

### **13.3.21.12.5 Cultural Heritage Impact Assessments**

- a) A *cultural heritage impact assessment* shall be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act where the proposed *development, site alteration, or redevelopment* of lands (both public and private) has the potential to adversely affect the following *cultural heritage resources* through displacement or disruption:
- i) Properties designated under any part of the Ontario Heritage Act or *adjacent* to properties designated under any part of the Ontario Heritage Act;
  - ii) Properties that are included in the City's Register of Property of Cultural Heritage Value or Interest or *adjacent* to properties included in the City's Register of Property of Cultural Heritage Value or Interest;
  - iii) A registered or known archaeological site or *areas of archaeological potential*;
  - iv) Any area for which a *cultural heritage conservation plan statement* has been prepared; or,
  - v) Properties that comprise or are contained within *cultural heritage landscapes* that are included in the Register of Property of Cultural Heritage Value or Interest.
- b) *Cultural heritage impact assessments* shall be prepared in accordance with any applicable guidelines and Section 13.3.21.19.3 - Cultural Heritage Impact Assessments. The City shall develop guidelines for the preparation of *cultural heritage impact assessment*.
- c) Where *cultural heritage resources* are to be affected, the City may impose conditions of approval on any planning application to ensure their continued protection. In the event that rehabilitation and reuse of the resource is not viable and this has been demonstrated by the proponent, the City may require that

affected resources be thoroughly documented for archival purposes at the expense of the applicant prior to demolition.

### **13.3.21.12.6 Archaeology Policies**

The City shall require the protection, conservation, or mitigation of sites of archaeological value and *areas of archaeological potential* as provided for under the Planning Act, the Environmental Assessment Act, the Ontario Heritage Act, the Municipal Act, the Cemeteries Act, or any other applicable legislation.

#### **Archaeological Assessment Requirements**

- a) In *areas of archaeological potential* an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act:
  - i) Official plan amendment or secondary plan amendment unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*;
  - ii) Zoning By-law Amendments unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*; and,
  - iii) Plans of subdivision.
- b) In *areas of archaeological potential* an archaeological assessment:
  - i) May be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act when they involve *soil disturbance* or *site alteration*:
    - a) Site plan applications; and,
    - b) Plans of condominium.
  - ii) May be required for the following planning matters under the Planning Act when they involve *soil disturbance* or *site alteration*:
    - a) Minor variances; and,
    - b) Consents/ severances.
- c) *Archaeological assessments* shall be prepared in accordance with any applicable guidelines and Section 13.3.21.19.4 - Archaeological Assessments.

- d) Prior to *site alteration* or *soil disturbance* relating to a Planning Act application, any required archaeological assessment must be approved, in writing by the Province and the City, indicating that there are no further archaeological concerns with the property or concurring with the final resource management strategy to be implemented. The City may also require a higher standard of conservation, care and protection for *archaeological resources* based on prevailing conditions and circumstances within the City and the results of any dialogue with First Nations and their interests.
- e) The City considers the following *archaeological resources* to be of particular interest, value and merit:
- i) Spatially large, dense *lithic scatters* (peak levels of more than 99 artifacts per square-metre);
  - ii) Deeply buried or stratified archaeological sites;
  - iii) Undisturbed or rare *Native* archaeological sites;
  - iv) Sacred archaeological sites;
  - v) Archaeological sites comprising human burials;
  - vi) *Paleo-Indian* archaeological sites;
  - vii) *Early-Archaic* archaeological sites;
  - viii) *Woodland* period archaeological habitation sites;
  - ix) *Post-contact* archaeological sites predating 1830 AD;
  - x) Post 1830 archaeological site(s) where background documentation or archaeological features indicate heritage value; and,
  - xi) Underwater archaeological sites.
- f) To *conserve* these resources, avoidance and protection in situ shall be the preferred conservation management strategies. Where it has been demonstrated in an archaeological assessment by a licensed archaeologist that avoidance is not a viable option, alternative mitigation measures shall be agreed upon by the Province and the City and in accordance with the Archaeology Management Plan.
- g) The City may use all relevant provisions of the Planning Act to prohibit the use of land and the placement of buildings and structures in order to protect and *conserve* sites or areas of *significant archaeological resources*.

- h) Where a marked or unmarked cemetery or burial place is encountered during any archaeological assessment or excavation activity, the provisions of the Cemeteries Act and associated regulations, and the policies of this Plan shall apply.
- i) Where a marked or unmarked cemetery or burial place is found, the nearest First Nation shall be notified.

**13.3.21.13            Infrastructure**

- a) All new *development* and *redevelopment* within the *urban area* shall be connected to the City's water and wastewater system.
- b) Where a private well(s) and/or private on-site septic system(s) is abandoned in favour of connection to the City's water and wastewater system, the property owner shall properly plug the well and decommission the septic tank in accordance with pertinent legislation and guidelines so as to reduce or eliminate potential safety hazards.
- c) A wastewater treatment surcharge may be assessed to specific businesses as a means of recovering additional costs associated with the treatment of high concentration effluent at the City's wastewater treatment plant.
- d) The nature or concentrations of wastewater from non-residential sources will be regulated by the City through the Sewer Use By-law, which may be periodically amended by Council. The City shall maintain and update a Water and Wastewater Master Plan which is supported by the policies of this Plan, providing direction for planning and staging of improvements to the City's water and sewer facilities and guides the operation of the City's day-to-day water and sewer programs.
- e) The City shall discourage changes in land use designation and zoning which would result in the underutilization of previously planned and/or constructed water and wastewater systems.
- f) The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.
- g) Water and wastewater systems shall be designed and constructed in accordance with the specifications and standards of the City, provincial guidelines, and other applicable standards, regulations and guidelines.
- h) The City shall limit *development* in Trinity West to the ability and financial capability of the City to provide infrastructure services in accordance with its approved Development Charges By-laws and to meet provincial environmental

standards governing municipal water and wastewater service. The provision of full municipal sewage and water services in the *urban area* shall be subject to the City's financial and physical capabilities, as determined by Council.

- i) Expansion of water and wastewater systems within Trinity West shall be in accordance with the Water and Wastewater Master Plan and Staging of Development Plan as well as supporting the City's density and intensification targets.
- j) The City shall be satisfied that adequate infrastructure services can be provided prior to any *development* or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.
- k) Expansions of existing residential development along Upper Mount Albion Road and Rymal Road shall be permitted only on the basis of full municipal services.
- l) Prior to any expansions or change in use proposals that do not require a permit or application to the City of Hamilton for properties on existing private sewage disposal systems, the owner/proponent shall submit a report to the City of Hamilton, Public Health Services and Building Services, prepared by a qualified engineer to demonstrate the adequacy of the existing septic system to treat sewage effluent without adversely affecting ground water and to confirm the ability of the lot size and soils to safely absorb sewage effluent generated on site.
- m) The location and design of water and waste management systems shall take into consideration the karst features in Trinity West and shall be designed to minimize impacts on these features.

#### **13.3.21.13.1 Storm Water Management Facilities**

- a) The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water within Trinity West.
- b) The City may consider the establishment of interim storm water management facilities on a temporary basis notwithstanding the underlying land use designation for the lands provided the interim facilities do not preclude or prejudice future development on the basis of the land use designations shown on Schedule "A3-4".
- c) Any new *development* that occurs shall be responsible for submitting a detailed storm water management plan prior to *development* to properly address on site drainage and to ensure that new *development* has no negative impact on off site drainage.

- d) Construction of new storm water management ponds and the expansion, extension, alteration and operations of *existing* facilities shall be to the satisfaction of the City and shall be accompanied by a storm water management plan which shall demonstrate that:
  - i) Planning, design and construction practices minimize vegetation removal, grading and soil compaction, sediment erosion, the creation of breeding areas for human disease vector species and impervious surfaces; and,
  - ii) Where appropriate, an integrated approach is used to minimize storm water management flows and structures by such measures as controls and conveyance techniques on individual lots.
- e) A storm water management plan shall comply with recommendations, standards and targets of the Stormwater Master Plan, approved watershed plans, sub-watershed plans, and other relevant municipal and provincial studies and guidelines.
- f) Where possible, storm water management facilities should be designed in consultation with a qualified landscape architect, to achieve an open space setting.
- g) The City shall not permit any new development which would interfere with, or reduce, the drainage capacity of any natural watercourse or result in drainage problems along watercourses and their tributaries.
- h) The City shall encourage the use of measures that will enable the City to control and reduce storm water run-off and to maintain the receiving watercourses in a more natural condition.
- i) Where feasible, storm water management facilities shall be designed to provide a benefit to the Natural Heritage System.
- j) All lands on Schedule "A3-4" shall meet the following conditions:
  - i) *Development* and/or *redevelopment* shall be connected to, or serviced by, a storm water drainage system or other appropriate system such as ditches, or any other techniques acceptable to the City, Conservation Authorities, or the Province and/or detailed in a Storm Water Master Plan or other relevant study;
  - ii) *Development* shall be in accordance with the system capacity for drainage and storm water management and where relevant, will conform to storm water site management plans, a Storm Water Master Plan, site plans and/to other relevant studies, guidelines or regulations; and,

- iii) Storm water systems shall be designed and constructed, in accordance with the City' standards and guidelines, provincial guidelines, storm water master plans, master drainage plans and any other relevant study or legislation.

### **13.3.21.14 Transportation**

The transportation system in Trinity West shall include a balanced and integrated network which provides opportunities for travel by a wide variety of means, while encouraging active transportation modes such as walking and cycling.

#### **13.3.21.14.1 Urban Design and Complete Streets**

- a) Development within Trinity West shall incorporate the following design directions:
  - i) Establishment of a continuous grid road network as the preferred street layout to allow pedestrians, cyclists, transit vehicles, automobiles and goods and services vehicles to move efficiently through communities;
  - ii) Efficient spacing of arterial and collector roads within the grid network;
  - iii) Organization of land uses in a manner that reduces automobile dependence and improves modal choice and the movement of goods;
  - iv) Placement of higher density land uses near existing and planned transit stop/station locations;
  - v) Street design and layout which reduces and minimizes the need for future traffic calming and/or unnecessary traffic control devices; and,
  - vi) All other applicable design guidelines and design policies of Section 13.3.21.11 - Urban Design Policies.
- b) Direct access to transit facilities shall be provided via sidewalks and walkways from the interior block areas of Trinity West. Within existing and planned *development*, the City shall encourage the creation of mid-block connections for pedestrians, transit, and *active transportation* modes.
- c) *Development of major transit generators* shall provide safe and convenient pedestrian and cycling environments and access through building orientation, site layout, traffic management, and the provision of facilities such as sidewalks, crosswalks, bike lanes and trails, bicycle parking and loading, and connections to transit service.

- d) The City shall encourage new *development* to be located and designed to minimize walking distances to existing or planned transit and facilitate the efficient movement of goods where feasible.
- e) The road network shall be planned and designed to:
  - i) Be shared by all modes of transportation; and,
  - ii) Maximize safety for all uses.

**13.3.21.14.2 Barrier Free Transportation**

- a) Trinity West's transportation network shall be developed to be inclusive of the needs of persons with disabilities, seniors, children and those with reduced mobility through the following provisions:
  - i) Ensuring that new transit facilities, transit stops, and vehicles are accessible and utilize barrier free design principles in accordance with the Accessibility for Ontarians with Disabilities Act;
  - ii) Ensuring that sidewalks are accessible and accommodate people with impaired or reduced mobility using techniques including curb cuts, *urban braille*, and appropriately designed crosswalks at intersections and roundabouts;
  - iii) Encouraging the use of voice signals at crosswalks to allow for safe passage for persons with limited vision;
  - iv) Modifying existing transportation facilities over time to enhance accessibility;
  - v) Requiring minimum off-street parking spaces for the disabled regulated through the Zoning By-law; and,
  - vi) Taking accessibility considerations into account for the design of new *developments* in accordance with Barrier Free Design.

**13.3.21.14.3 Active Transportation Network**

- a) The City shall require, provide, and maintain infrastructure that maximizes safe and convenient passage for pedestrians and cyclists along streets.
- b) The City shall accommodate commuter cycling needs on the road network and major recreational pathways to the greatest extent possible in accordance with the City's Cycling Master Plan and Trails Master Plan.

