

**Authority:** Item 7.0,  
Planning Committee  
Report: 13-016 (PED13165)  
CM: October 23, 2013

**Bill No. 284**

**CITY OF HAMILTON**

**BY-LAW NO. 13-284**

**To Adopt:**

**Official Plan Amendment No. 5 to the  
Rural Hamilton Official Plan**

**Respecting:**

**The Rural Area of the City of Hamilton**

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

1. Amendment No. 5 to the Rural Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

**PASSED** this 13<sup>th</sup> day of November, 2013.



R. Bratina  
Mayor



R. Caterini  
City Clerk

## Rural Hamilton Official Plan Amendment No. 5

The following text, together with:

- Appendix "A" – (Vol. 1, Chapter B – Communities);
- Appendix "B" – (Vol. 1, Chapter C – City Wide Systems and Designations);
- Appendix "C" – (Vol. 1, Chapter D – Rural Systems, Designations and Resources);
- Appendix "D" – (Vol. 1, Chapter F – Implementation);
- Appendix "E" – (Vol. 1, Chapter G - Glossary);
- Appendix "F" – (Vol. 2, Chapter A – Rural Settlement Area Plans);
- Appendix "G" – (Vol. 1, Schedule A – Provincial Plans);
- Appendix "H" – (Vol. 1, Schedule B – Natural Heritage System);
- Appendix "I" – (Vol. 1, Schedule B-1 – Detailed Natural Heritage Features – Life Science ANSI);
- Appendix "J" – (Vol. 1, Schedule B-2 – Detailed Natural Heritage Features – Significant Woodlands);
- Appendix "K" – (Vol. 1, Schedule B-3 – Detailed Natural Heritage Features – Alvar and Tallgrass Prairie);
- Appendix "L" – (Vol. 1, Schedule B-4 – Detailed Natural Heritage Features – Key Hydrologic Features);
- Appendix "M" – (Vol. 1, Schedule B-5 – Detailed Natural Heritage Features – Lakes and Littoral Zones);
- Appendix "N" – (Vol. 1, Schedule B-6 – Detailed Natural Heritage Features - Local Natural Area – Environmentally Significant Areas);
- Appendix "O" – (Vol. 1, Schedule B-7 – Detailed Natural Heritage Features - Local Natural Area – Earth Science ANSI);
- Appendix "P" – (Vol. 1, Schedule B-8 – Detailed Natural Heritage Features – Key Hydrologic Features – Streams);
- Appendix "Q" – (Vol. 1, Schedule C – Rural Functional Road Classification);
- Appendix "R" – (Vol. 1, Schedule C-1 – Future Road Widening (Rural));
- Appendix "S" – (Vol. 1, Schedule D – Rural Land Use Designations);
- Appendix "T" – (Vol. 1, Schedule F – Airport Influence Area);
- Appendix "U" – (Vol. 1, Appendix A – Parks Classification of City-owned Parks outside of Rural Settlement Areas and Secondary Plan Areas);
- Appendix "V" – (Vol. 1, Appendix C-1 – Non-Renewable Resources Gas and Petroleum Wells);
- Appendix "W" – (Vol. 1, Appendix D – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations);
- Appendix "X" – (Vol. 1, Appendix E – Rural Municipal Landfill Sites);
- Appendix "Y" – (Vol. 1, Appendix F – Rural Cultural Heritage Resources);



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- Appendix "Z" - (Vol. 1, Appendix F-1 – Rural Area Specific Cultural Heritage Resources);
- Appendix "AA" – (Vol. 1, Appendix F-2 – Rural Archaeological Potential);
- Appendix "BB" - (Vol. 3, Map A – Special Policy Areas); and,
- Appendix "CC" – (Vol. 3, Appendix A – Site-Specific Key Map);

attached hereto, constitutes Official Plan Amendment No. 5 to the Rural Hamilton Official Plan.

### 1.0 Purpose:

The purpose of this Amendment is to adopt policies respecting the rural economy, housing, design, cultural heritage, community facilities/services, health and public safety, transportation, complete applications and formal consultation, as well as make a number of minor changes to the Rural Hamilton Official Plan.

The effect of the Amendment to the Rural Hamilton Official Plan is to:

- Complete the Rural Hamilton Official Plan;
- Improve consistency of the Rural Hamilton Official Plan with the Urban Hamilton Official Plan;
- Clarify several Rural Hamilton Official Plan policies, including the servicing and lot creation policies;
- Incorporate a Niagara Escarpment Plan Amendment into the Rural Hamilton Official Plan;
- Implement an Ontario Municipal Board Settlement (Order from the OMB issued September 12, 2013) with regard to the urban boundary in the vicinity of Parkside Drive; and,
- Revise/correct section numbering and other typographical errors in the Rural Hamilton Official Plan.

### 2.0 Location:

This Official Plan Amendment applies to the entire rural area of the City of Hamilton.

### 3.0 **Basis:**

The basis for permitting this Amendment is as follows:

- The administrative changes will reflect current land uses and approvals so as to more accurately guide future development;
- The clarification and administrative changes are minor and do not affect the purpose and intent of the approved Rural Hamilton Official Plan;
- The Amendment is consistent with the Provincial Policy Statement;
- The Amendment conforms to the Greenbelt Plan.

Substantive editing or new policies, schedules, appendices, and maps are found in successive appendices to this Amendment.

### 4.0 ***Text Changes:***

#### 4.1 **Volume 1– (Parent Plan)**

##### 4.1.1 Chapter A - Introduction

- a. That Chapter A – Introduction be amended by deleting Section A.2.3.5 - Growth Plan for the Greater Golden Horseshoe.

##### 4.1.2 Chapter B - Communities

- a. That Chapter B – Communities be amended by adding the four new Sections, as follows:
  - i) B.0 Preamble;
  - ii) B.1.0 Introduction;
  - iii) B.2.0 Defining our Communities;
  - iv) B.3.0:

1. 3.0 - Preamble
2. 3.1 – Strong Economy,
3. 3.2 – Housing Policies,
4. 3.3 – Design Policies,
5. 3.4 – Cultural Heritage Resources Policies,
6. 3.5 – Community Facilities/ Services Policies except 3.5.3 Parkland Policies,
7. 3.6 – Health and Public Safety Policies, and
8. 3.7 – Energy and Environmental Design;

as shown in Appendix 'A' attached to this Amendment.

b. That Section B.3.5 – Parkland Policies be amended as follows:

