ISSUE DATE:

August 13, 2012



PL101149

# Ontario Municipal Board Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(36) of the Planning Act, R.S.O. 1990, c. P.13, as amended

Appellant:

Roy James, Elizabeth James, Lory James and Jaroc

Management Services Ltd.

Appellant:

Waterdown Bay Ltd.

Subject:

Proposed Official Plan Amendment No. 122 to the Official

Plan of the former Town of Flamborough

Municipality:

City of Hamilton

OMB Case No.: OMB File No.:

PL101149 PL101149

# **APPEARANCES:**

<u>Parties</u>	Counsel
Roy James, Elizabeth James, Lory James and Jaroc Management Services Ltd.	M.V. MacLean
Waterdown Bay Ltd.	S. Snider
City of Hamilton	M. Minkowski, J. Wice

# MEMORANDUM OF ORAL DECISION DELIVERED ON NOVEMBER 2, 2011, BY M.C. DENHEZ AND ORDER OF THE BOARD

This dispute over a secondary plan has been settled, in the former Town of Flamborough, now part of the City of Hamilton (the City). The dispute pertained to the former Town's Official Plan Amendment (OPA) No. 122, also called the Waterdown South Secondary Plan (Secondary Plan).

The Waterdown South Secondary Plan area (Plan Area) covered 180 hectares, principally on vacant tableland above the Niagara Escarpment in the northeast corner of the former Region of Hamilton-Wentworth (the former Region). The process began in 1991, with an initiative for urban expansion which was ultimately approved by the Province in 2002.

The purpose of the Secondary Plan was to establish projections for land uses, basic transportation networks, community facilities, infrastructure requirements, and development standards to guide the development and redevelopment of lands in the Planning Area, as well as protection of natural areas, environmental and heritage resources including Grindstone Creek, the Niagara Escarpment Natural Area and Protection Area, and areas with potential heritage/archaeological significance. The Secondary Plan would provide detailed land use planning-related policies for the regulation of land use and development of the Planning Area. The scale of the vision was substantial, foreseeing 3400 to 3800 dwellings, and 8600 to 9600 people. At some 72 persons and/or jobs per hectare, it was described as "a fairly dense urban community", including employment and institutional uses, and some 25,000 square metres of commercial floor space.

# The Secondary Plan would require:

- An amendment to the Official Plan (OP) of the former Town of Flamborough (OPA 122). That OP is still in effect.
- The above amendment would also need to be copied in mirror amendments to the OP of the former Region. Indeed, Regional Official Plan Amendment No. 40 (ROPA 40) mirrored OPA 122 so closely that the two sets of amendments were amalgamated into the same document.
- The above provisions would also need to be referenced in the new Urban Hamilton Official Plan (UHOP) of the amalgamated City (UHOP Amendment No. 5); but UHOP is not fully in effect yet, as some appeals are still outstanding. UHOP Amendment No. 5 was also before the Board under a previous consolidation with Board File No. PL110331. Although the City supported UHOP Amendment No. 5, it asked the Board to withhold its Order on that specific Amendment, until relevant provisions in the main document had taken effect.

OPA 122, for its part, had been appealed by Waterdown Bay Ltd. (Waterdown), the principal landowner within the Plan Area. Waterdown had a registered plan of

subdivision for some of its lands within the Plan Area, and intended to bring forward proposals for the rest. However, Waterdown and the City had reached consensus on all key items some time ago.

OPA 122 was also appealed by Roy James, Elizabeth James, Lory James and their family company, Jaroc Management Services Ltd. They owned land west of the Plan Area. They too, however, ultimately reached consensus with the other parties.

The Board heard from the City's planner on the file (and principal author of the OPA since 2004), Mr. Paul Lowes. He described OPA 122, ROPA 40, and UHOP Amendment No. 5. He referred to what he called the various recent "refinements" in detail, notably relocation of District Commercial functions with increased emphasis on Mixed Use, and realignment of collector roads. He also discussed improvements to transitional elements near existing buildings, notably lot dimensions and buffers, and provisions for massing. Other refinements would affect store size and phasing, while parallel documents would address items like hedgerows and streetscape. In particular, he noted that many of the ideas had been "guided" by the study of the subwatershed.

Mr. Lowes testified that, in his professional opinion, the OPA (as revised) met the requirements of the *Planning Act*, the Provincial Policy Statement, and the Growth Plan for the Greater Golden Horseshoe. It was also logically consistent with the Regional OP, UHOP, the former Town's OP, and the principles of good planning. He added that it complemented the Niagara Escarpment Plan. Equally importantly, it met the numerous study requirements.

That expert opinion was undisputed. The Board has carefully considered all the evidence, the Decisions of various Councils, the supporting information/material thereto, and the able submissions of Counsel. The Board is satisfied that the above consensus does indeed correspond to the statutory requirements and the principles of good planning.

The Board therefore disposes of this matter as follows. THE BOARD ORDERS that the appeals are allowed in part, and:

1. Amendment No. 122 to the Official Plan for the former Town of

Flamborough and Official Plan Amendment No. 40 to the former Region of Hamilton-Wentworth are both modified as set out in Attachment "1" to this Order and, as modified, are both approved.

- 2. Amendment No. 5 to the Urban Hamilton Official Plan is modified as set out in Attachment "2" to this Order and, as modified, is approved.
- 3. THE BOARD WITHHOLDS its Order pertaining to paragraph 2 above, until such time as it advised by the City that the other relevant sections of the Urban Hamilton Official Plan are in effect.

It is so Ordered.

"M.C. Denhez"

M. C. DENHEZ MEMBER

# Amendment No. 40 to the former Regional Municipality of Hamilton-Wentworth Official Plan; and, Amendment No. 122 to the former Town of Flamborough Official Plan

The following text, together with:

# Regional Municipality of Hamilton-Wentworth Official Plan

Schedule "A" (Map No. 4 – Environmentally Significant Areas);

# Town of Flamborough Official Plan

- Schedule "B" (Schedule 'A' Waterdown Urban Area Land Use Plan);
- Schedule "C" (Schedule 'B' Town of Flamborough Rural Land Use Plan);
- Schedule "D" (Schedule 'A-5' Waterdown South Secondary Plan –Land Use Plan); and,
- Schedule "E" (Appendix 'G' Waterdown South Secondary Plan Natural Heritage and Natural Hazard Features);

attached hereto, constitute Official Plan Amendment No. 40 to the Regional Municipality of Hamilton-Wentworth Official Plan and Official Plan Amendment No. 122 to the Town of Flamborough Official Plan.

# **Purpose and Effect:**

The purpose of these Amendments is to provide for minor changes to the Environmentally Significant Area mapping in the Regional Municipality of Hamilton-Wentworth Official Plan and to adopt the Waterdown South Secondary Plan comprised of text and schedules into the Town of Flamborough Official Plan.

The purpose of the Waterdown South Secondary Plan is to provide a land use planning framework to guide development for this community over a 20-year planning period. This largely residential community will include supporting neighbourhood-scale commercial uses, community uses, and extensive natural areas associated with existing woodlots, wetlands and stream valleys within the community. At full build-out the Secondary Plan Area is expected to accommodate approximately 8,600 to 9,600 residents at different stages of their life cycle, in roughly 3,400 to 3,800 dwelling units. Commercial uses will be accommodated in a District Commercial designation, a Mixed

Use Medium designation which includes a "main street" style shopping area, and within three neighbourhood nodes.

The Secondary Plan provides a detailed land use plan and related policies for the regulation of land use and development within the Plan Area in accordance with the applicable policies of the Regional Municipality of Hamilton-Wentworth Official Plan and Official Plan of the former Town of Flamborough, while having regard for the City's adopted new Urban Hamilton Official Plan.

# Location:

The lands comprising Regional Official Plan Amendment No. 40 and Flamborough Official Plan Amendment No. 122 encompass approximately 180 ha (446 acres) bounded by Dundas Street East/Highway 5 to the north, Kerns Road to the east, Mountain Brow Road to the south, and Flanders Drive/Rosecliffe Place to the west.

# Basis:

The basis for permitting these Amendments is as follows:

The subject Official Plan Amendment covers a portion of the area approved for the urban expansion of Waterdown under Official Plan Amendment (OPA) 28, adopted by Town of Flamborough Council in May 1992 and approved in revised form by Cabinet in June 2002. In approving OPA 28, Cabinet concurrently approved a related Memorandum of Agreement requiring development to await completion of: a Class Environmental Assessment for the Dundas Waste Water Treatment Plant expansion/diversion; a Master Environmental Assessment Transportation Study; a Waterdown South Sub-watershed Study; and, completion of secondary plans for the urban expansion area.

The findings and recommendations of these various studies and processes have been reflected in the land use pattern, goals, objectives and policies of the Waterdown South Secondary Plan.

Minor changes to the Regional Municipality of Hamilton-Wentworth Official Plan Map No. 4 are being made to accommodate redefined boundaries for two Environmentally Significant Areas.

#### Actual Changes:

A. Former Regional Municipality of Hamilton-Wentworth Official Plan

# A.1 - Map Changes:

- (a) Map No. 4 Environmentally Significant Areas is amended by:
  - i) adding lands to the "Environmentally Significant Area 9 Waterdown Woods"; and,
  - ii) adding lands to the "Environmentally Significant Area 10 Grindstone Valley";

as shown on the attached Schedule "A" of this Amendment.

# B. Former Town of Flamborough Official Plan

# A.1 - Map Changes:

- (a) Schedule 'A' Waterdown Urban Area Land Use Plan is amended by:
  - i) identifying lands as OPA # 122;
  - ii) redesignating lands from "Residential" to "Urban Commercial";
  - ii) redesignating lands from "Parks and Open Space" to "Residential";
  - iii) redesignating lands from "Residential" to "Institutional";
  - iv) redesignating lands from "Parks and Open Space" to "Natural Open Space"
  - v) redesignating lands from "Residential" to "Mixed Use"

as shown on the attached Schedule "B" of this Amendment.

- (b) Schedule 'B' Rural Land Use Plan is amended by deleting "Site Specific Area No. 10" as shown on the attached Schedule "C" of this Amendment.
- (c) The Town of Flamborough Official Plan is amended by adding a new schedule, "Schedule 'A-5' Waterdown South Land Use Plan" as shown on the attached Schedule "D" to this Amendment.
- (d) The Town of Flamborough Official Plan is amended by adding a new appendix, "Appendix 'G' Waterdown South Natural Heritage and Natural Hazard Features" as shown on the attached Schedule "E" to this Amendment.

#### **B.2 - Text Changes:**

The text of the Official Plan of the Town of Flamborough Planning Area is hereby amended as follows:

(a) The General Policies to Part Two, Section A.1 – The Urban Area is amended by adding the following as a new policy between Policies A.1.2 and A.1.3:

"While the URBAN AREA policies apply to lands shown on Schedule 'A', the growth and development of the WATERDOWN SOUTH PLANNING AREA shall be guided by the policies contained in Amendment No. 122 to this Plan. In the case of a discrepancy in policies, those policies contained in Amendment No. 122 and set out in Section A.9 of this plan, shall prevail upon lands within the defined area of the WATERDOWN SOUTH PLANNING AREA."

- (b) Sections A.1.12 and A.1.13 are hereby deleted.
- (c) Section B.8.4.4 is hereby deleted.
- (d) Section A The Urban Area is revised by adding a new section as follows:

# A.9 WATERDOWN SOUTH SECONDARY PLAN

The policies of this Section, in conjunction with Schedule 'A-5' Land Use Plan, constitute the Waterdown South Secondary Plan. It establishes land uses, basic transportation network, community facilities, infrastructure requirements and development standards to guide the development and/or redevelopment of lands located in the South Waterdown Area. The principles, objectives and policies of the Waterdown South Secondary Plan, as well as the general policies in the Official Plan, provide guidance and direction for the future development of the Secondary Plan Area.

#### A.9.1 GENERAL

#### a. Development Concept

The Waterdown South Secondary plan comprises roughly 180 ha of land located in the east end of Waterdown, extending between Dundas Street to the north and Mountain Brow Road to the south, the municipal boundary along Kerns Road to the east and the Renwood Park subdivision to the west. The Secondary Plan has been designed to respect and enhance a number of prominent natural areas throughout the community, including Grindstone Creek, Falcon Creek, Hager Creek, the Waterdown Escarpment Woods and Grindstone Creek Valley Environmentally Significant Areas (ESAs), and the Falcon Creek Provincially Significant Wetland Complex, each of which has been incorporated into a natural heritage system.

Waterdown South is located within the Niagara Escarpment Plan Area. The community should be developed with a streetscape and built form character that is compatible with the natural environment and key visual characteristics of the Niagara Escarpment. Where appropriate, this urban character may be required to incorporate height restrictions, adequate setbacks, landscape screening, boulevard treatments, and alternative road design to minimize the visual impact of urban development on the Escarpment Landscape.

Kerns Road and a part of Mountain Brow Road should be maintained as character roads in order to create a sense that the community is well connected to the Niagara Escarpment's natural environment.

Development should be designed and located so as not to have a negative impact on the Escarpment Natural Area, Escarpment Protection Area and other designated natural heritage features, as well as on water quality and quantity, wildlife, visual attractiveness and cultural heritage features.

The Waterdown South community is intended to offer a full range of housing opportunities from large lot residential homes through to apartment and adult lifestyle (retirement) living in an urban context. Block patterns, school, park and commercial locations should create walkable neighbourhoods. A central neighbourhood node should be within walking distance of each neighbourhood. Small-scale commercial and live-work uses along with *community facilities/services* will be encouraged to locate within each neighbourhood node.

Large lot residential housing will occur along the western limits of the study area of the Waterdown South community to complement and provide a transition to the established Renwood Park subdivision. The extent of natural areas and features within the Waterdown South community affords excellent opportunities for establishing other areas of large lot housing, particularly adjacent to Waterdown Woods.

The Waterdown South Secondary Plan provides the opportunity to create an 'aging in place' adult lifestyle community, in the northeast portion of the community, containing a variety of ground-related and medium-rise housing forms, recreational uses and small scale commercial uses serving the immediate residents.

Medium density housing is directed to occur along the arterial and collector roads through the community, and within the vicinity of each neighbourhood node. Higher density housing is planned for the Mixed Use Medium area situated between Dundas Street and Grindstone Creek in the north/central portion of the community. This area will support residential, institutional, office, retail and service commercial uses and will include a pedestrian-oriented "main street" shopping area along the key entrance to the community where shops and restaurants will be required to face directly onto the street.

# A.9.2 GENERAL DEVELOPMENT PRINCIPLES AND OBJECTIVES

#### A.9.2.1 Residential

a. To promote compact urban form that creates varied and distinguishable residential neighbourhoods.

- b. To encourage a mix of uses and housing types that meet the housing needs of residents throughout their life cycles and allow them to remain within the community.
- c. To create residential communities which incorporate a high standard of community planning and urban design practices while protecting and enhancing the natural environment.
- d. To support future public transit service by locating commercial and higher intensity residential uses along Dundas Street West, the north-south arterial road, the collector road spine, and within neighbourhood nodes located at the intersections of such roadways.
- e. To promote live/work opportunities in appropriate locations within walking distance of neighbourhood residents.
- f. To encourage pedestrian travel, cycling, and other forms of active transportation as alternative modes of movement by introducing safe, well connected pedestrian and cycling networks in the community that link to external systems.
- g. To promote urban design that is compatible with the natural environment and visual character of the Niagara Escarpment.
- h. To limit the height of development to ensure that there will be no substantial visual impact on the Niagara Escarpment.

#### A.9.2.2 Commercial

- a. To designate a Mixed Use Medium area, a District Commercial area and neighbourhood nodes at strategic locations to promote live-work relationships, create neighbourhood identity and focal points, reduce commuting and support future public transit services.
- b. To locate retail shops along a pedestrian oriented 'main street' within the Mixed Use Medium designation with on-street parking.
- c. To encourage other retail, office and service commercial uses on the bottom floor(s) of residential apartment buildings but also permit stand alone commercial buildings as interim uses in the Mixed Use Medium designation.
- d. To limit the amount and scale of new retail development to ensure that it complements and does not impact on the planned function of established commercial areas including Downtown Waterdown.
- e. To ensure that commercial areas incorporate a high standard of community planning and urban design and, where applicable, integrate with nearby significant natural heritage features.

# A.9.2.3 Natural Heritage System and Open Space

- a. To establish a natural heritage system within the context of an urban setting that protects, preserves and, where appropriate, enhances significant natural heritage features, functions and linkages over the longterm.
- b. To maintain wildlife movement corridors along the Niagara Escarpment and through the Grindstone Creek valleylands.
- c. To maintain or enhance, to the greatest extent possible, the predevelopment surface water and ground water quality and quantity in accordance with municipal and Conservation Authority standards in order to protect and enhance on-site and downstream fisheries and wetlands, on-site and off-site karst features and functions, as well as drinking water for those residences on well-based systems downstream.
- d. To employ, where appropriate, naturalized forms of stormwater management that minimize stormwater run-off and impervious surfaces, and reduce the need for, and size of stormwater management ponds.
- e. To respect and maintain the existing drainage boundaries within the Waterdown South Planning Area, to the satisfaction of the City of Hamilton in consultation with Conservation Halton.
- f. To ensure, through appropriate studies and mitigation measures, that public safety is not compromised and property damage does not result from building and infrastructure construction within the vicinity of known karst features.
- g. To provide, where feasible, a passive recreational trail system through the Natural Heritage System.
- h. To provide adequate public access to the Niagara Escarpment by such means as pedestrian trails (e.g. the Bruce Trail) and associated parking areas.
- i. To respect the objectives and policies of the Niagara Escarpment Plan and to ensure that the cumulative impact of development will not have a serious detrimental effect on the Escarpment environment, including its water quality, vegetation, wildlife, and the unique Escarpment landscape.
- j. To ensure that development is compatible with, and provides for, the protection of unique ecological areas, significant wildlife habitat, and water quality and quantity both inside and adjacent to the Waterdown South Planning Area.

# A.9.2.4 Transportation/Transit/Pedestrian/Cycling Linkages

- a. To create a system of roads and transportation corridors that promotes the safe, efficient and timely circulation of vehicular and non-vehicular traffic, and contributes to the public realm through a street, block and land use pattern that encourages walking and other forms of active transportation, creates pedestrian-oriented streetscapes, and links the components of the community.
- b. To create a grid system of arterial, collector and local roads and discourage cul-de-sacs, wherever possible.
- c. To create a linked pedestrian and cycling network consisting of cycleways, paths, walkways and sidewalks on local and collector roads, through parks and schools, the hydro corridor, along Grindstone Creek and through stormwater management facilities and natural heritage features in a manner that has regard for the ecological function of the area and minimizes impacts.
- d. To provide pedestrian network connections to the historic centre of Waterdown, the surrounding residential neighbourhoods and to the existing natural open space systems external to the Waterdown South Secondary Plan area.
- e. To design the east-west collector road as a pedestrian and bicycleoriented spine of the community linking all significant land uses within the community.
- f. To plan residential development and its road network so that residents are predominantly within a 400 metre walking distance of neighbourhood parks, commercial facilities and future public transit services.
- g To promote future public transit opportunities through land use arrangements, building orientation and streetscape design.
- h. To orient streets so as to promote energy conservation.
- i. To ensure that all new and reconstructed roads will be designed and located to minimize the impact on the Escarpment environment such design may differ from the *City of Hamilton Engineering Guidelines*.
- j To create road and boulevard designs that transition and blend into the surrounding Escarpment landscape, along Mountain Brow Road, and Kerns Road and other new roads abutting the Escarpment Natural and Escarpment Protection Areas such design may differ from the City of Hamilton Engineering Guidelines.
- k. To maintain and enhance natural vegetation within the Mountain Brow Road, and Kerns Road right of way where possible.
- I. To provide a secure route for the Bruce Trail where it exists in the Waterdown South Planning Area.

m. To protect views of the Escarpment landscape from Mountain Brow Road and Kerns Road, and provide opportunities for views from new local roads abutting the Escarpment Natural and Protection Areas.

#### A.9.2.5 Infrastructure

- a. To provide for the extension of water and wastewater services in a timely, and efficient manner throughout the Waterdown South Planning Area.
- b. To provide for drainage and stormwater management facilities in accordance with the recommendations of the South Waterdown Subwatershed Study, and in locations which can complement the natural heritage system.
- c. To design stormwater services so as not to adversely affect downstream water quality, quantity, and the Escarpment environment.

# A.9.2.6 Urban Design

- a. To provide integrated community design that coordinates land use, open space, the street network and built form elements to achieve and reinforce a high quality, integrated community vision.
- b. To incorporate elements of Waterdown South's distinct natural and cultural heritage in the establishment of design characteristics that will promote and achieve unique community design.
- c. To establish gateways at strategic locations to function as entranceways to Waterdown and the community of Waterdown South.
- d. To create an urban fabric characterized by an interconnected street network that is responsive to existing natural heritage, surrounding land uses and cultural heritage elements.
- e. To integrate views of natural heritage features within the community design.
- f. To promote public transit, walking and recreational connections through a well connected system of streets, walkways and trails.
- g. To design streets and built form that promote personal safety through natural surveillance opportunities.
- h. To promote building forms and site layouts that address the street and which locate and orientate on-site parking, garages and service/loading areas to minimize the impact to the streetscape.
- i. To create street and building design that promotes pedestrian comfort and vitality at the grade level of buildings.
- j. To promote design variety within the streetscape.

- k. To promote a variety of housing with diverse architecture for individuals and families of all ages.
- I. To encourage mixed-use development along strategic corridors and within walking distance of residential neighbourhoods.
- m. To integrate community and institutional uses at visible, highly accessible locations.
- n. To create streetscapes and built form that are compatible in design with the visual and natural environment of the Niagara Escarpment, where they abut the Escarpment Natural Area and Escarpment Protection Area designations.

#### A.9.3 LAND USE DESIGNATIONS

# A.9.3.1 Residential Designations

Lands designated Residential shall be developed in accordance with Schedule 'A-5': Waterdown South Secondary Plan - Land Use Plan and the following policies.

#### A.9.3.1.1 General Residential Policies

- a. Residential development in the Waterdown South Planning Area shall have a compact urban form that encourages walkability.
- b. A variety of housing opportunities suitable to a wide range of housing needs shall be encouraged through a variety of tenure options, housing prices and housing forms, including adult lifestyle housing and innovative housing ideas.
- c. A broad range and mix of housing types are promoted between and within residential density categories. The City shall strive to achieve a variety of building types within each density category, such that no portion of the Secondary Plan Area is dominated by one housing type, and to provide an interesting streetscape.
- d. Where townhouses are proposed, a mix of townhouse block lengths is encouraged to provide variety to the streetscape. The creation of long townhouse blocks should be avoided and building setbacks and/or alternate building facades will be encouraged to prevent long stretches of monotonous elevation. The zoning by-law shall contain standards controlling setbacks and the number of units within a block.
- e. Where a net density range is specified in a residential designation, a *net residential hectare* density may be averaged over each plan of subdivision within the designation.

- f. The provision of housing with supports shall be encouraged. As such, group homes, residential care facilities, nursing homes and long-term care facilities, and retirement homes shall be permitted in all residential designations where deemed appropriate subject to the implementing zoning, provided the size and scale of such facilities shall be similar to, and oriented to the built form permitted in each designation.
- g. Community facilities and institutional uses such as schools, places of worship, day care centres and other related community and institutional uses, shall be permitted in all residential designations, subject to the implementing zoning, provided the lot to accommodate the use is located along an arterial or collector roadway and is of a sufficient size to accommodate the use as determined through the requisite zoning, subdivision and site plan approval processes.
- h. Garage protrusion shall be discouraged to create more attractive streetscapes and provide interactive outdoor space for pedestrians. The implementing Zoning By-law shall contain provisions restricting the extent of garage protrusions.
- i. Direct vehicle access to individual dwelling units from arterial roads shall not be permitted.
- j. Direct access to individual street townhouse units from Skinner Road may be discouraged where necessary to maintain road function and alternative forms of access such as use of shared or common access points and rear lane arrangements shall be permitted and encouraged.
- k. Reverse frontage lotting patterns shall be discouraged, and may only be permitted under certain circumstances or where the owner satisfies the City that no other alternative development form or street patterns are feasible. The use of long stretches of acoustical walls adjacent to arterial roads shall also be discouraged.
- I. The arrangement of collector roads, land uses and densities should be planned so that residential units are predominantly located within a 400 metre walking distance of a commercial facilities or neighbourhood nodes.
- m. A variety of housing elevations shall be encouraged within each residential block to provide an interesting streetscape. In support of this policy, demonstration of how the development will meet the Secondary Plan Urban Design Guidelines shall be required as a condition of draft plan of subdivision approval.

# A.9.3.1.2 Low Density Residential 1

a. The Low Density Residential 1 designation shall permit single detached dwellings, second dwelling units and home businesses. The maximum permitted density shall be 22 units per net residential hectare (upnrh),

- b. The new lots along the western limit of the Secondary Plan Area shall serve as a transition area between the established homes and new residential development internal to the Waterdown South community. The implementing zoning by-law shall ensure that all new lots immediately opposite those on Flanders Drive and Rosecliffe Place have a similar lot width at the point where the new lots are opposite to the existing lots and in no case shall the lot width at the point opposite to the existing lots be narrower than 18.2 metres. The lots immediately opposite those on Flanders Drive and Rosecliffe Place shall also have a maximum building height of 2.5 storeys, provided floor area above the second floor is contained within the roof peak and that windows above the second floor are contained in dormers facing the front yard.
- c. New lots within the Low Density Residential 1 area which extend into Waterdown Woods shall be required to conform to the following:
  - i) Lot width shall not be less than 15.24 metres (50 feet).
  - ii) The maximum height of the dwelling to the mid-point of roof between peak and eves shall be 10.5 metres (34 feet) to prevent houses from exceeding the height of the trees.
  - iii) Rear yards shall be fenced with 1.2 metre (4 feet) black chain link fence to prevent encroachment into the woodlands and wetlands.
  - iv) Provide a setback of 30.0 metres to the surveyed dripline of trees to the south and 15.0 metres to the surveyed dripline of trees to the east and west.

# A.9.3.1.3 Low Density Residential 2

- a. The Low Density Residential 2 designation shall permit single detached dwellings, semi-detached dwellings, duplex dwellings, street townhouses and home businesses. Single detached and semi-detached dwellings shall be the primary form of housing in this designation, but limited areas of street townhouses shall be encouraged in each plan of subdivision. Second dwelling units may be permitted in single detached and semi-detached dwellings subject to the requirements of the zoning by-law.
- b. The overall density of lands designated Low Density Residential 2 shall range from 22 to 40 units per net residential hectare (upnrh). Development at the higher end of the density scale is expected to occur in small clusters to facilitate a range of housing types and sizes in each neighbourhood. The higher density housing units should be integrated with other housing forms on the same street.
- c. A maximum building height of 2.5 storeys shall be permitted.

# A.9.3.1.4 Low Density Residential 3

- a. The Low Density Residential 3 designation permits single detached dwellings, semi-detached dwellings, duplex dwellings, all forms of townhouses, and home businesses. Second dwelling units may be permitted in single detached and semi-detached dwellings subject to the requirements of the zoning by-law.
- b. The overall density of lands designated Low Density Residential 3 shall range from 30 to 60 units per net residential hectare (upnrh).
- c. A maximum building height of 3 storeys shall be permitted for all housing forms.
- d. Single detached dwellings shall generally comprise a maximum of 60% of the housing units within the Low Density Residential 3 designated area.