- c) The City shall build and maintain the *active transportation* network which recognizes the importance of the sidewalk and cycling network while achieving a high standard of connectivity. *Active Transportation* shall be promoted and accommodated in street design and operation through:
  - i) Continuous improvement and expansion of the existing network of pedestrian and bicycle infrastructure, including multi-use paths, bike lanes, and on-street bike routes;
  - ii) Establishment of pedestrian-oriented design guidelines in secondary plans and undeveloped areas that promote *active transportation*; and,
  - iii) Provision of traffic calming measures and signage, where appropriate.
- d) Walkability shall be promoted in the design of the Trinity West area, with pedestrian facilities and connections to be provided between all major destinations.
- e) Multi-use Trail connections shall be provided in and through Trinity West to serve pedestrians and cyclists accessing major destinations, and to link with the City-wide and regional trail system. These trails shall be located as defined by master plan studies, including the Hamilton Recreational Trails Master Plan.
- f) The East Mountain Trail Loop shall be a multi-use trail with a right-of-way up to 15 metres, for the use of pedestrians, cyclists, and others, and shall connect through Trinity West. It shall link destinations such as the neighbourhood park, Eramosa Karst Conservation Area, residential and mixed use areas.
- g) Cycling and trail routes shall be provided in accordance with the City Cycling Master Plan and Trails Master Plan, and shall be constructed on a prioritized basis considering travel demand, and available funding, with priorities to be re-evaluated regularly.
- h) Notwithstanding Policy 13.3.21.14.5 a), v), bicycle lanes shall not be provided on Rymal Road and the Trinity Church Arterial Corridor.
- i) Within the designated right-of-way, the design of streets and sidewalks shall provide a buffer between vehicular and pedestrian flow where feasible.
- j) The City shall design pedestrian friendly streets by:
  - i) Making streetscapes visually appealing to make walking more inviting;
  - ii) Discouraging the placement of objects which will impede pedestrian movements;

- iii) Reducing motor vehicle traffic in areas of high pedestrian activity by design or other means;
- iv) Establishing exclusive pedestrian links in areas of high pedestrian activity and vehicular traffic;
- v) Distinctly separating vehicular, pedestrian and cycling traffic to the fullest extent possible;
- vi) Providing adequate lighting;
- vii) Applying other means as specified in the policies of Section B.3.3 - Urban Design, where applicable; and,
- viii) Applying all other applicable design guidelines and design policies of Section 13.3.21.11 - Urban Design Policies.

#### **13.3.21.14.4 Public Transit Network**

- a) Rymal Road within Trinity West and beyond shall be designated as a long-term Potential Rapid Transit Line corridor. The potential for such transit facilities in this corridor, and their specific form and design, shall be reviewed in future as demand warrants.

#### **13.3.21.14.5 Roads Network**

##### **Functional Classification**

- a) The functional classification of existing and proposed roads in the Trinity West area, as indicated on Schedule "A3-4" shall include:
  - i) Rymal Road - Major Arterial;
  - ii) Trinity Church Arterial Corridor - Proposed Major Arterial;
  - iii) Highland Road and Collector Road A - Collector Roads; and,
  - iv) Upper Mount Albion Road, Local Road A and Local Road B - Local Roads.
- b) Future road widenings shall be reserved and acquired through dedication at the time of development to ensure that roads have the following ultimate right-of-way widths within the Trinity West area:
  - i) Rymal Road - 36.576 metres;
  - ii) Trinity Church Arterial Corridor - 60.0 metres;

- c) For roads designated Major Arterial the following policies apply:
  - i) The primary function of a major arterial road shall be to carry relatively high volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
  - ii) Although land accesses are permitted, they shall generally be controlled/restricted.
  - iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Policy 13.3.21.14.5 b).
  - iv) The right-of-way widths of major arterial roads shall include sufficient width for left turn lanes and right turn lanes at major intersections.
  - v) Major arterial roads should generally be organized in a grid pattern with collectors, other major and minor arterials, parkways and provincial highways.
  - vi) Bicycle lanes may be in place to accommodate cyclists and sidewalks shall generally be provided on both sides of the street for pedestrians.
  - vii) On street parking and loading may be prohibited or at minimum be restricted in the peak hours.
  
- d) For roads designated Minor Arterial the following policies apply:
  - i) The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
  - ii) Land accesses shall be permitted with some controls.
  - iii) The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres unless otherwise specifically described in Policy 13.3.21.14.5 b).
  - iv) Minor arterial roads shall generally be organized in a grid pattern with collectors, major and minor arterials, parkways and provincial highways.
  - v) Bicycle lanes may be in place to accommodate cyclists and sidewalks shall generally be provided on both sides of the street for pedestrians.
  - vi) Gateway features may be permitted where required.

- vii) On street parking and loading may be prohibited or at minimum be restricted in the peak hours.
- e) For roads designated Collector the following policies apply:
- i) The function of a collector road shall be equally shared between providing direct land accesses and the movement of moderate volumes of traffic within and through designated Employment or Neighbourhood Areas.
  - ii) The basic maximum right-of-way widths for urban collector roads shall be 26.213 metres unless specifically described otherwise in Policy 13.3.21.14.5 b).
  - iii) Collector roads in the urban area shall generally be organized in a grid-network and connect to minor arterial roads and major arterial roads.
  - iv) Short connecting link-roads which generally connect local internal neighbourhood ring road networks to external arterial roads shall be classified as collector roads. Several connecting link-roads are located in between arterial roads and function as mid block collector roads.
  - v) Trucks shall generally be restricted from collector roads, except in designated Employment Areas. Wider lanes or separate facilities shall generally be in place to accommodate cyclists and sidewalks shall be provided on both sides of the street.
  - vi) Horizontal traffic calming features such as curb extensions, median islands, and roundabouts shall be permitted where appropriate subject to meeting City Traffic Calming warrants, except in designated Employment Areas.
- f) For Local roads the following policies apply:
- i) The primary function of a local road shall be to provide direct land accesses. The secondary function shall be to enable the movement of low volumes of traffic to collector roads.
  - ii) The basic maximum right-of-way widths for local roads shall be 26.213 metres in designated Employment Areas and 20.117 metres in all other areas, unless specifically described otherwise in Policy 13.3.21.14.5 b).
  - iii) Trucks shall be restricted from local roads, except for local deliveries and in Employment Areas.

- iv) Sidewalks should be provided on one or both sides of the street, but cycling facilities shall not be required.
- v) Horizontal and vertical traffic calming measures, including speed humps, may be implemented where appropriate subject to meeting City Traffic Calming warrants, except in designated Employment Areas.
- vi) Local roads ending in cul-de-sacs shall generally be discouraged, except under the following criteria:
  - a) Where the topography, natural features, wetlands, watercourses, existing development, etc. prevent the construction of a through street;
  - b) Where the road extension would have to cross a railway right-of-way or any other utility corridor;
  - c) Where it has been determined by the City that public street connectivity is not essential to the street circulation network or the underground services and utility grid network of the adjacent area; or,
  - d) Where the local road network is arranged such that connections for pedestrians and cyclists are direct and continuous.
- g) The City may consider alternative development standards in Trinity West. Such alternative development standards may include:
  - i) Reduced road right-of-way widths;
  - ii) Reduced boulevard widths;
  - iii) Use of public lanes, private lanes, and on-street parking to promote more compact residential *development* and to provide more attractive streetscapes;
  - iv) Greater reliance on common open space areas to facilitate more compact *development* patterns; and,
  - v) Alternative standards for the spacing and location of underground infrastructure.

**13.3.21.14.6 Design and Maintenance**

- a) The road network shall be designed and maintained according to the following policies:
  - i) The Functional Road Classification System shown on Schedule "A3-4" shall be used as the basis for decisions regarding design standards for

road construction, transit, bicycle and truck routes, road widenings and access policies. The City may re-classify roads by:

- a) Re-classifying an existing road to a higher classification where considered necessary, as traffic conditions change in response to *development*, through an amendment to this Plan; or,
  - b) Re-classifying an existing road to a lower classification, which shall be permitted without an amendment to this Plan.
- ii) The City shall be permitted to design a roadway according to an urban or rural cross-section regardless of whether the roadway is in an urban or rural area.
  - iii) The City shall initiate construction and maintenance programs to improve the safety and operation of the road network.

**13.3.21.14.7 Condominium Roads**

- a) A common element condominium road shall be considered as a public road for the purposes of the Zoning By-law.

**13.3.21.14.8 Road Widening**

- a) The City shall reserve or obtain road widenings for rights-of-way as described in Policy 13.3.21.14.5 b). Where a road right-of-way is not described in Policy 13.3.21.14.5 b), the City shall reserve or obtain road widenings for rights-of-way as described in Section 13.3.21.14.5. The aforesaid road widenings shall be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.
- b) No *development* or *redevelopment* shall be permitted which does not front on a public road of an acceptable standard of construction. Further, the City shall require, as a condition of site plan approval, subdivision approval, condominium approval and land severance consent, that sufficient lands are conveyed to provide for a road right-of-way in accordance with the designated widths as set out in Section 13.3.21.14.5 or Policy 13.3.21.14.5 b).
- c) Road widening obtained through land severance or consent shall be taken from both the severed and retained parcels of land unless in the opinion of the City obtaining the widening from both parcels would not be practicable or feasible.
- d) Where a proposed development is subject to site plan approval, the following provisions shall apply:

- i) Further to Policy 13.3.21.14.8 b) above, the City shall require as a condition of site plan approval, the dedication of property abutting roads with future rights-of-way widths as specified on in Policy 13.3.21.14.5 b), as applicable.
- ii) Where feasible, the City shall acquire land through dedication, equally from both sides of the road unless otherwise specified. However, in the built up areas of the City, it may be necessary to acquire more than half of the total dedication from one side of the road. Where the City requires more than one half of the widening from one side of the road, the City shall require, from said side of the road, dedication at no cost to the City of one half of the total proposed widening and shall acquire the remaining land required for the road widening through gift, bequeathment, purchase, expropriation or other methods.
- iii) Notwithstanding Policies 13.3.21.14.8 b) to d) inclusive, the City shall require, as a condition of site plan approval, the dedication of additional property for daylighting triangles at road intersections. In this regard, the maximum amount of land to be dedicated shall not exceed 116.13 square metres in accordance with Policy 13.3.21.14.9 a).
- e) Notwithstanding Policies 13.3.21.14.8 a) to f) and 13.3.21.14.9 a), the City may waive or accept less than the maximum road widening and/or daylighting triangle requirements where, in the opinion of City, constraints including but not limited to, the nature of existing development, topographic and/or natural features, cultural heritage and design features or other constraints make it impractical to widen the road to the established road allowance requirement.
- f) Notwithstanding Policies 13.3.21.14.8 a) to f), the City shall interpret the required right-of-way widths detailed in Section 13.3.21.14.5 and Policy 13.3.21.14.5 b), where applicable to denote only the basic requirement for the section of the road. Additional rights-of-way may be required at intersections to provide for exclusive turning lanes, daylight triangles and other special treatments to accommodate the optimum road/intersection geometric design. There may also be additional requirements for rights-of-way to provide lands for environmental considerations, the construction of bridges, overpasses, earth filled ramps, grade separations, depressed sections of roads, pathways, roundabouts, traffic control and transit priority measures, including *rapid transit* lanes and/or stations in accordance with Policy 13.3.21.14.9 a). Any such additional right-of-way requirements shall be determined at the time of design of the road facilities and shall become part of the total required right-of-way.

#### **13.3.21.14.9 Daylighting Triangles**

- a) The City shall require the conveyance of property for appropriate daylighting triangles and corner rounding on existing roads at such times as the property is

to be developed or redeveloped, as a condition of site plan approval, consent, or plan of subdivision approval, in accordance with City standards based on the intersecting roadways of the functional road classification detailed in Section 13.3.21.14.5. Daylighting triangles at intersections shall generally be as follows:

- i) Local to local roads: 4.57 m triangle or radius;
  - ii) Collector to local or collector Roads: 9.14m x 9.14m triangle; and,
  - iii) Arterial to collector or arterial (Urban): 12.19m x 12.19m triangle.
- b) Additional lands for daylighting triangles may be necessary to accommodate the multi-lane roundabouts proposed at the Trinity Church Arterial Corridor at Highland Road, Collector Road A, and at Rymal Road East.