- i) Replacing "Secondary Plans" with "rural settlement area plans" in Policy 3.5.1.3;
- ii) Deleting "both the Urban Area and" in the second line of Policy 3.5.1.4.;
- iii) Deleting the second last sentence "Community Parks in the Urban Area should appropriately be located along transit routes." in Policy 3.5.1.4 b);
- iv) Deleting the last sentence of Policy 3.5.1.4 d), "They are generally located in the older urban areas where they serve an important function in the provision of open space opportunities."
- v) Deleting "and urban plazas, squares and core spaces" from 3.5.1.5 a) and add the word "and" before "remnant";
- vi) Adding "wetlands" after "such as" and replacing "woodlot" with "woodland" in the second line of Policy 3.5.1.5 b);
- vii) Deleting "and Secondary Plans" from Policy 3.5.1.8;
- viii) Replacing "2 km (Urban Area only)" with "n/a" in the chart of Policy 3.5.1.9 a);
- ix) Replacing "existing built-up areas" with "rural area" in Policy 3.5.1.12;
- x) Deleting "and Secondary Plans/Neighbourhood Plans" from Policy 3.5.1.14; and,

k) Renumber policies and sub policies in Section B.3.5.1 to Section B.3.5.3;

as shown in Appendix 'A', attached to this Amendment.

#### 4.1.3 Chapter C – City Wide Systems and Designations

a. That Chapter C – Introduction be amended by removing the italics for the word “sustainable” in the fifth bullet point.

b. That Section C.2.0 – Natural Heritage System be amended as follows:

- i) Deleting Policy C.2.7.2 and renumbering all subsequent policies; and,
- ii) In Policy C.2.7.6 (now C.2.7.5) deleting everything after the first sentence, and replacing with the words

*“in accordance with Section F.3.2.2.”*

as shown in Appendix 'B' attached to this Amendment.

c. That Section C.3.0 – General Land Use Provisions and Designations of Chapter C – City Wide Systems and Designations be amended as follows:

- i) In Policies C.3.1.2 to C.3.1.4, deleting the second word “following” in the second line before the word “conditions” and replace with the word “applicable” so the phrase reads:

*“provided the applicable conditions are met:”*

- ii) Deleting Policy C.3.1.3 a);
- iii) Revising Policy C.3.1.4, as follows, and as shown in Appendix 'B' to this Amendment:

1. Minor wording changes for clarity;
2. In Policy C.3.1.4 b) ii), deleting the words “sustainable private services as provided for by Section C.5.1, Sustainable Private Water and Wastewater Services policies of this Plan and is designed for removal following the expiration of the Temporary Use By-law” and

replacing with "water and sewage disposal services that are acceptable to the City"; and,

3. Adding a new Sub-Policy C.3.1.4 c) ii).

a) Adding a new Policy C.3.1.5 as shown below:

"C.3.1.5 *Cultural heritage resources* in those areas designated as Agriculture, Specialty Crop, Rural, and Open Space in this Plan shall be protected and conserved by maintaining individual cultural heritage features, including farm houses, barns, silos, and groupings of these resources."

b) Deleting Section C.3.2 – Urban Area General Provisions;

c) Amending Policy C.3.4.1 to delete "and commercial wind farms" at the end of the policy and adding "and" before "major easements"; and,

d) Amending Policy C.3.4.2 to delete the words "and commercial wind farms" at the end of the policy and adding the word "and" before the words "waste management facilities"; and,

e) Deleting Policy C.3.4.4, and renumbering the subsequent policies accordingly.

d. That Section C.4.0 – Transportation of Chapter C – City Wide Systems and Designations be amended by:

1) Replacing the title of Section C.4.0 with "Integrated Transportation Network";

2) Deleting the existing Section C.4.1 – Airport in its entirety and replacing it with the new policies C.4.1 to C.4.8 – Airport, as shown in Appendix 'B'; and,

3) Adding the following new sections:

1. Section C.4.0 – Preamble;

2. C.4.1 – Policy Goals;

3. C.4.2 – Integrated Transportation Network;

4. C.4.3 – Active Transportation Network;

5. C.4.4 – Public Transit Network;

6. C.4.5 – Roads Network;
7. C.4.6 – Goods Movement Network; and,
8. C.4.7 – Rail Network;

as shown in Appendix 'B' attached to this Amendment.

e. That Section C.5.0 – Infrastructure of Chapter C – City Wide Systems and Designations be amended as follows:

- a) Deleting Section C.5.1 – Sustainable Private Water and Wastewater Services and replacing with a new Section C.5.1 – Private Water and Wastewater Services, as shown in Appendix 'B' attached to this Amendment;
- b) Deleting the word “Sustainable” from all references to “C.5.1, Sustainable Private Water and Wastewater Services”;
- c) Amending Policies C.5.2.1 to C.5.2.4 to make a number of small changes, such as separating C.5.2.3 into individual policies and renumbering subsequent policies as C.5.2.3 through C.5.2.5, deleting unnecessary phrases, and adding complete application and other policy language, as shown in Appendix 'B', attached to this Amendment;
- d) Deleting and replacing Section C.5.3 – Lake-Based Water and Wastewater Systems in its entirety, as shown in Appendix 'B' attached to this Amendment; and,
- e) Adding a new Policy C.5.4.1c), as shown below:
  - “c) Stormwater management ponds shall be permitted only for uses that serve the rural area.”
- f) Amending Policy C.5.4.2 to delete the word “and” after the words “satisfaction of the City” and replacing with the words “in consultation with” so phrase reads:

“to the satisfaction of the City in consultation with the relevant Conservation Authority”;

as shown in Appendix 'B', attached to this Amendment.

#### 4.1.4 Chapter D – Rural Systems, Designations and Resources

a. That Section D.2.0 – Agriculture Designation be amended as follows:

- 1) Deleting "only" after the word "wholesale" at the end of the first sentence in Policy D.2.1.1.3;
- 2) Adding ", as shown in a justification report deemed acceptable by the City" to the end of the existing policy in Policy D.2.1.1.4 a);
- 3) Renumbering Policy D.2.1.1.4 c) to D.2.1.1.5;
- 4) Deleting "farm-related commercial and farm-related industrial" and replacing with "*agricultural-related*" in Policy D.2.1.2.2;
- 5) Renumbering Policy D.2.1.3.1 to Policy F.1.14.2.1 a) iii); and,
- 6) Deleting "accessory" and replacing it with "secondary" in Policy D.2.1.3.2 b) iii).

b. That Section D.4.0 – Rural Designation be amended as follows:

- a) Adding "kennels" as a permitted use in the Rural designation in Policy D.4.1.1 a),
- b) Adding "*existing resource-based*" before "industrial" and delete "development" and replace it with "uses" in Policies D.4.1.1.1 and D.4.1.3; and,
- c) Amending Policy D.4.1.1.2:
  1. To separate it into sub-policies; and,
  2. To add a new section e);
 as shown in Appendix 'C', attached to this Amendment; and,

c. That Section D.4.0 – Mineral Aggregate Resource Extraction Areas Designation be amended by adding three new cultural heritage policies, as shown in Appendix 'C', attached to this Amendment.