# A.9.3.1.5 Medium Density Residential

- a. The Medium Density Residential designation permits a range of housing types consisting of all forms of townhouses, low-rise apartments, other forms of multiple attached dwellings, and a limited amount of single detached and semi-detached dwellings.
- b. The overall density of lands designated Medium Density Residential will be in the range of 60 to 75 units per net residential hectare (upnrh).
- c. A maximum building height of 3 storeys shall be permitted for single and semi-detached dwellings, with a maximum height of 4 storeys permitted for all other permitted housing forms.
- d. Single detached dwellings shall generally comprise a maximum of 25% of the housing units within the Medium Density Residential designated area.

# A.9.3.1.6 Medium Density Residential – Site Specific Policy Area

- a. The Medium Density Residential Site Specific Policy Area designation is intended to permit an adult lifestyle community that promotes 'aging in place'.
- b. Permitted uses within this designation include those uses permitted in the Medium Density Residential designation as set out in Section A.9.3.1.5, as well as mid-rise apartments, and various forms of *housing with supports*, along with accessory recreational and commercial uses servicing the needs of the surrounding residents.
- c. The overall density of lands designated Medium Density Residential Site Specific Policy Area shall be in the range of 60 to 100 units per net residential hectare (upnrh).

- d. A maximum building height of 8 storeys shall be permitted except for the lands located between the Escarpment Natural Area and the Escarpment Protection Area/Storm Water Management Facility, the maximum permitted building height shall be 6 storeys, but building heights may be increased up to 8 storeys subject to a Visual Impact Assessment in accordance with Section A.9.9.1.i.
- e. The clustering of residential units is encouraged to maximize the provision of generous open space areas within this designation.
- f. Lands designated Medium Density Residential Site Specific Policy Area shall be the subject of a site-specific implementing zoning by-law which may address such matters as performance standards related to building setbacks, height, separation distances, landscape and open space requirements, parking standards, and ancillary uses.

# A.9.3.2 Commercial Designations

The Waterdown South Secondary Plan provides for three commercial designations consisting of Mixed Use Medium, District Commercial, and Neighbourhood Node areas. The Mixed Use Medium designation is intended to function as a mixed use area consisting of mid-rise residential buildings and at grade commercial uses serving the adjacent neighbourhoods. The District Commercial designation is intended to function as a neighbourhood commercial centre meeting the weekly and daily retail and service commercial needs of residents both north and south of Dundas Street. Neighbourhood Nodes are intended to serve as small-scale neighbourhood focal points serving the convenience commercial needs of immediate residents and are generally located within walking distance of patrons.

In appropriate locations, the development of "live/work" housing units, which are principally residential dwellings but also accommodate small scale commercial uses on the ground floor are encouraged.

#### A.9.3.2.1 Commercial General Policies

- a. Total retail and service commercial floor space within the Mixed Use Medium and District Commercial designations shall not exceed 25,000 square metres, provided that office and service commercial uses above the ground floor shall not be included in the total floor space limitations.
- b. Commercial areas shall be developed in a co-ordinated and comprehensive manner. Access points along arterial and collector roads shall be limited and regard shall be given to the sharing of access points, adequate internal traffic circulation, and adequate off-street parking, loading and manoeuvring facilities.
- c. Open storage of goods and materials shall not be permitted.

- d. Loading and unloading areas shall be located so as to minimize adverse effects to adjacent residential areas and shall be screened from view.
- e. Landscaping shall form an integral part of all developments and screening and buffering shall be provided between commercial and other sensitive adjacent land uses.
- f. The distribution and phasing of retail and service commercial space in the commercial designations shall be in accordance with Section A.9.9.4.

#### A.9.3.2.2 Mixed Use Medium

- a. The Mixed Use Medium designation is intended to accommodate a range of residential, commercial, institutional and service uses. Such designated areas may be developed primarily for residential use or primarily for commercial use in the initial stage, but it is envisioned that over time these areas will evolve into truly mixed-use areas with residential and commercial uses mixed either within the same building or in certain locations within separate buildings on the same or abutting lots.
- b. Uses permitted within the Mixed Use Medium designation include:
  - i. commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices oriented to servicing residents personal services, financial establishments, live-work units, artist studios, restaurants, and gas bars;
  - ii. institutional uses such as hospitals, places of worship, fire halls, and schools;
  - iii. arts, cultural, entertainment, and recreational uses;
  - iv. hotels:
  - v. multiple dwellings;
  - vi.one lot depth of street townhouses located abutting and backing onto the Grindstone Creek Natural Area; and,
  - vii. accessory uses.
- c. Prohibited uses include:
  - i. vehicle dealerships:
  - ii. garden-centres as a primary use; and
  - iii. Drive-through facilities abutting Collector Road A.
- d. Sole residential buildings shall be permitted within the Mixed Use Medium Commercial designation provided such buildings are not located on Collector Road A
- e. It is expected that a municipal fire hall, as permitted by Section A.9.3.2.2 b)(ii), occupying a site of up to 0.8 ha will be required in this area along

- Dundas Street at a future signalized intersection. To create the main street character, a location on Collector Road A is discouraged.
- f. The density of lands within the Mixed Use Medium designation shall be a maximum of 2.5 times the lot area (Floor Space Index (FSI)) or generally a range of 60 to 200 upnrh for exclusive residential developments of up to 8 storeys in height and 200-300 upnrh for buildings of 8 12 storeys in height.
- g. Total retail and service commercial floor space within the Mixed Use Medium designation shall not be less than 3,600 square metres and the maximum floor area shall be no greater than that permitted in Section A.9.3.2.1 less the total floor area constructed within the District Commercial designation. The minimum floor area above shall be constructed along and oriented to Collector Road A.
- h. A maximum building height of 8 storeys shall be permitted, but building heights may be increased up to 12 storeys, subject to a Visual Impact Assessment which demonstrates to the satisfaction of the City and the Niagara Escarpment Commission that the matters set out in Section A.9.9.1.i are addressed.
- i. Along Collector Road A, through the Mixed Use Medium designation, the retail space and buildings shall be oriented in a 'retail main street' configuration with storefronts located close to the street and principal entrances facing the sidewalk so as to create a pleasant pedestrian shopping environment. The built form may include stand-alone stores, multiple unit commercial buildings or mixed-use buildings.
- j. Along Collector Road A, no parking, driveways, lanes or aisles shall be permitted between buildings and the public sidewalk. Drive-thrus, car washes, services stations and gas bars shall be prohibited adjacent to Collector Road A.
- k. For buildings located along Collector Road A, the principle public entrance shall provide direct access onto the public sidewalk. The windows and signage shall also face the street. Buildings should have a consistent minimal setback in accordance with the Urban Design, Streetscape and Open Space Guidelines required in Section A.9.4.
- I. The Urban Design, Streetscape and Open Space Guidelines, as required in Section A.9.4, and the implementing Zoning By-law shall establish build-to-lines and a minimum frontage per-block to be occupied by buildings within the Mixed Use Medium designation. A lesser requirement may be established on Dundas Street and other streets outside of the 'retail main street' area.
- m On-street parking shall be provided, wherever possible, in the Mixed Use Medium designation in combination with sufficient off-street parking.

- n. Parking lots abutting the street shall be screened with low walls, or landscape material so to provide a sense of enclosure along the setback line.
- o The implementing zoning by-law shall establish a minimum requirement for 3,600 sq. m. of retail and service commercial space to be provided along the 'retail main street' area.
- p. The implementing zoning by-law for the Mixed Use Medium designation shall consider lower commercial parking standards, which take into account the intended pedestrian nature of the 'retail main street' oriented uses and the role of on-street parking in meeting parking demands.
- q. A detailed concept plan for this designation will be required before approval of any zoning, subdivision or site plan application. The concept plan shall demonstrate to the satisfaction of the City:
  - i. How the policies of this plan are being implemented;
  - ii. The location and configuration of the 'retail main street' area;
  - iii. Means to accommodate traffic flows through the area including access points and the private and public street network;
  - iv. The treatment of intersections within the designation to ensure pedestrian comfort while also ensuring an appropriate flow of traffic;
  - v. An appropriate build-to-line for each street;
  - vi. An appropriate minimum frontage-per-block for each street;
  - vii. The proportion of retail space to be provided along the retail main street:
  - viii. The location of initial and potential future residential and mixed-use buildings; and
  - ix. How the area can evolve and intensify over time to a fully mixed-use area.

#### A.9.3.2.3 District Commercial

- a. The District Commercial designation is intended to accommodate a range of retail and service commercial uses intended to serve a neighbourhood shopping function which meets the weekly and day-to-day retail and service commercial needs of residents in the secondary plan area and adjacent neighbourhoods.
- b. Uses permitted within the District Commercial designation include:
  - offices, service commercial uses including personal service uses and restaurants, retail stores including supermarkets except that a single user over 10,000 square metres shall not be permitted, and gas bars, car washes, motor vehicle service stations;

- ii. live-work units and residential uses above commercial units;
- iii. places of worship, day care centres, libraries, fire and police stations, post offices, recreational facilities, community centres meeting spaces and similar uses.
- c. The designation shall permit up to 16,000 square metres of retail and service commercial floor space provided the total retail and service commercial floor space within the District Commercial and the Mixed Use Medium Density designations combined do not exceed 25,000 square metres.
- d. Single use stores greater than 5,000 square metres may be situated along Dundas Street, in the interior of the site 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 along a collector road provided they are lined with smaller stores, multiple entrances, or other similar means to animate the streetscape along the collector road.
- e. Offices uses in the same lot shall not exceed 2,000 square metres.
- f. Parking lots abutting the street shall be screened with low walls or landscape material so to provide a sense of enclosure along the setback line.
- g. Sole residential buildings are not permitted within the District Commercial designation.

# A.9.3.2.4 Neighbourhood Node Designation

- a. Neighbourhood Nodes are to function as neighbourhood focal points that meet the day-to-day commercial needs of nearby residents and are located within walking distance of patrons. They are intended to accommodate small scale retail and service uses in small nodes along with medium density residential housing.
- b. Neighbourhood Nodes are generally located at the intersection of two collector roads or collector and arterial roads and are spaced throughout the community to provide maximum accessibility to pedestrians.
- c. Uses permitted within the Neighbourhood Node designation include: medium density residential and live/work buildings as set out in section A.9.3.1.5 a); convenience retail uses, personal services, professional offices; institutional uses; community facilities/services; and public spaces such as a village or neighbourhood square. Drive-thrus and motor vehicle service stations are not permitted.
- d. The permitted net residential density shall generally range from 50 to 75 upnrh.

- e. A maximum building height of 4 storeys shall be permitted.
- f. Live-work buildings shall take the form of townhouses consisting of ground floor commercial or office uses with a residential unit above.
- g. Low rise apartment buildings with ground floor retail, service commercial or office use can perform a neighbourhood node function.
- h. Buildings shall face the street with a minimal consistent setback and the principal public entrance shall provide direct access onto the public sidewalk. The primary windows and signage shall also face the street.
- i. On-street parking shall be permitted on the adjacent collector roads. In most circumstances, it is the intent that all parking needs for commercial uses can be achieved through on-street parking.
- j. The implementing zoning by-law shall establish a maximum floor area for small scale commercial uses in recognition of the limited retail function of this designation.
- k. The implementing zoning by-law shall also give consideration to establish lower parking standards which take into account the intended pedestrian nature of these uses, shared parking opportunities within live-work buildings, and the contribution of on-street parking to meet parking demand.
- I. Required on-site parking and loading areas are encouraged to locate to the rear of buildings to achieve an attractive streetscape and a pedestrianfriendly built-form environment. Where parking lots abutting the street are unavoidable due to unique circumstances, they shall be screened with low walls, and landscape materials, but shall not be located in front of the buildings.

# A.9.3.3 Institutional Designation

- a. Uses permitted on lands designated Institutional shall include schools, day care centres, places of worship, nursing homes, residential care facilities, community facilities, government services and other similar institutional uses.
- b. Schedule 'A-5' identifies the general location and size of two elementary schools, as requested by the Hamilton-Wentworth Catholic District Separate School Board and the Hamilton-Wentworth District School Board. The location of these school sites may be moved and the size may change without amendment to this plan. The specific location and size of each designated school site shall be determined as part of the approval process of the draft plan of subdivision in which each school site is located. The need for a particular school site shall also be confirmed by the School Board as part of the approval process, and the timing for which the site is reserved will also be established at that time.

- c. All schools shall be located adjacent to designated Parks to provide opportunities to share facilities.
- d. Should any or all of the designated school sites not be required by the appropriate school board, such lands may be used for the following additional purpose without an Official Plan Amendment:
  - i. Uses permitted in the Low Density Residential 2 designation.
- e. Institutional buildings should be accessible by all modes of transportation, and designed as neighbourhood focal points, which create a distinctive community identity and sense of place and serve as landmarks for orientation and local identity.
- f. At the time of subdivision approval, school sites may be zoned for both institutional and residential purposes having regard to the abutting density and form of development.
- g. A maximum building height of 15 metres is permitted.

# A.9.3.4 Neighbourhood Park Designation

- a. Lands designated Neighbourhood Park on Schedule A-5 shall constitute neighbourhood level parks that provide a variety of recreational opportunities for the residents of the Waterdown South Planning Area. Permitted uses shall include both active and passive recreational uses.
- b. Lands designated Neighbourhood Park shall be visible and accessible to the public, with unobstructed views provided to improve surveillance of such areas.
- c. A pedestrian and bicycle trail network shall be established to link parks and open space with adjacent residential areas. Appropriate trail linkages shall be made with the hydro corridor crossing the Secondary Plan Area, the Bruce Trail system through the Niagara Escarpment lands to the south, and neighbourhoods to the north. It is intended that the network will use public streets, sidewalks and public open space lands. The network shall be identified through the Urban Design Report as set out in section A.9.7.2 b. and, more specifically, delineated during the processing of subsequent plans of subdivision.
- d. Municipal infrastructure such as water towers and pumping stations may be located within part of a Neighbourhood Park. However, the lands required for the facility will be in addition to the parkland obtained through parkland dedication, as required by policy A.9.9.5.
- e. As shown on schedule A-5, neighbourhood parks shall be located no more than 800 metres apart and the majority of residential uses within the

Secondary Plan Area shall generally be located within a 400 metre distance (5 minute walk) of a park.

- f. Neighbourhood parks are encouraged to be located adjacent to and in conjunction with school sites, however, school sites shall not be considered to satisfy any parkland dedication requirements. Where appropriate, neighbourhood parks will be located adjacent to other greenspace areas such as the hydro corridor, stormwater management ponds, and the Natural Heritage System in order to augment the natural heritage and open space system throughout the Waterdown South community.
- g. Neighbourhood parks are generally intended to be square or rectangular in shape, have a significant street frontage and be approximately 2.0 ha in size. However, to provide flexibility in the design of Draft Plans of Subdivision, the specific location, size and shape of the neighbourhood parks may vary subject to the approval of the City without an amendment to this Plan.
- h. In co-operation with the respective utility companies, the City shall establish a pedestrian and bicycle trail network along the hydro corridor that traverses the Waterdown South Secondary Plan Area and extends beyond the community.

# A.9.3.5 Natural Heritage System

The Waterdown South Planning Area contains a number of significant natural heritage features, including two Environmentally Significant Areas: Waterdown Escarpment Woods and Grindstone Creek Valley. The Planning Area also contains a Provincial Life Science Area of Natural and Scientific Interest, the Falcon Creek Provincially Significant Wetland Complex, and other woodland, stream, wetland, and hedgerow features. The area also contains significant vegetation communities, which provide habitat for significant plant and wildlife species.

The predevelopment landscape within the Waterdown South Planning Area consists largely of cultivated farmland bisected by the Grindstone Creek and its valleylands. The Planning Area is divided into three watersheds associated with the Grindstone, Falcon and Hager Creeks. The western portion of the Planning Area drains into the Grindstone Creek, the eastern portion into the Falcon Creek and a small area of the south-eastern portion into the Hager Creek.

A sub-watershed planning study has been completed to the satisfaction of the Cities of Hamilton and Burlington and Conservation Halton. The study was undertaken to identify and evaluate the significance of all natural heritage features and functions within the Waterdown South Secondary Plan area, and to establish a framework for more detailed levels of evaluation at succeeding stages of the planning process.

Within portions of the Waterdown South Planning Area, the creeks noted above have created karst conditions consisting of sinkholes, sinking streams, and springs. Within the Planning Area, some of the surface karst is located within the Natural Heritage System and, as such, is already outside of the developable area. However, there are several areas outside of the Natural Heritage System that also contain karst topography. Section A.9.3.6 provides direction with regards to development within these karst areas that are outside of the Natural Heritage System, as shown on Appendix G, and as per recommendations of the South Waterdown Subwatershed Study – Stage 2 Report.

#### A.9.3.5.1 General Policies

- a. Based on the Subwatershed Study, a Natural Heritage System is proposed to maintain, restore and enhance the natural heritage features, areas and functions within the Planning Area. These natural heritage features are linked by natural corridors, which are necessary to maintain biological diversity within the Waterdown South Secondary Plan Area. Wherever possible and feasible, development within the Waterdown South Secondary Plan Area should promote a net gain within the Natural Heritage System by restoring, enhancing, and linking habitat. The natural heritage features comprising the Natural Heritage System are delineated on Appendix G.
- b. Where the lands within the Natural Heritage System are under private ownership, nothing in this plan implies that the lands will be secured for public ownership. Where the use of the lands is deemed appropriate for public ownership by the City or other public agency, suitable acquisition options shall be considered.
- c. The Natural Heritage System shall be comprised of three designations as shown on Schedule A-5:
  - The Grindstone Creek Natural Area,
  - ii. The Escarpment Natural Area, and
  - iii. The Escarpment Protection Area.

#### A.9.3.5.2 Grindstone Creek Natural Area

- a. The Grindstone Creek Natural Area designation represents the significant natural heritage features and natural hazard areas within the Grindstone Creek portion of the Secondary Plan area. The designation shall consist of:
  - i. Grindstone Valley ESA;
  - ii. The valley corridors and associated riparian areas of Grindstone Creek Tributary 1 as identified in the South Waterdown Subwatershed Study; and

- iii. The greater of the floodplain, meander belt or stable top of bank of the Grindstone Creek. As set out in the *South Waterdown Subwatershed Study*, the boundary of the floodplain and top of bank may change through cut and fill permitted by Conservation Halton.
- b. Development and site alteration within the Natural Heritage System shall be prohibited with the exception of the following limited uses:
  - Forest, wildlife and fisheries management;
  - ii. Low intensity passive recreation uses where they do not impact sensitive natural features or functions;
  - iii. Existing agricultural operations and other existing uses;
  - iv. Infrastructure, roads, and utilities, which may be permitted to cross the Natural Heritage System where a scoped Environmental Impact Statement (EIS) or Environmental Assessment demonstrates no negative impacts on the natural features or the ecological functions for which the area was identified and demonstrates that there are no reasonable alternative location(s); and,
  - v. Flood and erosion control, and channel modifications, including site alteration to accommodate a stormwater outfall, to deepen channels (where critical fish habitat does not exist) or to stabilize steep, eroding slopes, subject to an approved EIS and obtaining permission from Conservation Halton pursuant to Ontario Regulation 162/06, as may be amended.
- c. Storm water management facilities shall generally not be permitted. However, in cases where there is no alternative location, encroachment into buffers may be permitted if it can be demonstrated, through an Environmental Impact Statement, that there will be no negative impacts on the ecological features and functions of the adjacent natural feature. No encroachment will be permitted within 30 metres of a Provincially Significant Wetland, with the exception of minor grading, that may be necessary for adjacent storm water management pond out falls.
- d. Notwithstanding A.9.3.5.2 b. and c., within lands subject to *Ontario Regulation 162/06*, as may be amended, a permit is required from Conservation Halton for development and site alteration.
- e. Design and construction activities related to the extension of utilities under the Grindstone Creek Natural Area shall be evaluated by a geotechnical engineer in collaboration with a karst specialist.

# A.9.3.5.3 Escarpment Natural Area

a. The Escarpment Natural Area includes escarpment features and associated stream valleys, wetlands and forests, which are relatively undisturbed. This area contains important plant and animal habitats and geological features and cultural heritage features and are the most

- significant natural and scenic areas of the Escarpment. The policy aims to maintain these natural areas and protect them from the impacts of adjacent development.
- b. The Niagara Escarpment Plan sets out the following objectives for this designation:
  - i. To maintain the most natural Escarpment features, stream valleys, wetlands and related significant natural areas and associated cultural heritage features;
  - ii. To encourage compatible recreation, conservation and educational activities; and,
  - iii. To maintain and enhance the landscape quality of Escarpment features.
- c. The Escarpment Natural Area is intended to represent the most significant ANSI (Life Science), the most significant stream valleys and wetlands associated with the Escarpment and forested lands 300 metres from the brow of the Escarpment slope. As such, the Escarpment Natural Area designation shall consist of:
  - i. Escarpment slopes and related landforms associated with the underlying bedrock, which are in a relatively natural state;
  - ii. The Waterdown Escarpment Woods ESA;
  - iii. The Provincially Significant Falcon Creek Wetland Complex;
  - iv. The significant valley corridors and associated riparian areas of Falcon Creek as identified in the South Waterdown Subwatershed Study;
  - v. The Floodplain of Falcon Creek; and
  - vi. Habitat of Threatened and Endangered Species.
- d. Development within the Escarpment Natural Area shall be prohibited with the exception of the following limited uses:
  - i. Existing agricultural operations and other existing uses;
  - ii. Non-intensive recreation uses such as nature viewing and trail activities except motorized vehicle trails or the use of motorized trail vehicles;
  - iii. Forest, wildlife and fisheries management;
  - iv. Archaeological activities;
  - v. Essential transportation and utility facilities where an EIS or Environmental Assessment demonstrates no significant negative impacts on the natural features or the ecological functions for which the area was identified;
  - vi. Uses permitted in Park or Open Space Master/Management Plans, which are not in conflict with the Niagara Escarpment Plan;
  - vii. Essential watershed management and flood and erosion control

- projects carried out or supervised by a public authority including site alteration to accommodate stormwater management pond outfall;
- viii. The Bruce Trail corridor including the pedestrian footpath and, where necessary, bridges, boardwalks and other trail-related constructions and unserviced Overnight Rest Areas and Access Points for Bruce Trail users; and
- Nature preserves owned and managed by an approved conservation organization.
- e. Storm water management facilities shall generally not be permitted. However, in cases where there is no alternative location, encroachment into buffers may be permitted if it can be demonstrated, through an Environmental Impact Statement, that there will be no negative impacts on the ecological features and functions of the adjacent natural feature. No encroachment will be permitted within 30 metres of a Provincially Significant Wetland, with the exception of minor grading, that may be necessary for adjacent storm water management pond out falls.
- f. Notwithstanding, A.9.3.5.3 d) and e), within lands subject to *Ontario Regulation 162/06*, as may be amended, a permit is required from Conservation Halton for development and site alteration.
- g. The Regional floodlines for the Falcon Creek system shall be verified through additional study at the subdivision planning stage.

# A.9.3.5.4 Escarpment Protection Area

- a. Escarpment Protection Areas are important because of their visual prominence and their environmental significance. They are often more visually prominent than Escarpment Natural Areas. Included in this designation are Escarpment features that have been significantly modified by land use activities such as agriculture or residential development, land needed to buffer prominent Escarpment Natural Areas, and natural areas of regional significance. The policy aims to maintain the remaining natural features and the open, rural landscape character of the Escarpment and lands in its vicinity.
- b. The *Niagara Escarpment Plan* sets out the following objectives for this designation:
  - i. To maintain and enhance the open landscape character of Escarpment features;
  - ii. To provide a buffer to prominent Escarpment features;
  - iii. To maintain natural areas of regional significance and cultural heritage features; and,
  - iv. To encourage agriculture, forestry and recreation.
- c. The Escarpment Protection Area designation shall consist of:

- i. Escarpment slopes and related landforms where existing land uses have significantly altered the natural environment (e.g. agricultural lands or residential development);
- ii. Areas in close proximity to Escarpment slopes, which visually are part of the landscape unit; and
- iii. Regionally Significant Areas of Natural and Scientific Interest (Life Science) or areas designated as environmentally sensitive by municipalities or conservation authorities.
- d. Development within the Escarpment Protection Area shall be prohibited with the exception of the following uses:
  - i. Existing agricultural operations and other existing uses;
  - ii. Recreational uses oriented towards the land which require minimal modification of the existing natural, topographic and landscape features and which do not require the building of major structures;
  - iii. Forest, wildlife and fisheries management;
  - iv. Archaeological activities;
  - v. Transportation and utility facilities;
  - vi. Uses permitted in Park or Open Space Master/Management Plans, which are not in conflict with the Niagara Escarpment Plan;
  - vii. Watershed management and flood and erosion control projects carried out or supervised by a public authority including a stormwater management pond outfall;
  - viii. The Bruce Trail corridor including the pedestrian footpath and, where necessary, bridges, boardwalks and other trail-related constructions and unserviced Overnight Rest Areas and Access Points for Bruce Trail users;
  - ix. Nature preserves owned and managed by an approved conservation organization.
- e. Storm water management facilities shall generally not be permitted. However, in cases where there is no alternative location, encroachment into buffers may be permitted if it can be demonstrated, through an Environmental Impact Statement, that there will be no negative impacts on the ecological features and functions of the adjacent natural feature. No encroachment will be permitted within 30 metres of a Provincially Significant Wetland, with the exception of minor grading that may be necessary.

# A.9.3.5.5 Vegetation Protection Zones

a. The specific natural heritage features within the Natural Heritage System, as identified in Appendix G and based on the *South Waterdown Subwatershed Study*, shall be retained and protected from adjacent

development by appropriate *vegetation protection zones*. Such *vegetation protection zones* should be based on the ecological sensitivity of the feature, and the type and nature of adjacent uses, and shall as a minimum provide for a buffer of:

- 15 m. measured from the dripline of woodlots or from the boundary of the Waterdown Woods ESA and the Area of Natural and Scientific Interest (ANSI) and Wetland 5;
- ii. 15 m. adjacent to the greatest hazard associated with Grindstone Creek (i.e. flood plain, meander belt or stable top of bank);
- iii. 15 m. adjacent to the greatest hazard associated with Falcon and Hager Creeks (i.e. flood plain, meander belt or stable top of bank);
- iv. 30 m. from the boundary of all Provincially Significant Wetlands (PSW).
- b. No grading shall be permitted within 30 metres of all units of the Falcon Creek Wetland Complex, and within the *vegetation protection zones* described in subsections (i), (ii) and (iii) above, with the exception of minor grading that may be necessary for adjacent stormwater management pond outfalls.
- c. Where identified and surveyed, these *vegetation protection zones* are incorporated within the Open Space Designations depicted on Schedule A-5 and shall be subject to the policies and permitted uses for the Natural Heritage System.
- d. Where previously not identified and surveyed, a scoped EIS shall confirm the boundaries of natural features and the appropriate vegetation protection zone(s) in accordance with subsection (a) above, to the satisfaction of the City in consultation with Conservation Halton and once established, they shall be subject to the policies and permitted uses for the Natural Heritage System.
- e. Grading, lot lines, and impervious surfaces shall not be permitted within the buffer. Storm water management facilities shall generally not be permitted within the buffer, except for required stormwater management pond outfalls. However, in cases where there is no alternative location, encroachment of storm water management facilities into buffers may be permitted if it can be demonstrated, through an Environmental Impact Statement, that there will be no negative impacts on the ecological features and functions of the adjacent natural feature.
- f. Vegetation protection zones shall remain in or be returned to a naturally vegetated state.
- g. Lands subject to *Ontario Regulation 162/06*, as may be amended, require a permit from Conservation Halton for development and site alteration.