#### **13.3.21.14.10 Access Management**

- a) The efficiency, safety and traffic carrying capacity of parkways, major arterial and minor arterial roads shall be protected by minimising the number and spacing of intersecting streets and access points.
- b) To the extent feasible, the intersection of a new collector road with an arterial road shall provide sufficient separation from the nearest major intersection to allow for the efficient operation of traffic control devices.
- c) Local roads with cul-de-sacs shall not be permitted to connect to arterial roads unless there are no reasonable alternatives.
- d) Private access to arterial and collector roads shall be designed to minimize the number of driveways and to consolidate driveways for adjacent sites where possible.
- e) New *development* or *redevelopment* shall only be permitted on a property that has direct frontage on a publicly assumed road constructed to municipal standards.
- f) The Trinity Church Arterial Corridor shall function as a controlled access arterial with limited access points. Access to the land uses adjacent to the Trinity Church Arterial Corridor shall not be permitted from the Trinity Church Arterial Corridor, rather, from internal local and collector roads.
- g) Upper Mount Albion Road shall be closed to through vehicular traffic immediately north of Rymal Road. A pedestrian access shall be provided between Upper Mount Albion and Rymal Road.

- h) Further Local roads, in addition to those indicated on the Land Use Concept in Schedule "A3-4", may be permitted and are anticipated to provide access to development within Trinity West.
- i) The access from Trinity Church Arterial Corridor, located between Rymal Road and Collector Road A, as shown as Local Road A on Schedule "A3-4", shall be a right turn in/right turn out access only until a detailed design of the Trinity Church Arterial Corridor is available.

#### **13.3.21.14.11 Traffic Management**

- a) At the development stage, traffic calming devices such as roundabouts, curb extensions at intersections, raised crosswalks or raised intersections shall only be installed where warranted in accordance with current City traffic standards.
- b) The City may require transportation impact studies to assess the impact of proposed *developments* on current travel patterns and/or future transportation requirements. If it is determined that these studies are needed, they shall be submitted as part of applications for Official Plan amendments, subdivision approvals, rezonings, and site plan approvals.
- c) Roundabouts shall be the preferred method for intersection traffic control over all-way stop and traffic signals. Design of roundabouts shall consider pedestrian and cycling safety and access. Neighbourhood roundabouts shall be considered at the following intersections:
  - i) The intersection of Local Road A and Local Road B as shown on Schedule "A3-4"; and,
  - ii) The intersection of Collector Road A and Local Road B as shown on Schedule "A3-4".
- d) Proactive safety measures for all road systems users, including persons with disabilities or reduced mobility, shall be considered in both new *development* and *redevelopment* proposals.

#### **13.3.21.14.12 Parking and Loading**

- a) Parking and loading requirements regulated through the Zoning By-Law or site plan approval shall ensure adequate parking for the site, while avoiding excess parking supply that can discourage transit use and *active transportation* choices.
- b) Parking options and related incentives for transit and *active transportation* use shall be improved through:

- i) Installation of secure bike parking in strategic high activity public locations, including municipal parking facilities; and,
  - ii) Adoption of zoning regulations to require secure bike parking in new commercial, institutional, and *multiple dwelling developments* where appropriate.
- c) To facilitate more efficient uses of off-street parking, the City shall encourage the use of shared parking and develop parking standards for mixed use *development*.
- d) The negative impacts of parking on urban environments and pedestrian activity shall be minimized through:
- i) Placement of parking and loading areas at the rear of buildings where feasible;
  - ii) Use of alternative paving materials such as but not limited to permeable pavement systems;
  - iii) Alternative surface water management in parking areas such as urban swales, and ditches;
  - iv) Other considerations including promotion of green technology and public art as a component of parking structures;
  - v) Landscaping treatments in accordance with Section B.3.3.10 and the Zoning By-Law; and,
  - vi) Other applicable design guidelines and design policies including, Section 13.3.21.11 - Urban Design Policies.
- e) New *development on* properties adjacent to major arterial and minor arterials and where necessary, collector roads, shall include provisions for sufficient parking, loading, manoeuvring and off-street parking.

### **13.3.21.15 Utilities**

It is the intent of this Plan to ensure that utility uses are developed in an orderly manner consistent with the needs of the City. The planning, design and development of utility uses shall compliment the intent of policies for other land uses.

#### **Function**

- a) For the lands designated "Utility" on Schedule "A3-4" the following policies apply:
  - i) The permitted use shall be a Storm Water Management facility;

- ii) The Storm Water Management facility shall be located, sized and designed in accordance with the Davis Creek Subwatershed study and other detailed studies as required to determine appropriate design;
  - iii) Additional uses or other uses shall not be permitted on these lands unless it can be demonstrated that sufficient area is provided for the storm water management facility;
  - iv) The only other uses permitted in any remnant portions of the site, in addition to an adequate storm water management facility, may include related open space such as trails and other general open space;
  - v) The size of stormwater management facility is approximate and can be changed without amendment to this plan. Where a stormwater management facility is reduced in size, the adjacent or nearest urban land use designation shall apply to the area where the stormwater management facility was formerly located on Schedule "A3-4".
- b) Public and private utilities services (excluding SWM ponds) shall be:
- i) Installed within public road allowances, other City owned land or within appropriate easements;
  - ii) Encouraged, wherever possible, to coordinate and locate within an common trench to avoid unnecessary over-digging and disruption of municipal rights of way;
  - iii) Clustered or grouped where possible to minimize visual impact; and,
  - iv) Encouraged to consider innovative methods of containing utility services on or within streetscape features such as gateways, lamp posts, transit shelters, etc.
- c) The City shall ensure that the adequate utilities and/or communication / telecommunications facilities are, or shall be, established to serve the anticipated development and that these facilities can be phased in a manner that is cost-effective and efficient.
- d) Large utility infrastructure shall be located and designed to minimize visual impact and ensure compatibility with surrounding land use.

**13.3.21.16 Health and Public Safety**

**13.3.21.16.1 General Policies for Noise and Vibration Emissions**

- a) *Development of noise sensitive land uses*, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.
- b) Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.
- c) Where feasible and in compliance with other policies, the City shall ensure that land use arrangements which minimize the impact of noise and vibration be considered in the formulation of plans of subdivision and condominium, official plan amendments, severances, and zoning by-law amendments.
- d) Where noise or vibration attenuation measures are required, these measures, for both outdoor and indoor space, may include the following:
  - i) Sound-proofing measures, construction techniques, and materials;
  - ii) Layout and design of the structure or outdoor living areas;
  - iii) Spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers;
  - iv) Building setbacks;
  - v) Acoustical barriers such as berms, living walls, walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies; and,
  - vi) The use of suitably designed higher density residential structures.
- e) New technologies may offer opportunities for innovative noise and vibration abatement techniques not yet contemplated. The development and use of such techniques shall be encouraged.

**13.3.21.16.2 Road and Traffic Noise and Vibration**

- a) A *noise feasibility study*, or *detailed noise study*, or both, shall be submitted prior to or at the time of application submission, for *development* of residential or other noise *sensitive land uses* on lands in the following locations:
  - i) Within 400 metres of the Trinity Church Arterial Corridor; and,
  - ii) Within 400 metres of Rymal Road East.
- b) Proponents of *development* proposals for which noise studies are submitted shall satisfy all of the following requirements and conditions to the satisfaction of the City and in accordance with provincial guidelines:
  - i) Proponents shall provide evidence that predicted noise levels in outdoor living areas meet the daytime objective of 55 dBA.
  - ii) If predicted noise levels in outdoor living areas exceed 55 dBA but are less than or equal to 60 dBA, noise mitigation measures may be required.
  - iii) If predicted noise levels in outdoor living areas exceed 60 dBA, noise mitigation measures shall be required.
  - iv) Every effort should be made to reduce noise levels in the outdoor living area to as close to 55 dBA as technically, economically, and administratively feasible. If noise levels will not be reduced to 55 dBA, the proponent shall demonstrate with options and cost estimates why it is not feasible or practical to achieve 55 dBA, or shall provide justification as to why it may not be aesthetically appropriate or desired to mitigate noise levels to 55 dBA. If noise levels will not be mitigated to 55 dBA, appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within required development agreements.
  - v) Provide evidence that provincial indoor sound level criteria are met. If sound levels exceed provincial guidelines for either daytime or nighttime hours, appropriate mitigation measures shall be incorporated into the development, according to provincial guidelines, and appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within development agreements.
- c) New residential and other noise *sensitive land uses* that include outdoor living areas shall not be permitted in locations where attenuated outdoor noise levels from road and railway traffic are forecast to exceed 60 dBA.

**13.3.21.16.3 Design of Mitigation Measures Adjacent to Roads**

- a) Design of noise mitigation measures adjacent to collector roads, or major or minor arterial roads shall address streetscape quality through compliance with the following policies:
  - i) Noise mitigation measures shall avoid the use of noise barriers (walls and berms) wherever possible.
  - ii) The use of noise barriers shall only be considered if it can be demonstrated to the satisfaction of the City that no other noise mitigation measures are practical or feasible and their long term maintenance and replacement has been addressed.
  - iii) The use of noise barriers shall be prohibited adjacent to Rymal Road.
  - iv) Noise mitigation measures shall comply with Section 13.3.21.11 - Urban Design Policies, and all other design policies of this Plan unless it is determined in the *detailed noise study*, to the satisfaction of the City, that compliance with the design policies is not practical or feasible.

**13.3.21.16.4 Future Roads, Provincial Highways, and Parkways**

- a) Where new *development* precedes the construction of planned roads, provincial highways, or parkways, where noise mitigation measures are anticipated, the City may require as a condition of approval that:
  - i) Sufficient lands be conveyed to the City at no cost for the erection and maintenance of noise mitigation measures;
  - ii) A pro-rated cost contribution be made by the proponent prior to final approval for construction of noise mitigation measures, where deemed appropriate by the City; and,
  - iii) The proponent construct noise mitigation measures in advance of road construction and on private property.

**13.3.21.17 Implementation**

**13.3.21.17.1 General**

- a) Staging of development within the Trinity West Secondary Plan area shall be based on the availability and timing of roadway capacity, and municipal servicing and extensions thereto, such as water, wastewater and storm water services and facilities.

- b) Staging of development shall proceed in a logical manner from where existing water, wastewater and storm services are located, and where extensions thereto are provided.
- c) Staging of development within the Trinity West neighbourhood shall be based on the availability and timing of adequate utility infrastructure, such as communications/telecommunications networks, to be established to serve the anticipated development through discussions with public and/or private utility providers.

**13.3.21.17.2 Official Plan Amendments**

- a) When considering amendments to this Plan, the City shall have regard to, among other things, the following criteria:
  - i) The impact of the proposed change on the City's vision for a sustainable community, as it relates to the objectives, policies and targets established in this Plan; and,
  - ii) The impact of the proposed change on the City's communities, environment and economy and the effective administration of the public service.

**13.3.21.17.3 Interpretation**

- a) Boundaries of land use designations, as shown on Schedule "A3-4" - Trinity West Secondary Plan, shall be considered approximate, and are not intended to define the exact limits of any land use, unless they coincide with a road, lot or concession line, railway, watercourse or prominent physical feature or specifically coincide with detailed area boundaries set out in a secondary plan or special policy or site specific area. Similarly, minor adjustments may be made in the boundaries in the Zoning By-law without amending this Plan, providing the By-law conforms to the general intent of this Plan.
- b) The identification and proposed location of municipal infrastructure, parks, roads, water and wastewater facilities or services, as identified on schedules or in text in this Plan:
  - i) May be changed without an amendment to this Plan provides the change is minor in nature and the intent of the Plan is maintained;
  - ii) Shall not be interpreted as the City's commitment to providing these municipal public facilities within a specific time frame; and,

- iii) Shall not be interpreted as necessarily being specifically or solely the responsibility of the City to provide, finance or otherwise implement.