#### 4.1.5 Chapter F – Implementation

a. That Section F.1 – Planning Act Implementation Tools be amended as follows:

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- 1) Removing the words "Secondary Plans and" from the title of Section F.1.2;
- 2) Adding two new Policies, F.1.2.4. f) and F.1.2.6 into Section F.1.2, as shown in Appendix 'D', attached to this Amendment;
- 3) Adding a new Policy, F.1.4.6 into Section F.1.4, as shown in Appendix 'D', attached to this Amendment;
- 4) Adding a new Policy, F.1.5.4 into Section F.1., as shown in Appendix 'D', attached to this Amendment;
- 5) Adding new Policies, F.1.7.1 f) and g) into Section F.1.7, as shown in Appendix 'D', attached to this Amendment;
- 6) Deleting existing Section F.1.9 – Bonus Provision, and reassigning the Number F.1.9 to Complete Application Requirements and Formal Consultation section;
- 7) Adding the following new sections into Section F.1 – Planning Act Implementation Tools:
  1. F.1.6 - Development Permit System;
  2. F.1.9 – Complete Application Requirements and Formal Consultation; and,
  3. F.1.18 – Parkland Dedication Policies.and,
- 8) Deleting and replacing Section F.1.14.2 – Lot Creation, Policies F.1.14.2.1 through F.1.14.2.8 with those shown in Appendix 'D', attached to this Amendment;
- 9) Replacing "urban" with "rural" in the fourth and fifth lines of policy F.1.15.1;
- 10) Deleting Policy F.1.15.2 f);
- 11) Deleting ", including, but not limited to streetscapes and urban design" from Policy F.1.15.2 i);
- 12) Deleting ", and promote new types of housing" from Policy F.1.15.6;



## Schedule '1'

- 13) Adding two new policies to Section F.1.16 - Minimum Distance Separation I and II, as shown in Appendix 'D', attached to this Amendment; and,
- 14) Deleting Policy F.1.18 - Planning Act Applications and replacing with F.1.20 - Parkland Dedication policies, and renumbering policies accordingly; and,
- 15) Renumbering Policy F.1.19 - Complete Application Requirements and Formal Consultation to F.1.9;

as shown in Appendix 'D', attached to this Amendment.

b. That Section F.3 - Other Implementation Mechanisms be amended as follows:

- 1) Adding the following new Sub-sections to Section F.3.1 - Supporting Plans:
  1. F.3.1.1 - Source Water Protection;
  2. F.3.1.2 - Transportation Master Plans;
  3. F.3.1.3 - Community Strategies;

as shown in Appendix 'D', attached to this Amendment; and,

- 2) Adding the following new Sub-sections to Section F.3.2 - Council Adopted Guidelines and Technical Studies and renumbering accordingly:
  1. F.3.2.2 - Linkage Assessments;
  2. F.3.2.6 - Cultural Heritage Impact Assessments;
  3. F.3.2.7 - Archaeological Assessments;
  4. F.3.2.8 - Design and Architectural Guidelines and Architectural Control;
  5. F.3.2.9 - Site Plan Guidelines; and,
  6. F.3.2.10 - Energy and Environmental Assessment Report;as shown in Appendix 'D' attached to this Amendment;

- 3) Renumbering and revising sections from F.3.2.2 through F.3.2.5, and adding Sections F.3.2.6 to F.3.2.10, as shown in Appendix 'D', attached to this Amendment;

## Schedule '1'

- 4) Adding "watershed plans and" to every reference for "subwatershed plans";
- 5) Amending Section F.3.4 – Monitoring and Measuring Performance by adding a new Section F.3.4.1.8 – Targets for Air Quality, as shown in Appendix 'D', attached to this Amendment; and,
- 6) Adding the following two new Sub-sections:
  1. Section F.3.7 – Public Undertakings; and,
  2. Section F.3.8 – Grants and Loans;as shown in Appendix 'D', attached to this Amendment.

### 4.1.6 Chapter G – Glossary

a. That Chapter G – Glossary be amended as follows:

- 1) Adding the following new definitions:
  1. Active Transportation;
  2. Adaptive Reuse;
  3. Adjacent;
  4. Adverse Effects;
  5. Affordable;
  6. Alternative Energy Systems;
  7. Archaeological Resources;
  8. Area of Archaeological Potential;
  9. Built Heritage Resources;
  10. Community Energy Plan;
  11. Community Facilities/Services;
  12. Compatibility/compatible;
  13. Conserve;
  14. Conserved;
  15. Cultural Facilities;
  16. Cultural Heritage Impact Assessment;
  17. Cultural Heritage Landscape;
  18. Cultural Heritage Conservation Plan Statement;
  19. Cultural Heritage Properties;
  20. Formal Consultation;

21. Hazardous Lands;
22. Heavy Rail;
23. Historic;
24. Housing with Supports;
25. Land Trust;
26. Lithic Scatters;
27. Major Transit Generator;
28. Middle – and Late-Archaic;
29. Natives;
30. Noise Studies;
31. Paleo-Indian;
32. Planned Corridors;
33. Planning Act;
34. Post-Contact;
35. Private Services;
36. Protected Heritage Property;
37. Provincial Policy Statement;
38. Redevelopment;
39. Renewable Energy Systems;
40. Significant;
41. Site Alteration;
42. Soil Disturbance;
43. Transportation Corridor;
44. Transportation Demand Management;
45. Transportation System;
46. Urban Boundary; and,
47. Woodland;

as shown in Appendix 'E', attached to this Amendment.

2) Delete and replace the following definition:

1. Hazard Lands; and,
2. Private Services;

as shown in Appendix 'E', attached to this Amendment.

3) Amending the following definitions:

1. Development;
2. Farm Consolidation; and,
3. Farm Operation;

as shown in Appendix 'E', attached to this Amendment.

## **4.2 Volumes 2 and 3**

4.2.1 Amending Volume 2, Section A.1.2, General Policies:

- a) To delete "except in Rural Settlement Areas which are within the service areas for municipal communal water supply and will be provided in accordance with Section C.5.2, Communal Water and Wastewater Systems, Volume 1 of this Plan" from Policy A.1.2.4 b);
- b) To add two new Policies A.1.2.8 and A.1.2.9;

as shown in Appendix 'F', attached to this Amendment.