#### A.9.3.6 Karst Areas

#### A.9.3.6.1 Karst Hazard Area

- a. The Karst Hazard Area, as schematically identified on Schedule A-5, and as Area A on Appendix G, is an area with known surface and subsurface karst features. The area is considered to have a moderate potential for risk to public safety and property damage as a result of bedrock instability and soil subsidence. As well, the karst features conduct subsurface flows to springs in the Grindstone Valley ESA. These springs provide important baseflow to downstream coldwater fisheries and potentially contribute groundwater to downstream residents that are on well-based systems.
- b. Due to these safety and environmental concerns, development shall not be permitted within this area with the possible exception of water and sanitary services, and utilities. Such infrastructure shall be subject to detailed geological, hydrogeological and geotechnical analysis, as outlined in the Stage 3 report of the South Waterdown Subwatershed Study to the satisfaction of the City in consultation with Conservation Halton, which demonstrates that karst hazards can be appropriately mitigated and there will be no adverse impacts to downstream springs and stream flows.
- c. Where infrastructure is contemplated, subject to A.9.3.6.1 b), such infrastructure shall be designed and constructed in accordance with a geotechnical engineer's recommendations, in consultation with a karst specialist at the detailed design stage, having regard for appropriate standards and protocols for building in karst terrain so as to mitigate potential impacts on the underground infrastructure.
- d. Notwithstanding A.9.3.6.1.a) and b), safety and environmental risks are low along the south edge of the Karst Hazard Area. Some limited development related to stormwater management facility infrastructure, such as environmental setbacks, an access road, and a sediment drying area are considered to be acceptable activities within that portion of the Karst Hazard Site, provided that any excavations are shallow and generally do not extend into the bedrock.
- e. Where new Karst Hazard Areas are found, in addition to the Karst Hazardous Area identified on Schedule A-5 and Appendix G, sections A.9.3.6.1.a), b), c), and d) shall apply.
- f. Development within karst areas requires a permit from Conservation Halton pursuant to Ontario Regulation 162/06, as may be amended.

#### A.9.3.6.2 Karst Constraint Areas

a. Development and site alteration may be permitted in the Karst Constraint Areas identified in Appendix G where:

- The effects and risk to public safety are minor so as to be managed or mitigated;
- ii. A risk assessment is undertaken;
- iii. New karst hazards are not created and existing karst hazards are not aggravated;
- iv. The quality and quantity of surface water draining from the Planning Area in the post-development condition does not significantly impact downstream karst processes or features;
- v. No adverse environmental impacts will result; and
- vi. If karst features are encountered during subsurface excavation work, karst mitigation measures are undertaken, in accordance to the Karst Implementation Plan in Stage 3 of the South Waterdown Subwatershed Study.
- b. Development within karst areas requires a permit from Conservation Halton pursuant to Ontario Regulation 162/06, as may be amended.
- c. Within Karst Constraint Area 'B', as identified on Appendix G, a site-specific investigation of groundwater management concerns and karst remediation requirements will be required where the installation of servicing infrastructure involves excavation into bedrock and karst conditions are encountered. The use of grouting techniques will be minimized to limit potential impacts to spring flow or baseflow.
- d. For the construction of basements in Karst Constraint Area 'B', excavation into the bedrock should be minimized where possible. If building base grades extend down to the top of the bedrock, or into bedrock, and karst features are encountered, the features should be remediated as a function of the specific construction-related activity. Facility design and construction activities should be evaluated by a geotechnical engineer in collaboration with a karst specialist at the detailed design stage.
- e. Within Karst Constraint Area 'C', as identified on Appendix G, a geotechnical study should be undertaken to determine the load bearing capacity of the bedrock at the proposed Burke Street crossing of the Grindstone Creek Natural Heritage Area. The design of the proposed crossing structure should minimize the footprint of the footings required for it to be safely constructed and operated. This will minimize potential interference with surface water flow and groundwater flow into the bedrock below the stream-bed and the adjacent area.
- f. Within Karst Constraint Area 'D', as identified on Appendix G, the existing outcrop should be retained as a landscape feature, where feasible, or if removal is necessary, then shall be covered with fill during site grading.
- g. Within Karst Constraint Area 'E' and 'F', as identified on Appendix G, where development is contemplated, additional study is required at the time of plan of subdivision, and shall involve a subsurface investigation to determine specific design, construction and operating concerns that could

result from the karst. This would include an assessment of construction options for a stormwater management facility. Components of this study would include:

- i. Additional karst feature mapping,
- ii. Observations of surface hydrology and spring monitoring,
- iii. An evaluation of overburden type and thickness,
- iv. Limited bedrock coring and associated downhole testing, and
- v. The excavation of exploration trenches down to the bedrock surface.

The required study shall satisfy the requirements of Stages 4 and 5 of the Checklist for Development in Karst Terrain of the *South Waterdown Subwatershed Stage 2 Report*.

# A.9.3.7 Utility

- a. The Utility designation shall permit pipelines, hydroelectric transmission facilities, petroleum pipelines, and municipal water tower, and sewer and stormwater management facilities. Secondary uses that are complementary to the utility functions of these lands, such as recreational uses, trails, and community gardens, shall be permitted subject to consultation with the applicable utility agency.
- b. A major hydro-electric utility corridor traverses the Waterdown South Planning Area, and a petroleum pipeline corridor exists along the west side of Kerns Road as shown on Schedule A-5. The City shall work in consultation with Hydro One and Enbridge Pipelines Inc., or their successor companies in order to establish pedestrian/bicycle path/trail linkages along these corridors.
- c. Improvements to create trail linkages within the hydro-electric utility corridor that traverses the Planning Area shall be subject to the approval of Hydro One or its successor company.
- d. Proposed crossings of the petroleum pipeline corridor along the west side of Kerns Road by roads, pedestrian/bike paths, services and utilities shall be subject to the approval of Enbridge Pipelines Inc. or its successor company.
- e. Grading and drainage of lands within and/or adjacent to hydro-electric utility corridor shall be designed to ensure there are no adverse impacts on these lands and shall have regard for comments from Hydro One or its successor company.
- f. Stormwater management facilities are identified schematically on Schedule A-5, but are permitted in all land use designations except for the Natural Heritage System designation. However, stormwater pond outfalls may be allowed within the Natural Heritage System designations

- contained in Policy A.9.3.5 subject to approval of a scoped Environmental Impact Study by the City in consultation with Conservation Halton. Such stormwater pond outfalls will require a Permit from Conservation Halton pursuant to Ontario Regulation 162/06, as may be amended.
- g. The location and size of stormwater management facilities on Schedule A-5 are approximate and can be changed without amendment to this plan. Where a stormwater management pond is moved or 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 A-5.
- h. The specific size and location of stormwater management facilities shall be established through a Functional Servicing Plan, consistent with the *South Waterdown Subwatershed Study*, prior to draft plan of subdivision approval as set out in Sections A.9.6.2.
- i. Lands required for stormwater management facilities, including those schematically shown on Schedule A-5 or other locations identified through detailed review associated with future development applications, shall be conveyed to the City and are subject to repayment for both land and construction costs in accordance with the City's financial policies.
- j. Where possible, stormwater management facilities should be located adjacent to other open space areas.
- k. A water tower is approximately located adjacent to a Neighbourhood Park as shown on Schedule A-5. The specific location and size of the lands for this water tower may be changed without amendment to this Plan.
- I. An existing sewage pumping station is situated in the west corner of the Planning Area on City-owned land. The site size may be altered, if it is deemed necessary, without amendment to this Plan.

### A.9.4 URBAN DESIGN

#### A.9.4.1 General

The Waterdown South Secondary Plan Urban Design Guidelines have been prepared to implement the design intentions of this Plan. The guidelines shall further the vision and concept plan for the Waterdown South community and identify means of achieving the concept through the planning process. These guidelines have been prepared in conjunction with this Secondary Plan. As part of a complete application, land owners shall be required to submit an Urban Design brief demonstrating how development applications meet the intent of the policies contained in this Secondary Plan and the Waterdown South Secondary Plan Urban Design Guidelines.

The following policies set out the matters that the Waterdown South Secondary Plan Urban Design Guidelines shall address as well as the key urban design elements.

# A.9.4.2 Streetscapes

The Waterdown South Secondary Plan Urban Design Guidelines shall address the streetscape character and design of each of the main arterial roads within and bordering the community as well as the collector roads within the Secondary Plan area. The following policies provide additional direction on key streetscape design elements.

- a. Dundas Street, west of the Grindstone Creek crossing of Dundas Street, shall have a strong built edge, wide sidewalks and tree planting with native species, which will lend it a more urban, developed character that reflects its significance as the community main street of Waterdown. East of the Grindstone Creek crossing of Dundas Street, it shall reflect a more rural setting in respect of the rural designation north of Dundas Street. The tributary of Grindstone Creek, on the south side of Dundas in this area, can be used as a greenspace buffer to the development areas south of Dundas Street.
- b. Collector roads through the Waterdown South community should be designed with dwellings and buildings facing onto the street with direct access. Frequent block spacing and intersecting roads shall be accommodated along collector roads.
- c. The streetscape appearance of arterial and collector roads shall be enhanced by requiring flankage lots to present their main building facades or a second front facade to these roads and to enhance their treatment to avoid the appearance of blank building walls and service entrances.
- d. A small village square should be incorporated into each Neighbourhood Node and a larger urban square incorporated in the District Commercial designation.
- e. Where higher density housing forms are planned along collector roads, vehicular access via a rear lane will be encouraged. On-street parking shall be provided within the District Commercial designation and the Neighbourhood Nodes where adjacent commercial or live-work uses are developed.
- f. Local roads should be developed as a system of interconnected streets and relatively short blocks to promote pedestrian activity within neighbourhoods. To promote walking, these streets should be developed in the form of a modified grid pattern responding to the collector street network and open space lands.
- g. Development shall foster streets as interactive outdoor space for pedestrians.

- h. The implementing Zoning By-law shall contain provisions restricting the extent of garage protrusions.
- i. Reverse frontage lotting patterns shall be discouraged and may only be permitted under certain circumstances where the owner satisfies the City that no other alternative development form or street patterns are feasible. Access via laneways, service roads, parallel lanes and window streets will be encouraged as alternatives to reverse frontage or noise walls.
- j. Consideration shall be given to the location of telecommunications and utility equipment within the public right of way as well as on private property. The City encourages innovative methods of containing utility equipment on, or within streetscape features such as gateways, lamp posts, transit shelters, etc. Telecommunication utility equipment shall be clustered or grouped wherever possible to minimize visual impact.
- k. Along Mountain Brow Road, stormwater management facilities may provide the opportunity for landscaped gateways into the community.
- I. Streetscape design should utilize traffic calming measures to promote pedestrian safety.
- m. All intersections should be designed to support safe pedestrian crossing. Major intersections should support pedestrian crossings, by providing safe crossing points, and connection to public walkways. Boulevard tree planting should be closely spaced in the vicinity of such intersections.
- n. Minor intersections should continue to feature landscape treatment through street tree selection with an increased density of boulevard tree planting.

### A.9.4.3 Gateways

Gateways are nodal locations within the Waterdown South community coinciding with major intersections which also function as entry points into the area.

- a. Urban design guidelines shall address streetscape, landscape and built form elements at the following gateways:
  - i. Dundas Street and Kerns Rd:
  - ii. Dundas Street and Collector Road A;
  - iii. Dundas Street and Burke Street; and
  - iv. Burke Street and Collector Road C.
- b. A landscape plan, to the satisfaction of the approval authority, identifying the specific design elements of the gateway features shall be prepared as a condition of draft plan of subdivision approval.

### A.9.4.4 Mixed Use Medium

- a. Along Dundas Street, urban design guidelines shall provide direction on how to achieve an intensified urban environment with a strong pedestrian orientation.
- b. The ultimate development of the Mixed Use Medium area should create a retail main street along Collector Road A and a built form presence along Dundas Street. Although it is not the intent to have Dundas Street serve as a retail main street in this location, some buildings should be oriented to and face directly onto Dundas Street to achieve a built form presence. Building envelope provisions and the creation of a build-to zone through setback provisions and block frontages should be addressed in the urban design guidelines and set out in the implementing zoning by-law. The urban design guidelines, however, shall also provide guidance for interim uses and provisions that should encourage and facilitate intensification over time.
- c. Urban design guidelines shall also provide guidance on the development of the 'Retail Main Street' area within the Mixed Use Medium designation. The orientation of the stores along the 'Retail Main Street' area should create a strong pedestrian retail connection. The principle public entrance should provide direct access onto the public sidewalk along the 'Retail Main Street' area. The primary windows and signage should also face the street. Buildings facing the street should be encouraged to have awnings, canopies, areades or front porches to provide weather protection. Buildings should have a consistent setback and parking lots abutting the street should be screened with low walls, and landscape materials to provide a sense of enclosure along the setback line.

### A. 9.4.5 District Commercial Areas

- a. Urban design guidelines shall provide guidance on how stores shall address the street so that long blank walls adjacent to streets are avoided through multiple buildings and/or other design elements such as portions of frontages animated with windows or other design elements which achieve the same result. The building design, orientation and massing should be sensitive of the character and massing of the adjacent residential built form.
- b. Buildings should have a consistent setback and parking lots abutting the street should be screened with low walls or landscape materials to provide a sense of enclosure along the setback line.

### A.9.4.6 Neighbourhood Nodes

a. Neighbourhood Nodes should be designed as small scale pedestrianoriented areas. In addition to accommodating medium density housing forms, these node areas may be characterized by small pedestrianoriented shopping areas that provide the opportunity for grade-related commercial uses with the potential for residential uses on upper storeys.

# A.9.4.7 Special Character Roads

- a. Kerns Road and the portion of Mountain Brow Road between Burke Street and the major hydro-electric utility corridor are recognized as special character roads. These roads and the areas adjacent to them provide a unique and attractive environment due to:
  - i. Their location adjacent to the Niagara Escarpment Plan Area;
  - ii. Their ability to provide transition between the natural area of the Niagara Escarpment and the urban area of Waterdown South; and,
  - ii. Their rural cross-section.
- b. It is an objective of this plan that the existing rural road cross-section including existing mature vegetation fronting onto the street be maintained where feasible. It is recognized that it may not be possible to implement this objective based on current City road design, grading, stormwater management and servicing standards and as such unique approaches to grading, road design, stormwater management, site servicing and to the preservation of trees along the road may be required if Character Road design is to be achieved. Provided a balance can be achieved between design and engineering objectives:
  - (i) Development adjacent to special character roads will be sensitive to the protection or enhancement of views towards the Niagara Escarpment.
  - (ii) The character of this section of Mountain Brow Road, and of Kerns Road shall be protected by minimizing changes to the existing road right-of-way and ensuring that development is compatible with, and sympathetic in design to the character of the existing streetscape.
  - (iii) Direct access for new uses will be permitted, although there may be some restrictions in specific locations related to specific forms of development or the use of alternative designs.
  - (iv) Existing viewsheds along Mountain Brow Road and Kerns Road will be maintained and enhanced through various landscape measures so that the new built form does not dominate the viewsheds as one travels along these roads.
  - (v) Where Kerns Road or Mountain Brow road require reconstruction such works shall be designed to minimize the impact on the

Escarpment environment and to ensure the least possible change occurs in the natural landscape. This will include road and boulevard design that blends into the surrounding Escarpment landscape, using landscape planting, vegetative screens and vegetation protection zones around the natural heritage features where feasible.

### A.9.5 HERITAGE

The Secondary Plan Area is characterized by a number of cultural heritage attributes including archaeological sites, areas of archaeological potential and built heritage features. The study, protection and/or incorporation of cultural heritage resources within the Waterdown South Secondary Plan area shall be subject to the policies of Section E.2 of the Official Plan and the following additional policies.

- a. Prior to approval of draft plans of subdivision, a detailed cultural heritage impact assessment may be undertaken if deemed necessary through formal consultation with the applicant to identify and analyze potential heritage buildings and structures of architectural interest. The cultural heritage impact assessment 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. The cultural heritage impact assessment shall contain the following:
  - i. 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;
  - ii. a description of the proposed development or site alteration and alternative forms of the development or site alteration;
  - iii. a description of all cultural heritage resource(s) to be affected by the development and its alternative forms;
  - iv. a description of the effects on the cultural heritage resource(s) by the proposed development or site alteration and its alternative forms; and,
  - v. 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).
- b. It is the intention of this Secondary Plan to encourage the retention and conservation of historical buildings, structures or features on their original sites and to promote the integration of these resources into new development proposals in their original use or an appropriate adaptive re-

use. Potential adaptive re-use strategies for built heritage resources are required to be addressed in the cultural heritage impact assessment report. Notwithstanding the permitted uses within the designation in which these heritage buildings may be located, a broad range of residential, commercial and institutional uses shall be permitted subject to the findings of the cultural heritage impact assessment report.

- c. An archaeological assessment may be required prior to the submission of the following applications:
  - i. plans of subdivision;
  - ii. site plan approval when it involves soil disturbance or site alteration;
  - iii. plans of condominium when it involves soil disturbance or site alteration;
  - iv. minor variances when it involves soil disturbance or site alteration;
  - v. consents / severances when it involves soil disturbance or site alteration.
- d. 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.

#### A.9.6 INFRASTRUCTURE POLICIES

# A.9.6.1 Recharge/Discharge

a. Where soil conditions permit, proponents of development within the secondary plan area should investigate means to maintain recharge and base flows. This shall be determined and implemented through the Functional Servicing Plans as set out in section A.9.9.1 b. on an individual Plan of Subdivision basis to achieve the stormwater management objectives set out in the South Waterdown Subwatershed Study.

## A.9.6.2 Stormwater Management

Stormwater management is an important component of urban development. Stormwater management facilities shall be used to control stormwater flow rates and improve stormwater quality. As well, such facilities may provide for trail connections in accordance with the policies of this Plan.

- a. A Stormwater Management Plan shall be prepared as part of the Functional Servicing Plan, which provides supporting technical analyses for sizing and design of proposed stormwater management facilities.
- b. The Stormwater Management Plan shall demonstrate conformity with the recommendations of the *South Waterdown Subwatershed Study*; identify where deviations are warranted, if any; and shall have regard to current provincial stormwater management practices and design guidelines, the requirements and adopted standards of the City of Hamilton, the policies of this Plan and the requirements of Conservation Halton, and Provincial Ministries.
- c. The Stormwater Management Plan shall also incorporate a naturalized design with appropriate native trees, shrubs, sedges and wildflowers, as well as accommodate a trail system where possible without compromising public safety.
- d. The water quality draining into the Grindstone, Falcon and Hager Creeks shall be maintained or improved principally with respect to water temperature mitigation and sediment load through stormwater management techniques both during and following construction. Wherever possible and feasible, naturalized stormwater management techniques shall be employed.
- e. The water quantity draining into the Grindstone, Falcon and Hager Creeks shall generally maintain the pre-development hydrological regime in accordance with applicable municipal stormwater management policies of the City of Hamilton, and the requirements of the South Waterdown Subwatershed Study.
- f. Stormwater management facilities shall be lined where required to prevent loss of surface flow to Grindstone, Falcon and Hager Creeks, and/or to prevent leakage into the underlying karstic bedrock.
- g. Any stormwater management facility proposed within Karst Constraint Area 'C' as identified on Appendix G, shall be constructed with minimal

- risk of aggravating existing karst features or potentially creating new hazards.
- h. In the preparation of the Functional Servicing Plans, management of peak flows from the Waterdown South Secondary Plan Area, will be addressed consistent with the *South Waterdown Subwatershed Study* to avoid potential off-site flooding problems over the Niagara Escarpment brow, farther downstream and at Escarpment springs.
- i. Development shall not be permitted which would require stormwater drainage excavation or other related work south of Mountain Brow Road.
- j. A sedimentation and erosion control plan shall be submitted when detailed engineering is undertaken, prior to site alteration and/or prior to registration of plans of subdivision, whichever comes first, which addresses how sedimentation will be controlled during construction stages.
- k. The City may consider the establishment of interim stormwater management facilities on a temporary basis within the Waterdown South Secondary Plan Area, notwithstanding the underlying land use designation for the lands, except for areas within the Natural Heritage System described in Policy A.9.3.5. The interim stormwater management facility shall not preclude or prejudice future development on the basis of the land use designations shown on Schedule A-5. All temporary facilities must be stabilized with vegetative cover.
- Infiltration of runoff may assist in the control of erosion, maintenance of baseflows, and reduce inflows to storm sewers and overland flow paths. However, the low permeability of the soils (Halton Till) within the Planning Area represents a constraint to the implementation of widespread infiltration measures. Furthermore, the occurrence of epikarst where overburden is shallow could potentially aggravate karst features leading to the development of karst-related hazards. As such, measures to promote infiltration and their feasibility should be investigated as a condition of draft plan of subdivision for the following areas, as recommended by the South Waterdown Subwatershed Study:
  - i. The area south of the hydro-electric utility corridor, and south of Skinner Road:
  - ii. Within the Grindstone Creek Tributary 1 catchment area on the south side of the creek;
  - iii. Lands draining to Grindstone Creek Tributary 3 and Falcon Creek through infiltration of roof runoff and backlot drainage; and,
  - iv. Areas adjacent to Environmentally Significant Areas, where karst is present, as identified on Appendix G through infiltration of roof runoff.
- m. Areas where karst is present often have overburden that is less than two metres thick where infiltration into underlying karst features may already

be established through soil pipes and desiccation fractures in the overburden. Development of infiltration measures must assess the potential to aggravate existing karst features. In such areas, widespread or diffused infiltration measures may be more acceptable than concentrated infiltration.

- n. The development area located adjacent to Dundas Street, between the Grindstone Creek Natural Area and Skinner Road will drain to the relocated Branch 3 of the Grindstone Creek Tributary 1 as shown on Appendix G. This area shall be serviced by privately owned and operated on-site stormwater management facilities. These facilities will control water quality, quantity and erosion of post-development runoff to predevelopment levels. The on-site stormwater management facilities will be designed to meet the standards and criteria set out in the Ministry of Environment Stormwater Management Planning and Design Manual.
- o. The ultimate configuration and design of the relocated Branch 3 of the Grindstone Creek Tributary 1, as illustrated on Appendix G will be based on Conservation Halton requirements. The relocated branch will be fully contained within public lands and shall be maintained by the City of Hamilton. Branch 3 of Grindstone Creek Tributary 1 is anticipated to be realigned across the frontage of the District Commercial block. Private access will be permitted across the realigned Branch 3 to the District Commercial designation with the specific locations to be determined at Site Plan Approval stage.

# A.9.6.3 Municipal Services

- a. The provision of municipal sanitary sewers and watermains shall comply with the approved *Waterdown Water and Wastewater Class Environmental Assessment,* the City's Development Guidelines, and the City-wide Water/Wastewater Master Plan.
- b. Existing residential dwellings on properties not subject to a development application are encouraged to connect to municipal piped water and sanitary sewers as services are extended.
- c. 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.
- d. It is intended the Planning Area will be serviced by a required water tower located in the Planning Area, as approximately shown on Schedule A-5.

### A.9.7 TRANSPORTATION

The City shall provide a safe and efficient transportation network which includes bike lanes, sidewalks, off-street walking trails and an arterial, collector, and local road network for the Waterdown South Planning Area, in accordance with Schedule 'A-5' and the following policies:

# A.9.7.1 General Policies

- a. All new roads within the Planning Area shall be designed and constructed in accordance with the Standard Drawings for Urban Roads contained with the adopted standards of the City of Hamilton. The City may consider alternative Development Standards where, in the opinion of the City, they are appropriate and do not compromise public safety or the efficiency of the transportation network or the ability to locate the required services.
- b. As a condition of development or redevelopment approval, all lands required for new internal public roads, road widenings for existing public roads in accordance with Section A.9.4.7, traffic calming measures, roundabouts and/or daylighting triangles shall be dedicated free of charge and free of all encumbrances to the satisfaction of the City, except where the City's development charge policy provides otherwise.
- c. The applicable portion of growth-related costs related to the design and construction of all new public roads and the appropriate upgrading of the adjacent existing public roads required as a result of development within the Waterdown South Planning Area shall be paid for by development.
- d. In areas outlined in Section A.9.3.1.1 j), access to development serviced by lanes may be appropriate and encouraged to contribute to an improved streetscape, urban character and enhance road safety.
- e. On-street parking shall be discouraged on arterial roads where the main function of the roadway is to provide capacity for longer-distance trips. On-street parking on collector and local roads will be permitted.
- f. It is a policy of the City of Hamilton to consider roundabouts where a study confirms they are feasible, appropriate and advantageous in terms of traffic flow, traffic safety, community design or environmental considerations. The Waterdown South Secondary Plan Area Transportation Study recommended roundabouts along Burke Street at Collector Road C and Skinner Road. It also found that either stop controls or roundabouts are appropriate options for the intersections of Collector A/Skinner Road, and Skinner Road/Collector Road B.
- g. To facilitate the potential for signalization, the proposed intersections on Dundas Street have been located opposite existing and proposed roadways on the north side of Dundas Street to provide improved northsouth connectivity and minimize the number of intersections on Dundas Street except as set out in Section A.9.7.3 e.

- h. Collector Road 'A' and the crossing of Grindstone Creek shall be designed to minimize the traffic infiltration through the central portion of the secondary plan and shall terminate at Skinner Road. The traffic study submitted in support of the draft plan of subdivision shall detail how the design minimizes traffic infiltration while taking into account the Waterdown South Secondary Plan Area Transportation Study and any necessary updates to traffic volumes.
- i. To minimize traffic infiltration through the residential neighbourhoods in Burlington to the south, Kerns Road and Collector Road B shall form a continuous connection to Dundas Street with traffic calming measures where appropriate.
- j. Any reconstruction of Mountain Brow Road and Kerns Road shall have regard for section A.9.4.7 and A.9.7.2 b) viii.

## A.9.7.2 Streetscape

Streetscape is a key element of a successful public realm. Roads are the principal interface between built form and the public realm and as such play a dominant role in determining the character of any given neighbourhood. The elements that shape the streetscape include adjacent architectural design, the relationship of buildings to the street, yards and boulevards, roads, sidewalks, lighting, planting of trees, fences and utilities. Streetscape policies are intended to guide the planning and design of public roadways including the spaces extending across the road.