#### **13.3.21.17.4 Zoning By-law**

The Zoning By-law is one of the key implementation tools to ensure the City's goals, objectives and policies of this Plan are realized. The Zoning By-law regulates permitted uses and associated performance standards, setbacks, lot areas, height, landscaping and parking requirements.

- a) The Zoning By-laws of the former municipality of Stoney Creek shall remain in effect until the new Zoning By-law takes effect. However, any amendments shall be in conformity with this Plan.
- b) *Developments* which fail to commence or be completed within a reasonable period of time after approval has been given for a site-specific rezoning may, through Council's initiative, be rezoned.

#### **13.3.21.17.5 Site Plan Control**

Site plan control is an important means of encouraging well-designed, functional and universally accessible *development* in Hamilton. The City shall review and approve plans that show the location, design and massing of buildings, the relationship to adjacent streets and buildings, public access areas, the layout of parking and service areas, site landscaping and other aspects of *development*.

- a) Site plan control shall be used to achieve the following planning objectives:
  - i) Minimize the impact of development on adjacent properties;
  - ii) Obtain road widenings;
  - iii) Promote pedestrian scale *development* and land use *compatibility*;
  - iv) Enhance the public realm and create a functional and distinctive streetscape through high quality building design;
  - v) Preserve and enhance community character by integrating heritage features and important views in site designs;
  - vi) Integrate ecologically important features into site designs to protect and enhance their functions; and,
  - vii) Ensure accessibility for people with a range of abilities through safe and efficient pedestrian and vehicular circulation.

- b) Council shall use the powers of site plan control to implement certain aspects of this Plan. Accordingly the entire area within the City of Hamilton Planning Area shall be established as a proposed Site Plan Control Area.
- c) Council may require, as a condition of site plan approval, the deeding of land for road widening purposes in accordance with the policies in Section 13.3.21.14 – Transportation.
- d) To achieve the objectives in Section 13.3.21.17.5, the City shall, as part of the site plan approval:
  - i) Consider matters relating to exterior design, including but not limited to the character, scale, material, and appearance, including fenestration, colour and shape and design features of buildings;
  - ii) Require sustainable design elements within an adjoining City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities be provided;
  - iii) Require facilities designed for people with a range of abilities; and,
  - iv) Consider the character, scale, appearance and design features of the exteriors of those new buildings and structures that may be attached to *built heritage resources* or sited in close proximity to such resources and care shall be taken to permit only those changes that retain, protect, complement or do not otherwise harm distinguishing heritage features.

### **13.3.21.17.6 Holding By-laws**

There are instances where the intended use and zoning is known for lands but *development* should not take place until the planned details and phasing of *development* is determined, and/or facilities are in place or conditions for *development* are met. Under the Planning Act, Council may pass a “Holding” By-law that places an “H” symbol over the zoning of land and specifies the conditions that shall be met before the “H” symbol is removed and the lands can be developed.

- a) Council may use the Holding “H” symbol in conjunction with the Zoning By-law to identify the ultimate use of land but to limit or to prevent the ultimate use in order to achieve orderly, phased *development* and to ensure that servicing and design criteria established in this Plan have been met prior to the removal of the “H” symbol.
- b) A Holding symbol may be applied under any or all of the following circumstances and specified in the Holding by-law:

- i) Where *development* is contingent upon other related matters occurring first, such as but not limited to:
    - a) Completion of required site or area specific studies which are to be specified in the By-law;
    - b) Consolidation of land ownership of abutting properties to ensure orderly *development* and phasing of *development*;
    - c) Fulfillment of financial obligations;
    - d) Securement of funding agreements on necessary infrastructure or services; and,
    - e) Fulfillment of conditions imposed by the City through other Planning Act tools.
  - ii) Where phasing is necessary in order to ensure orderly *development* and/or achieve one or more objectives of this Plan;
  - iii) Where municipal infrastructure is not adequate or available to support the ultimate use; and,
  - iv) Where environmental constraints currently preclude *development* or *redevelopment* without planned mitigative or remediated measures.
- c) Until such time as the Holding “H” symbol is removed, the By-law may permit interim land uses which may include an *existing* use or other use(s) that is permitted by the Zoning By-law and does not jeopardize the land for the intended land uses.
- d) Council shall pass a By-law to remove the Holding “H” symbol for all or part of the property only when the City is satisfied all the conditions of:
- i) The “H” zone have been fulfilled; and,
  - ii) The provisions of this Plan are met.

#### **13.3.21.17.7 Interim Control By-laws**

Interim control by-laws are intended to be used, prior to the approval of any Planning Act applications, in areas where the City wishes to undertake a comprehensive study in an area that is experiencing *development* and/or redevelopment pressures. Matters related to land use, transportation, infrastructure, environment and other aspects of *development* may be addressed during the study period. Once the studies are

complete, this Plan and the Zoning By-law shall be amended to reflect the recommendations determined by the study.

- a) Council may enact an Interim Control By-law to allow the City to limit the use of land and buildings where Council has directed study(ies) be undertaken for land use planning purposes in a defined area of the City.

#### **13.3.21.17.8 Temporary Use By-laws**

At times it is in the public interest to permit lands to be used for a particular use on a temporary basis even though it may not conform to the Zoning By-law. The Planning Act authorizes a municipality to pass a temporary use by-law, which defines the area and duration of the use.

- a) Council may adopt temporary use by-laws provided the use complies with the permitted uses, to permit the temporary use of land, buildings or *structures* for a purpose that is prohibited by the Zoning By-law.
- b) A temporary use by-law may allow a use that is temporary in nature. Any new buildings or *structures* associated with the proposed temporary use shall be constructed so that it can be easily removed after the expiry date of the temporary use by-law.
- c) The proposed temporary use shall:
  - i) Be *compatible* with uses on adjacent and nearby properties;
  - ii) Have no adverse impact on the traffic, transportation or parking facilities in the area;
  - iii) Comply with the *Minimum Distance Separation* requirements established by the Province; and,
  - iv) Have sufficient services such as roads, storm water drainage, water supply and sanitary sewage systems to accommodate the proposed temporary use.
- d) A temporary use by-law may be permitted for a period of time which shall not exceed three years, except for garden suites which shall not exceed ten years. However, Council may, by By-law, extend such period of time for further periods of time not exceeding three years each, during which the temporary use is authorized.
- e) Upon expiration of the temporary use by-law, uses which may have been permitted by that temporary use by-law shall cease to exist, shall not be considered as legal non-conforming uses, and therefore shall be removed.

### 13.3.21.17.9 Existing, Non-Complying and Non-Conforming Uses

It is recognized there are some previously *existing* land uses that do not presently comply with the goals and objectives set out in this Plan. This Plan, while endeavouring to achieve a high degree of land use *compatibility* for new *development*, recognizes there is a degree of diversity in land use for *existing* areas where time and custom have achieved an acceptable level of tolerance. Many of these uses have been established for a considerable number of years. In some cases, it is recognized such situations exist and they can be continued in the interim. In other cases, there are some *existing* uses that not only do not comply with the Official Plan or conform to the Zoning By-law, and are incompatible with surrounding land uses.

- a) Legally existing land uses which do not comply with the land use designations shown on Schedule "A3-4" or their related policies should cease to exist over time. Accordingly, such uses shall be deemed as legal non complying.
- b) Where appropriate, the City may amend the Zoning By-law to recognize the legal non-complying use as an *existing* use provided that all the following criteria shall be met:
  - i) The Zoning By-law shall permit only the *existing* use and the associated performance standards;
  - ii) The use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated; and,
  - iii) The use is in compliance with appropriate provincial and municipal regulations.
- c) The expansion or enlargement or change in legal non-complying uses shall be permitted provided they maintain the intent and purpose of this Plan and the Zoning By-law.

### 13.3.21.17.10 Plan of Subdivision

- a) The division of land shall occur by registered plan of subdivision where:
  - i) A new road or an extension to an existing road is required; and,
  - ii) It is deemed in the public interest for the proper and orderly *development* of lands.
- b) Council shall approve only those plans of subdivision that meet the following criteria:

- i) The plan of subdivision conforms to the policies and land use designations of this Plan.
  - ii) The plan of subdivision implements the City's staging of development program;
  - iii) The plan of subdivision can be supplied with adequate services and community facilities;
  - iv) The plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
  - v) the plan of subdivision can be integrated with adjacent lands and roadways;
  - vi) The plan of subdivision shall not adversely impact municipal finances; and,
  - vii) The plan of subdivision meets all requirements of the Planning Act.
- c) The City may, as a condition of approval pursuant to the Planning Act, require the owner of lands subject to a plan of subdivision to enter into one or more agreements which may be registered against the title of the subject lands.
- d) Council may pass By-laws to exempt properties from Part-Lot Control, subject to the provisions of the Planning Act.
- e) Council may, by By-law, deem any Plan of Subdivision, or part thereof, not to be a registered plan of subdivision, subject to the provisions of the Planning Act.

**13.3.21.17.11 Lot Creation**

- a) Consents for new lot creation, for both the severed and retained lands, for residential uses shown on Schedule "A3-4", shall be permitted provided the following conditions are met:
- i) The lots comply with the policies of this Plan;
  - ii) The lots are in conformity with the Zoning By-law or a minor variance is approved;
  - iii) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

- iv) The lots are fully serviced by municipal water and wastewater systems; and,
  - v) The lots have frontage on a public road.
- b) Where a consent is required for the purposes of land assembly to implement a secondary plan or *Neighbourhood Plan*, Policy 13.3.21.17.11 a) ii) shall not apply.
- c) Consents for new lot creation for both the severed and retained lands for mixed uses, commercial, institutional, or open space in the Neighbourhoods designation shall be permitted provided the following conditions are met:
- i) The lots comply with the policies of this Plan including secondary plans, where one exists;
  - ii) The lots are in conformity with the Zoning By-law or a minor variance is approved;
  - iii) The lots are fully serviced by municipal water and wastewater systems; and,
  - iv) The lots have frontage on a public road.

**13.3.21.17.12 Mixed Use - Medium Density Designation**

- a) Consents for new lot creation for both the severed and retained lands for mixed-uses, commercial, institutional, or open space uses in the Mixed-Use - Medium Density designation shall be permitted provided the following conditions are met:
- i) The lots severed for commercial, institutional or open space uses shall comply with the policies of this Plan;
  - ii) The lots are in conformity with the Zoning By-law or a minor variance is approved;
  - iii) The lots severed for residential uses, including mixed use buildings which contain residential uses shall comply with the policies in Section 13.3.21.11 - Urban Design Policies, and any other relevant policies of this Plan;
  - iv) The lots are fully serviced by municipal water and wastewater systems; and,
  - v) The lots have frontage on a public road.

**13.3.21.17.13 Open Space Designation**

- a) Consents that facilitate the conveyance of lands to a public authority for the purposes of natural heritage conservation, the Bruce trail or other open space purposes shall be permitted provided a separate lot is not created for a dwelling or any other urban land use.

**13.3.21.17.14 General**

- a) Minor lot line adjustments shall be permitted provided there is no increased fragmentation of a *core area* and the adjustments do not conflict with intent of the policies of this Plan.
- b) Consents may be granted for the purposes of long-term lease agreements for infrastructure and utility works provided a separate lot is not created for a dwelling or any urban land use, except the uses noted in this Section.