4.2.2 Amending Site-Specific Policies B.R-6 h) and i) to reverse the two location maps and revise the addresses in the maps accordingly.

## ***5.0 Schedules and Appendices***

### **5.1 Volume 1– (Parent Plan)**

5.1.1 That the following schedules and appendices, attached to this Amendment, be adopted into Rural Hamilton Official Plan, Volume 1:

- a) Appendix "Q" – (Vol. 1, Schedule C – Rural Functional Road Classification);
- b) Appendix "R" – (Vol. 1, Schedule C-1 – Future Road Widenings (Rural));
- c) Appendix "X" – (Vol. 1, Appendix E – Rural Municipal Landfill Sites);
- d) Appendix "Y" – (Vol. 1, Appendix F – Rural Cultural Heritage Resources);
- e) Appendix "Z" - (Vol. 1, Appendix F-1 – Rural Area Specific Cultural Heritage Resources); and,
- f) Appendix "AA" – (Vol. 1, Appendix F-2 – Rural Archaeological Potential); and,

## Schedule '1'

5.1.2 That the following schedules and appendices, attached to this Amendment, be amended by revising the urban boundary to reflect an Ontario Municipal Board settlement (order issued September 12, 2013):

- g) Appendix "G" – (Vol. 1, Schedule A – Provincial Plans);
- h) Appendix "H" – (Vol. 1, Schedule B – Natural Heritage System);
- i) Appendix "I" – (Vol. 1, Schedule B-1 – Detailed Natural Heritage Features – Life Science ANSI);
- j) Appendix "J" – (Vol. 1, Schedule B-2 – Detailed Natural Heritage Features – Significant Woodlands);
- k) Appendix "K" – (Vol. 1, Schedule B-3 – Detailed Natural Heritage Features – Alvar and Tallgrass Prairie);
- l) Appendix "L" – (Vol. 1, Schedule B-4 – Detailed Natural Heritage Features – Key Hydrologic Features);
- m) Appendix "M" – (Vol. 1, Schedule B-5 – Detailed Natural Heritage Features – Lakes and Littoral Zones);
- n) Appendix "N" – (Vol. 1, Schedule B-6 – Detailed Natural Heritage Features – Local Natural Area – Environmentally Significant Areas);
- o) Appendix "O" – (Vol. 1, Schedule B-7 – Detailed Natural Heritage Features – Local Natural Area – Earth Science ANSI);
- p) Appendix "P" – (Vol. 1, Schedule B-8 – Detailed Natural Heritage Features – Key Hydrologic Features – Streams);
- q) Appendix "Q" – (Vol. 1, Schedule C – Rural Functional Road Classification);
- r) Appendix "R" – (Vol. 1, Schedule C-1 – Future Road Widening (Rural));
- s) Appendix "S" – (Vol. 1, Schedule D – Rural Land Use Designations);
- t) Appendix "T" – (Vol. 1, Schedule F – Airport Influence Area);
- u) Appendix "U" – (Vol. 1, Appendix A – Parks Classification of City-owned Parks outside of Rural Settlement Areas and Secondary Plan Areas);

## Schedule '1'

- v) Appendix "V" – (Vol. 1, Appendix C-1 – Non-Renewable Resources-Gas and Petroleum Wells);
- w) Appendix "W" – (Vol. 1, Appendix D – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations);
- x) Appendix "X" – (Vol. 1, Appendix E – Rural Municipal Landfill Sites);
- y) Appendix "Y" – (Vol. 1, Appendix F – Rural Cultural Heritage Resources);
- z) Appendix "Z" - (Vol. 1, Appendix F-1 – Rural Area Specific Cultural Heritage Resources);
- 1) Appendix "AA" – (Vol. 1, Appendix F-2 – Rural Archaeological Potential); and,

5.1.3 That the following schedules and appendices be amended:

- a) That Schedule A – Provincial Plans be amended by redesignating lands from "Parkway Belt West Plan Area" to "Niagara Escarpment Plan Area", as shown on Appendix "G", attached to this Amendment;
- b) That Vol. 1, Schedule B – Natural Heritage System be amended by adding "Linkages" to the schedule and legend, deleting "Core Area", and adding "Core Area", as shown on Appendix "H", attached to this Amendment;
- c) That Schedule B-6 – Detailed Natural Heritage Features - Local Natural Area – Environmentally Significant Areas be amended by identifying lands as "Local Natural Area – Environmentally Significant Areas", as shown on Appendix "N", attached to this Amendment;
- d) That Schedule D – Rural Land Use Designations be amended by redesignating lands from "Rural" to "Open Space", as shown on Appendix "S", attached to this Amendment;

## **5.2 Volume 3 – Special Policy and Site-Specific Areas**

### *Schedules and Appendices*

5.2.1 Volume 3 – Special Policy and Site-Specific Areas

- a. That the following map and appendix be amended by revising the urban boundary to reflect Ontario Municipal Board settlement (OMB order issued September 12, 2013):
- b) Vol. 3, Map A – Special Policy Areas, as shown on Appendix “BB”, attached to this Amendment; and,
- c) Vol. 3, Appendix A – Site-Specific Key Map, as shown on Appendix “CC” attached to this Amendment.

5.0 Implementation:

An implementing Zoning By-law Amendment will give effect to this Amendment.

This is Schedule “1” to By-law No. 13-█ passed on the 13<sup>th</sup> day of November, 2013.

The  
City of Hamilton

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R. Bratina  
MAYOR

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Rose Caterini  
CLERK

## Chapter B – COMMUNITIES

### CHAPTER B - COMMUNITIES

Hamilton's history and character is based in its communities. Our communities define the City and shape the quality of life for Hamiltonians. The quality of daily life is influenced by the quality of our built, natural, social and cultural environments and supported by the strength of the economy and the creativity of citizens. The nature and diversity of our housing, institutions, and community facilities impact the lives of all residents.

The City endeavours to support and build on the strengths of individual communities. Together, these communities create a strong City of Hamilton.



### B.1.0 INTRODUCTION

The strength and quality of our communities is derived from the individual components of the built, natural, social and cultural environments, supported by a strong economy. This section of the Plan contains policies that direct the physical shape and quality of these distinct, yet interrelated components, and promote a culture of creativity and innovation.

- The local economy and a culture of creativity provide energy, vitality, prosperity and strength to our communities.
- Housing for the farm community and rural residents.
- Cultural heritage links communities to their roots and contributes to our image and cultural identity. Policies support the conservation of cultural heritage resources.
- Community facilities/services and cultural facilities are fundamental elements of communities. Policies ensure the provision and quality of these facilities and services, and their accessibility by all citizens.
- Health and safety in our communities is essential. Policies ensure that our communities are safe and healthy. A broad interpretation of health recognizes the inter-relationships between all aspects of our environment and the impacts on the health of citizens. Policies in this section enable healthy lifestyles, promote a healthy and safe community, and promote a high quality of life.