- a. Where roads within the Planning Area abut the Niagara Escarpment Natural Area and Protection Area, the planning and design of public roadways shall be located and designed to minimize the impact on the Escarpment environment and to ensure the least possible change occurs in the natural landscape. This will include road and boulevard design that blends into the surrounding Escarpment landscape, using landscape planting, vegetative screens and vegetation protection zones around the natural heritage features where feasible.
- b. If required by the City of Hamilton an Urban Design Report for the public realm will be prepared by the landowners and will reference the streetscape principles and objectives in Section A.9.2 of this Plan, the Waterdown South Urban Design Guidelines, the City of Hamilton Urban Design Guidelines, and the Council endorsed International Charter for Walking. Any Urban Design Report for the public realm shall address the following:
  - i. The design and treatment of road types (i.e. sidewalks and crosswalks, landscaping/boulevard plantings including use of native species, intersection treatments, on-street parking, signage, street lighting and utility wires, etc.) with differing requirements for residential verses commercial and mixed-use areas;

- ii. A continuous bicycle trail system and appropriate means to accommodate the system on arterial and collector roads;
- iii. The location and design of a continuous pedestrian trail system, and public sidewalks and including matters of width, materials and lighting;
- iv. Requirements for the mobility impaired, such as safety features, standards for the placement of street furniture, sidewalk maintenance and design, including curb cuts so as to provide a continuous barrier free path to transportation services;
- v. Requirements for boulevard tree planting including spacing and canopy density with differing requirements for residential verses commercial and mixed-use areas;
- vi. The design of special entry points or gateway features where arterial and collector roads intersect with perimeter arterial roads;
- vii. The design of intersections including roundabouts where required;
- viii. The compatibility of the design of Mountain Brow Road, and Kerns Road and other roads which abut Escarpment Natural Area and Escarpment Protection Area designations, with the visual and natural environment of the Niagara Escarpment, in consultation with the Niagara Escarpment Commission.
- c. The design of all streetscape elements must be consistent with any Urban Design Report for the public realm so that the roads are cohesive and attractive places for pedestrians and persons travelling through them. Where the City agrees to initiate alternative development standards at draft plan of subdivision approval, any Urban Design Report for the public realm shall be updated to reflect this standard.

### A.9.7.3 Arterial Roads

- a. Arterial roads shall be designed to carry high volumes of longer distance traffic within and through the Waterdown South community, with only limited or no direct access to adjacent properties permitted.
- b. Dundas Street shall have a maximum designated right-of-way width of 45.72 m.
- c. Burke Street shall have a designated right-of-way width of 30 m. to 36 m., as per the *Waterdown/Aldershot Transportation Master Plan*.
- d. Burke Street, as shown on Schedule A-5 is based on the results of the *Waterdown/Aldershot Transportation Master Plan*. The alignment of Burke Street may be moved without amendment to the Secondary Plan, subject to a Class EA process and evaluation.

- e. If the Waterdown/Aldershot Transportation Master Plan confirms that Burke Street is to align with Burke Road to the north, the intersection shall be designed to avoid direct northbound access to Burke Road from Burke Street.
- f. Reverse lot frontage development shall generally not be permitted along arterial roads except as provided for in Section A.9.4.2.i of this Plan.

### A.9.7.4 Collector Roads

- a. Collector Roads are intended to carry moderate traffic volumes and provide direct, but controlled access to adjacent properties.
- b. The right-of-way width of Collector Roads shall be 20 metres, but may be increased up to 26 metres to accommodate bike paths, on-street parking, , streetscape features and bus bays (for future public transit) as identified in any Urban Design Report for the public realm.
- c. Bicycle facilities may be included within collector road right-of-ways, where required in accordance with any Urban Design Report for the public realm.
- d. Collector roadways through the Planning Area shall contain a maximum of two through lanes and provide for on-street parking on at least one side.
- e. Collector Road B may be changed to a local road, and the road alignment may be altered without amendment to this Plan, provided that:
  - i) It facilitates the eventual connection between Skinner Road and Kerns Road; and
  - ii) It is demonstrated through a detailed transportation study submitted in support of a zoning by-law amendment or draft plan of subdivision application to the satisfaction of the City.
- f. Mountain Brow Road shall be downgraded to a local road and a portion of Mountain Brow Road east of the western limit of the stormwater management pond shall be closed.
- g. Collector Road "A" shall have a minimum 60 metre separation centre-line to centre-line from Collector Road "C" at Skinner Road.

### A.9.7.5 Local Roads

A Local Road is an internal street that is inter-linked to the neighbourhood network.

- a. Local Roads are intended to carry local traffic and provide direct access to adjacent properties.
- b. The right-of-way width of Local Roads shall be 18 m., but may increase to accommodate bike paths, on-street parking, traffic calming measures, and

- streetscape features, as identified in any Urban Design Report for the public realm.
- c. As set out in Section A.9.7.1.a, alternative development standards and road widths may be considered. The details regarding appropriate rights-of-way widths shall be addressed prior to draft plan of subdivision approval.
- d. On-street parking shall be required on at least one (1) side of the road.
- e. A local road connection shall be provided from Collector Road A to Mountain Brow Road/King Road internally in the Secondary Plan area. The road connection shall be illustrated in the draft plan of subdivision that is adjacent to Mountain Brow Road, and the road network shall be designed to create an indirect route to King Road so that traffic flow to King Road is not promoted.

# A.9.7.6 Sidewalks and Bicycle Paths

Sidewalks are places for pedestrian movement, children's play and neighbours' socializing. Sidewalks encourage walking as urban transportation, walking to public transit and walking for pleasure. Sidewalks improve the liveability of a community, enhance safety and are vital to children, older adults, and people with disabilities.

- a. Any Urban Design Report for the public realm, as required in Section A.9.7.2, shall identify the location of sidewalks, their widths and design elements within the Waterdown South Secondary Plan Area.
- b. Sidewalks should be provided on both sides of arterial and collector roads, and one side of local roads, or, as set out in a new City of Hamilton sidewalk policy.
- c. The width of public sidewalks shall be sufficient to accommodate required utilities, provide adequate visibility from the street and promote public safety, and shall be determined prior to draft plan approval.
- d. A continuous bicycle trail system shall be identified as part of the Streetscape Manual in Section A.9.7.2. The bicycle trail system shall include both on-street and off-street routes linking the parks and community facilities. Off-street routes will use public open space lands including Neighbourhood Parks, school sites, a potential route along the hydro corridor and a dedicated bike lane within the east-west Skinner Road, and potentially other collector roads where feasible. Any off-street bike paths shall be constructed by the developer and dedicated to the City as a public right-of-way.

### A.9.7.7 Public Transit

Good public transit service is an asset to all communities. The ability to support public transit is largely dependent upon the density and arrangement of land uses as well as the design of the streetscape and the relationship of adjacent buildings to the street.

- a. The City shall ensure the design of the Waterdown South Planning Area, including the location of higher density land uses and streetscape design, provides for the ability to accommodate future public transportation within the community. As well, the long term potential for higher order public transit such as express bus service along the arterial road network internal and external to the Planning Area should be planned for.
- b. Neighbourhood design should minimize pedestrian walking distance to future public transit service. Within the Waterdown South Planning Area, 90% of all residential dwellings shall generally be within approximately 400. metres of a potential public transit stop.
- c. The future public transit system shall be integrated into the community design and be a key component of community focal points including commercial areas.

### A.9.7.8 Pedestrian Trails

- a. Pedestrian trails shall be established, in consultation with the Niagara Escarpment Commission along the hydro-electric utility corridor that traverses the Planning Area, along the utility corridor at the western edge of the Planning Area, along Grindstone Creek, through stormwater management facilities, and through natural heritage areas to create a connected network that integrates the Planning Area with the surrounding community and the Niagara Escarpment. Any off-street pedestrian trails shall be constructed by the developer and dedicated to the City as a public right-of-way.
- b. Trail locations shall be based on field assessments of habitat sensitivity and consideration of potential linkages to the Bruce Trail.
- c. Opportunities to formalize two existing informal parking areas and access points to the Bruce Trail located in the vicinity of the Waterdown Woods ESA shall be investigated. One opportunity is located where the Bruce Trail crosses Kerns Road; the second is located where the Bruce Trail crosses Mountain Brow Road / King Road. The establishment of other Bruce Trail access points from the Planning Area between the hydroelectric corridor and Kerns Road shall generally be discouraged, in consultation with the Niagara Escarpment Commission and the Bruce Trail Conservancy.

### A.9.8 UTILITIES

- a. Public and private utilities shall be permitted in all land use designations subject to the policies of this Plan including those for the Natural Heritage System designations as set out in section A.9.3.5, the Karst Hazardous Area as set out in section A.9.3.6.1, and the Karst Constraint Areas as set out in section A.9.3.6.2, where specific policies of this Plan provide further direction.
- b. Wiring for electrical power distribution, telecommunication, cable television and any similar systems shall be coordinated, planned and installed in common trenches, wherever feasible, within public road allowances or within appropriate easements to avoid unnecessary over digging and disruption of municipal right of ways.
- c. Large utility infrastructure shall be located and designed to minimize visual impact and ensure compatibility with surrounding land uses, where practical.
- d. The City shall ensure that the adequate utilities and/or communication/ telecommunications facilities are, or will be, established to serve the anticipated development and that these facilities can be phased in a manner that is cost-effective, fiscally feasible, and efficient.
- e. New and expanded utility facilities shall be designed and located to minimize impact on the Niagara Escarpment and be consistent with the objectives of the Niagara Escarpment Plan.

### A.9.9 IMPLEMENTATION AND REVIEW

The provisions of the Official Plan regarding implementation shall apply with regards to this Secondary Plan, except as specifically set out herein.

### A.9.9.1 Study Requirements

The following studies may be required to be submitted with any application for plan of subdivision or rezoning in accordance with the requirements for a complete application:

- a. Environmental Impact Statement (EIS) as per the City of Hamilton and Conservation Halton EIS guidelines and any additional requirements as outlined in the Subwatershed Study. Such EIS may be scoped subject to the approval of the City and Conservation Authority;
- b. Functional Servicing Plan which addresses:
  - Servicing design requirements;
  - Internal and external sanitary and storm drainage areas;

- iii. A water demand and sanitary sewage generation study in support of preliminary sizing of water and wastewater infrastructure;
- iv. Layout of roads and other transportation systems including trails;
- v. Preliminary sizing, design and location of stormwater management facilities:
- vi. Preparation of a Stormwater Management Plan in conformity with the recommendations of the *South Waterdown Subwatershed Study* and the policies of Section A.9.6.2;
- vii. General conformity with the recommendations of the Waterdown Water and Wastewater Class Environmental Assessment;
- viii. Incorporation of mitigation measures recommended in the Environmental Impact Statement and Karst Geological / Hydrogeological / Geòtechnical studies;
- ix. Preliminary grading requirements; and,
- x. Any additional requirements as outlined in the South Waterdown Subwatershed Study;
- c. Detailed Concept Plan for any application within the Mixed Use Medium designation;
- d. Geological, hydrogeological and geotechnical studies of karst features in areas identified in Appendix G of this Plan, and the *South Waterdown Subwatershed Study Stage 2 Report* as potentially containing karst features or for those areas where karst is discovered through subsequent studies;
- e. Transportation analysis of intersection requirements and timing of external road improvements while comprehensively taking into account the *Waterdown South Secondary Plan Area Transportation Study* and any necessary updates to traffic volumes to reflect any revisions in land uses;
- f. Cultural Heritage Impact Assessment;
- g. Archaeological Assessment;
- h. Visual Impact Assessment, where required, to the satisfaction of the City, in consultation with the Niagara Escarpment Commission which:
  - i. Establishes the maximum building height, minimum building setbacks, and building material so that no component of the building mass is visible above the skyline of the Niagara Escarpment from below the Escarpment brow (edge);
  - ii. Establishes an appropriate buffer between the Escarpment Natural Area and Escarpment Protection Area and adjacent roads and built form to protect the visual and landscape character of the Escarpment; and

- iii. Assesses the visual impact of municipal infrastructure such as water towers and pumping stations on the skyline of the Niagara Escarpment;
- i. Confirmation of the Falcon Creek Regional floodlines to the satisfaction of the City and Conservation Halton;
- j. Urban Design Report for the public realm that includes text, plans, details, and/or elevations, as necessary, to demonstrate:
  - i. Compliance with the urban design policies of this Plan, the Niagara Escarpment Plan policies and the Waterdown South Secondary Plan Urban Design Guidelines; and
  - ii. How the intent of the Secondary Plan policies, the Niagara Escarpment Plan policies and the Waterdown South Secondary Plan Urban Design Guidelines have been met.
- .k Detailed noise control study; and,
- I. Other studies which may be identified through the formal consultation process.

## A.9.9.2 Conditions of Development

Notwithstanding any other provision of this Plan, and except for expansions of existing uses, the following matters shall be addressed as conditions to be fulfilled prior to registration of plans of subdivision, prior to lifting of a 'Holding' provision on a site specific zoning, or prior to site plan approval.

- a. Water distribution and storage facilities, as set out in the *Waterdown Water and Wastewater Class Environmental Assessment* and the implementing functional servicing plans, required to service specific stages of development are committed to be in place and operative prior to or coincident with occupancy and use of the land.
- b. Wastewater facilities required for conveyance and treatment, as set out in the *Waterdown Water and Wastewater Class Environmental Assessment*, required to service specific stages of development are committed to be in place and operative prior to or coincident with occupancy and use of the land.
- c. All transportation infrastructure required to support the specific phases of development are in place or have been programmed in respective jurisdictional capital budgets, or other wise financially committed. The approved phasing strategy is to be based on traffic impact studies that identify which infrastructure improvements identified in the approved Waterdown/Aldershot Transportation Master Plan class EA and South Waterdown Traffic Impact Study need to be in place to support growth.

- d. Storm drainage facilities, as set out in the Functional Servicing Plan, and as approved by the municipality in consultation with Conservation Halton are committed to be in place and operative prior to or coincident with the occupancy and use of the land.
- e. Other identified local infrastructure needs as well as community use lands such as schools, parks and stormwater management facilities, are secured through a cost sharing agreement in accordance with municipal policies and the provisions of the *Development Charges Act*.
- f. All other urban services and utilities required to service specific stages of development are committed to be in place and operative prior to or coincident with occupancy and use of the land, except as otherwise approved.
- g. A well survey monitoring plan shall be a condition of draft plan approval.
- h. A program to periodically inspect the stormwater management facility adjacent to the Karst Hazardous Area, to check for leaks or weak spots in the liner, shall be a condition of draft plan approval.
- i. An alternative access to the three properties along a private lane south of George Street shall be made available for purchase. Erosion at the Grindstone Creek Tributary 1 Waterfall immediately downstream of the Planning Area could eventually interrupt access to these properties.
- j. In the context of this policy, "committed to be in place" shall mean identified within an approved Capital Budget, and a development agreement executed with the City or any other satisfactory arrangement with the City.
- k. All development within the Waterdown South Secondary Plan will be guided by the recommendations of the Phase 2 and Phase 3 Waterdown South Sub Watershed Study.

# A.9.9.3 Zoning By-law

The zoning by-laws for this area may include provisions for bonusing and holding zones where deemed appropriate and where they are in accordance with Section F.6 of the Official Plan of the former Town of Flamborough, and the provisions of the *Planning Act* and do not conflict with the requirements of the Niagara Escarpment Plan or any other Provincial Plan.

### A.9.9.4 Staging of Development

In addition to Section D.4 to the Official Plan of the former Town of Flamborough, and the City of Hamilton's Staging of Development Program, the following policies shall guide the staging of development within the Waterdown South Secondary Plan Area.

- a. Development will occur in a sequence that ensures an orderly yet flexible pattern of development in accordance with the objectives and policies contained in the Waterdown South Secondary Plan.
- b. Retail and service commercial development will be phased in the District Commercial and Mixed Use Medium designations so that:
  - i. A first phase shall consist of no more than 9,300 sq. m. of retail and commercial floor space within the District Commercial designation which shall be comprised of a supermarket of not more than 7,500 sq. m. and other permitted retail and service commercial space to a maximum of 1,800 sq.m.;
  - ii. A second phase shall consist of full build out of both sides of Collector Road A having a minimum of 3,600 sq. m. of retail and service commercial floor space within the "retail main street" component of the Mixed Use Medium designation; and
  - iii. A third phase will consist of build out of the District Commercial designation to a maximum of 16,000 sq. m. of retail and service commercial floor space; and build out of the Mixed Use Medium designation to a total maximum of 25,000 sq. m. of retail and service commercial floor space between the two designations.
- c. Development shall proceed in a manner that ensures that service levels established by this plan as well as those contained in the Official Plan of the former Town of Flamborough and in the City of Hamilton in general are achieved within each stage of development, and the provision of infrastructure and services is within the fiscal capabilities of the City of Hamilton and the School Boards. Where the fiscal capabilities of any one government or agency are limited to the extent that infrastructure or facilities may be delayed, front-ending of infrastructure and facilities by the landowners may be an option.
- d. Staging should ensure that the matters and infrastructure identified through section A.9.9.2 are provided in an efficient and cost effective manner.
- e. Until Burke Street is connected to Mountain Brow or Skinner Road is extended easterly to Dundas Street, a maximum of 250 residential units located north of the intersection of Burke Street and Skinner Road can be constructed within the Waterdown South Plan Area. Additional development beyond 250 units may be permitted subject to section A.9.9.2 c.

- f. In accordance with Section D.4 of the Official Plan of the former Town of Flamborough, development will generally follow a logical and orderly sequence.
- g. Development within these stages shall proceed in a manner that recognizes that infrastructure such as underground services, roads, schools, parks, health care facilities and public emergency services are to be provided in a timely manner.
- h. The provision of Educational and Provincial services and infrastructure will be encouraged to be in accordance with the phasing policies of the Plan. These agencies shall make every effort to provide their respective services in conjunction with the pace of development.
- i. In no case will one owner or group of owners be allowed to unreasonably delay the normal progression of residential growth. Where a landowner is not proceeding with development in a timely manner and withholding the possible completion of a collector road or arterial road linkage, and/or the extension of water and wastewater services, the City may consider its powers of expropriation to complete the infrastructure.

# A.9.9.5 Neighbourhood Parks and Open Space Implementation

a. Parkland requirements shall be calculated on a net basis excluding any natural heritage features, *vegetation protection zones*, valleys, floodplains, stream corridors or linkages that are protected from development.

## A.9.9.6 Environmental Monitoring

a. As a condition of draft plan of subdivision approval, a monitoring plan shall be prepared by the land owner which sets out a program for regular monitoring of the health of the natural heritage/open space system within the Waterdown South Secondary Plan Area. The indicators to be monitored and the nature of the monitoring program(s) are set out in Phase 3 of the South Waterdown Subwatershed Study.

# A.9.9.7 Existing and Temporary Land Uses

- a. Existing land uses within the Secondary Plan area shall be permitted to remain without an amendment to the *Official Plan*. New development shall integrate those elements of existing built form intended to remain within the community in a complementary manner.
- b. Prior to urban development occurring on the lands, low intensity temporary uses may be permitted provided these uses are outside of the Natural Heritage System and associated *vegetation protection zones*.

### A.9.10 INTERPRETATION

The boundaries of the residential, institutional, and neighbourhood park designations and the alignment of arterial and collector roads are intended to be flexible and may be modified in the interest of achieving a desirable urban pattern without amendment to this plan, provided the aggregate land areas of each residential designation are not significantly altered and the recommendations within the *South Waterdown Subwatershed Study* are met.

## A.9.11 DEFINITIONS

Community Facilities/Services means lands, buildings, and structures that support a high quality of life for people and communities by providing services for health, education, recreation, social or cultural activities, security and safety. Community facilities/services may include but not be limited to community and recreation centres, arenas, parks, health care facilities, day care centres, senior's centres, emergency medical services, fire services, police services, cultural facilities, places of worship, museums, schools, and libraries. Community facilities/services may be publicly or privately owned and/or operated.

Housing With Supports means public, private or non-profit owned housing with some form of support component, beyond economic support, intended or people who need support services to live independently in the community, where providers receive funding for support services. The tenure may be long term. Housing with supports includes special needs housing as defined by the Provincial Policy Statement (2005).

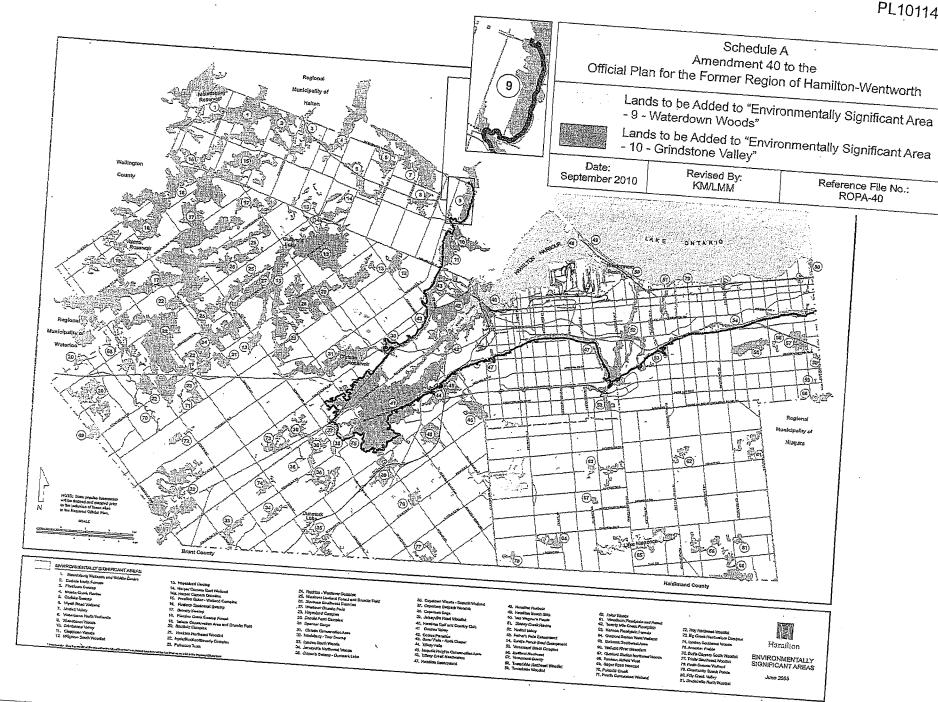
**Net Residential Hectare** means all of the lands comprising the principal and accessory residential uses, and includes all of the buildings, structures, driveways, parking areas and other amenities for these uses. *Net residential hectare* excludes public lands comprised of streets, parkland and other open space, and stormwater management facilities.

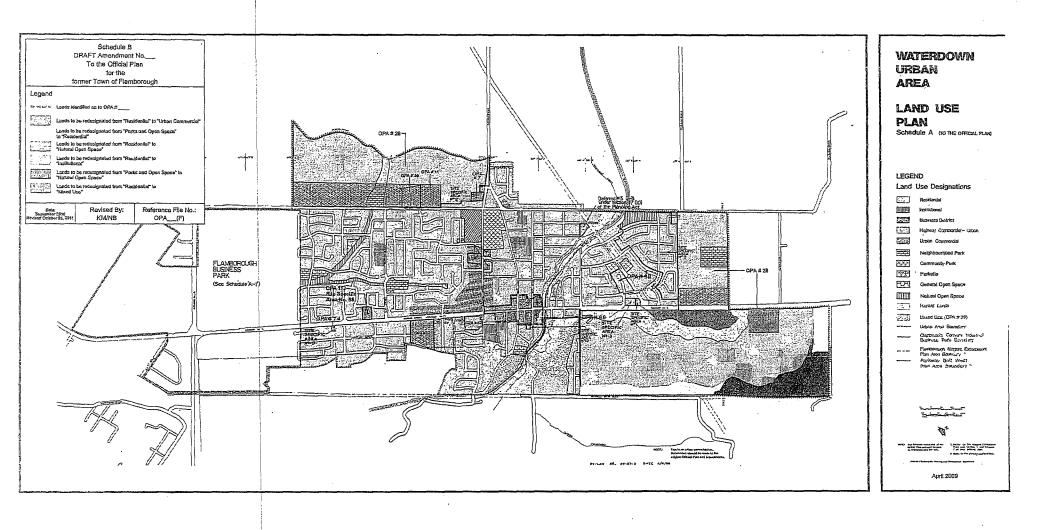
<u>Multiple Dwelling:</u> means a building or part thereof containing three or more dwelling units but shall not include a street townhouse dwelling. Examples of such dwellings include block townhouse dwellings, stacked townhouse dwellings, and apartment dwellings.

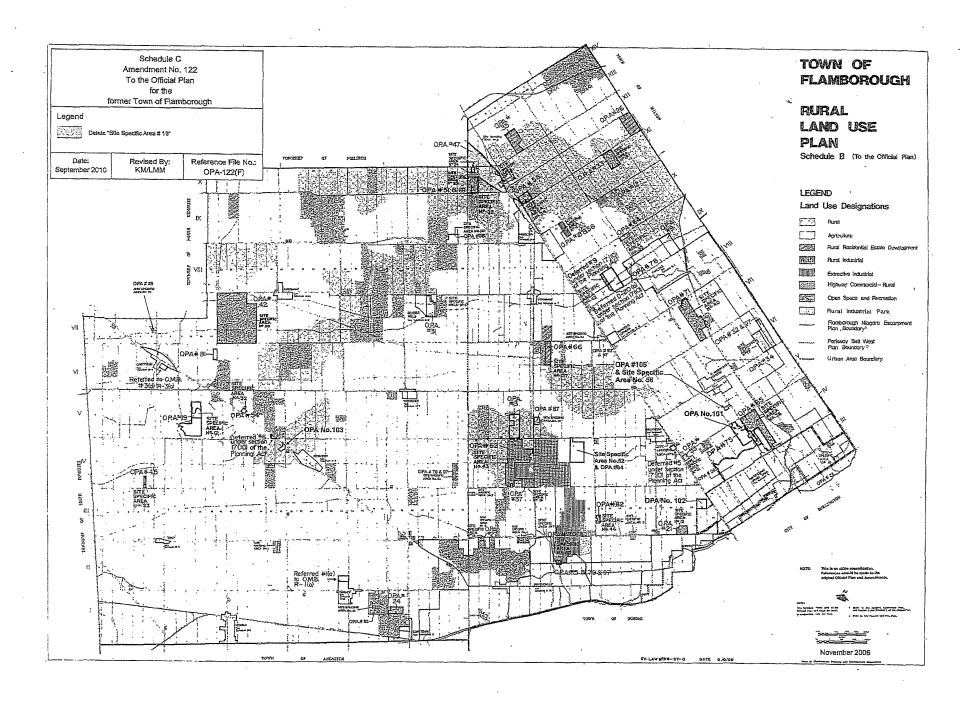
**Vegetation Protection Zone** means a vegetated buffer area surrounding a Core Area which is of sufficient size to protect the features and functions from the impacts of the proposed change and associated activities that will occur before, during, and after construction. Where possible, the buffer should restore or enhance the features and/or functions of the Core Area.