**13.3.21.17.15 Parkland Dedication Policies**

- a) 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.
- b) 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 300 dwelling units proposed, (the rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for *developments or redevelopment* that contain a mix of residential densities.
- c) 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*:
  - i) For land designated to permit residential *development or redevelopment* with a density less than 20 units per hectare, dedication of land not to exceed an amount of 5% of the net land areas to be developed.
  - ii) For land designated to permit residential *development or redevelopment* with a density of 20 to 75 units per hectare, parkland shall be dedicated at a rate not to exceed 1 hectare for each 300 dwelling units proposed;
  - iii) For land designated to permit residential *development or redevelopment* with a density of 75 to 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.6 hectares for each 300 dwelling units proposed;

- iv) For land designated to permit residential *development* or *redevelopment* with a density greater than 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed.
- v) Notwithstanding Policy 13.3.21.17.15 d), 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, duplexes, and a maximum of two apartment dwellings above commercial use.
- vi) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.
- vii) Notwithstanding Policies 13.3.21.17.15 b) to c), Council may consider reducing the residential parkland dedication rate for dwellings within specific geographic areas of the City and for certain types of charitable, non-profit or social/*affordable* housing, as provided for in the Parkland Dedication By-law.
- d) Council shall require a parkland dedication in an amount not exceeding 2% for commercial proposals except as exempted in the Parkland Dedication By-law.
- e) 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 and schools, subject to any exemption as set out in the Parkland Dedication By-law.
- f) Council shall require a parkland dedication in the amount of 5% of the land area to be developed or redeveloped for a school.
- g) Council shall require that parkland dedication be based on a pro rata proportion for proposed mixed use development (for commercial and residential uses on one site or within one building), in accordance with the Parkland Dedication By-law.
- h) Council shall require a combination of dedication rates as defined in Policies 13.3.21.17.15 a) to h) applicable to specific use and/or density for any *development* including a subdivision containing lands proposed for a variety of land uses and/or at a variety of residential densities.
- i) Notwithstanding Policy 13.3.21.17.15 e), Council shall not require parkland dedication or cash-in-lieu, as a condition of the approval of industrial *development* or *redevelopment* proposals.

- j) Storm water management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas, and major utility corridors and easements shall not be considered acceptable lands eligible to satisfy parkland dedication.
- k) For the purpose of calculating the land area subject to the parkland dedication, storm water management facilities, valley lands, *hazard lands*, woodlots, Core Areas, and major utility corridors and easements shall be excluded except where the lands listed above contain water services, wastewater services, private roads, public roads, or parking lots.

### **13.3.21.17.16 Complete Application Requirements and Formal Consultation**

- a) Formal consultation with the City shall be required prior to the submission of a Planning Act application(s) for an official plan amendment, Zoning By-law amendment, draft plan of subdivision, or site plan.
- b) The purpose of such formal consultation shall be to review a draft development proposal for the lands affected by the proposed application(s) and identify the need for, and the scope of *other information and materials* considered necessary by the City and other affected agencies to allow comprehensive assessment of the development application(s).
- c) Notwithstanding Policy 13.3.21.17.16 a), the City may waive the requirement for formal consultation, where the City has identified that, due to the nature of the proposal, the need for and scope of required *other information and materials* can be determined without a formal consultation. The City shall provide the applicant with a form that identifies the necessary *other information and materials* to be submitted with the application(s) to deem it complete.
- d) The City shall only accept and process complete Planning Act applications for official plan amendment, Zoning By-law amendment, draft plan of subdivision and site plan.
- e) A Planning Act application(s) shall be deemed complete provided that:
  - i) It satisfies all applicable provincial requirements;
  - ii) It satisfies all requirements set out in this Plan; and,
  - iii) It shall be accompanied by all the other information and materials listed in Table 13.3.21.17.6 as determined by the procedures of Policy 13.3.21.17.16 a) or 13.3.21.17.16 c).
- f) Table F.1.19.1 identifies the *other information and materials* required to deem Planning Act applications for official plan amendment, Zoning By-law amendment, draft plan of subdivision, and site plan complete:

**Table 13.3.21.17.6 Other Information and Materials**

<b>1</b>	<b>Background Information</b> The objective of required background information is to provide the City, external agencies and the public with basic knowledge about a site and/or development proposal.
a)	Survey Plan
b)	Concept Plan
<b>2</b>	<b>Planning</b> The objective of required Planning information and materials is to ensure that a proposed development and/or change in land use is consistent with applicable Provincial and Municipal policies, and Council adopted guidelines.
a)	Affordable Housing Report/Rental Conversion Assessment
b)	Draft OPA, and Zoning By-laws
c)	Land Use/Commercial Needs Assessment
d)	Planning Justification Report
e)	Site Plan and Building Elevations
f)	Urban Design Report
<b>3</b>	<b>Cultural</b> The objective of required Cultural information and materials is to ensure that buildings, structures, sites or landscapes of historical, architectural, archaeological, or scenic value are maintained, and that any potential adverse impacts on these areas are mitigated.
a)	Archaeological Assessment
b)	Cultural Heritage Impact Assessment (for Heritage Resources and/or Cultural Heritage Landscapes)
<b>4</b>	<b>Environmental</b> The objective of required Environmental information and materials is to identify and assess the environmental and natural features related to a site, including surface and subsurface features, and ensure that any adverse impacts resulting from a proposed development and/or change in land use on an identified environmental or natural heritage feature are mitigated to an acceptable level.
a)	Aggregate Resource Assessment
b)	Aggregate/Mineral Resource Analysis
c)	Air Quality Study
d)	Channel Design and Geofluvial Assessment
e)	Chloride Impact Study
f)	Cut and Fill Analysis
g)	Demarcation of top of bank, limit of wetland, limit of natural hazard, limit of Environmentally Significant Area (ESA), or limit of Conservation Authority regulated area
h)	Environmental Impact Statement (EIS)
i)	Energy and Environmental Assessment Report

j)	Erosion Hazard Assessment
k)	Fish Habitat Assessment
l)	Floodline Delineation Study/Hydraulic Analysis
m)	General Vegetation Inventory
n)	Impact Assessment for new Private Waste Disposal Sites
o)	Karst Assessment/Karst Contingency Plan
p)	Landscape Plan
q)	Linkage Assessment
r)	Meander Belt Assessment
s)	Nutrient Management Study
t)	Odour, Dust and Light Assessment
u)	Restoration Plan
v)	Shoreline Assessment Study/Coastal Engineers Study
w)	Slope Stability Study and Report
x)	Species Habitat Assessment
y)	Tree Management Plan/Study
z)	Tree Protection Plan
<b>5</b>	<b>Environmental/Servicing and Infrastructure</b> The objective of required Environmental/Servicing and Infrastructure information and materials is to ensure that a proposed development and/or change in land use is safe from contamination, can be supported by adequate soil conditions and stormwater management facilities, and shall not have an adverse impact on the City's natural water resources.
a)	Contaminant Management Plan
b)	Environmental Site Assessment and/or Record of Site Condition (RSC)
c)	Erosion and Sediment Control Plan
d)	Hydrogeological Study
e)	Grading Plan
f)	Master Drainage Plan
g)	Storm Water Management Report/Plan and/or update to an existing Storm Water Management Plan
h)	Soils/Geotechnical Study
i)	Sub-watershed Plan and/or update to an existing Sub-watershed Plan
<b>6</b>	<b>Financial</b> The objective of required financial information and materials is to ensure that a proposed development and/or change in land use shall not have an unreasonable or unanticipated financial impact on the City.
a)	Financial Impact Analysis
b)	Market Impact Study

<b>7</b>	<b>Servicing and infrastructure</b> The objective of servicing and infrastructure materials is to ensure that a proposed development and/or change in land use can be supported by adequate municipal infrastructure and services.
a)	Recreation Feasibility Study
b)	Recreation Needs Assessment
c)	School Accommodation Issues Assessment
d)	School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment
e)	Servicing Feasibility Report
f)	Servicing Options Report
g)	Water and Wastewater Servicing Study
<b>8</b>	<b>Land Use Compatibility</b> The objective of required land use compatibility information and materials is to demonstrate that the residents or users of a proposed development and/or change in land use are buffered from nuisances such as noise, dust, odours, and vibrations, and reduce the potential for public costs or risk to future residents or users resulting from a proposed development and/or change in land use.
a)	Agricultural Impact Assessment
b)	Dust Impact Analysis
c)	Land Use Compatibility Study
d)	Landfill Impact Study
e)	Minimum Distance Separation Calculation
f)	Noise Impact Studies (Noise Feasibility and/or Detailed Noise Study)
g)	Odour Impact Assessment
h)	Sun/Shadow Study
i)	Vibration Study
j)	Wind Study
<b>9</b>	<b>Transportation</b> The objective of required transportation related information and materials is to demonstrate that any changes to the transportation network resulting from a proposed development and/or change in land use can be accommodated by the transportation network, and ensure that any adverse impacts on surrounding land uses are mitigated.
a)	Cycling Route Analysis
b)	Transportation Impact Study
c)	Parking Analysis/Study
d)	Pedestrian Route and Sidewalk Analysis
e)	Roadway/Development Safety Audit
f)	Modern Roundabout and Neighbourhood Roundabout Analysis
g)	Neighbourhood Traffic Calming Options Report

h)	Transit Assessment
i)	Transportation Demand Management Options Report
<b>10</b>	<b>Cost Recoveries</b> The objective of cost recoveries related information and materials is to enable the City to recover costs for any proposed development and/or change in land use in accordance with all City By-laws.
a)	Cost Recovery Agreement

- g) Other *information and materials* submitted in accordance with Policy 13.3.21.17.16 shall be subject to the following requirements to be deemed complete:
- i) The *other information and materials* submitted shall be prepared by a qualified professional, in accordance with applicable legislation and/or to the satisfaction of the City, retained by and at the expense of the applicant.
  - ii) The City may request or conduct a peer review of any *other information and materials* submitted where the City lacks the appropriate expertise to review such *other information and materials*. Such peer review shall be completed by an appropriate agency or professional consultant retained by the City, at the applicant's expense.
  - iii) The City may refuse *other information and materials* submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory.
  - iv) The City may request electronic versions of all *other information and materials* submitted and stipulate the format of the digital submission.
  - v) In addition to the *other information and materials* listed in Table 13.3.21.17.6, the applicant may be required to submit any other supporting information and materials identified by the City during the formal consultation process with the applicant as being necessary for an application to be deemed complete.
- h) The requirement for *other information and materials* submitted in accordance with Policies 13.3.21.17.16 a) or 13.3.21.17.16 c) is not intended to preclude Council and its delegated authorities from requiring additional reports, studies, maps, plans, calculations, information or materials, which are identified during the review process for an application(s) which has been deemed complete as being necessary for Council and its delegated authorities to make informed decisions.

- i) The City shall establish guidelines for the *other information and materials* identified in Policy 13.3.21.17.16, to provide direction regarding the intended content and scope of such *other information and materials*.
- j) Any *development* or *redevelopment* within 200 metres of any gas pipeline easement or facility shall require consultation with the applicable utility company.

#### **13.3.21.17.17 Cash-in-Lieu of Parking**

- a) Where a proponent is required, under the Zoning By-law, to provide and/or maintain parking facilities, the City may require a cash payment in lieu of all or part of the parking requirements. Such funds shall be used for the acquisition of lands and/or the provision of off-street parking as deemed appropriate by the City

#### **13.3.21.18 Other Provincial Statutes and Regulations**

In addition to other relevant provincial statutes, regulations and guidelines, as amended or replaced from time to time, the following provincial implementation tools are in effect in the City relating specifically to land use planning.

##### **13.3.21.18.1 Conservation Authority Regulations**

- a) The Conservation Authority Regulation Development, Interference with Wetlands and Alterations to Shorelines and Watercourses affects the Natural Heritage System and natural hazards within the City and the Regulation shall be implemented by the City, where appropriate.
- b) The Conservation Authorities that have jurisdiction within the City of Hamilton are the Hamilton Conservation Authority, Niagara Peninsula Conservation Authority, Halton Region Conservation Authority, and Grand River Conservation Authority.

##### **13.3.21.18.2 Ontario Heritage Act**

- a) The Ontario Heritage Act (1990) provides a legislative framework and variety of tools for the protection and preservation of the Province's *cultural heritage resources*. The Ontario Heritage Act enables the City to protect and *conserve cultural heritage resources* through:
  - i) Designation, either individual properties under Part IV of the Act or collectively as groups of properties, under Part V of the Act;
  - ii) Establishment of a municipal heritage committee to advise Council on both designation and heritage permit applications;

- iii) An obligation to keep a register of properties that have been designated under the Ontario Heritage Act. Municipalities may also include other properties that council “believes to be of cultural heritage value or interest” in the register. The inclusion of these non-designated heritage properties in the register enables municipalities to protect them from building demolition or removal for a period of up to 60 days;
- iv) Prevention of demolition of a building or structure on a designated heritage property;
- v) Passing of by-laws to buy, lease, or expropriate designated heritage properties that may be at risk;
- vi) Entering into voluntary legal agreements, such as easements or covenants, with *cultural heritage property* owners that apply to all or a portion of a property. Easements are registered on title and run with property, hence binding all present and future owners; and,
- vii) Provision of grants and loans for the conservation and care of designated heritage properties, community museums and those with a heritage conservation easement registered on title.