## **B.2.0 DEFINING OUR COMMUNITIES**

2.1 Communities in the *rural area* of the City of Hamilton can be defined in multiple ways. Land use definitions of communities include:

a) the *urban boundary* which delineates the urban area from the *rural area*. Policies pertaining to the urban boundary are not included in this Plan; and,

b) rural settlement area boundaries which set the limits for residential, non-farm, and non-resource-based growth. Rural settlement area boundaries shall not be expanded.

### B.3.0 QUALITY OF LIFE

Quality of life in our City has profound direct and indirect effects on the lives of all Hamiltonians. Improvements to the City's quality of life directly improve the lives of residents, but also improve the City's image and identity and the local economy by attracting and retaining people, business and investment.

#### 3.1 Strong Economy

Hamilton has been working diligently to improve its economic diversification and increase its competitiveness with neighbouring and global jurisdictions. Many of the goals and policies within this Plan are coupled with other corporate strategies. Plans, projects and programs directly contribute to the City's economic health.

There are many sectors in both the urban and rural areas which shape the economy such as traditional manufacturing, research and technology, education, healthcare, agriculture, arts and culture, transportation, either individually or as part of an economic and goods movement gateway, retail, and office. The new and emerging sectors enhance the attractiveness of the City and also provide for employment opportunities.

The *rural area* is a vital part of the City of Hamilton's economy. This Plan provides for a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation, and resource uses.

The Provincial Policy Statement, 2005 and the Greenbelt Plan, 2005 recognize the importance of southern Ontario's agriculture and food industry as well as natural resources to Ontario's economic prosperity. The City's Economic Development Strategy recognizes the importance of Hamilton's agriculture and food industry to the City's economy.

The policies of this Plan are both directly and indirectly intended to strengthen Hamilton's economic competitiveness, prosperity and resilience as envisaged by the Greenbelt Plan, Vision 2020, the City's Strategic Plan, the Economic Development Strategy, the Hamilton Agricultural Profile, and the Golden Horseshoe Food and Farming Action Plan.

#### Tourism

- 3.1.2 The City acknowledges that tourism brings concrete economic benefits to the City of Hamilton. A strong tourism industry also contributes leisure, entertainment, cultural, recreational, and hospitality services for residents and visitors, and helps attract new residents, businesses and industry to relocate to the City of Hamilton.
- 3.1.3 The City acknowledges that agri-tourism contributes to the economy of the City as a whole, the *rural area* in particular, and the ability of farmers to keep their lands in agricultural production.

#### Arts and Culture

- 3.1.4 The City recognizes that arts and culture bring many benefits to the City of Hamilton. Arts and culture contribute to the City's economy, cultural landscape, quality of life, vibrancy, livability, and sense of place and can play a significant role in the *adaptive reuse* of older buildings and the transformation of deteriorated neighbourhoods and commercial areas.
- 3.1.5 The City of Hamilton embraces the international consensus that culture is the fourth pillar of sustainable development, joining economic prosperity, environmental responsibility and social equity. Consideration of integrating cultural vitality into all City decisions and City initiatives shall be given as the City adopts a holistic approach to culture.
- 3.1.6 The City of Hamilton is committed to being a reliable and trusted partner, working with community stakeholders to create conditions which support and cultivate creative people, creative capacity, and a shared responsibility for culture.
- 3.1.7 Arts and culture are supported by several policy directions of this Plan: conservation of *cultural heritage resources* and protection and enhancement of natural heritage resources. Arts and culture can also be supported by program initiatives, and City plans such as the Cultural Plan and the Public Art Master Plan.

#### Partnerships

- 3.1.8 The City shall partner with non-profit agencies, boards, hospitals, colleges, universities, senior levels of government, community groups, and employers to facilitate the following initiatives:

- a) the development and retention of a skilled labour force that is adaptable to changing economic trends and technologies;
- b) promotion of the City's agricultural industry and protection of agricultural lands;
- c) arts and cultural initiatives; and,
- d) the promotion of the City as an economic and goods movement gateway.

3.1.9 The City shall support and participate in multi-sectoral collaborations and initiatives that focus on improving Hamilton's economy.

### 3.2 Housing Policies

Housing is fundamental to the economic, social and physical well-being of Hamilton's residents and communities. Housing is a basic human need and is the central place from which people build their lives, nurture their families and themselves, and engage in their communities.

While the housing needs of the farm community and rural residents are important, rural land is primarily a working landscape for agriculture and non-renewable resources, with strong protections for our vital natural resources. Rural settlement areas are the focus of rural non-agricultural and non-resource uses to protect the rural land base for its primary resource purposes.

Additionally, the rural area cannot be serviced by lake-based municipal water and sewer systems. Any municipal water systems existing on the date of adoption of this Plan were developed to address a water quality health emergency. The need for a certain land area to accommodate sustainable private servicing means that multi-dwelling housing forms cannot be permitted in the rural area, and densities must remain low. In accordance with Chapters D and F of this Plan, no additional non-farm housing is contemplated outside of rural settlement areas. Unfortunately, this means the opportunities for affordable housing in the rural area are limited.

#### 3.2.1 Affordable Housing Policies

Many households in Hamilton cannot obtain housing that is *affordable* or appropriate to their needs. Households and individuals may be at risk of homelessness because of economic or personal circumstances where a level of support is required to live independently. The City recognizes the importance of *affordable* housing and *housing with supports* in meeting the housing needs of those without the resources to participate in the private housing market.

There are also unique housing needs in the *rural area*, with special challenges in meeting those housing needs. The overlying planning principles are the protection and availability of the agricultural land base and natural resources, and protection of natural heritage resources. Protection of the land base and the ability to farm that land or extract natural resources necessitates restricting future residential *development* to existing permissions and Rural Settlement Areas.

Further, water and sewage servicing constraints, the need for a certain land area to accommodate safe water supply and sewage disposal limits housing forms. For these reasons the potential for additional housing in the rural area is limited.

3.2.1.1 The City shall endeavour to provide a facilitative land use planning process for development applications for *affordable* housing and *housing with supports*.

3.2.1.2 Where appropriate, assistance shall be provided, either by the City and/or by senior governments, to encourage the *development* of *affordable* housing, with priority given to projects in areas of the City that are lacking in *affordable* housing. City assistance may include selling or leasing of surplus City land or financial assistance.