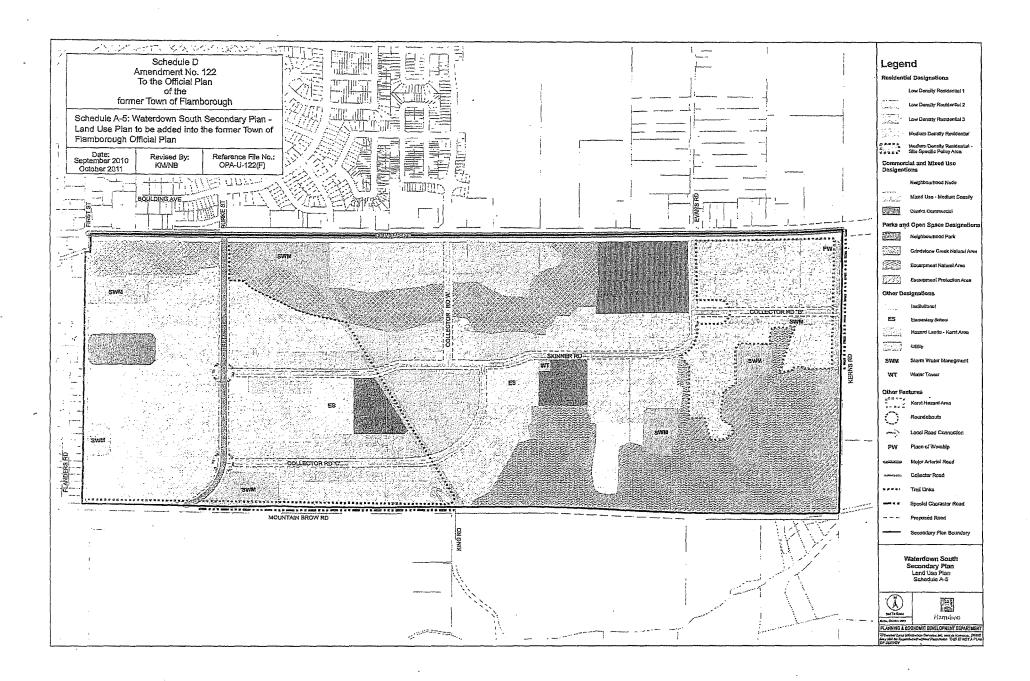
# Implementation:

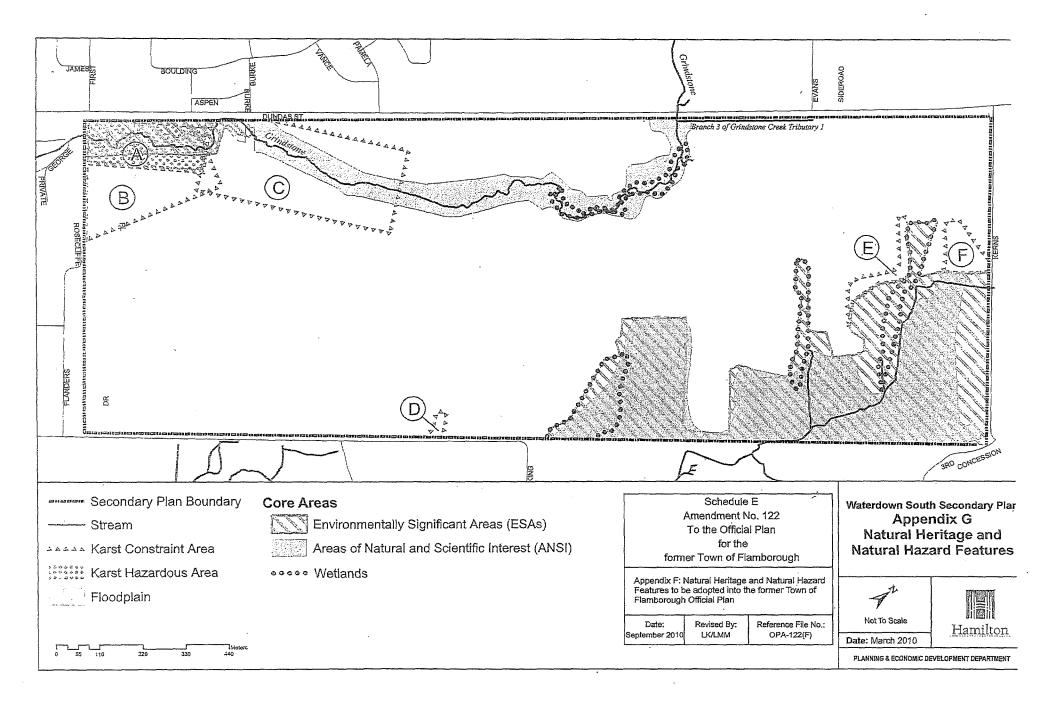
An implementing Zoning By-law, Plan of Subdivision and Site Plan Control shall give effect to this Amendment.











Authority:

Item 15, Economic Development

and Planning Committee Report: 10-017 (PED10171) CM: September 15, 2010

Bill No. 215

# CITY OF HAMILTON

BY-LAW NO. 10-215

To Adopt:

Official Plan Amendment No. 40 to the former Regional Municipality of Hamilton-Wentworth Official Plan
Official Plan Amendment No. 122 to the former Town of Flamborough Official Plan

### Respecting:

# Waterdown South Secondary Plan Area

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

- 1. Amendment No. 40 to the Official Plan of the former Regional Municipality of Hamilton-Wentworth, consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
- 2. Amendment No. 122 to the Official Plan of the former Town of Flamborough, consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

**PASSED** this 15 <sup>th</sup> day of September, 2010.

Fred Eisenberger

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City Clerk

# Amendment No. 40 to the former Regional Municipality of Hamilton-Wentworth Official Plan; and, Amendment No. 122 to the former Town of Flamborough Official Plan

The following text, together with:

## Regional Municipality of Hamilton-Wentworth Official Plan

Schedule "A" (Map No. 4 – Environmentally Significant Areas);

### Town of Flamborough Official Plan

- Schedule "B" (Schedule 'A' Waterdown Urban Area Land Use Plan);
- Schedule "C" (Schedule 'B' Town of Flamborough Rural Land Use Plan);
- Schedule "D" (Schedule 'A-5' Waterdown South Secondary Plan –Land Use Plan); and,
- Schedule "E" (Appendix 'G' Waterdown South Secondary Plan Natural Heritage and Natural Hazard Features);

attached hereto, constitute Official Plan Amendment No. 40 to the Regional Municipality of Hamilton-Wentworth Official Plan and Official Plan Amendment No. 122 to the Town of Flamborough Official Plan.

### Purpose and Effect:

The purpose of these Amendments is to provide for minor changes to the Environmentally Significant Area mapping in the Regional Municipality of Hamilton-Wentworth Official Plan and to adopt the Waterdown South Secondary Plan comprised of text and schedules into the Town of Flamborough Official Plan.

The purpose of the Waterdown South Secondary Plan is to provide a land use planning framework to guide development for this community over a 20-year planning period. This largely residential community will include supporting neighbourhood-scale commercial uses, community uses, and extensive natural areas associated with existing woodlots, wetlands and stream valleys within the community. At full build-out the Secondary Plan Area is expected to accommodate approximately 9,600 residents at different stages of their life cycle, in roughly 3,800 dwelling units. Commercial uses will be accommodated in a District Commercial area, which includes a "main street" style shopping area, and within three neighbourhood nodes.

The Secondary Plan provides a detailed land use plan and related policies for the regulation of land use and development within the Plan Area in accordance with the

applicable policies of the Regional Municipality of Hamilton-Wentworth Official Plan and Official Plan of the former Town of Flamborough, while having regard for the City's adopted new Urban Hamilton Official Plan.

## Location:

The lands comprising Regional Official Plan Amendment No. 40 and Flamborough Official Plan Amendment No. 122 encompass approximately 180 ha (446 acres) bounded by Dundas Street East/Highway 5 to the north, Kerns Road to the east, Mountain Brow Road to the south, and Flanders Drive/Rosecliffe Place to the west.

### Basis:

The basis for permitting these Amendments is as follows:

The subject Official Plan Amendment covers a portion of the area approved for the urban expansion of Waterdown under Official Plan Amendment (OPA) 28, adopted by Town of Flamborough Council in May 1992 and approved in revised form by Cabinet in June 2002. In approving OPA 28, Cabinet concurrently approved a related Memorandum of Agreement requiring development to await completion of: a Class Environmental Assessment for the Dundas Waste Water Treatment Plant expansion/diversion; a Master Environmental Assessment Transportation Study; a Waterdown South Sub-watershed Study; and, completion of secondary plans for the urban expansion area.

The findings and recommendations of these various studies and processes have been reflected in the land use pattern, goals, objectives and policies of the Waterdown South Secondary Plan.

Minor changes to the Regional Municipality of Hamilton-Wentworth Official Plan Map No. 4 are being made to accommodate redefined boundaries for two Environmentally Significant Areas.

# **Actual Changes:**

## A. Former Regional Municipality of Hamilton-Wentworth Official Plan

### A.1 - Map Changes:

- (a) Map No. 4 Environmentally Significant Areas is amended by:
- i) adding lands to the "Environmentally Significant Area 9 Waterdown Woods"; and,

ii) adding lands to the "Environmentally Significant Area – 10 – Grindstone Valley";

as shown on the attached Schedule "A" of this Amendment.

# B. Former Town of Flamborough Official Plan

# A.1 - Map Changes:

- (a) Schedule 'A' Waterdown Urban Area Land Use Plan is amended by:
  - i) identifying lands as OPA # 122;
  - ii) redesignating lands from "Residential" to "Urban Commercial";
  - ii) redesignating lands from "Parks and Open Space" to "Residential";
  - iii) redesignating lands from "Residential" to "Institutional";
  - iv) redesignating lands from "Parks and Open Space" to "Natural Open Space"

as shown on the attached Schedule "B" of this Amendment.

- (b) Schedule 'B' Rural Land Use Plan is amended by deleting "Site Specific Area No. 10" as shown on the attached Schedule "C" of this Amendment.
- (c) The Town of Flamborough Official Plan is amended by adding a new schedule, "Schedule 'A-5' Waterdown South Land Use Plan" as shown on the attached Schedule "D" to this Amendment.
- (d) The Town of Flamborough Official Plan is amended by adding a new appendix, "Appendix 'G' - Waterdown South – Natural Heritage and Natural Hazard Features" as shown on the attached Schedule "E" to this Amendment.

### **B.2 - Text Changes:**

The text of the Official Plan of the Town of Flamborough Planning Area is hereby amended as follows:

- (a) The General Policies to Part Two, Section A.1 The Urban Area is amended by adding the following as a new policy between Policies A.1.2 and A.1.3:
  - "While the URBAN AREA policies apply to lands shown on Schedule 'A', the growth and development of the WATERDOWN SOUTH PLANNING AREA shall be guided by the policies contained in Amendment No. 122 to this Plan. In the case of a discrepancy in policies, those policies contained in Amendment No. 122 and set out in Section A.9 of this plan, shall prevail upon lands within the defined area of the WATERDOWN SOUTH PLANNING AREA."

- (b) Sections A.1.12 and A.1.13 are hereby deleted.
- (c) Section B.8.4.4 is hereby deleted.
- (d) Section A The Urban Area is revised by adding a new section as follows:

## A.9 WATERDOWN SOUTH SECONDARY PLAN

The policies of this Section, in conjunction with Schedule 'A-5' Land Use Plan, constitute the Waterdown South Secondary Plan. It establishes land uses, basic transportation network, *community facilities*, infrastructure requirements and development standards to guide the development and/or redevelopment of lands located in the South Waterdown Area. The principles, objectives and policies of the Waterdown South Secondary Plan, as well as the general policies in the Official Plan, provide guidance and direction for the future development of the Secondary Plan Area.

### A.9.1 GENERAL

## a. Development Concept

The Waterdown South Secondary plan comprises roughly 180 ha of land located in the east end of Waterdown, extending between Dundas Street to the north and Mountain Brow Road to the south, the municipal boundary along Kerns Road to the east and the Renwood Park subdivision to the west. The Secondary Plan has been designed to respect and enhance a number of prominent natural areas throughout the community, including Grindstone Creek, Falcon Creek, Hager Creek, the Waterdown Escarpment Woods and Grindstone Creek Valley Environmentally Significant Areas (ESAs), and the Falcon Creek Provincially Significant Wetland Complex, each of which has been incorporated into a natural heritage system.

Waterdown South is located within the Niagara Escarpment Plan Area. The community should be developed with a streetscape and built form character that is compatible with the natural environment and key visual characteristics of the Niagara Escarpment. Where appropriate, this urban character may be required to incorporate height restrictions, adequate setbacks, landscape screening, boulevard treatments, and alternative road design to minimize the visual impact of urban development on the Escarpment Landscape.

Kerns Road and a part of Mountain Brow Road should be maintained as character roads in order to create a sense that the community is well connected to the Niagara Escarpment's natural environment.

Development should be designed and located so as not to have a negative impact on the Escarpment Natural Area, Escarpment Protection Area and other designated natural heritage features, as well as on water quality and quantity, wildlife, visual attractiveness and cultural heritage features.

The Waterdown South community is intended to offer a full range of housing opportunities from large lot residential homes through to apartment and adult lifestyle (retirement) living in an urban context. Block patterns, school, park and commercial locations should create walkable neighbourhoods. A central neighbourhood node should be within walking distance of each neighbourhood. Small-scale commercial and live-work uses along with *community facilities/services* will be encouraged to locate within each neighbourhood node.

Large lot residential housing will occur along the western limits of the study area of the Waterdown South community to complement and provide a transition to the established Renwood Park subdivision. The extent of natural areas and features within the Waterdown South community affords excellent opportunities for establishing other areas of large lot housing, particularly adjacent to Waterdown Woods.

The Waterdown South Secondary Plan provides the opportunity to create an 'aging in place' adult lifestyle community, in the northeast portion of the community, containing a variety of ground-related and medium-rise housing forms, recreational uses and small scale commercial uses serving the immediate residents.

Medium density housing is directed to occur along the arterial and collector roads through the community, and within the vicinity of each neighbourhood node. Higher density housing is planned for the District Commercial area situated between Dundas Street and Grindstone Creek in the north/central portion of the community. This area will support residential, institutional, office, retail and service commercial uses and will include a pedestrian-oriented "main street" shopping area along the key entrance to the community where shops and restaurants will be encouraged to face directly onto the street.

# A.9.2 GENERAL DEVELOPMENT PRINCIPLES AND OBJECTIVES

### A.9.2.1 Residential

- a. To promote compact urban form that creates varied and distinguishable residential neighbourhoods.
- b. To encourage a mix of uses and housing types that meet the housing needs of residents throughout their life cycles and allow them to remain within the community.
- c. To create residential communities which incorporate a high standard of community planning and urban design practices while protecting and enhancing the natural environment.

- d. To support future public transit service by locating commercial and higher intensity residential uses along Dundas Street West, the north-south arterial road, the collector road spine, and within neighbourhood nodes located at the intersections of such roadways.
- e. To promote live/work opportunities in appropriate locations within walking distance of neighbourhood residents.
- f. To encourage pedestrian travel, cycling, and other forms of active transportation as alternative modes of movement by introducing safe, well connected pedestrian and cycling networks in the community that link to external systems.
- g. To promote urban design that is compatible with the natural environment and visual character of the Niagara Escarpment.
- h. To limit the height of development to ensure that there will be no substantial visual impact on the Niagara Escarpment.

### A.9.2.2 Commercial

- a. To designate a District Commercial area and neighbourhood nodes at strategic locations to promote live-work relationships, create neighbourhood identity and focal points, reduce commuting and support future public transit services.
- b. To locate retail shops along a pedestrian oriented 'main street' within the District Commercial designation with on-street parking.
- c. To recognize an existing and developed arterial commercial block located along Dundas Street.
- d. To limit the amount and scale of new retail development to ensure that it complements and does not impact on the planned function of established commercial areas including Downtown Waterdown.
- e. To ensure that commercial areas incorporate a high standard of community planning and urban design and, where applicable, integrate with nearby significant natural heritage features.

# A.9.2.3 Natural Heritage System and Open Space

- a. To establish a natural heritage system within the context of an urban setting that protects, preserves and, where appropriate, enhances significant natural heritage features, functions and linkages over the long-term.
- b. To maintain wildlife movement corridors along the Niagara Escarpment and through the Grindstone Creek valleylands.

- c. To maintain or enhance, to the greatest extent possible, the predevelopment surface water and ground water quality and quantity in accordance with municipal and Conservation Authority standards in order to protect and enhance on-site and downstream fisheries and wetlands, on-site and off-site karst features and functions, as well as drinking water for those residences on well-based systems downstream.
- d. To employ, where appropriate, naturalized forms of stormwater management that minimize stormwater run-off and impervious surfaces, and reduce the need for, and size of stormwater management ponds.
- e. To respect and maintain the existing drainage boundaries within the Waterdown South Planning Area, to the satisfaction of the City of Hamilton in consultation with Conservation Halton.
- f. To ensure, through appropriate studies and mitigation measures, that public safety is not compromised and property damage does not result from building and infrastructure construction within the vicinity of known karst features.
- g. To provide, where feasible, a passive recreational trail system through the Natural Heritage System.
- h. To provide adequate public access to the Niagara Escarpment by such means as pedestrian trails (e.g. the Bruce Trail) and associated parking areas.
- i. To respect the objectives and policies of the Niagara Escarpment Plan and to ensure that the cumulative impact of development will not have a serious detrimental effect on the Escarpment environment, including its water quality, vegetation, wildlife, and the unique Escarpment landscape.
- j. To ensure that development is compatible with, and provides for, the protection of unique ecological areas, significant wildlife habitat, and water quality and quantity both inside and adjacent to the Waterdown South Planning Area.

# A.9.2.4 Transportation/Transit/Pedestrian/Cycling Linkages

- a. To create a system of roads and transportation corridors that promotes the safe, efficient and timely circulation of vehicular and non-vehicular traffic, and contributes to the public realm through a street, block and land use pattern that encourages walking and other forms of active transportation, creates pedestrian-oriented streetscapes, and links the components of the community.
- b. To create a grid system of arterial, collector and local roads and discourage cul-de-sacs, wherever possible.
- c. To create a linked pedestrian and cycling network consisting of cycleways, paths, walkways and sidewalks on local and collector roads, through parks

- and schools, the hydro corridor, along Grindstone Creek and through stormwater management facilities and natural heritage features in a manner that has regard for the ecological function of the area and minimizes impacts.
- d. To provide pedestrian network connections to the historic centre of Waterdown, the surrounding residential neighbourhoods and to the existing natural open space systems external to the Waterdown South Secondary Plan area.
- e. To design the east-west collector road as a pedestrian and bicycleoriented spine of the community linking all significant land uses within the community.
- f. To plan residential development and its road network so that residents are predominantly within a 400 metre walking distance of neighbourhood parks, commercial facilities and future public transit services.
- g. To employ traffic calming measures on collector roads in order to reduce traffic speeds and make streets conducive to pedestrian and bicycle travel.
- h. To promote future public transit opportunities through land use arrangements, building orientation and streetscape design.
- i. To orient streets so as to promote energy conservation.
- j. To ensure that all new and reconstructed roads will be designed and located to minimize the impact on the Escarpment environment.
- k. To create road and boulevard designs that transition and blend into the surrounding Escarpment landscape, along Mountain Brow Road, and Kerns Road and other new roads abutting the Escarpment Natural and Escarpment Protection Areas.
- I. To maintain and enhance natural vegetation within the Mountain Brow Road, and Kerns Road right of way where possible.
- m. To provide a secure route for the Bruce Trail where it exists in the Waterdown South Planning Area.
- n. To protect views of the Escarpment landscape from Mountain Brow Road and Kerns Road, and provide opportunities for views from new local roads abutting the Escarpment Natural and Protection Areas.

### A.9.2.5 Infrastructure

- a. To provide for the extension of water and wastewater services in a timely, and efficient manner throughout the Waterdown South Planning Area.
- b. To provide for drainage and stormwater management facilities in accordance with the recommendations of the South Waterdown

- Subwatershed Study, and in locations which can complement the natural heritage system.
- c. To design stormwater services so as not to adversely affect downstream water quality, quantity, and the Escarpment environment.

# A.9.2.6 Urban Design

- a. To provide integrated community design that coordinates land use, open space, the street network and built form elements to achieve and reinforce a high quality, integrated community vision.
- b. To incorporate elements of Waterdown South's distinct natural and cultural heritage in the establishment of design characteristics that will promote and achieve unique community design.
- c. To establish gateways at strategic locations to function as entranceways to Waterdown and the community of Waterdown South.
- d. To create an urban fabric characterized by an interconnected street network that is responsive to existing natural heritage, surrounding land uses and cultural heritage elements.
- e. To integrate views of natural heritage features within the community design.
- f. To promote public transit, walking and recreational connections through a well connected system of streets, walkways and trails.
- g. To design streets and built form that promote personal safety through natural surveillance opportunities.
- h. To promote building forms and site layouts that address the street and which locate and orientate on-site parking, garages and service/loading areas to minimize the impact to the streetscape.
- i. To create street and building design that promotes pedestrian comfort and vitality at the grade level of buildings.
- j. To promote design variety within the streetscape.
- k. To promote a variety of housing with diverse architecture for individuals and families of all ages.
- I. To encourage mixed-use development along strategic corridors and within walking distance of residential neighbourhoods.
- m. To integrate community and institutional uses at visible, highly accessible locations.
- n. To create streetscapes and built form that are compatible in design with the visual and natural environment of the Niagara Escarpment, where they abut the Escarpment Natural Area and Escarpment Protection Area designations.

#### A.9.3 LAND USE DESIGNATIONS

# A.9.3.1 Residential Designations

Lands designated Residential shall be developed in accordance with Schedule 'A-5': Waterdown South Secondary Plan - Land Use Plan and the following policies.

#### A.9.3.1.1 General Residential Policies

- a. Residential development in the Waterdown South Planning Area shall have a compact urban form that encourages walkability.
- b. A variety of housing opportunities suitable to a wide range of housing needs shall be encouraged through a variety of tenure options, housing prices and housing forms, including adult lifestyle housing and innovative housing ideas.
- c. A broad range and mix of housing types are promoted between and within residential density categories. The City shall strive to achieve a variety of building types within each density category, such that no portion of the Secondary Plan Area is dominated by one housing type, and to provide an interesting streetscape.
- d. Where townhouses are proposed, a mix of townhouse block lengths is encouraged to provide variety to the streetscape. The creation of long townhouse blocks should be avoided and building setbacks and/or alternate building facades will be encouraged to prevent long stretches of monotonous elevation. The zoning by-law shall contain standards controlling setbacks and the number of units within a block.
- e. Where a net density range is specified in a residential designation, a *net* residential hectare density may be averaged over each plan of subdivision within the designation.
- f. The provision of housing with supports shall be encouraged. As such, group homes, residential care facilities, nursing homes and long-term care facilities, and retirement homes shall be permitted in all residential designations where deemed appropriate subject to the implementing zoning, provided the size and scale of such facilities shall be similar to, and oriented to the built form permitted in each designation.
- g. Community facilities and institutional uses such as schools, places of worship, day care centres and other related community and institutional uses, shall be permitted in all residential designations, subject to the implementing zoning, provided the lot to accommodate the use is located along an arterial or collector roadway and is of a sufficient size to accommodate the use as determined through the requisite zoning, subdivision and site plan approval processes.

- h. Garage protrusion shall be discouraged to create more attractive streetscapes and provide interactive outdoor space for pedestrians. The implementing Zoning By-law shall contain provisions restricting the extent of garage protrusions.
- i. Direct vehicle access to individual dwelling units from arterial roads shall be discouraged.
- j. Direct access to individual street townhouse units from collector roads shall be discouraged and alternative forms of access such as use of shared or common access points and rear lane arrangements shall be encouraged.
- k. Reverse frontage lotting patterns shall be discouraged, and may only be permitted under certain circumstances or where the owner satisfies the City that no other alternative development form or street patterns are feasible. The use of long stretches of acoustical walls adjacent to arterial roads shall also be discouraged.
- I. The arrangement of collector roads, land uses and densities should be planned so that residential units are predominantly located within a 400 metre walking distance of a commercial facilities or neighbourhood nodes.
- m. A variety of housing elevations shall be encouraged within each residential block to provide an interesting streetscape. In support of this policy, demonstration of how the development will meet the Secondary Plan Urban Design Guidelines shall be required as a condition of draft plan of subdivision approval.

# A.9.3.1.2 Low Density Residential 1

- a. The Low Density Residential 1 designation shall permit single detached dwellings, second dwelling units and home businesses. The maximum permitted density shall be 22 units per net residential hectare (upnrh), and the maximum building height shall be 2 storeys.
- b. The new lots along the western limit of the Secondary Plan Area shall serve as a transition area between the established homes and new residential development internal to the Waterdown South community. The implementing zoning by-law shall ensure that all new lots immediately opposite those on Flanders Drive and Rosecliffe Place have a similar lot width at the point where the new lots are opposite to the existing lots.
- c. New lots within the Low Density Residential 1 area which extend into Waterdown Woods shall be required to conform to the following:
  - i) Lot width shall not be less than 15.24 metres (50 feet) at any point.

- ii) The maximum height of the dwelling to the mid-point of roof between peak and eves shall be 10.5 metres (34 feet) to prevent houses from exceeding the height of the trees.
- iii) Rear yards shall be fenced with 1.2 metre (4 feet) black chain link fence to prevent encroachment into the woodlands and wetlands.

# A.9.3.1.3 Low Density Residential 2

- a. The Low Density Residential 2 designation shall permit single detached dwellings, semi-detached dwellings, duplex dwellings, street townhouses and home businesses. Single detached and semi-detached dwellings shall be the primary form of housing in this designation, but limited areas of street townhouses shall be encouraged in each plan of subdivision. Second dwelling units may be permitted in single detached and semidetached dwellings subject to the requirements of the zoning by-law.
- b. The overall density of lands designated Low Density Residential 2 shall range from 22 to 40 units per net residential hectare (upnrh). Development at the higher end of the density scale is expected to occur in small clusters to facilitate a range of housing types and sizes in each neighbourhood. The higher density housing units should be integrated with other housing forms on the same street.
- c. A maximum building height of 2.5 storeys shall be permitted.

## A.9.3.1.4 Low Density Residential 3

- a. The Low Density Residential 3 designation permits single detached dwellings, semi-detached dwellings, duplex dwellings, all forms of townhouses, and home businesses. Second dwelling units may be permitted in single detached and semi-detached dwellings subject to the requirements of the zoning by-law.
- b. The overall density of lands designated Low Density Residential 3 shall range from 30 to 60 units per net residential hectare (upnrh).
- c. A maximum building height of 3 storeys shall be permitted for all housing forms.
- d. Single detached dwellings shall generally comprise a maximum of 60% of the housing units within the Low Density Residential 3 designated area.

## A.9.3.1.5 Medium Density Residential

- a. The Medium Density Residential designation permits a range of housing types consisting of: street townhouses, other townhouse forms, low-rise apartments, other forms of multiple attached dwellings, and a limited amount of single detached and semi-detached dwellings.
- b. The overall density of lands designated Medium Density Residential will be in the range of 60 to 75 units per net residential hectare (upnrh).
- c. A maximum building height of 3 storeys shall be permitted for single and semi-detached dwellings, with a maximum height of 4 storeys permitted for all other permitted housing forms.
- d. Single detached dwellings shall generally comprise a maximum of 25% of the housing units within the Medium Density Residential designated area.