#### **13.3.21.18.3 Clean Water Act**

- a) The Clean Water Act (2006) provides a legislative framework to help protect drinking water at source to safeguard human health and the environment. The Clean Water Act requires the City, to work in conjunction with other partners, to develop and implement a Source Water Protection Plan. The Official Plan shall be amended, from time to time, to implement the recommendations from the Source Water Protection Plan.

#### **13.3.21.19 Other Implementation Tools**

##### **Supporting Plans**

- a) The City recognizes the importance of undertaking and implementing the recommendations of supporting plans in the fulfillment of the vision, goals and objectives of this Plan. They shall be used:
  - i) To establish municipal priorities;
  - ii) To provide technical and procedural direction for studies required to review *development* applications;
  - iii) To set municipal implementation targets; and,
  - iv) To identify other actions to implement this Plan.

- b) The requirements of the studies identified in Section 13.3.21.19 a) shall be considered as minimum requirements. These requirements may be expanded upon.

**13.3.21.19.1 Storm Water Management Plans**

- a) In cases where a storm water management plan is being prepared for lands within the urban boundary, the following matters shall be addressed to avoid, minimize and/or mitigate storm water volumes, contaminant loads and impacts to receiving water courses:
  - i) Maintenance of groundwater quality and flow and stream base flow;
  - ii) Protecting water quality and aquatic species and their habitats;
  - iii) Minimizing the disruption of pre-existing natural drainage patterns, wherever possible; and,
  - iv) Prevention of increases in stream channel erosion and flood risk.

**13.3.21.19.2 Environmental Impact Statements (EIS)**

- a) Council has adopted Environmental Impact Statement Guidelines which shall be used by proponents and professionals when preparing an EIS. The City shall revise the Environmental Impact Statement Guidelines from time to time.
- b) When a *development* proposal has the potential to negatively impact a *Core Area* or its function, the proponent shall be required to prepare an EIS to the satisfaction of the City and the relevant Conservation Authority. An EIS inventories and describes the existing *Core Areas* and *ecological functions* of the site in the context of the surrounding landscape. An EIS also assesses the potential *negative impacts* that proposed *development* may have on *Core Areas* and *Linkages* and provide recommendations on whether the development proposal should proceed or be modified, natural area boundaries, mitigation measures, and design measures to accommodate or enhance existing natural features and functions.
- c) An EIS shall be required for development and site alteration proposed within or adjacent to the Core Area. Adjacent lands for features outside of the Greenbelt Plan area are defined in Table 13.3.21.19.2 below. The distances for adjacent lands provided in Table 13.3.21.19.2 are guidelines only and the City may require an EIS for development proposed outside of the adjacent area if it is anticipated that impacts may be far-reaching.

**Table 13.3.21.19.2: Adjacent Land Distances to Trigger an Environmental Impact Statement**

<b>Natural Heritage Feature</b>	<b>Boundary Definition</b>	<b>Extent of Adjacent Lands (outside of Greenbelt)</b>
<i>Fish Habitat</i>	Streams, rivers, <i>lakes</i> , ponds, and wetland.	30 metres from bankfull channel
Provincially Significant <i>Wetlands</i> , Local <i>Wetlands</i> , and Unevaluated <i>Wetlands</i> greater than 2 hectares in size	Defined by the Province, Conservation Authorities, and the City of Hamilton	120 metres
<i>Significant Habitat of Threatened and Endangered Species</i>	Defined by the Province and City of Hamilton	50 metres
Unevaluated <i>wetlands</i>	Defined by Conservation Authorities and the City of Hamilton	50 metres
<i>Significant Woodlands</i>	Defined by City of Hamilton	50 metres, measured from the dripline
Streams and River Valleys	Conservation Authority regulatory lines, flood plain mapping	30 metres from stable top of bank
<i>Areas of Natural and Scientific Interest (ANSIs)</i>	As defined by the Province	50 metres
<i>Significant Valley lands</i>	As defined by the Province and City of Hamilton	50 metres
<i>Significant Wildlife Habitat</i>	As defined by the Province and City of Hamilton	50 metres
<i>Environmentally Significant Areas (ESAs)</i>	As defined by the City of Hamilton	50 metres

- d) The EIS may be scoped to reflect the type of *development* being proposed and the sensitivity and special characteristics of the natural area. Scoping shall be done by City, the Conservation Authority, and other relevant agencies in consultation with the applicant.

- e) The EIS must be submitted as part of a complete *development* application to ensure that environmental impacts are considered early in the design process when there is the greatest opportunity to design in harmony with the natural environment. In no case shall an EIS be a condition of approval granted under the Planning Act and the completion of an EIS does not guarantee that the *development* application will be approved.
- f) The EIS must be prepared by a professional qualified in the field of environmental sciences, following the requirements of the City's Environmental Impact Statement Guidelines. An EIS may include plans, studies, environmental analyses, cumulative impact assessments, buffer requirements, or other associated documentation and data considered necessary by Environmentally Significant Areas Impact Evaluation Group (ESAIEG) and City staff, as outlined in the City of Hamilton's Environmental Impact Statement Guidelines.
- g) Where an Environmental Assessment is carried out under Federal or Provincial Environmental Assessment processes, the assessment shall be considered as fulfilling the EIS requirements of this Plan.
- h) Where environmental studies, such as a sub-*watershed* study have been carried out as part of a comprehensive planning process, the study may be submitted in place of the EIS, provided it fulfills the requirements of an EIS and is carried out to the satisfaction of the City and the relevant Conservation Authority.
- i) Where an EIS demonstrates that a *development* proposal shall have *negative impacts* on the significant natural feature and functions of a site, the following options shall apply:
  - ii) The application shall be refused; or,
  - iii) The City shall consult with the applicant to redesign the proposal to reduce the impacts to the satisfaction of the City and relevant Conservation Authority; or,
  - iv) The City shall negotiate an agreement with the landowner requiring conditions of approval, or requiring dedication of land/conservation easement to protect the significant natural feature or function.
- j) *Linkage* assessments shall consider both the *linkage* within the site and connections with other sites and shall evaluate the following:
  - i) Identify and assess the linkage including its vegetative, wildlife, and/or landscape features or functions, including:
    - a) The natural areas and habitats/functions linked (number of sites linked and habitat sizes and condition);

- b) *Linkage* type (e.g. anthropogenic railway or utility corridor, hedgerow, plantation, or natural community);
  - c) Vegetation cover type quality (health, condition, maturity, species, and aesthetic value);
  - d) Width;
  - e) Length; and,
  - f) Continuity of vegetation (long gaps greater than 100 metres, gaps containing roads or other barriers, or gaps less than 30 metres wide with no barriers);
- ii) Assess the potential impacts on the viability and integrity of the *linkage* as a result of the development proposal; and,
  - iii) Make recommendations on how to protect, enhance or mitigate impacts on the *linkage(s)* and its functions through planning, design and construction practices.

### **13.3.21.19.3 Cultural Heritage Impact Assessments**

- a) Where the City requires a proponent to prepare a *cultural heritage impact assessment* it shall be undertaken by a qualified professional with demonstrated expertise in cultural heritage assessment, mitigation and management, according to the requirements of the City's Cultural Heritage Impact Assessment Guidelines, and shall contain the following:
  - ii) Identification and evaluation of all potentially affected *cultural heritage resource(s)*, including detailed site(s) history and a *cultural heritage resource* inventory containing textual and graphic documentation;
  - iii) A description of the proposed *development* or *site alteration* and alternative forms of the *development* or *site alteration*;
  - iv) A description of all *cultural heritage resource(s)* to be affected by the *development* and its alternative forms;
  - v) A description of the effects on the *cultural heritage resource(s)* by the proposed *development* or *site alteration* and its alternative forms; and,
  - vi) A description of the measures necessary to mitigate the adverse effects of the *development* or *site alteration* and its alternatives upon the *cultural heritage resource(s)*.

#### **13.3.21.19.4 Archaeological Assessments**

- a) Any required archaeological assessment must be conducted by an archaeologist licensed under the Ontario Heritage Act and shall be submitted to the City for final approval and to the Province for review and compliance to licensing provisions and archaeological assessment standards and guidelines. The archaeological assessment:
  - i) Shall be prepared following the terms and conditions set out in the provincial guidelines; and,
  - ii) Shall provide conservation-related recommendations, including, but not restricted to subsequent processes and procedures for the *conservation* and management of archaeological resources prior to, during and post development and/or *site alteration*-related activities. This may address further archaeological test-excavation and evaluation prior to the determination of a final resource management strategy and the submission of any further reports required by the Province or City. Such recommended processes and procedures for archaeological management shall be implemented through a variety of measures including but not limited to the mitigation, preservation, and/or resource excavation, removal and documentation, of all *archaeological resources*, to the satisfaction of the City and approval by the Province.

#### **13.3.21.19.5 Urban Design and Architectural Guidelines and Architectural Control**

- a) The City may develop urban design guidelines to address contextual or use-specific design issues, or other matters where the City identifies a need for specific design guidance in order to implement the policies of this Plan.
- b) The City in considering applications for plans of subdivision and condominiums may require an applicant to prepare urban design and/or architectural design guidelines to the City's satisfaction. The City may undertake *Architectural Control* to ensure compliance with the approved Urban Design/Architectural Guidelines applicable to a specific *development* or *redevelopment*.

#### **13.3.21.19.6 Urban Design Report**

- a) Proponents of *development* applications may be required to prepare a *Design Report* to indicate how the proposal is consistent with the design principles and policies identified in throughout this Plan and any applicable existing design guidelines.
- b) The need and scope for the preparation of a *Design Report* shall be determined by the City during the formal consultation stage of the *development* review

process and submitted as part of an application in accordance with Policy 13.3.21.17.16 e). The specific requirements of the *Urban Design Report* shall be reflective of individual applications and determined on a case by case basis.

- c) The City shall develop Terms of Reference for the preparation of *Urban Design Reports*.

#### **13.3.21.19.7 Site Plan Guidelines**

- a) Council has adopted Site Plan Guidelines to encourage a high quality of building and site design. These Guidelines shall be used by proponents and professionals when preparing site plans. The Site Plan Guidelines indicate the City's design preferences and expectation for site development. The City shall revise the Site Plan Guidelines from time to time.

#### **13.3.21.19.8 Energy and Environmental Assessment Report**

- a) Proponents of *development* applications may be required to prepare an Energy and Environmental Assessment Report to indicate how the proposal incorporates environmental and sustainable design features and practices, such as *active transportation*, energy efficiency through building and site design, and water conservation.
- b) The need and scope for the preparation of an Assessment Report shall be determined by the City at the formal consultation stage of the *development* review process and submitted as part of the associated application. The specific requirements of the Assessment Report shall be reflective of individual applications and determined on a case by case basis.
- c) The City shall develop Terms of Reference for the preparation of Energy and Environmental Assessment Report.

#### **13.3.21.19.9 Other Technical Studies**

- a) In addition to the studies identified in Section F.1.19 - Complete Application Requirements and Formal Consultation, and Sections F.3.2.1 to F.3.2.9, inclusive, the City may require technical studies to be submitted as part of the Planning Act process. Prior to submission of these technical studies, consultation shall be required with City staff to confirm the contents for and the criteria to be used in the technical studies.

**13.3.21.19.10 Advisory Committees**

**13.3.21.19.10.1 Environmentally Significant Area Impact Evaluation Group (ESAIEG)**

- a) The City shall maintain an Environmentally Significant Areas Impact Evaluation Group (ESAIEG) consisting of members of the public with technical expertise, experience, and academic qualifications related to environmental conservation. ESAIEG shall review all Environmental Impact Statement reports and provide objective, technical advice to City staff on the impacts of proposed land use changes within or adjacent to natural areas.
- b) Where required, proposed land use changes shall be referred to the Environmentally Significant Areas Impact Evaluation Group for review.