3.2.1.3 In accordance with the City's 'Housing First' policy, all City-owned land that is surplus to the City's needs and appropriate for residential development shall be given priority for sale or lease for the *development* of *affordable* housing by CityHousing Hamilton Corporation, or coordinated by CityHousing Hamilton Corporation or the City of Hamilton Housing Services for *development* by other housing stakeholders.

3.2.1.4 The City shall identify, promote and, where appropriate, participate in *affordable* housing opportunities funded by senior levels of government.

3.2.1.5 The City shall encourage senior levels of government to adopt a 'Housing First' policy whereby *affordable* housing uses are, where appropriate, given priority in the disposition of surplus government owned land.

3.2.1.6 Investment in new *affordable* housing shall be encouraged by a coordinated effort from all levels of government through implementation of a range of strategies, including effective taxation, regulatory and administrative policies and incentives.

### 3.2.2 General Policies for Rural Housing

3.2.2.1 Small scale *housing with supports*, including residential care facilities, shall be permitted as a stand alone use in the form of a single detached dwelling in accordance with Policies C.3.1.2 c), C.5.1, and Volume 2, A.1.3.1.

3.2.2.2 The existing stock of housing in rural settlement areas shall be retained wherever possible and kept in a safe and adequate condition through use of the City's Property Standards by-law and incentive programs financed by the City or by senior levels of government.

3.2.2.3 Where dwellings are demolished without being replaced on the same site or are demolished and moved to another part of an agricultural parcel, the proponent shall be required to rehabilitate the land to the same average soil quality as any adjacent agricultural lands.



### 3.3 Design Policies

#### 3.3.1 Barrier Free Design

Barrier free access to services, facilities, and amenities is essential to achieving an efficient and equitable City. The City has established the Advisory Committee for Persons with Disabilities and implements the City of Hamilton Barrier Free Design Guidelines to ensure that all residents of Hamilton can live in a barrier free environment.

#### 3.3.2 All newly constructed and/or renovated City of Hamilton owned, leased, or operated facilities, parks and open spaces, infrastructure, and any other space that are accessible to the public, shall comply with the City of Hamilton Barrier Free Design Guidelines.

#### 3.3.3 The City shall require barrier free design, wherever possible, on private sector sites and in private sector buildings and facilities through site plan approval, enforcement of the Ontario Building Code, and implementation of all applicable provincial legislation, standards and guidelines.

#### 3.3.4 Public Art

Public art is a vital component of the built environment, creating and enhancing a sense of community pride and identity. Public art installations make living in Hamilton, and traveling through the city's streets, public and private spaces an engaging and more pleasurable experience for residents and visitors. Public art, as an important expression of community identity and culture, enhances tourism and economic development and the overall vitality of the City. Public Art includes art created by artists or in collaboration with artists through a public process and installed on city owned or privately owned publicly accessible land.

##### 3.3.4.1 Public art may include murals, sculptures, fountains, benches, walkway design, pavement designs and amenity design.

##### 3.3.4.2 Public art that fosters community identify through interpreting local history, traditions and culture is encouraged in all public and private spaces.

##### 3.3.4.3 The City shall pursue the installation of public art in public locations in accordance with the Public Art Master Plan.

3.3.4.4 In addition to locations for public art identified in the Public Art Master Plan, locations for public art shall be identified through rural settlement area planning, other planning processes, and initiatives, where appropriate.

3.3.4.5 Private developments that include spaces attracting significant pedestrian traffic are encouraged to include public art in the design of the building and/or site.

3.3.4.6 The City shall consider the inclusion and installation of public art as part of the following public infrastructure projects, where appropriate:

- a) bridges;
- b) roadway designs;
- c) noise barriers;
- d) paving design;
- e) street furniture; and,
- f) other infrastructure that is highly visible from the public right-of-way.

3.3.4.7 The City shall initiate partnerships with other public institutions in the development of public art projects on publicly assessable lands.

#### Other Policies

3.3.4 The policies of this section shall be implemented through mechanisms such as zoning and site plan control, where appropriate and as specified in Chapter F – Implementation.

3.3.5 The City, as owners of many public buildings and places, shall apply the design policies of this Section and other sections of this Plan when planning for and developing new, and making improvements to, streets, public spaces, community facilities, and infrastructure.

### 3.4 Cultural Heritage Resources Policies

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

This section establishes a number of goals and policies for the *conservation* of the City's *cultural heritage resources* organized around three key components: archaeology, built heritage, and *cultural heritage landscapes*. These policies shall be read in conjunction with all other policies of this Plan.

#### 3.4.1 Policy Goals

The following goals shall apply to the care, protection, and management of *cultural heritage resources* in Hamilton:

- 3.4.1.1 Identify and *conserve* the City's *cultural heritage resources* through the adoption and implementation of policies and programs, including partnerships among various public and private agencies and organizations.
- 3.4.1.2 Encourage a city-wide culture of conservation by promoting cultural heritage initiatives as part of a comprehensive environmental, economic, and social strategy, where *cultural heritage resources* contribute to achieving sustainable, healthy, and prosperous communities.
- 3.4.1.3 Ensure that all new *development, site alterations*, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or *adjacent cultural heritage resources*.
- 3.4.1.4 Encourage the rehabilitation, renovation, and restoration of built *heritage resources* in order that they remain in active use.
- 3.4.1.5 Promote public and private awareness, appreciation, and enjoyment of Hamilton's cultural heritage through public programmes or heritage interpretation activities, heritage tourism, and guidance on appropriate conservation practices.

3.4.2 General Cultural Heritage Policies

3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:

- a) Protect and *conserve* the tangible *cultural heritage resources* of the City, including *archaeological resources*, *built heritage resources*, and *cultural heritage landscapes* for present and future generations.
- b) Identify *cultural heritage resources* through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources.
- c) Promote awareness and appreciation of the City's cultural heritage and encourage public and private stewardship of and custodial responsibility for the City's *cultural heritage resources*.
- d) Avoid harmful disruption or disturbance of known archaeological sites or *areas of archaeological potential*.
- e) Encourage the ongoing care of individual *cultural heritage resources* and the properties on which they are situated together with associated features and structures by property owners, and provide guidance on sound conservation practices.
- f) Support the continuing use, reuse, care, and conservation of *cultural heritage resources* and *properties* by encouraging property owners to seek out and apply for funding sources available for conservation and restoration work.
- g) Ensure the conservation and protection of *cultural heritage resources* in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals.
- h) *Conserve* the character of areas of cultural heritage significance, including designated heritage conservation districts and *cultural heritage landscapes*, by encouraging those land uses, *development* and *site alteration* activities that protect, maintain and enhance these areas.