# A.9.3.1.6 Medium Density Residential – Site Specific Policy Area

- a. The Medium Density Residential Site Specific Policy Area designation is intended to permit an adult lifestyle community that promotes 'aging in place'.
- b. Permitted uses within this designation include those uses permitted in the Medium Density Residential 2 designation as set out in Section A.9.3.1.5, as well as mid-rise apartments, and various forms of housing with supports, along with accessory recreational and commercial uses servicing the needs of the surrounding residents.
- c. The overall density of lands designated Medium Density Residential Site Specific Policy Area shall be in the range of 60 to 100 units per net residential hectare (upnrh).
- d. A maximum building height of 8 storeys shall be permitted except for the lands located between the Escarpment Natural Area and the Escarpment Protection Area/Storm Water Management Facility, the maximum permitted building height shall be 6 storeys, but building heights may be increased up to 8 storeys subject to a Visual Impact Assessment in accordance with Section A.9.9.1.j.
- e. The clustering of residential units is encouraged to maximize the provision of generous open space areas within this designation.
- f. Lands designated Medium Density Residential Site Specific Policy Area shall be the subject of a site-specific implementing zoning by-law which may address such matters as performance standards related to building setbacks, height, separation distances, landscape and open space requirements, parking standards, and ancillary uses.

## A.9.3.2 Commercial Designations

The Waterdown South Secondary Plan provides for three commercial designations consisting of District Commercial, Arterial Commercial and Neighbourhood Node areas. The District Commercial designation is intended to function as a neighbourhood commercial centre meeting the weekly and daily retail and service commercial needs of residents both north and south of Dundas Street. The Arterial Commercial designation recognizes an established commercial development on Dundas Street. Neighbourhood Nodes are intended to serve as small-scale neighbourhood focal points serving the convenience commercial needs of immediate residents and are generally located within walking distance of patrons.

In appropriate locations, the development of "live/work" housing units, which are principally residential dwellings but also accommodate small scale commercial uses on the ground floor are encouraged.

#### A.9.3.2.1 Commercial General Policies

- a. Commercial areas shall be developed in a co-ordinated and comprehensive manner. Access points along arterial and collector roads shall be limited and regard shall be given to the sharing of access points, adequate internal traffic circulation, and adequate off-street parking, loading and manoeuvring facilities.
- b. Open storage of goods and materials shall not be permitted except where otherwise permitted in the Arterial Commercial designation and in the implementing zoning by-law for that designation.
- c. Loading and unloading areas shall be located so as to minimize adverse effects to adjacent residential areas and shall be screened from view.
- d. Landscaping shall form an integral part of all developments and screening and buffering shall be provided between commercial and other sensitive adjacent land uses.

# A.9.3.2.2 District Commercial

a. The District Commercial designation is intended to accommodate a range of residential, commercial, institutional and service uses. Such designated areas may be developed primarily for commercial use in the initial stage, but it is envisioned that over time these areas will evolve into truly mixeduse areas with residential and commercial uses mixed either within the same building or in certain locations within separate buildings on the same or abutting lots.

- b. Uses permitted within the District Commercial designation include:
  - offices, service commercial uses including personal service uses and restaurants, and retail stores including supermarkets except that a single user over 10,000 square metres shall not be permitted;
  - ii. live-work units and residential uses above commercial units;
  - iii. apartments subject to Section A.9.3.2.2 e); and
  - iv. places of worship, day care centres, libraries, fire and police stations, post offices, recreational facilities, community centres, meeting spaces and similar uses.
- c. The District Commercial area is intended to serve a neighbourhood shopping function which meets the weekly and day-to-day retail and service commercial needs of residents in the secondary plan area and adjacent neighbourhoods.
- d. The designation shall permit a maximum of 10,000 square metres of retail and service commercial floor space without the requirement for a market impact study. Additional retail and service commercial floor space up to a total maximum of 25,000 square metres may be permitted subject to a market impact study submitted prior to future planning approvals. The market impact study shall demonstrate that the proposed uses will not adversely impact the planned function of any existing or designated commercial areas, particularly the Waterdown downtown area and may set out appropriate phasing and maximum unit floor area for retail stores including supermarkets. Office and service commercial uses above the ground floor shall not be included in the total floor space limitations.
- e. Sole residential buildings may be permitted within the District Commercial designation provided such buildings are generally located on the periphery of the designation; such buildings are not located on Collector Road A; and the total amount of land occupied by such buildings does not limit the ability of the designated lands to provide for the initial maximum retail and service commercial floor space set out in Section A.9.3.2.2 d).
- f. It is expected that a municipal fire hall, as permitted by Section A.9.3.2.2 b)(iv), occupying a site of up to 0.8 ha will be required in this area along Dundas Street at a future signalized intersection. To create the main street character, a location on Collector Road A is discouraged.
- g. The density of lands within the District Commercial designation shall be a maximum of 2.5 times the lot area (Floor Space Index (FSI)) or generally a range of 60 to 150 upnrh for exclusive residential developments.
- h. A maximum building height of 8 storeys shall be permitted, but building heights may be increased up to 12 storeys, subject to a Visual Impact Assessment which demonstrates to the satisfaction of the City and the Niagara Escarpment Commission that the matters set out in Section A.9.9.1.j are addressed.

- i. Within the District Commercial area, it is envisioned that the larger non-residential uses will seek Dundas St. frontage and visibility.
- j. Single use stores greater than 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 along a collector road provided they are lined with smaller stores, multiple entrances, or other similar means to animate the streetscape along the collector road.
- k. Offices uses in the same lot shall not exceed 2,000 square metres.
- I. Along Collector Road A, through the District Commercial designation, the retail space and buildings shall be oriented in a 'retail main street' configuration with storefronts located close to the street and principal entrances facing the sidewalk so as to create a pleasant pedestrian shopping environment. The built form may include stand-alone stores, multiple unit commercial buildings or mixed-use buildings.
- m. Along Collector Road A, no parking, driveways, lanes or aisles shall be permitted between buildings and the public sidewalk. Drive-thrus, car washes, services stations and gas bars shall be prohibited adjacent to Collector Road A.
- n. For buildings located along Collector Road A, the principle public entrance shall provide direct access onto the public sidewalk. The windows and signage shall also face the street. Buildings should have a consistent minimal setback in accordance with the Urban Design, Streetscape and Open Space Guidelines required in Section A.9.4.
- o. The Urban Design, Streetscape and Open Space Guidelines, as required in Section A.9.4, and the implementing Zoning By-law shall establish build-to-lines and a minimum frontage per-block to be occupied by buildings within the District Commercial designation. A lesser requirement may be established on Dundas Street and other streets outside of the 'retail main street' area.
- p. On-street parking shall be provided, wherever possible, in the District Commercial designation.
- q. Parking lots abutting the street shall be screened with low walls, and/or landscape material so to provide a sense of enclosure along the setback line.
- r. The specific location and configuration of the 'retail main street' area may be changed without amendment to this plan provided a detailed concept plan of the 'retail main street' area, as set out in Section A.9.3.2.2 u., is submitted to the satisfaction of the City.
- s. The implementing zoning by-law shall establish a minimum proportion of retail space to be provided along the 'retail main street' area.

- t. The implementing zoning by-law for the District Commercial designation shall consider lower commercial parking standards, which take into account the intended pedestrian nature of the 'retail main street' oriented uses and the role of on-street parking in meeting parking demands.
- u. A detailed concept plan for this designation will be required before approval of any zoning, subdivision or site plan application. The concept plan shall demonstrate to the satisfaction of the City:
  - i. How the policies of this plan are being implemented;
  - ii. The location and configuration of the 'retail main street' area;
  - iii. Means to accommodate traffic flows through the area including access points and the private and public street network;
  - iv. The treatment of intersections within the designation to ensure pedestrian comfort while also ensuring an appropriate flow of traffic;
  - v. An appropriate build-to-line for each street;
  - vi. An appropriate minimum frontage-per-block for each street;
  - vii. The proportion of retail space to be provided along the retail main street;
  - viii. The location of initial and potential future residential and mixed-use buildings; and
  - ix. How the area can evolve and intensify over time to a fully mixed-use area.

# A.9.3.2.3 Neighbourhood Node Designation

- a. Neighbourhood Nodes are to function as neighbourhood focal points that meet the day-to-day commercial needs of nearby residents and are located within walking distance of patrons. They are intended to accommodate small scale retail and service uses in small nodes along with medium density residential housing.
- b. Neighbourhood Nodes are generally located at the intersection of two collector roads or collector and arterial roads and are spaced throughout the community to provide maximum accessibility to pedestrians.
- c. Uses permitted within the Neighbourhood Node designation include: medium density residential and live/work buildings as set out in section A.9.3.1.5 a); convenience retail uses, personal services, professional offices; institutional uses; community facilities/services; and public spaces such as a village or neighbourhood square. Drive-thrus and motor vehicle service stations are not permitted.
- d. The permitted net residential density shall generally range from 50 to 75 upnrh.
- e. A maximum building height of 4 storeys shall be permitted.

- f. Live-work buildings shall take the form of townhouses consisting of ground floor commercial or office uses with a residential unit above.
- g. Buildings shall face the street with a minimal consistent setback and the principal public entrance shall provide direct access onto the public sidewalk. The primary windows and signage shall also face the street.
- h. On-street parking shall be permitted on the adjacent collector roads. In most circumstances, it is the intent that all parking needs for commercial uses can be achieved through on-street parking.
- i. The implementing zoning by-law shall establish a maximum floor area for small scale commercial uses in recognition of the limited retail function of this designation.
- j. The implementing zoning by-law shall also give consideration to establish lower parking standards which take into account the intended pedestrian nature of these uses, shared parking opportunities within live-work buildings, and the contribution of on-street parking to meet parking demand.
- k. Required on-site parking and loading areas are encouraged to locate to the rear of buildings to achieve an attractive streetscape and a pedestrianfriendly built-form environment. Where parking lots abutting the street are unavoidable due to unique circumstances, they shall be screened with low walls, and landscape materials, but shall not be located in front of the buildings.

## A.9.3.2.4 Arterial Commercial Designation

- a. Lands designated Arterial Commercial are intended to accommodate uses which are directed to the travelling public or drive-by consumer.
- b. The Arterial Commercial designation applies to the area already developed for such purpose along Dundas Street, east of the Grindstone Creek.
- c. Permitted uses on lands designated Arterial Commercial shall be limited to convenience retail store, garden supply centre, fruit and vegetable market, florist establishment, butcher shop, motor vehicle service station, equipment sales/rental/service establishment, motel or hotel, recreational uses, and restaurants.

### A.9.3.3 Institutional Designation

a. Uses permitted on lands designated Institutional shall include schools, day care centres, places of worship, nursing homes, residential care facilities, community facilities, government services and other similar institutional uses.

- b. Schedule 'A-5' identifies the general location and size of two elementary schools, as requested by the Hamilton-Wentworth Roman Catholic Separate School Board and the Hamilton-Wentworth District School Board. The location of these school sites may be moved and the size may change without amendment to this plan. The specific location and size of each designated school site shall be determined as part of the approval process of the draft plan of subdivision in which each school site is located. The need for a particular school site shall also be confirmed by the School Board as part of the approval process, and the timing for which the site is reserved will also be established at that time.
- c. All schools shall be located adjacent to designated Parks to provide opportunities to share facilities.
- d. Should any or all of the designated school sites not be required by the appropriate school board, such lands may be used for the following purposes without an Official Plan Amendment:
  - i. Uses permitted in the Low Density Residential 2 designation; and/or
  - ii. Other Institutional uses.
- e. Institutional buildings should be accessible by all modes of transportation, and designed as neighbourhood focal points, which create a distinctive community identity and sense of place and serve as landmarks for orientation and local identity.
- f. At the time of subdivision approval, school sites may be zoned for both institutional and residential purposes having regard to the abutting density and form of development.
- g. A maximum building height of 15 metres is permitted.

# A.9.3.4 Neighbourhood Park Designation

- a. Lands designated Neighbourhood Park on Schedule A-5 shall constitute neighbourhood level parks that provide a variety of recreational opportunities for the residents of the Waterdown South Planning Area. Permitted uses shall include both active and passive recreational uses.
- Lands designated Neighbourhood Park shall be visible and accessible to the public, with unobstructed views provided to improve surveillance of such areas.
- c. A pedestrian and bicycle trail network shall be established to link parks and open space with adjacent residential areas. Appropriate trail linkages shall be made with the hydro corridor crossing the Secondary Plan Area, the Bruce Trail system through the Niagara Escarpment lands to the south, and neighbourhoods to the north. It is intended that the network will use public streets, sidewalks and public open space lands. The network shall be identified through the Streetscape Manual as set out in

- section A.9.7.2 b. and, more specifically, delineated during the processing of subsequent plans of subdivision.
- d. Municipal infrastructure such as water towers and pumping stations may be located within part of a Neighbourhood Park. However, the lands required for the facility will be in addition to the parkland obtained through parkland dedication, as required by policy A.9.9.5.
- e. Neighbourhood parks shall be located no more than 800 metres apart and the majority of residential uses within the Secondary Plan Area shall generally be located within a 400 metre distance (5 minute walk) of a park.
- f. Neighbourhood parks are encouraged to be located adjacent to and in conjunction with school sites, however, school sites shall not be considered to satisfy any parkland dedication requirements. Where appropriate, neighbourhood parks will be located adjacent to other greenspace areas such as the hydro corridor, stormwater management ponds, and the Natural Heritage System in order to augment the natural heritage and open space system throughout the Waterdown South community.
- g. Neighbourhood parks are generally intended to be square or rectangular in shape, have a significant street frontage and be approximately 2.0 ha in size. However, to provide flexibility in the design of Draft Plans of Subdivision, the specific location, size and shape of the neighbourhood parks may vary subject to the approval of the City without an amendment to this Plan.
- h. In co-operation with the respective utility companies, the City shall establish a pedestrian and bicycle trail network along the hydro corridor that traverses the Waterdown South Secondary Plan Area and extends beyond the community.

# A.9.3.5 Natural Heritage System

The Waterdown South Planning Area contains a number of significant natural heritage features, including two Environmentally Significant Areas: Waterdown Escarpment Woods and Grindstone Creek Valley. The Planning Area also contains a Provincial Life Science Area of Natural and Scientific Interest, the Falcon Creek Provincially Significant Wetland Complex, and other woodland, stream, wetland, and hedgerow features. The area also contains significant vegetation communities, which provide habitat for significant plant and wildlife species.

The predevelopment landscape within the Waterdown South Planning Area consists largely of cultivated farmland bisected by the Grindstone Creek and its valleylands. The Planning Area is divided into three watersheds associated with the Grindstone, Falcon and Hager Creeks. The western portion of the Planning Area drains into the Grindstone Creek, the eastern portion into the Falcon Creek and a small area of the south-eastern portion into the Hager Creek.

A sub-watershed planning study has been completed to the satisfaction of the Cities of Hamilton and Burlington and Conservation Halton. The study was undertaken to identify and evaluate the significance of all natural heritage features and functions within the Waterdown South Secondary Plan area, and to establish a framework for more detailed levels of evaluation at succeeding stages of the planning process.

Within portions of the Waterdown South Planning Area, the creeks noted above have created karst conditions consisting of sinkholes, sinking streams, and springs. Within the Planning Area, some of the surface karst is located within the Natural Heritage System and, as such, is already outside of the developable area. However, there are several areas outside of the Natural Heritage System that also contain karst topography. Section A.9.3.6 provides direction with regards to development within these karst areas that are outside of the Natural Heritage System, as shown on Appendix G, and as per recommendations of the South Waterdown Subwatershed Study – Stage 2 Report.

#### A.9.3.5.1 General Policies

- a. Based on the Subwatershed Study, a Natural Heritage System is proposed to maintain, restore and enhance the natural heritage features, areas and functions within the Planning Area. These natural heritage features are linked by natural corridors, which are necessary to maintain biological diversity within the Waterdown South Secondary Plan Area. Wherever possible and feasible, development within the Waterdown South Secondary Plan Area should promote a net gain within the Natural Heritage System by restoring, enhancing, and linking habitat. The natural heritage features comprising the Natural Heritage System are delineated on Appendix G.
- b. Where the lands within the Natural Heritage System are under private ownership, nothing in this plan implies that the lands will be secured for public ownership. Where the use of the lands is deemed appropriate for public ownership by the City or other public agency, suitable acquisition options shall be considered.
- c. The Natural Heritage System shall be comprised of three designations:
  - i. The Grindstone Creek Natural Area,
  - ii. The Escarpment Natural Area, and
  - iii. The Escarpment Protection Area.

#### A.9.3.5.2 Grindstone Creek Natural Area

- a. The Grindstone Creek Natural Area designation represents the significant natural heritage features and natural hazard areas within the Grindstone Creek portion of the Secondary Plan area. The designation shall consist of:
  - i. Grindstone Valley ESA;
  - ii. The valley corridors and associated riparian areas of Grindstone Creek Tributary 1 as identified in the South Waterdown Subwatershed Study; and
  - iii. The greater of the floodplain, meander belt or stable top of bank of the Grindstone Creek. As set out in the *South Waterdown Subwatershed Study*, the boundary of the floodplain and top of bank may change through cut and fill permitted by Conservation Halton.
- b. Development and site alteration within the Natural Heritage System shall be prohibited with the exception of the following limited uses:
  - i. Forest, wildlife and fisheries management;
  - ii. Low intensity passive recreation uses where they do not impact sensitive natural features or functions;
  - iii. Existing agricultural operations and other existing uses;
  - iv. Infrastructure, roads, and utilities, which may be permitted to cross the Natural Heritage System where a scoped Environmental Impact Statement (EIS) or Environmental Assessment demonstrates no negative impacts on the natural features or the ecological functions for which the area was identified and demonstrates that there are no reasonable alternative location(s); and,
  - v. Flood and erosion control, and channel modifications, including site alteration to accommodate a stormwater outfall, to deepen channels (where critical fish habitat does not exist) or to stabilize steep, eroding slopes, subject to an approved EIS and obtaining permission from Conservation Halton pursuant to Ontario Regulation 162/06, as may be amended.
- c. Storm water management facilities shall generally not be permitted. However, in cases where there is no alternative location, encroachment into buffers may be permitted if it can be demonstrated, through an Environmental Impact Statement, that there will be no negative impacts on the ecological features and functions of the adjacent natural feature. No encroachment will be permitted within 30 metres of a Provincially Significant Wetland.
- d. Development and site alteration on adjacent lands shall not be permitted unless the ecological function of the adjacent lands has been evaluated through the preparation of a scoped EIS that demonstrates that the

- features and/or functions for which the area has been identified are not negatively impacted.
- e. Notwithstanding, A.9.3.5.2 b. and c., within lands subject to *Ontario Regulation 162/06*, as may be amended, a permit is required from Conservation Halton for development and site alteration.
- f. Design and construction activities related to the extension of utilities under the Grindstone Creek Natural Area shall be evaluated by a geotechnical engineer in collaboration with a karst specialist.

# A.9.3.5.3 Escarpment Natural Area

- a. The Escarpment Natural Area includes escarpment features and associated stream valleys, wetlands and forests, which are relatively undisturbed. This area contains important plant and animal habitats and geological features and cultural heritage features and are the most significant natural and scenic areas of the Escarpment. The policy aims to maintain these natural areas and protect them from the impacts of adjacent development.
- b. The Niagara Escarpment Plan sets out the following objectives for this designation:
  - To maintain the most natural Escarpment features, stream valleys, wetlands and related significant natural areas and associated cultural heritage features;
  - ii. To encourage compatible recreation, conservation and educational activities; and,
  - iii. To maintain and enhance the landscape quality of Escarpment features.
- c. The Escarpment Natural Area is intended to represent the most significant ANSI (Life Science), the most significant stream valleys and wetlands associated with the Escarpment and forested lands 300 metres from the brow of the Escarpment slope. As such, the Escarpment Natural Area designation shall consist of:
  - i. Escarpment slopes and related landforms associated with the underlying bedrock, which are in a relatively natural state;
  - ii. The Waterdown Escarpment Woods ESA;
  - iii. The Provincially Significant Falcon Creek Wetland Complex;
  - iv. The significant valley corridors and associated riparian areas of Falcon Creek as identified in the South Waterdown Subwatershed Study;
  - v. The Floodplain of Falcon Creek; and
  - vi. Habitat of Threatened and Endangered Species.
- d. Development within the Escarpment Natural Area shall be prohibited with

the exception of the following limited uses:

- i. Existing agricultural operations and other existing uses;
- ii. Non-intensive recreation uses such as nature viewing and trail activities except motorized vehicle trails or the use of motorized trail vehicles:
- iii. Forest, wildlife and fisheries management;
- iv. Archaeological activities;
- v. Essential transportation and utility facilities where an EIS or Environmental Assessment demonstrates no significant negative impacts on the natural features or the ecological functions for which the area was identified;
- vi. Uses permitted in Park or Open Space Master/Management Plans, which are not in conflict with the Niagara Escarpment Plan;
- vii. Essential watershed management and flood and erosion control projects carried out or supervised by a public authority including site alteration to accommodate stormwater management pond outfall;
- viii. The Bruce Trail corridor including the pedestrian footpath and, where necessary, bridges, boardwalks and other trail-related constructions and unserviced Overnight Rest Areas and Access Points for Bruce Trail users; and
- ix. Nature preserves owned and managed by an approved conservation organization.
- e. Storm water management facilities shall generally not be permitted. However, in cases where there is no alternative location, encroachment into buffers may be permitted if it can be demonstrated, through an Environmental Impact Statement, that there will be no negative impacts on the ecological features and functions of the adjacent natural feature. No encroachment will be permitted within 30 metres of a Provincially Significant Wetland.
- f. Development and site alteration on adjacent lands shall not be permitted unless the ecological function of the adjacent lands has been evaluated through the preparation of an EIS and it has been demonstrated that the features and/or functions for which the area has been identified are not negatively impacted.
- g. Notwithstanding, A.9.3.5.3 d) and e), within lands subject to *Ontario Regulation 162/06*, as may be amended, a permit is required from Conservation Halton for development and site alteration.
- h. The Regional floodlines for the Falcon Creek system shall be verified through additional study at the subdivision planning stage.

#### A.9.3.5.4 Escarpment Protection Area

- a. Escarpment Protection Areas are important because of their visual prominence and their environmental significance. They are often more visually prominent than Escarpment Natural Areas. Included in this designation are Escarpment features that have been significantly modified by land use activities such as agriculture or residential development, land needed to buffer prominent Escarpment Natural Areas, and natural areas of regional significance. The policy aims to maintain the remaining natural features and the open, rural landscape character of the Escarpment and lands in its vicinity.
- b. The *Niagara Escarpment Plan* sets out the following objectives for this designation:
  - i. To maintain and enhance the open landscape character of Escarpment features;
  - ii. To provide a buffer to prominent Escarpment features;
  - iii. To maintain natural areas of regional significance and cultural heritage features; and,
  - iv. To encourage agriculture, forestry and recreation.
- c. The Escarpment Protection Area designation shall consist of:
  - i. Escarpment slopes and related landforms where existing land uses have significantly altered the natural environment (e.g. agricultural lands or residential development);
  - ii. Areas in close proximity to Escarpment slopes, which visually are part of the landscape unit; and
  - iii. Regionally Significant Areas of Natural and Scientific Interest (Life Science) or areas designated as environmentally sensitive by municipalities or conservation authorities.
- d. Development within the Escarpment Protection Area shall be prohibited with the exception of the following uses:
  - i. Existing agricultural operations and other existing uses;
  - ii. Recreational uses oriented towards the land which require minimal modification of the existing natural, topographic and landscape features and which do not require the building of major structures;
  - iii. Forest, wildlife and fisheries management;
  - iv. Archaeological activities;
  - v. Transportation and utility facilities;
  - vi. Uses permitted in Park or Open Space Master/Management Plans, which are not in conflict with the Niagara Escarpment Plan;
  - vii. Watershed management and flood and erosion control projects carried out or supervised by a public authority including a stormwater

- management pond outfall;
- viii. The Bruce Trail corridor including the pedestrian footpath and, where necessary, bridges, boardwalks and other trail-related constructions and unserviced Overnight Rest Areas and Access Points for Bruce Trail users:
- ix. Nature preserves owned and managed by an approved conservation organization.
- e. Storm water management facilities shall generally not be permitted. However, in cases where there is no alternative location, encroachment into buffers may be permitted if it can be demonstrated, through an Environmental Impact Statement, that there will be no negative impacts on the ecological features and functions of the adjacent natural feature. No encroachment will be permitted within 30 metres of a Provincially Significant Wetland.

# A.9.3.5.5 Vegetation Protection Zones

- a. The specific natural heritage features within the Natural Heritage System, as identified in Appendix G and based on the South Waterdown Subwatershed Study, shall be retained and protected from adjacent development by appropriate vegetation protection zones. Such vegetation protection zones should be based on the ecological sensitivity of the feature, and the type and nature of adjacent uses, and shall as a minimum provide for a buffer of:
  - i. 15 m. measured from the dripline of woodlots or from the boundary of the Waterdown Woods ESA and the Area of Natural and Scientific Interest (ANSI):
  - ii. 15 m. adjacent to the greatest hazard associated with Grindstone Creek (i.e. flood plain, meander belt or stable top of bank);
  - iii. 15 m. adjacent to the greatest hazard associated with Falcon and Hager Creeks (i.e. flood plain, meander belt or stable top of bank);
  - iv. 30 m. from the boundary of all Provincially Significant Wetlands (PSW).
- b. No grading shall be permitted within 30 metres of all units of the Falcon Creek Wetland Complex, and within the *vegetation protection zones* described in subsections (i), (ii) and (iii) above, with the exception of minor grading that may be necessary for adjacent stormwater management pond outfalls.
- c. These *vegetation protection zones* are not shown on Schedule A-5 or Appendix G but once established, shall be subject to the policies and permitted uses for the Natural Heritage System.
- d. The adequacy of the minimum *vegetation protection zones* set out in subsection a) shall be confirmed through a scoped Environmental Impact Statement (EIS) submitted prior to draft plan of subdivision or other

- requisite planning approvals. The EIS may recommend larger *vegetation protection zones* and/ or different buffer treatments.
- e. In addition to confirming *vegetation protection zones*, the EIS shall confirm the boundaries of natural features, to the satisfaction of the City in consultation with Conservation Halton.
- f. Grading, lot lines, and impervious surfaces shall not be permitted within the buffer. Storm water management facilities shall generally not be permitted within the buffer, except for required stormwater management pond outfalls. However, in cases where there is no alternative location, encroachment of storm water management facilities into buffers may be permitted if it can be demonstrated, through an Environmental Impact Statement, that there will be no negative impacts on the ecological features and functions of the adjacent natural feature.
- g. Vegetation protection zones shall remain in or be returned to a naturally vegetated state.
- h. Lands subject to *Ontario Regulation 162/06*, as may be amended, require a permit from Conservation Halton for development and site alteration.

# A.9.3.5.6 Hedgerows

- a. Hedgerows, as identified in the *South Waterdown Subwatershed Study* provide valuable corridors for some wildlife and plant species to move between the Niagara Escarpment and Grindstone Creek. There may be hedgerows that are worthy of protection, especially where:
  - i. They link natural areas;
  - ii. There is evidence that wildlife regularly use them as movement corridors;
  - iii. They are composed of mature, healthy trees and generally provide a wide, unbroken linkage between natural 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.
- b. Hedgerows shall be evaluated through an Environmental Impact Statement by the applicant prior to draft plan approval. Those that are worthy of protection should be identified for protection in the plans of subdivision. The applicant shall identify means to implement the protection.