**13.3.21.19.11 Municipal Heritage Committee**

- a) The City of Hamilton shall establish a municipal heritage committee under the Ontario Heritage Act to advise Council on all matters related to cultural heritage and to undertake, subject to Council's approval, such other activities that will contribute to the cultural heritage goals and policies of this Plan.

**13.3.21.19.12 Public Undertakings**

- a) Prior to any municipal or provincial public works or other *development* or *site alteration* activities that are subject to the Environmental Assessment Act or other applicable legislation, the proponent shall identify and evaluate all *cultural heritage resources*, and where necessary ensure that suitable *conservation* or mitigation measures, as assessed by a qualified heritage professional, are undertaken.
- b) Where feasible, the City shall also enhance the environs of *cultural heritage resources* as part of capital works and maintenance projects through such means as tree planting, landscaping, street improvements, buried utilities, and the provision of street furniture, lighting, signage, and other streetscape components, that are consistent or *compatible* with the character of the heritage resources.

**13.3.21.19.13 Grants and Loans**

- a) The City may establish and maintain grant and loan programs which may include guidelines to determine eligibility for funding for owners or long-term lessees:
  - ii) Of designated heritage properties or properties with registered heritage conservation easements;
  - iii) For urban renewal projects or building upgrades; and,

- iv) Any other initiative the City may identify.

**13.3.21.20 Municipal Land and Building Acquisition**

- a) The City may acquire or hold land for the purpose of developing any feature of this Plan, and dispose of the land when no longer required. In general, this shall be done pursuant to the provisions of the Municipal Act which permits the acquisition of land for this purpose, except where more specific legislation may assist in this regard.

**13.3.21.20.1 Acquisition and Disposition of Lands and Buildings**

- a) The City may hold or acquire land from time to time in order to develop any feature to implement particular policies of this Plan. Any land so acquired may be sold, leased, or otherwise disposed of when no longer required.
- b) The City may participate in the management of *cultural heritage resources* through acquisition, disposition, purchase, lease, donation, or other forms of involvement that will result in the sensitive conservation, restoration, or rehabilitation of those resources.
- c) In instances where the City is deeded land for public highways, road widening, parkland, storm water management, easements, or for any other purpose, the City may require evidence, as a condition of the transfer, that no environmental contamination has occurred on the subject lands or that the lands have been restored to the satisfaction of the City, and/or other conditions as determined by the City.

**13.3.21.20.2 Easements and Covenants**

- a) The City may pass By-laws for entering into easements or covenants with owners of property of cultural heritage value or interest for the purposes of conservation.
- b) The City may pass By-laws for entering into easements for utility purposes.
- c) As the owner of *cultural heritage resources*, the City shall protect, improve, and manage these resources in a manner which furthers the objectives of this Plan and sets an example for the community.

- d) In addition to the Parkland Dedication policies referred to in Policies 13.3.21.17 a) to i), Council may acquire lands through:
- ii) Donations, gifts, bequests from individuals or corporations; and,
  - iii) Monies allocated in the Municipal Budget.

**Implementation:**

An implementing Zoning By-Law Amendment, plan of subdivision and site plan will give effect to this Amendment.

This is Schedule "1" to By-law No. 10-164 passed on the 23<sup>rd</sup> day of June, 2010.

**The  
City of Hamilton**

  
Fred Eisenberger  
Mayor

  
Rose Caterini  
City Clerk

Schedule A  
Amendment No.159 to the  
Official Plan for the former  
City of Stoney Creek

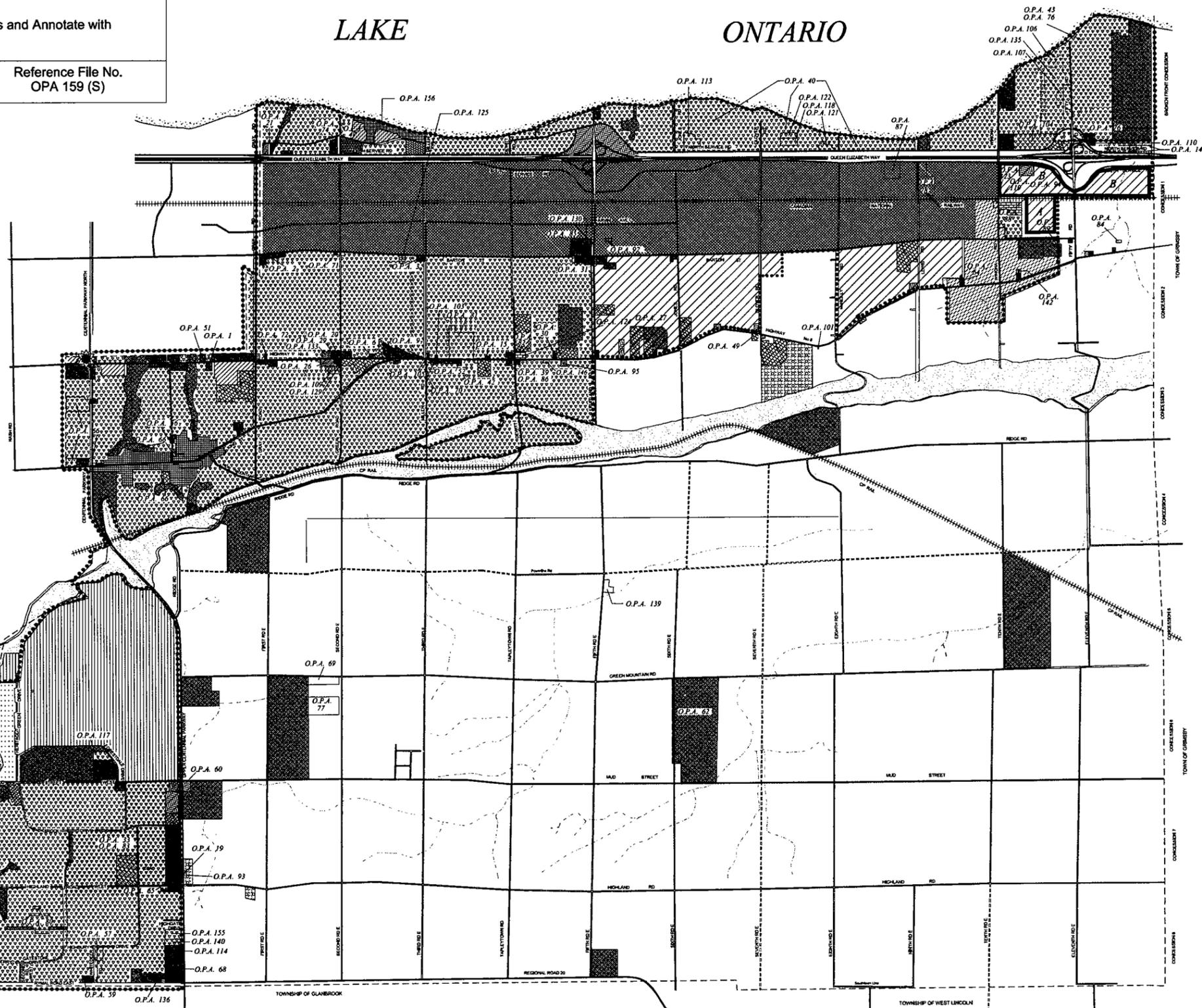
Remove Designations and Annotate with  
"See Schedule A3-4"

Date: June 2010  
Revised by: AM/MS  
Reference File No. OPA 159 (S)

LAKE ONTARIO

CITY OF STONEY CREEK  
OFFICIAL PLAN

Schedule "A"  
General Land Use Plan



Legend

- |  |                                    |
|--|------------------------------------|
|  | Medium Density Residential         |
|  | Residential                        |
|  | Downtown                           |
|  | Shopping Centres                   |
|  | General Commercial                 |
|  | Highway Commercial                 |
|  | Service Commercial                 |
|  | Industrial - Business Park         |
|  | Institutional                      |
|  | Winona Urban Community             |
|  | Open Space                         |
|  | Escarpment Natural Area            |
|  | Agricultural                       |
|  | Rural Industrial                   |
|  | Rural Lakeshore                    |
|  | Special Policy Area 'A'            |
|  | Special Policy Area 'B'            |
|  | Special Policy Area 'F'            |
|  | Special Policy Area 'G'            |
|  | Special Policy Area 'H'            |
|  | Special Policy Area 'I'            |
|  | Area subject to Policy A.12.6c     |
|  | Municipal Boundary                 |
|  | Business Improvement Area (B.I.A.) |
|  | Provincial Highway                 |
|  | Regional Road                      |
|  | Municipal Road                     |
|  | Railway                            |
|  | Water Course                       |
|  | Urban Policy Area                  |
|  | O.P.A. Official Plan Amendment     |
|  | Sub-Regional Centre                |



WEST MOUNTAIN O.P.A. 23

See Schedule A3-4





**Schedule C**  
 Amendment No. 159  
 to the Official Plan for the  
 Former City of Stoney Creek

**Legend**

**Residential Designations**

Low Density Residential 1

Low Density Residential 2

Medium Density Residential 2

Medium Density Residential 3

**Parks and Open Space Designations**

Natural Open Space

Neighbourhood Park

General Open Space

**Other Designations**

Mixed Use - Medium Density

Utility

**SWM** Storm Water Management

**Other Features**

Potential Traffic Control Roundabout

Road Closure

Trail Link

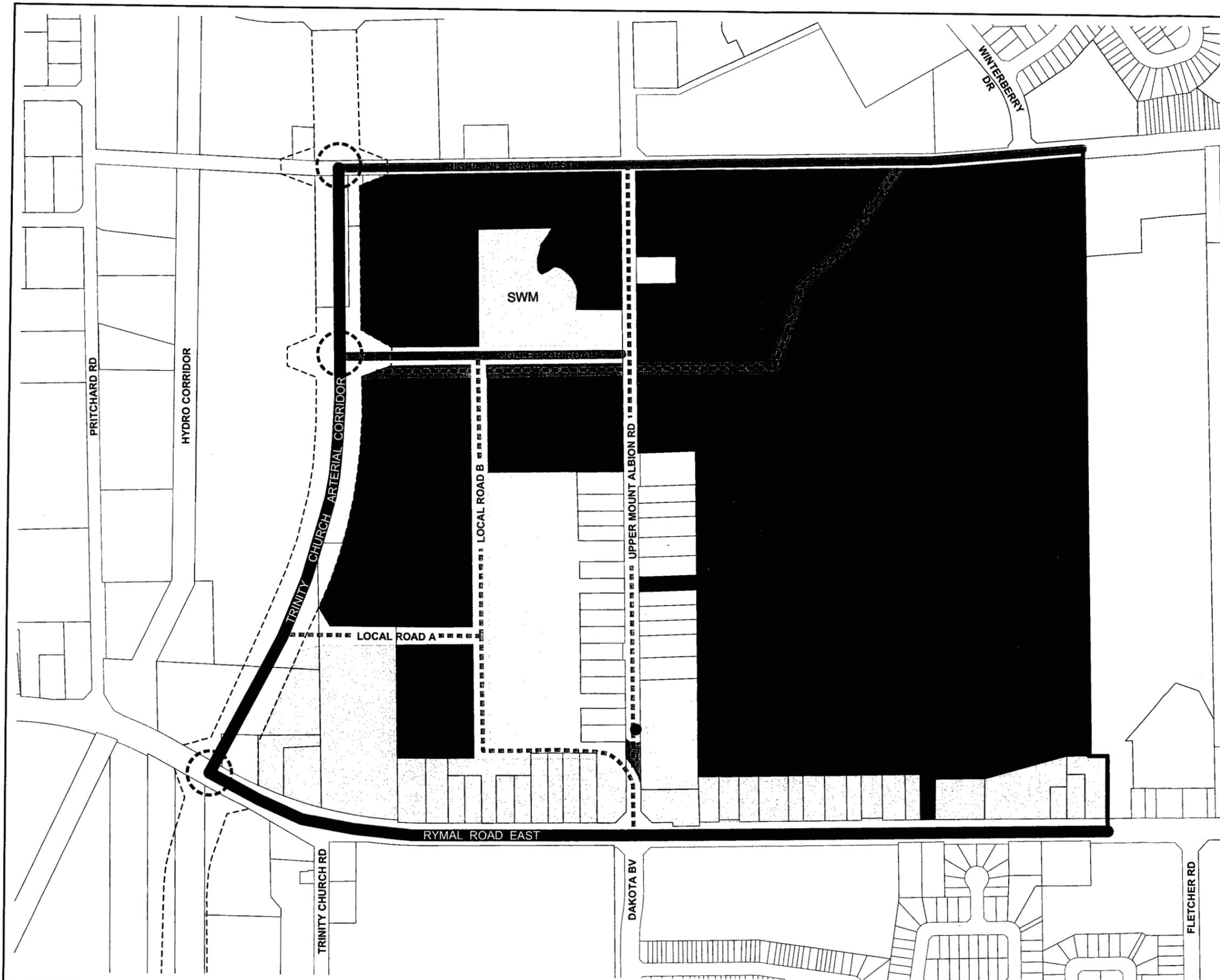
Major Arterial Roads

Collector Roads

Local Roads (Proposed)