- i) Use all relevant provincial legislation, particularly the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act, the Municipal Act, the Niagara Escarpment Planning and Development Act, the Cemeteries Act, the Greenbelt Act, the Places to Grow Act, and all related plans and strategies to appropriately manage, *conserve* and protect Hamilton's *cultural heritage resources*.

3.4.2.2 The City consists of many diverse districts, communities, and neighbourhoods, each with their own heritage character and form. The City shall recognize and consider these differences when evaluating *development* proposals to maintain the heritage character of individual areas.

#### Heritage Designation

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

#### Listing of Properties in the Heritage Register

3.4.2.4 The City shall maintain, pursuant to the Ontario Heritage Act, a Register of Property of Cultural Heritage Value or Interest. In considering additions and removals of non-designated *cultural heritage property* to or from this Register, the City shall seek and consider advice from its Municipal Heritage Committee.

3.4.2.5 In addition to the provisions of the Ontario Heritage Act respecting demolition of *cultural heritage properties* contained in the Register, the City shall ensure that such properties shall be protected from harm in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.

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

3.4.2.6 The City recognizes there may be *cultural heritage properties* that are not yet identified, included in the City's Inventory of Buildings of Architectural or Historical Interest, included in the Register of Property of Cultural Heritage Value or Interest, or designated under the Ontario Heritage Act, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage

value has not been comprehensively evaluated but are still worthy of conservation.

3.4.2.7 The City shall ensure these non-designated and non-registered *cultural heritage properties* are identified, evaluated, and appropriately *conserved* through various legislated planning and assessment processes, including the Planning Act, the Environmental Assessment Act, the Ontario Heritage Act, and the Cemeteries Act.

3.4.2.8 To ensure consistency in the identification and evaluation of these non-designated and non-registered *cultural heritage properties*, the City shall use the criteria for determining cultural heritage value or interest established by provincial regulation under the Ontario Heritage Act and set out in Policy B.3.4.2.9.

#### Cultural Heritage Evaluation Criteria

3.4.2.9 For consistency in all heritage conservation activity, the City shall use, and require the use by others, of the following criteria to assess and identify *cultural heritage resources* that may reside below or on real property:

- a) prehistoric and historical associations with a theme of human history that is representative of cultural processes in the settlement, development, and use of land in the City;
- b) prehistoric and historical associations with the life or activities of a person, group, institution, or organization that has made a significant contribution to the City;
- c) architectural, engineering, landscape design, physical, craft, or artistic value;
- d) scenic amenity with associated views and vistas that provide a recognizable sense of position or place;
- e) contextual value in defining the historical, visual, scenic, physical, and functional character of an area; and,
- f) landmark value.

3.4.2.10 Any property that fulfills one or more of the foregoing criteria listed in Policy B.3.4.2.9 shall be considered to possess cultural heritage value. The City may further refine these criteria and provide guidelines for their use as appropriate.

#### Cultural Heritage Conservation Plan Statements

3.4.2.11 The City shall prepare *cultural heritage conservation plan statements* for areas where the concentration or significance of *cultural heritage resources* require that detailed guidance be provided for the conservation and enhancement of these resources, in accordance with Section F.3.1.4 – Cultural Heritage Conservation Plan Statements. The statements will, in part, be prepared to ensure that *development, site alteration* and *redevelopment* proposals demonstrate appropriate consideration for their impact on *cultural heritage resources*.

#### Cultural Heritage Impact Assessments

3.4.2.12 A *cultural heritage impact assessment*:

- a) shall be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act where the proposed *development, site alteration*, or redevelopment of lands (both public and private) has the potential to adversely affect the following *cultural heritage resources* through displacement or disruption:
  - i) Properties designated under any part of the Ontario Heritage Act or *adjacent* to properties designated under any part of the Ontario Heritage Act;
  - ii) Properties that are included in the City's Register of Property of Cultural Heritage Value or Interest or *adjacent* to properties included in the City's Register of Property of Cultural Heritage Value or Interest;
  - iii) A registered or known archaeological site or *areas of archaeological potential*;
  - iv) Any area for which a *cultural heritage conservation plan statement* has been prepared; or,
  - v) Properties that comprise or are contained within *cultural heritage landscapes* that are included in the Register of Property of Cultural Heritage Value or Interest.



b) may be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act where the proposed *development, site alteration, or redevelopment* of lands (both public and private) has the potential to adversely affect *cultural heritage resources* that are included in, or *adjacent* to *cultural heritage resources* included in, the City's Inventory of Buildings of Architectural or Historical Interest through displacement or disruption.

c) Notwithstanding Policies 3.4.2.12 a) and b):

i) Where site plan approval is required primarily for the purposes of natural heritage protection and site plan approval is the only Planning Act application, a *cultural heritage impact assessment* shall not be required.

ii) Where site plan approval is required for a minor development and the site plan approval is the only Planning Act application, a *cultural heritage impact assessment* may not be required at the discretion of the City.

3.4.2.13 *Cultural heritage impact assessments* shall be prepared in accordance with any applicable guidelines and Policy F.3.2.4 – Cultural Heritage Impact Assessments. The City shall develop guidelines for the preparation of *cultural heritage impact assessment*.

3.4.2.14 Where *cultural heritage resources* are to be affected, the City may impose conditions of approval on any planning application to ensure their continued protection. In the event that rehabilitation and reuse of the resource is not viable and this has been demonstrated by the proponent, the City may require that affected resources be thoroughly documented for archival purposes at the expense of the applicant prior to demolition.

#### Public Awareness

3.4.2.15 Public awareness and enjoyment of the City of Hamilton's cultural heritage shall be promoted. To enhance opportunities for conserving *cultural heritage resources*, the City may:

a) participate in cultural heritage programs, including management, planning, and funding programs, of other levels of government or any other agencies and groups, that are intended to *conserve, restore, protect, interpret, or*



communicate or otherwise assist in the management of *cultural heritage resources*;

- b) initiate or support public programmes or heritage interpretation activities intended to increase community awareness and appreciation of the City's heritage, including its recent history and distant past in order to represent either popular or under-represented stories, themes and histories of people or groups;
- c) participate in public programmes or heritage interpretation activities of other levels of government or other agencies and groups;
- d) encourage active citizen participation in cultural heritage conservation activities; and,
- e) name roads, streets, water courses, and other public places and facilities to recognize all persons, groups, themes, activities, landscapes, or landmarks of interest in the City that have contributed to the cultural heritage and diversity of Hamilton's history.

#### 3.4.4 Archaeology Policies

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

- 3.4.4.1 The City shall maintain mapping of *areas of archaeological potential* as defined by provincial guidelines and identified on Appendix F-2 – Rural Archaeological Potential, to assist in the assessment of *development* proposals and the development of future conservation initiatives.