#### A.9.3.6 Karst Areas

#### A.9.3.6.1 Karst Hazard Area

- a. The Karst Hazard Area, as schematically identified on Schedule A-5, and as Area A on Appendix G, is an area with known surface and subsurface karst features. The area is considered to have a moderate potential for risk to public safety and property damage as a result of bedrock instability and soil subsidence. As well, the karst features conduct subsurface flows to springs in the Grindstone Valley ESA. These springs provide important baseflow to downstream coldwater fisheries and potentially contribute groundwater to downstream residents that are on well-based systems.
- b. Due to these safety and environmental concerns, development shall not be permitted within this area with the possible exception of water and sanitary services, and utilities. Such infrastructure shall be subject to detailed geological, hydrogeological and geotechnical analysis, as outlined in the Stage 3 report of the South Waterdown Subwatershed Study to the satisfaction of the City in consultation with Conservation Halton, which demonstrates that karst hazards can be appropriately mitigated and there will be no adverse impacts to downstream springs and stream flows.
- c. Where infrastructure is contemplated, subject to A.9.3.6.1 b), such infrastructure shall be designed and constructed in accordance with a geotechnical engineer's recommendations, in consultation with a karst specialist at the detailed design stage, having regard for appropriate standards and protocols for building in karst terrain so as to mitigate potential impacts on the underground infrastructure.
- d. Notwithstanding A.9.3.6.1.a) and b), safety and environmental risks are low along the south edge of the Karst Hazard Area. Some limited development related to stormwater management facility infrastructure, such as environmental setbacks, an access road, and a sediment drying area are considered to be acceptable activities within that portion of the Karst Hazard Site, provided that any excavations are shallow and generally do not extend into the bedrock.
- e. Where new Karst Hazard Areas are found, in addition to the Karst Hazardous Area identified on Schedule A-5 and Appendix G, sections A.9.3.6.1.a), b), c), and d) shall apply.
- f. Development within karst areas requires a permit from Conservation Halton pursuant to Ontario Regulation 162/06, as may be amended.

#### A.9.3.6.2 Karst Constraint Areas

a. Development and site alteration may be permitted in the Karst Constraint Areas identified in Appendix G where:

- The effects and risk to public safety are minor so as to be managed or mitigated;
- ii. A risk assessment is undertaken;
- iii. New karst hazards are not created and existing karst hazards are not aggravated;
- iv. The quality and quantity of surface water draining from the Planning Area in the post-development condition does not significantly impact downstream karst processes or features;
- v. No adverse environmental impacts will result; and
- vi. If karst features are encountered during subsurface excavation work, karst mitigation measures are undertaken, in accordance to the Karst Implementation Plan in Stage 3 of the South Waterdown Subwatershed Study.
- b. Development within karst areas requires a permit from Conservation Halton pursuant to Ontario Regulation 162/06, as may be amended.
- c. Within Karst Constraint Area 'B', as identified on Appendix G, a site-specific investigation of groundwater management concerns and karst remediation requirements will be required where the installation of servicing infrastructure involves excavation into bedrock and karst conditions are encountered. The use of grouting techniques will be minimized to limit potential impacts to spring flow or baseflow.
- d. For the construction of basements in Karst Constraint Area 'B', excavation into the bedrock should be minimized where possible. If building base grades extend down to the top of the bedrock, or into bedrock, and karst features are encountered, the features should be remediated as a function of the specific construction-related activity. Facility design and construction activities should be evaluated by a geotechnical engineer in collaboration with a karst specialist at the detailed design stage.
- e. Within Karst Constraint Area 'C', as identified on Appendix G, a geotechnical study should be undertaken to determine the load bearing capacity of the bedrock at the proposed Burke Street crossing of the Grindstone Creek Natural Heritage Area. The design of the proposed crossing structure should minimize the footprint of the footings required for it to be safely constructed and operated. This will minimize potential interference with surface water flow and groundwater flow into the bedrock below the stream-bed and the adjacent area.
- f. Within Karst Constraint Area 'D', as identified on Appendix G, the existing outcrop should be retained as a landscape feature, where feasible, or if removal is necessary, then shall be covered with fill during site grading.
- g. Within Karst Constraint Area 'E' and 'F', as identified on Appendix G, where development is contemplated, additional study is required at the time of plan of subdivision, and shall involve a subsurface investigation to determine specific design, construction and operating concerns that could

result from the karst. This would include an assessment of construction options for a stormwater management facility. Components of this study would include:

- i. Additional karst feature mapping,
- ii. Observations of surface hydrology and spring monitoring,
- iii. An evaluation of overburden type and thickness,
- iv. Limited bedrock coring and associated downhole testing, and
- v. The excavation of exploration trenches down to the bedrock surface.

The required study shall satisfy the requirements of Stages 4 and 5 of the Checklist for Development in Karst Terrain of the *South Waterdown Subwatershed Stage 2 Report*.

## A.9.3.7 Utility

- a. The Utility designation shall permit pipelines, hydroelectric transmission facilities, petroleum pipelines, and municipal water tower, and sewer and stormwater management facilities. Secondary uses that are complementary to the utility functions of these lands, such as recreational uses, trails, and community gardens, shall be permitted subject to consultation with the applicable utility agency.
- b. A major hydro-electric utility corridor traverses the Waterdown South Planning Area, and a petroleum pipeline corridor exists along the west side of Kerns Road as shown on Schedule A-5. The City shall work in consultation with Hydro One and Enbridge Pipelines Inc., or their successor companies in order to establish pedestrian/bicycle path/trail linkages along these corridors.
- c. Improvements to create trail linkages within the hydro-electric utility corridor that traverses the Planning Area shall be subject to the approval of Hydro One or its successor company.
- d. Proposed crossings of the petroleum pipeline corridor along the west side of Kerns Road by roads, pedestrian/bike paths, services and utilities shall be subject to the approval of Enbridge Pipelines Inc. or its successor company.
- e. Grading and drainage of lands within and/or adjacent to hydro-electric utility corridor shall be designed to ensure there are no adverse impacts on these lands and shall have regard for comments from Hydro One or its successor company.
- f. Stormwater management facilities are identified schematically on Schedule A-5, but are permitted in all land use designations except for the Natural Heritage System designation. However, stormwater pond outfalls may be allowed within the Natural Heritage System designations contained in Policy A.9.3.5 subject to approval of a scoped Environmental

- Impact Study by the City in consultation with Conservation Halton. Such stormwater pond outfalls will require a Permit from Conservation Halton pursuant to Ontario Regulation 162/06, as may be amended.
- g. The location and size of stormwater management facilities on Schedule A-5 are approximate and can be changed without amendment to this plan. Where a stormwater management pond is moved or 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 A-5.
- h. The specific size and location of stormwater management facilities shall be established through a Functional Servicing Plan, consistent with the *South Waterdown Subwatershed Study*, prior to draft plan of subdivision approval as set out in Sections A.9.6.2.
- i. Lands required for stormwater management facilities, including those schematically shown on Schedule A-5 or other locations identified through detailed review associated with future development applications, shall be conveyed to the City and are subject to repayment for both land and construction costs in accordance with the City's financial policies.
- j. Where possible, stormwater management facilities should be located adjacent to other open space areas.
- k. A water tower is approximately located adjacent to a Neighbourhood Park as shown on Schedule A-5. The specific location and size of the lands for this water tower may be changed without amendment to this Plan.
- I. An existing sewage pumping station is situated in the west corner of the Planning Area on City-owned land. The site size may be altered, if it is deemed necessary, without amendment to this Plan.

#### A.9.4 URBAN DESIGN

## A.9.4.1 General

Urban Design, Streetscape and Open Space Guidelines have been prepared to implement the design intentions of this Plan. The guidelines shall further the vision and concept plan for the Waterdown South community and identify means of achieving the concept through the planning process. These guidelines have been prepared in conjunction with this Secondary Plan. As part of a complete application, land owners shall be required to submit an Urban Design brief demonstrating how development applications meet the intent of the policies contained in this Secondary Plan and the Urban Design Guidelines.

The following policies set out the matters that the Urban Design, Streetscape and Open Space Guidelines shall address as well as the key urban design elements.

## A.9.4.2 Streetscapes

The Urban Design Guidelines shall address the streetscape character and design of each of the main arterial roads within and bordering the community as well as the collector roads within the Secondary Plan area. The following policies provide additional direction on key streetscape design elements.

- a. Dundas Street, west of Street 'B', shall have a strong built edge, wide sidewalks and tree planting with native species, which will lend it a more urban, developed character that reflects its significance as the community main street of Waterdown. East of Street 'B', it shall reflect a more rural setting in respect of the rural designation north of Dundas Street. The tributary of Grindstone Creek, on the south side of Dundas in this area, can be used as a greenspace buffer to the development areas south of Dundas Street.
- b. Collector roads through the Waterdown South community should be designed with dwellings and buildings facing onto the street with direct access. Frequent block spacing and intersecting roads shall be accommodated along collector roads.
- c. The streetscape appearance of arterial and collector roads shall be enhanced by requiring flankage lots to present their main building facades or a second front facade to these roads and to enhance their treatment to avoid the appearance of blank building walls and service entrances.
- d. A small village square should be incorporated into each Neighbourhood Node and a larger urban square incorporated in the District Commercial designation.
- e. Where higher density housing forms are planned along collector roads, vehicular access via a rear lane will be encouraged. On-street parking shall be provided within the District Commercial designation and the Neighbourhood Nodes where adjacent commercial or live-work uses are developed.
- f. Local roads should be developed as a system of interconnected streets and relatively short blocks to promote pedestrian activity within neighbourhoods. To promote walking, these streets should be developed in the form of a modified grid pattern responding to the collector street network and open space lands.
- g. Development shall foster streets as interactive outdoor space for pedestrians.
- h. The implementing Zoning By-law shall contain provisions restricting the extent of garage protrusions.

- i. Reverse frontage lotting patterns shall be discouraged and may only be permitted under certain circumstances where the owner satisfies the City that no other alternative development form or street patterns are feasible. Access via laneways, service roads, parallel lanes and window streets will be encouraged as alternatives to reverse frontage or noise walls.
- j. Consideration shall be given to the location of telecommunications and utility equipment within the public right of way as well as on private property. The City encourages innovative methods of containing utility equipment on, or within streetscape features such as gateways, lamp posts, transit shelters, etc. Telecommunication utility equipment shall be clustered or grouped wherever possible to minimize visual impact.
- k. Along Mountain Brow Road, stormwater management facilities may provide the opportunity for landscaped gateways into the community.
- I. Streetscape design should utilize traffic calming measures to promote pedestrian safety.
- m. All intersections should be designed to support safe pedestrian crossing. Major intersections should support pedestrian crossings, by providing safe crossing points, and connection to public walkways. Boulevard tree planting should be closely spaced in the vicinity of such intersections.
- n. Minor intersections should continue to feature landscape treatment through street tree selection with an increased density of boulevard tree planting.

# A.9.4.3 Gateways

Gateways are nodal locations within the Waterdown South community coinciding with major intersections which also function as entry points into the area.

- a. Urban design guidelines shall address streetscape, landscape and built form elements at the following gateways:
  - i. Dundas Street and Kerns Rd;
  - ii. Dundas Street and Collector Road A;
  - Dundas Street and Burke Street: and
  - Burke Street and Collector Road A.
- b. A landscape plan, to the satisfaction of the approval authority, identifying the specific design elements of the gateway features shall be prepared as a condition of draft plan of subdivision approval.

### A.9.4.4 District Commercial Areas

- a. Along Dundas Street, urban design guidelines shall provide direction on how to achieve an intensified urban environment with a strong pedestrian orientation.
- b. The ultimate development of the District Commercial area should create a retail main street along Collector Road A and a built form presence along Dundas Street. Although it is not the intent to have Dundas Street serve as a retail main street in this location, some buildings should be oriented to and face directly onto Dundas Street to achieve a built form presence. Building envelope provisions and the creation of a build-to zone through setback provisions and block frontages should be addressed in the urban design guidelines and set out in the implementing zoning by-law. The urban design guidelines, however, shall also provide guidance for interim uses and provisions that should encourage and facilitate intensification over time.
- c. Urban design guidelines shall also provide guidance on the development of the 'Retail Main Street' area within the District Commercial designation. The orientation of the stores along the 'Retail Main Street' area should create a strong pedestrian retail connection. The principle public entrance should provide direct access onto the public sidewalk along the 'Retail Main Street' area. The primary windows and signage should also face the street. Buildings facing the street should be encouraged to have awnings, canopies, arcades or front porches to provide weather protection. Buildings should have a consistent setback and parking lots abutting the street should be screened with low walls, and landscape materials to provide a sense of enclosure along the setback line.

# A.9.4.5 Neighbourhood Nodes

a. Neighbourhood Nodes should be designed as small scale pedestrianoriented areas. In addition to accommodating medium density housing forms, these node areas may be characterized by small pedestrianoriented shopping areas that provide the opportunity for grade-related commercial uses with the potential for residential uses on upper storeys.

## A.9.4.6 Special Character Roads

- a. Kerns Road and the portion of Mountain Brow Road between Burke Street and the major hydro-electric utility corridor are recognized as special character roads. These roads and the areas adjacent to them provide a unique and attractive environment due to:
  - i. Their location adjacent to the Niagara Escarpment Plan Area;
  - ii. Their ability to provide transition between the natural area of the Niagara Escarpment and the urban area of Waterdown South; and,
  - ii. Their rural cross-section.

- b. The existing rural road cross-section including existing mature vegetation fronting onto the street will be maintained where feasible. This action may require unique approaches to grading and to the preservation of trees along the road.
- c. Development adjacent to special character roads will be sensitive to the protection or enhancement of views towards the Niagara Escarpment.
- d. The character of this section of Mountain Brow Road, and of Kerns Road shall be protected by minimizing changes to the existing road right-of-way and ensuring that development is compatible with, and sympathetic in design to the character of the existing streetscape.
- e. Direct access for new uses will be permitted, although there may be some restrictions in specific locations related to specific forms of development or the use of alternative designs.
- f. Existing viewsheds along Mountain Brow Road and Kerns Road will be maintained and enhanced through various landscape measures so that the new built form does not dominate the viewsheds as one travels along these roads.
- g. Where Kerns Road or Mountain Brow road require reconstruction such works shall be designed to minimize the impact on the Escarpment environment and to ensure the least possible change occurs in the natural landscape. This will include road and boulevard design that blends into the surrounding Escarpment landscape, using landscape planting, vegetative screens and vegetation protection zones around the natural heritage features where feasible.

#### A.9.5 HERITAGE

The Secondary Plan Area is characterized by a number of cultural heritage attributes including archaeological sites, areas of archaeological potential and built heritage features. The study, protection and/or incorporation of cultural heritage resources within the Waterdown South Secondary Plan area shall be subject to the policies of Section E.2 of the Official Plan and the following additional policies.

a. Prior to approval of draft plans of subdivision, a detailed cultural heritage impact assessment shall be undertaken if deemed necessary through formal consultation with the applicant to identify and analyze potential heritage buildings and structures of architectural interest. The cultural heritage impact assessment 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. The cultural heritage impact assessment shall contain the following:

- 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;
- ii. a description of the proposed development or site alteration and alternative forms of the development or site alteration;
- iii. a description of all cultural heritage resource(s) to be affected by the development and its alternative forms;
- iv. a description of the effects on the cultural heritage resource(s) by the proposed development or site alteration and its alternative forms; and,
- v. 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).
- b. It is the intention of this Secondary Plan to encourage the retention and conservation of historical buildings, structures or features on their original sites and to promote the integration of these resources into new development proposals in their original use or an appropriate adaptive reuse. Potential adaptive re-use strategies for built heritage resources are required to be addressed in the cultural heritage impact assessment report. Notwithstanding the permitted uses within the designation in which these heritage buildings may be located, a broad range of residential, commercial and institutional uses shall be permitted subject to the findings of the cultural heritage impact assessment report.
- c. An archaeological assessment may be required prior to the submission of the following applications:
  - i. plans of subdivision;
  - ii. site plan approval when it involves soil disturbance or site alteration;
  - iii. plans of condominium when it involves soil disturbance or site alteration;
  - iv. minor variances when it involves soil disturbance or site alteration; and
  - v. consents / severances when it involves soil disturbance or site alteration.
- d. 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.

### A.9.6 INFRASTRUCTURE POLICIES

## A.9.6.1 Recharge/Discharge

a. Where soil conditions permit, proponents of development within the secondary plan area should investigate means to maintain recharge and base flows. This shall be determined and implemented through the Functional Servicing Plans as set out in section A.9.9.1 b. on an individual Plan of Subdivision basis to achieve the stormwater management objectives set out in the South Waterdown Subwatershed Study.

### A.9.6.2 Stormwater Management

Stormwater management is an important component of urban development. Stormwater management facilities shall be used to control stormwater flow rates and improve stormwater quality. As well, such facilities may provide for trail connections in accordance with the policies of this Plan.

- a. A Stormwater Management Plan shall be prepared as part of the Functional Servicing Plan, which provides supporting technical analyses for sizing and design of proposed stormwater management facilities.
- b. The Stormwater Management Plan shall demonstrate conformity with the recommendations of the *South Waterdown Subwatershed Study*; identify where deviations are warranted, if any; and shall have regard to current provincial stormwater management practices and design guidelines, the requirements and adopted standards of the City of Hamilton, the policies of this Plan and the requirements of Conservation Halton, and Provincial Ministries.

- c. The Stormwater Management Plan shall also incorporate a naturalized design with appropriate native trees, shrubs, sedges and wildflowers, as well as accommodate a trail system where possible without compromising public safety.
- d. The water quality draining into the Grindstone, Falcon and Hager Creeks shall be maintained or improved principally with respect to water temperature mitigation and sediment load through stormwater management techniques both during and following construction. Wherever possible and feasible, naturalized stormwater management techniques shall be employed.
- e. The water quantity draining into the Grindstone, Falcon and Hager Creeks shall generally maintain the pre-development hydrological regime in accordance with applicable municipal stormwater management policies of the City of Hamilton, and the requirements of the South Waterdown Subwatershed Study.
- f. Stormwater management facilities shall be lined where required to prevent loss of surface flow to Grindstone, Falcon and Hager Creeks, and/or to prevent leakage into the underlying karstic bedrock.
- g. Any stormwater management facility proposed within Karst Constraint Area 'C' as identified on Appendix G, shall be constructed with minimal risk of aggravating existing karst features or potentially creating new hazards.
- h. In the preparation of the Functional Servicing Plans, management of peak flows from the Waterdown South Secondary Plan Area, will be addressed consistent with the *South Waterdown Subwatershed Study* to avoid potential off-site flooding problems over the Niagara Escarpment brow, farther downstream and at Escarpment springs.
- i. Development shall not be permitted which would require stormwater drainage excavation or other related work south of Mountain Brow Road.
- j. A sedimentation and erosion control plan shall be submitted when detailed engineering is undertaken, prior to site alteration and/or prior to registration of plans of subdivision, whichever comes first, which addresses how sedimentation will be controlled during construction stages.
- k. The City may consider the establishment of interim stormwater management facilities on a temporary basis within the Waterdown South Secondary Plan Area, notwithstanding the underlying land use designation for the lands, except for areas within the Natural Heritage System described in Policy A.9.3.5. The interim stormwater management facility shall not preclude or prejudice future development on the basis of the land use designations shown on Schedule A-5. All temporary facilities must be stabilized with vegetative cover.

- I. Infiltration of runoff may assist in the control of erosion, maintenance of baseflows, and reduce inflows to storm sewers and overland flow paths. However, the low permeability of the soils (Halton Till) within the Planning Area represents a constraint to the implementation of widespread infiltration measures. Furthermore, the occurrence of epikarst where overburden is shallow could potentially aggravate karst features leading to the development of karst-related hazards. As such, measures to promote infiltration and their feasibility should be investigated as a condition of draft plan of subdivision for the following areas, as recommended by the *South Waterdown Subwatershed Study*:
  - i. The area south of the hydro-electric utility corridor, and south of Skinner Road:
  - ii. Within the Grindstone Creek Tributary 1 catchment area on the south side of the creek;
  - iii. Lands draining to Grindstone Creek Tributary 3 and Falcon Creek through infiltration of roof runoff and backlot drainage; and,
  - iv. Areas adjacent to Environmentally Significant Areas, where karst is present, as identified on Appendix G through infiltration of roof runoff.
- m. Areas where karst is present often have overburden that is less than two metres thick where infiltration into underlying karst features may already be established through soil pipes and desiccation fractures in the overburden. Development of infiltration measures must assess the potential to aggravate existing karst features. In such areas, widespread or diffused infiltration measures may be more acceptable than concentrated infiltration.
- n. The development area located adjacent to Dundas Street, between the Grindstone Creek Natural Area and Skinner Road will drain to the relocated Branch 3 of the Grindstone Creek Tributary 1 as shown on Appendix G. This area shall be serviced by privately owned and operated on-site stormwater management facilities. These facilities will control water quality, quantity and erosion of post-development runoff to predevelopment levels. The on-site stormwater management facilities will be designed to meet the standards and criteria set out in the Ministry of Environment Stormwater Management Planning and Design Manual.
- o. The ultimate configuration and design of the relocated Branch 3 of the Grindstone Creek Tributary 1, as illustrated on Appendix G will be based on Conservation Halton requirements. The relocated branch will be fully contained within public lands and shall be maintained by the City of Hamilton.

### A.9.6.3 Municipal Services

a. The provision of municipal sanitary sewers and watermains shall comply with the approved *Waterdown Water and Wastewater Class* 

- *Environmental Assessment,* the City's Development Guidelines, and the City-wide Water/Wastewater Master Plan.
- b. Existing residential dwellings on properties not subject to a development application are encouraged to connect to municipal piped water and sanitary sewers as services are extended.
- c. 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.
- d. It is intended the Planning Area will be serviced by a required water tower located in the Planning Area, as approximately shown on Schedule A-5.

#### A.9.7 TRANSPORTATION

The City shall provide a safe and efficient transportation network which includes bike lanes, sidewalks, off-street walking trails and an arterial, collector, and local road network for the Waterdown South Planning Area, in accordance with Schedule 'A-5' and the following policies:

### A.9.7.1 General Policies

- a. All new roads within the Planning Area shall be designed and constructed in accordance with the Standard Drawings for Urban Roads contained with the adopted standards of the City of Hamilton. The City may consider alternative Development Standards where, in the opinion of the City, they are appropriate and do not compromise public safety or the efficiency of the transportation network or the ability to locate the required services.
- b. As a condition of development or redevelopment approval, all lands required for new internal public roads, road widenings for existing public roads in accordance with Section A.9.4.6, traffic calming measures, roundabouts and/or daylighting triangles shall be dedicated free of charge and free of all encumbrances to the satisfaction of the City, except where the City's development charge policy provides otherwise.
- c. The applicable portion of growth-related costs related to the design and construction of all new public roads and the appropriate upgrading of the adjacent existing public roads required as a result of development within the Waterdown South Planning Area shall be paid for by development, and shall be subject to the financing and cost-sharing provisions of A.9.9.7 of this Plan.
- d. In some areas, and for some development such as street townhouses along arterial and collector roads, access to development serviced by

- lanes may be appropriate and encouraged to contribute to an improved streetscape, urban character and enhance road safety.
- e. On-street parking shall be discouraged on arterial roads where the main function of the roadway is to provide capacity for longer-distance trips. On-street parking on collector and local roads will be permitted.
- f. It is a policy of the City of Hamilton to consider roundabouts where a study confirms they are feasible, appropriate and advantageous in terms of traffic flow, traffic safety, community design or environmental considerations. The *Waterdown South Secondary Plan Area Traffic Impact Study* recommended roundabouts along Burke Street at Collector Road A and Skinner Road. It also found that either stop controls or roundabouts are appropriate options for the intersections at Collector A/Street 'B'/Street 'A', Collector A/Skinner Road, and Skinner Road/Shalem Boulevard.
- g. Notwithstanding A.9.7.1 f., within the District Commercial area further detailed study through a Streetscape Manual as per section A.9.7.2 b. vii, shall be undertaken to assess the feasibility of a roundabout at the intersection of Collector Road A, Street 'A', and Street 'B', which shall address the following matters:
  - i. Ability to mitigate high delays or long vehicle queues;
  - ii. Ability to balance traffic flows between approaches;
  - iii. Ability to provide a safe environment for pedestrians, as well as bicyclists;
  - iv. Ability to accommodate on-street parking;
  - v. Ability to accommodate on-street bike lanes;
  - vi. Ability to achieve a pedestrian-oriented retail main street area; and
  - vii. Ability to provide for buildings to be built up to the street line.
- h. To facilitate the potential for signalization, the proposed intersections on Dundas Street have been located opposite existing and proposed roadways on the north side of Dundas Street to provide improved north-south connectivity and minimize the number of intersections on Dundas Street except as set out in Section A.9.7.3 e.
- To minimize traffic infiltration through the residential neighbourhoods in Burlington to the south, Kerns Road and Shalem Boulevard shall form a continuous connection to Dundas Street with traffic calming measures where appropriate.
- j. Any reconstruction of Mountain Brow Road and Kerns Road shall have regard for section A.9.4.6 and A.9.7.2 b) viii.

## A.9.7.2 Streetscape

Streetscape is a key element of a successful public realm. Roads are the principal interface between built form and the public realm and as such play a dominant role in determining the character of any given neighbourhood. The elements that shape the streetscape include adjacent architectural design, the relationship of buildings to the street, yards and boulevards, roads, sidewalks, lighting, planting of trees, fences and utilities. Streetscape policies are intended to guide the planning and design of public roadways including the spaces extending across the road.

- a. Where roads within the Planning Area abut the Niagara Escarpment Natural Area and Protection Area, the planning and design of public roadways shall be located and designed to minimize the impact on the Escarpment environment and to ensure the least possible change occurs in the natural landscape. This will include road and boulevard design that blends into the surrounding Escarpment landscape, using landscape planting, vegetative screens and *vegetation protection zones* around the natural heritage features where feasible.
- b. A comprehensive Streetscape Manual shall be prepared by the landowners, to the satisfaction of the City, for the overall Waterdown South Planning Area as a condition of draft plan approval. The Streetscape Manual shall reflect the streetscape principles and objectives in Section A.9.2 of this Plan, the Urban Design Guidelines, and the Council endorsed International Charter for Walking. The Streetscape Manual shall address the following:
  - The function, design and treatment of road types (i.e. sidewalks and crosswalks, landscaping/boulevard plantings including use of native species, intersection treatments, on-street parking, signage, street lighting and utility wires, etc.) with differing requirements for residential verses commercial and mixed-use areas;
  - ii. A continuous bicycle trail system and appropriate means to accommodate the system on arterial and collector roads;
  - The location and design of a continuous pedestrian trail system, and public sidewalks and including matters of width, materials and lighting;
  - iv. Requirements for the mobility impaired, such as safety features, standards for the placement of street furniture, sidewalk maintenance and design, including curb cuts so as to provide a continuous barrier free path to transportation services;
  - v. Requirements for boulevard tree planting including spacing and canopy density with differing requirements for residential verses commercial and mixed-use areas;
  - vi. The design of special entry points or gateway features where arterial and collector roads intersect with perimeter arterial roads;

- vii. The design of intersections including roundabouts where required;
- viii. The compatibility of the design of Mountain Brow Road, and Kerns Road and other roads which abut Escarpment Natural Area and Escarpment Protection Area designations, with the visual and natural environment of the Niagara Escarpment, in consultation with the Niagara Escarpment Commission.
- c. The design of all streetscape elements must be consistent with the Streetscape Manual so that the roads are cohesive and attractive places for pedestrians and persons travelling through them. Where the City agrees to initiate alternative development standards at draft plan of subdivision approval, the Streetscape Manual shall be updated to reflect this standard.