Proposed Trinity Church Road Extension

Secondary Plan Boundary



**CITY OF STONEY CREEK OFFICIAL PLAN**  
 Schedule "A3-4"  
 Trinity West Secondary Plan



Date: April 2010  
 PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
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**Schedule D**  
Amendment No. 159 to the  
Official Plan for the Former City  
of Stoney Creek



**Legend**

- Secondary Plan Boundary
- Area Specific Policy - USC 1 (Eramosa Karst)
- Subsurface Conduit Area
- Core Areas
- Linkages
- Approximate Area of Buried Eramosa Escarpment
- Streams
- Sink Holes
- Springs

**CITY OF STONEY CREEK OFFICIAL PLAN**  
**Schedule "A3-5"**  
**Trinity West Natural Heritage System**



Date: April 2010



Hamilton

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

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# CITY OF STONEY CREEK OFFICIAL PLAN Schedule 'B' Stoney Creek Open Spaces & Natural Environment System

## LEGEND

-  Lakeshore Protection Area
-  Escarpment Natural Area
-  Escarpment Protection Area
-  Escarpment Rural Area
-  Waste Disposal Assessment Area
-  Existing and Licenced Pits and Quarries
-  Winona Minor Urban Centre
-  CLASS 1 - Environmentally Significant Areas \*
-  120 m Wetland Buffer Zone
-  CLASS 2 - Core Area \*
-  Pond Core Area
-  CLASS 3 - Rehabilitation Area
-  Watercourses - Rehabilitation Areas (min 60m wide)
-  CLASS 4 - Open Space and Parks
-  Pond
-  Municipal Boundary
-  Points of Ecological Interest
-  50 metre buffer around Class 1 & 2 Areas

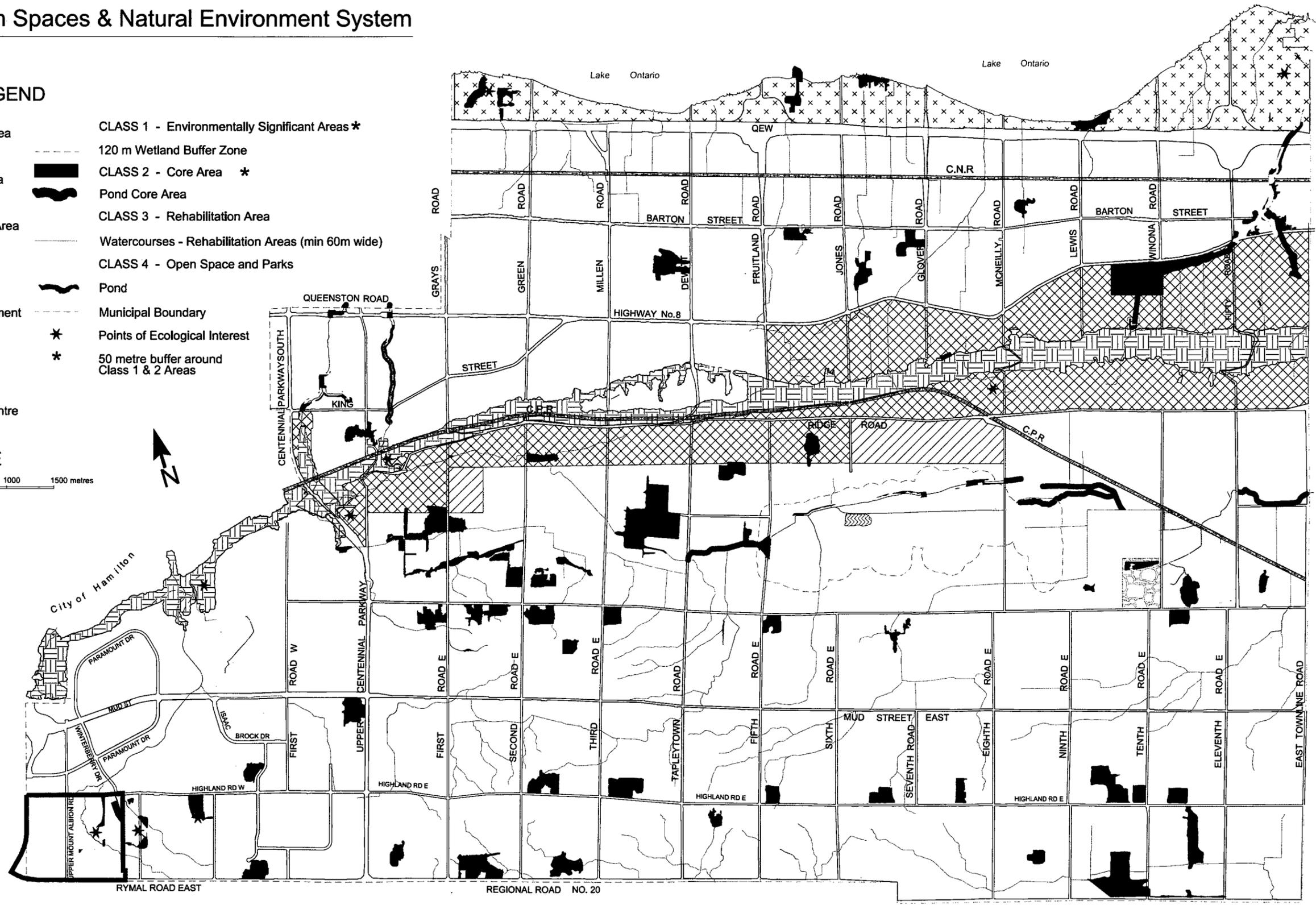
## SCALE



Schedule E  
Amendment No.159 to the  
Official Plan for the former  
City of Stoney Creek

Remove Designations and  
Annotate with "See Schedule A3-5"

Date: June 2010	Revised by: AM/MS	Reference File No. OPA 159 (S)
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Niagara Region - Town of Grimsby

Township of Glanbrook

Township of West Lincoln

Schedule F  
Amendment No.159 to the  
Official Plan for the former  
City of Stoney Creek

— Delete lands from Schedule and  
Annotate with "See Schedule A3-4"

Date: June 2010	Revised by: AM/MS	Reference File No. OPA 159 (S)
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LAKE ONTARIO

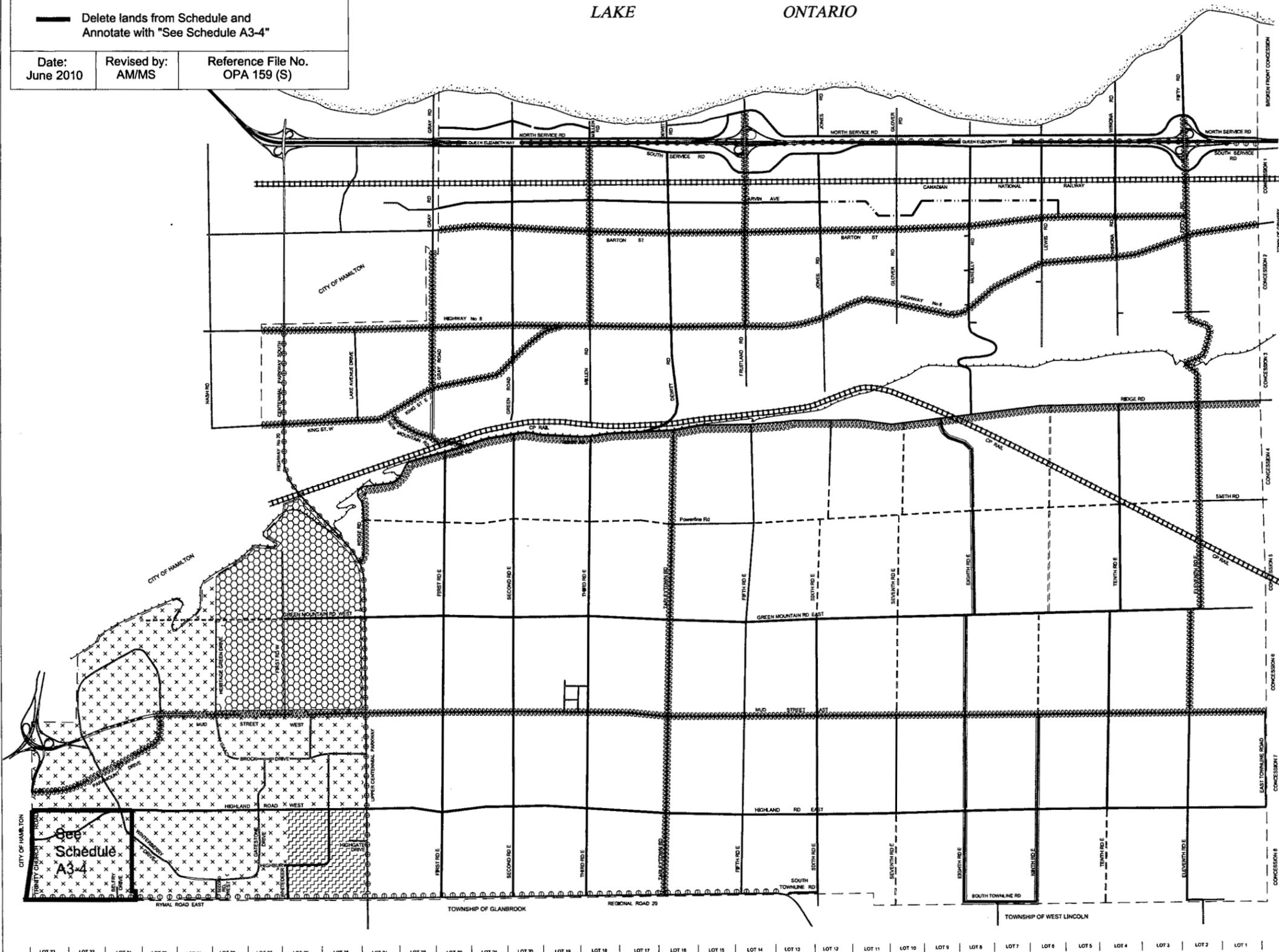
CITY OF STONEY CREEK  
OFFICIAL PLAN

Schedule "D"  
Functional Road Classification

Legend



- Municipal Boundary
- Collector Road
- - - Proposed Collector Road
- ~~~~~ Arterial Road
- - - Proposed Arterial Road
- o o o o o Inter Regional Highway



LOT 33 LOT 32 LOT 31 LOT 30 LOT 29 LOT 28 LOT 27 LOT 26 LOT 25 LOT 24 LOT 23 LOT 22 LOT 21 LOT 20 LOT 19 LOT 18 LOT 17 LOT 16 LOT 15 LOT 14 LOT 13 LOT 12 LOT 11 LOT 10 LOT 9 LOT 8 LOT 7 LOT 6 LOT 5 LOT 4 LOT 3 LOT 2 LOT 1