#### A.9.7.3 Arterial Roads

- a. Arterial roads shall be designed to carry high volumes of longer distance traffic within and through the Waterdown South community, with only limited or no direct access to adjacent properties permitted.
- b. Dundas Street shall have a maximum designated right-of-way width of 45.72 m.
- c. Burke Street shall have a designated right-of-way width of 30 m. to 36 m., as per the *Waterdown/Aldershot Transportation Master Plan*.
- d. Burke Street, as shown on Schedule A-5 is based on the results of the Waterdown/Aldershot Transportation Master Plan. The alignment of Burke Street may be moved without amendment to the Secondary Plan, subject to a Class EA process and evaluation.
- e. If the Waterdown/Aldershot Transportation Master Plan confirms that Burke Street is to align with Burke Road to the north, the intersection shall be designed to avoid direct northbound access to Burke Road from Burke Street.
- f. Reverse lot frontage development shall generally not be permitted along arterial roads except as provided for in Section A.9.4.2.i of this Plan.

#### A.9.7.4 Collector Roads

- a. Collector Roads are intended to carry moderate traffic volumes and provide direct, but controlled access to adjacent properties.
- b. The right-of-way width of Collector Roads shall be 20 metres, but may be increased up to 26 metres to accommodate bike paths, on-street parking, other traffic calming measures, streetscape features and bus bays (for future public transit) as identified in the Streetscape Manual.

- c. Bicycle facilities may be included within collector road right-of-ways, where required in accordance with the Streetscape Manual.
- d. Collector roadways through the Planning Area shall contain a maximum of two through lanes and provide for on-street parking on at least one side.
- e. Shalem Road may be changed to a local road, and the road alignment may be altered without amendment to this Plan, provided that:
  - i) It facilitates the eventual connection between Skinner Road and Kerns Road: and
  - ii) It is demonstrated through a detailed transportation study submitted in support of a zoning by-law amendment or draft plan of subdivision application to the satisfaction of the City.
- f. Streets 'A' and 'B' may be changed to local roads, and the road alignments may be altered without amendment to this Plan, provided that:
  - i) The streets facilitate a connection between Dundas Street and Collector Road A;
  - ii) These public streets serve to break-up the District Commercial designated area into smaller development blocks; and
  - iii) It is demonstrated appropriate through a detailed transportation study submitted in support of a zoning by-law amendment or draft plan of subdivision application to the satisfaction of the City.
- g. Mountain Brow Road shall be downgraded to a local road and consideration shall be given to the future closure of a portion of Mountain Brow Road east of the western limit of the stormwater management pond.

#### A.9.7.5 Local Roads

A Local Road is an internal street that is inter-linked to the neighbourhood network.

- a. Local Roads are intended to carry local traffic and provide direct access to adjacent properties.
- b. The right-of-way width of Local Roads shall be 18 m., but may increase to accommodate bike paths, on-street parking, traffic calming measures, and streetscape features, as identified in the Streetscape Manual.
- c. As set out in Section A.9.7.1.a, alternative development standards and road widths may be considered. The details regarding appropriate rights-of-way widths shall be addressed prior to draft plan of subdivision approval.
- d. On-street parking shall be required on at least one (1) side of the road.
- e. A local road connection shall be provided from Collector Road A to Mountain Brow Road/King Road internally in the Secondary Plan area. The road connection shall be illustrated in the draft plan of subdivision that

is adjacent to Mountain Brow Road, and the road network shall be designed to create an indirect route to King Road so that traffic flow to King Road is not promoted.

# A.9.7.6 Sidewalks and Bicycle Paths

Sidewalks are places for pedestrian movement, children's play and neighbours' socializing. Sidewalks encourage walking as urban transportation, walking to public transit and walking for pleasure. Sidewalks improve the liveability of a community, enhance safety and are vital to children, older adults, and people with disabilities.

- a. The Streetscape Manual, as required in Section A.9.7.2, shall identify the location of sidewalks, their widths and design elements within the Waterdown South Secondary Plan Area.
- b. Sidewalks should be provided on both sides of arterial and collector roads, and one side of local roads, or, as set out in a new City of Hamilton sidewalk policy.
- c. The width of public sidewalks shall be sufficient to accommodate required utilities, provide adequate visibility from the street and promote public safety, and shall be determined prior to draft plan approval.
- d. A continuous bicycle trail system shall be identified as part of the Streetscape Manual in Section A.9.7.2. The bicycle trail system shall include both on-street and off-street routes linking the parks and community facilities. Off-street routes will use public open space lands including Neighbourhood Parks, school sites, a potential route along the hydro corridor and a dedicated bike lane within the east-west Skinner Road, and potentially other collector roads where feasible. Any off-street bike paths shall be constructed by the developer and dedicated to the City as a public right-of-way.

#### A.9.7.7 Public Transit

Good public transit service is an asset to all communities. The ability to support public transit is largely dependent upon the density and arrangement of land uses as well as the design of the streetscape and the relationship of adjacent buildings to the street.

a. The City shall ensure the design of the Waterdown South Planning Area, including the location of higher density land uses and streetscape design, provides for the ability to accommodate future public transportation within the community. As well, the long term potential for higher order public transit such as express bus service along the arterial road network internal and external to the Planning Area should be planned for.

- b. Neighbourhood design should minimize pedestrian walking distance to future public transit service. Within the Waterdown South Planning Area, 90% of all residential dwellings shall generally be within approximately 400 metres of a potential public transit stop.
- c. The future public transit system shall be integrated into the community design and be a key component of community focal points including commercial areas.

#### A.9.7.8 Pedestrian Trails

- a. Pedestrian trails shall be established, in consultation with the Niagara Escarpment Commission along the hydro-electric utility corridor that traverses the Planning Area, along the utility corridor at the western edge of the Planning Area, along Grindstone Creek, through stormwater management facilities, and through natural heritage areas to create a connected network that integrates the Planning Area with the surrounding community and the Niagara Escarpment. Any off-street pedestrian trails shall be constructed by the developer and dedicated to the City as a public right-of-way.
- b. Trail locations shall be based on field assessments of habitat sensitivity and consideration of potential linkages to the Bruce Trail.
- c. Opportunities to formalize two existing informal parking areas and access points to the Bruce Trail located in the vicinity of the Waterdown Woods ESA shall be investigated. One opportunity is located where the Bruce Trail crosses Kerns Road; the second is located where the Bruce Trail crosses Mountain Brow Road / King Road. The establishment of other Bruce Trail access points from the Planning Area between the hydroelectric corridor and Kerns Road shall generally be discouraged, in consultation with the Niagara Escarpment Commission and the Bruce Trail Conservancy.

#### A.9.8 UTILITIES

- a. Public and private utilities shall be permitted in all land use designations subject to the policies of this Plan including those for the Natural Heritage System designations as set out in section A.9.3.5, the Karst Hazardous Area as set out in section A.9.3.6.1, and the Karst Constraint Areas as set out in section A.9.3.6.2, where specific policies of this Plan provide further direction.
- b. Wiring for electrical power distribution, telecommunication, cable television and any similar systems shall be coordinated, planned and installed in common trenches, wherever feasible, within public road allowances or

- within appropriate easements to avoid unnecessary over digging and disruption of municipal right of ways.
- c. Large utility infrastructure shall be located and designed to minimize visual impact and ensure compatibility with surrounding land uses, where practical.
- d. The City shall ensure that the adequate utilities and/or communication/ telecommunications facilities are, or will be, established to serve the anticipated development and that these facilities can be phased in a manner that is cost-effective, fiscally feasible, and efficient.
- e. New and expanded utility facilities shall be designed and located to minimize impact on the Niagara Escarpment and be consistent with the objectives of the Niagara Escarpment Plan.

#### A.9.9 IMPLEMENTATION AND REVIEW

The provisions of the Official Plan regarding implementation shall apply with regards to this Secondary Plan, except as specifically set out herein.

# A.9.9.1 Study Requirements

The following studies may be required to be submitted with any application for plan of subdivision or rezoning in accordance with the requirements for a complete application:

- a. Environmental Impact Statement (EIS) as per the City of Hamilton and Conservation Halton EIS guidelines and any additional requirements as outlined in the Subwatershed Study. Such EIS may be scoped subject to the approval of the City and Conservation Authority;
- b. Functional Servicing Plan which addresses:
  - i. Servicing design requirements;
  - ii. Internal and external sanitary and storm drainage areas;
  - iii. A water demand and sanitary sewage generation study in support of preliminary sizing of water and wastewater infrastructure;
  - iv. Layout of roads and other transportation systems including trails;
  - v. Preliminary sizing, design and location of stormwater management facilities:
  - vi. Preparation of a Stormwater Management Plan in conformity with the recommendations of the *South Waterdown Subwatershed Study* and the policies of Section A.9.6.2;
  - vii. General conformity with the recommendations of the *Waterdown Water and Wastewater Class Environmental Assessment*;

- viii. Incorporation of mitigation measures recommended in the Environmental Impact Statement and Karst Geological / Hydrogeological / Geotechnical studies;
- ix. Preliminary grading requirements; and,
- x. Any additional requirements as outlined in the South Waterdown Subwatershed Study;
- c. Retail Market Impact Study for any proposed commercial development in excess of 10,000 square metres of retail and service commercial floor area within the District Commercial designation;
- d. Detailed Concept Plan for any application within the District Commercial designation;
- e. Geological, hydrogeological and geotechnical studies of karst features in areas identified in Appendix G of this Plan, and the South Waterdown Subwatershed Study Stage 2 Report as potentially containing karst features or for those areas where karst is discovered through subsequent studies;
- f. Transportation analysis of intersection requirements and timing of external road improvements;
- g. Cultural Heritage Impact Assessment;
- h. Archaeological Assessment;
- i. Streetscape Manual;
- j. Visual Impact Assessment, where required, to the satisfaction of the City, in consultation with the Niagara Escarpment Commission which:
  - i. Establishes the maximum building height, minimum building setbacks, and building material so that no component of the building mass is visible above the skyline of the Niagara Escarpment from below the Escarpment brow (edge);
  - ii. Establishes an appropriate buffer between the Escarpment Natural Area and Escarpment Protection Area and adjacent roads and built form to protect the visual and landscape character of the Escarpment; and
  - iii. Assesses the visual impact of municipal infrastructure such as water towers and pumping stations on the skyline of the Niagara Escarpment;
- Confirmation of the Falcon Creek Regional floodlines to the satisfaction of the City and Conservation Halton;
- I. Urban Design Brief that includes text, plans, details, and/or elevations, as necessary, to demonstrate:
  - Compliance with the urban design policies of this Plan, the Niagara Escarpment Plan policies and the Waterdown South Urban Design Guidelines; and

- ii. How the intent of the Secondary Plan policies, the Niagara Escarpment Plan policies and the Waterdown South Urban Design Guidelines have been met.
- m. Detailed noise control study; and,
- n. Other studies which may be identified through the formal consultation process.

### A.9.9.2 Conditions of Development

Notwithstanding any other provision of this Plan, and except for expansions of existing uses, the following matters shall be addressed as conditions to be fulfilled prior to registration of plans of subdivision, prior to lifting of a 'Holding' provision on a site specific zoning, or prior to site plan approval.

- a. Water distribution and storage facilities, as set out in the *Waterdown Water and Wastewater Class Environmental Assessment* and the implementing functional servicing plans, required to service specific stages of development are committed to be in place and operative prior to or coincident with occupancy and use of the land.
- b. Wastewater facilities required for conveyance and treatment, as set out in the *Waterdown Water and Wastewater Class Environmental Assessment*, required to service specific stages of development are committed to be in place and operative prior to or coincident with occupancy and use of the land.
- c. All transportation infrastructure required to support the specific phases of development are in place or have been programmed in respective jurisdictional capital budgets, or other wise financially committed. The approved phasing strategy is to be based on traffic impact studies that identify which infrastructure improvements identified in the approved Waterdown/Aldershot Transportation Master Plan class EA and South Waterdown Traffic Impact Study need to be in place to support growth.
- d. Storm drainage facilities, as set out in the Functional Servicing Plan, and as approved by the municipality in consultation with Conservation Halton are committed to be in place and operative prior to or coincident with the occupancy and use of the land.
- e. Other identified local infrastructure needs as well as community use lands such as schools, parks and stormwater management facilities, are secured through a cost sharing agreement, as further set out in Section A.9.9.7, in accordance with municipal policies and the provisions of the *Development Charges Act*.
- f. All other urban services and utilities required to service specific stages of development are committed to be in place and operative prior to or

- coincident with occupancy and use of the land, except as otherwise approved.
- g. A well survey monitoring plan shall be a condition of draft plan approval.
- h. A program to periodically inspect the stormwater management facility adjacent to the Karst Hazardous Area, to check for leaks or weak spots in the liner, shall be a condition of draft plan approval.
- i. An alternative access to the three properties along a private lane south of George Street shall be made available for purchase. Erosion at the Grindstone Creek Tributary 1 Waterfall immediately downstream of the Planning Area could eventually interrupt access to these properties.
- j. In the context of this policy, "committed to be in place" shall mean identified within an approved Capital Budget, and a development agreement executed with the City or any other satisfactory arrangement with the City.
- k. Notwithstanding the Conditions of Development of A.9.9.2, a maximum of 250 residential units in the northwest portion of the Plan Area are permitted to be developed prior to satisfying the requirements for new infrastructure and/or infrastructure improvements as required in sections A.9.9.2 (a), (b), (c), and (f).

# A.9.9.3 Zoning By-law

The zoning by-laws for this area may include provisions for bonusing and holding zones where deemed appropriate and where they are in accordance with Section F.6 of the Official Plan of the former Town of Flamborough, and the provisions of the *Planning Act* and do not conflict with the requirements of the Niagara Escarpment Plan or any other Provincial Plan.

#### A.9.9.4 Staging of Development

In addition to Section D.4 to the Official Plan of the former Town of Flamborough, and the City of Hamilton's Staging of Development Program, the following policies shall guide the staging of development within the Waterdown South Secondary Plan Area.

- a. Development will occur in a sequence that ensures an orderly yet flexible pattern of development in accordance with the objectives and policies contained in the Waterdown South Secondary Plan.
- b. Development shall proceed in a manner that ensures that service levels established by this plan as well as those contained in the Official Plan of the former Town of Flamborough and in the City of Hamilton in general are achieved within each stage of development, and the provision of infrastructure and services is within the fiscal capabilities of the City of

Hamilton and the School Boards. Where the fiscal capabilities of any one government or agency are limited to the extent that infrastructure or facilities may be delayed, front-ending of infrastructure and facilities by the landowners may be an option.

- c. Staging should ensure that the matters and infrastructure identified through section A.9.9.2 are provided in an efficient and cost effective manner.
- d. Until Burke Street is in place, a maximum of 250 residential units located north of the intersection of Burke Street and Skinner Road can be constructed within the Waterdown South Plan Area subject to a study demonstrating servicing and transportation capacity to the satisfaction of the Hamilton Public Works Department. Additional development beyond 250 units may be permitted subject to section A.9.9.2 c. Lands east of Skinner Road shall not be affected by the timing of construction of Burke Street, and do not need to be included in any traffic impact studies pertaining to lands west of Skinner Road until such time as the lands east of Skinner Road can directly access Burke Street through the Secondary Plan road network.
- e. In accordance with Section D.4 of the Official Plan of the former Town of Flamborough, development will generally follow a logical and orderly sequence. The District Commercial area shall not be subject to a specific phasing and can proceed once the required water and sanitary services are available to this area.
- f. Development within these stages shall proceed in a manner that recognizes that infrastructure such as underground services, roads, schools, parks, health care facilities and public emergency services are to be provided in a timely manner.
- g. The provision of Educational and Provincial services and infrastructure will be encouraged to be in accordance with the phasing policies of the Plan. These agencies shall make every effort to provide their respective services in conjunction with the pace of development.
- h. In no case will one owner or group of owners be allowed to unreasonably delay the normal progression of residential growth. Where a landowner is not proceeding with development in a timely manner and withholding the possible completion of a collector road or arterial road linkage, and/or the extension of water and wastewater services, the City may consider its powers of expropriation to complete the infrastructure.

# A.9.9.5 Neighbourhood Parks and Open Space Implementation

a. Parkland requirements shall be calculated on a net basis excluding any natural heritage features, *vegetation protection zones*, valleys, floodplains, stream corridors or linkages that are protected from development.

#### A.9.9.6 Development Charges

Costs for the applicable portion of growth related infrastructure and service improvements required to service development within the Secondary Plan area including roads, sanitary, storm and water services shall be paid for by development. To implement this principle and to ensure that such infrastructure is available in a timely manner:

- a. The City will update the *Municipal Development Charges By-law* to include all growth related improvements required by the development.
- b. In addition to development charges referred to in A.9.9.6 a., Council may also employ:
  - i. Front-ending agreements, development charge credit agreements and prepayment of development charge agreements under the <u>Development Charges Act</u>;
  - ii. Public/private partnerships;
  - iii. Conditions of subdivision approval;
  - iv. Creation of one foot reserves;
  - v. Cost sharing agreements or best effort agreements to recover costs from benefiting landowners;
  - vi. Any of the above singly or in combination with any others; or
  - vii. Any other mechanism Council considers appropriate in the circumstances.

#### A.9.9.7 Cost Sharing

- a. The locations of park sites and sites for other community facilities have been selected without regard to property ownership. In order to ensure that property owners contribute equally towards the provision of these community facilities (both for the cost of land and the construction cost of works and facilities) as well as towards infrastructure and local service improvements, which benefit more than one individual development, but which are not paid for through development charges or other municipal funding mechanisms, the costs of these facilities and works shall be equitably apportioned among landowners within the Waterdown South Secondary Plan Area. Such costs may include, but are not limited to, the costs of community use lands and facilities, front-ended Secondary Plan component studies, other area-wide studies, schools, parks and open space, and local infrastructure, facilities or works including roads, sanitary, hydro, water and stormwater facilities.
- b. To apportion the costs referred to above, where not otherwise included in the parkland requirement, development charges or front-ending agreement, property owners shall be required to enter into one or more

cost sharing agreements and submit such agreements to the City prior to registration of the first plan of subdivision within the Waterdown South Secondary Plan Area. Where one or more landowners has not entered into a cost sharing agreement by this time, the approval authority may employ one or more of the following mechanisms when draft plans are submitted for approval in an effort to implement the policies of this section:

- i. Conditions of subdivision approval;
- ii. Creation of one-foot reserves;
- iii. Any one of the above singly or in combination with any others; or
- iv. Any other mechanism Council considers appropriate in the circumstances
- c. Where a cost sharing agreement is being entered into amongst landowners, the City will not be a party to such agreement but will ensure through the imposition of conditions of subdivision approval or other mechanism cited herein that any benefiting owners to any service funded through the cost sharing agreement will be required to contribute its fair share of the costs as set out in the agreement. The City will not issue any final approvals (i.e. clearance for registration) for development until it has been satisfied that these policies have been met, and the proponent of such development has executed a cost sharing agreement for its share of the services funded through the cost sharing agreement.

#### A.9.9.8 Environmental Monitoring

a. As a condition of draft plan of subdivision approval, a monitoring plan shall be prepared by the land owner which sets out a program for regular monitoring of the health of the natural heritage/open space system within the Waterdown South Secondary Plan Area. The indicators to be monitored and the nature of the monitoring program(s) are set out in Phase 3 of the South Waterdown Subwatershed Study.

# A.9.9.9 Existing and Temporary Land Uses

- a. Existing land uses within the Secondary Plan area shall be permitted to remain without an amendment to the *Official Plan*. New development shall integrate those elements of existing built form intended to remain within the community in a complementary manner.
- b. Prior to urban development occurring on the lands, low intensity temporary uses may be permitted provided these uses are outside of the Natural Heritage System and associated *vegetation protection zones*.

# A.9.9.10 Urban Design Guidelines

a. Comprehensive Urban Design guidelines shall be prepared for the entire Waterdown South Planning Area. The principles and objectives in Section A.9.2 along with other policies of this Plan provide an overall guiding framework for the preparation of Urban Design guidelines. The Urban Design guidelines shall be consistent with this framework. These guidelines shall be prepared on a single comprehensive basis for the entire Secondary Plan Area prior to the approval of any development applications for Draft Plan Approval or amendments to the Zoning By-law to implement this Plan.

#### A.9.10 INTERPRETATION

a. The boundaries of the residential designations and the alignment of arterial and collector roads are intended to be flexible and may be modified in the interest of achieving a desirable urban pattern without amendment to this plan, provided the aggregate land areas of each residential designation are not significantly altered and the recommendations within the South Waterdown Subwatershed Study are met.

#### A.9.11 DEFINITIONS

Community Facilities/Services means lands, buildings, and structures that support a high quality of life for people and communities by providing services for health, education, recreation, social or cultural activities, security and safety. Community facilities/services may include but not be limited to community and recreation centres, arenas, parks, health care facilities, day care centres, senior's centres, emergency medical services, fire services, police services, cultural facilities, places of worship, museums, schools, and libraries. Community facilities/services may be publicly or privately owned and/or operated.

**Housing With Supports** means public, private or non-profit owned housing with some form of support component, beyond economic support, intended or people who need support services to live independently in the community, where providers receive funding for support services. The tenure may be long term. *Housing with supports* includes special needs housing as defined by the Provincial Policy Statement (2005).

**Net Residential Hectare** means all of the lands comprising the principal and accessory residential uses, and includes all of the buildings, structures, driveways, parking areas and other amenities for these uses. *Net residential hectare* excludes public lands comprised of streets, parkland and other open space, and stormwater management facilities.

**Vegetation Protection Zone** means a vegetated buffer area surrounding a Core Area which is of sufficient size to protect the features and functions from the impacts of the proposed change and associated activities that will occur before, during, and after construction. Where possible, the buffer should restore or enhance the features and/or functions of the Core Area. The width of the vegetation protection zone is to be determined when new development or site alteration is proposed within the adjacent lands to the Core Area.

# Implementation:

An implementing Zoning By-law, Plan of Subdivision and Site Plan Control shall give effect to this Amendment.

This is Schedule '1' to By-law No. 215, passed on the 15<sup>th</sup> day of September, 2010.

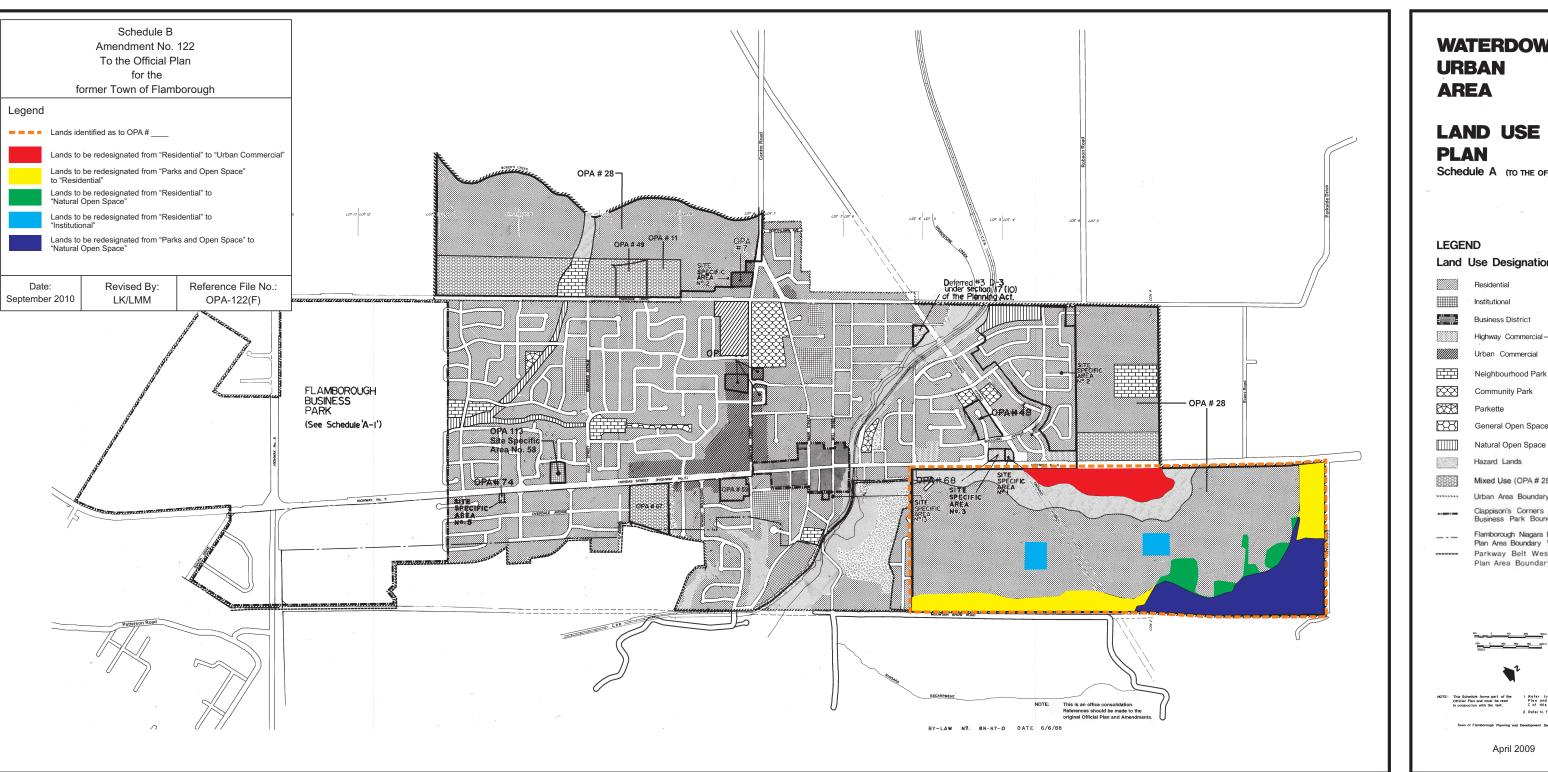
The City of Hamilton

Fred Eisenberger

Mayor

Rose Caterini

City Clerk



# **WATERDOWN URBAN**

# LAND USE

Schedule A (TO THE OFFICIAL PLAN)

# Land Use Designations

Residential

Institutional

Business District

Highway Commercial - Urban

Community Park

General Open Space

Natural Open Space

Hazard Lands

Mixed Use (OPA # 28)

Urban Area Boundary

Clappison's Corners Industrial Business Park Boundary

Flamborough Niagara Escarpment

Parkway Belt West

Plan Area Boundary



April 2009