#### Archaeological Assessment Requirements

- 3.4.4.2 In *areas of archaeological potential* identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act:

- a) official plan amendment or rural settlement plan amendment unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*;
- b) zoning by-law amendments unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*; and,
- c) plans of subdivision.

3.4.4.3 In *areas of archaeological potential* identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment:

- a) may be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act when they involve *soil disturbance* or *site alteration*:
  - i) site plan applications; and,
  - ii) plans of condominium.
- b) may be required for the following planning matters under the Planning Act when they involve *soil disturbance* or *site alteration*:
  - i) minor variances; and,
  - ii) consents / severances.
- c) Shall only be required for the lands on which soil will be disturbed or *site alteration* will be conducted as a direct result of the proposal.

3.4.4.4 *Archaeological assessments* shall be prepared in accordance with any applicable guidelines and Policy F.3.2.5 - Archaeological Assessments.

3.4.4.5 Prior to *site alteration* or *soil disturbance* relating to a Planning Act application, any required archaeological assessment must be approved, in writing by the City, indicating that there are no further archaeological concerns with the property or concurring with the final resource management strategy to be implemented.

The City may require a higher standard of conservation, care and protection for *archaeological resources* based on prevailing conditions and circumstances within the City and the results of any dialogue with First Nations and their interests.

3.4.4.6 The City considers the following *archaeological resources* to be of particular interest, value and merit:

- a) spatially large, dense *lithic scatters* (peak levels of more than 99 artifacts per square-metre);
- b) deeply buried or stratified archaeological sites;
- c) undisturbed or rare *Native* archaeological sites;
- d) sacred archaeological sites;
- e) archaeological sites comprising human burials;
- f) *Paleo-Indian* archaeological sites;
- g) *early-Archaic* archaeological sites;
- h) *woodland* period archaeological habitation sites;
- i) *post-contact* archaeological sites predating 1830 AD;
- j) post 1830 archaeological site(s) where background documentation or archaeological features indicate heritage value; and,
- k) underwater archaeological sites.

3.4.4.7 To *conserve* these resources, avoidance and protection in situ shall be the preferred conservation management strategies. Where it has been demonstrated in an archaeological assessment by a licensed archaeologist that avoidance is not a viable option, alternative mitigation measures shall be agreed upon by the Province and the City and in accordance with the Archaeology Management Plan.

3.4.4.8 The City may use all relevant provisions of the Planning Act to prohibit the use of land and the placement of buildings and structures in order to protect and *conserve* sites or areas of *significant archaeological resources*.

3.4.4.9 Where a marked or unmarked cemetery or burial place is encountered during any archaeological assessment or excavation activity, the provisions of the Cemeteries Act and associated regulations, and the policies of this Plan shall apply.

3.4.4.10 Where a marked or unmarked cemetery or burial place is found, the nearest First Nation shall be notified.

3.4.5 Built Heritage Resource Policies

3.4.5.1 An inventory of *built heritage resources* shall be prepared by the City and, as appropriate, may be included in the Register of Property of Cultural Heritage Value or Interest. Registered properties containing *built heritage resources* may be considered for designation under the Ontario Heritage Act and shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.

3.4.5.2 The City shall encourage the retention and conservation of *significant built heritage resources* in their original locations. In considering planning applications under the Planning Act and heritage permit applications under the Ontario Heritage Act, there shall be a presumption in favour of retaining the *built heritage resource* in its original location.

3.4.5.3 Relocation of *built heritage resources* shall only be considered where it is demonstrated by a *cultural heritage impact assessment* that the following options, in order of priority, have been assessed:

- a) retention of the building in its original location and its original use; or,
- b) retention of the building in its original location, but adaptively reused.

3.4.5.4 Where it has been demonstrated that retention of the *built heritage resource* in its original location is neither appropriate nor viable the following options, in order of priority, shall be considered:

- a) relocation of the building within the area of *development*; or,
- b) relocation of the building to a sympathetic site.

3.4.5.5 Where a significant *built heritage resource* is to be unavoidably lost or demolished, the City shall ensure the proponent undertakes one or more of the following mitigation measures, in addition to a thorough inventory and documentation of the features that will be lost:

- a) preserving and displaying of fragments of the former buildings' features and landscaping;
- b) marking the traces of former locations, shapes, and circulation lines;
- c) displaying graphic and textual descriptions of the site's history and former use, buildings, and structures; and,
- d) generally reflect the former architecture and use in the design of the new *development*, where appropriate.

#### 3.4.6 Cultural Heritage Landscapes

3.4.6.1 A *cultural heritage landscape* is a defined geographical area characterized by human settlement activities that have resulted in changes and modifications to the environment, which is now considered to be of heritage value or interest. *Cultural heritage landscapes* may include distinctive rural roads, streetscapes and commercial mainstreets, rural and agricultural landscapes, designed landscapes such as parks, cemeteries and gardens, nineteenth and twentieth century residential neighbourhoods, as well as commercial areas and industrial complexes.

3.4.6.2 An inventory of *cultural heritage landscapes* shall be prepared by the City and may be included in the Register of Properties of Cultural Heritage Value or Interest. *Cultural heritage landscapes* may also be considered for designation under the Ontario Heritage Act and shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.

#### Heritage Conservation Districts

3.4.6.3 The City, in consultation with its Municipal Heritage Committee, may designate properties including *cultural heritage landscapes* as heritage conservation districts under the Ontario Heritage Act where it has been determined that the district possesses one or more of the following attributes:

- a) a group of buildings, features, and spaces that reflect an aspect of local history, through association with a person, group, or activity;
- b) buildings and structures that are of architectural or vernacular value or interest; and,
- c) important physical and aesthetic characteristics that provide an important context for *cultural heritage resources* or associations within the district, including features such as buildings, structures, landscapes, topography, natural heritage, and archaeological sites.

3.4.6.4 The City shall in accordance with the Ontario Heritage Act:

- a) define and examine study areas for future heritage conservation district designation;
- b) prepare area studies of prospective heritage conservation districts; and,
- c) prepare heritage conservation district plans.

3.4.6.5 The City may in accordance with the Ontario Heritage Act by by-law prohibit or set limitations with respect to property alteration, erection, demolition, or removal of buildings or structures, or classes of buildings or structures, within the heritage conservation district study area.

#### Heritage Roads

3.4.6.6 The City shall identify, *conserve*, and manage identified heritage roads and associated features in accordance with Section C.4.5.3 – Special Character Roads.

### 3.5 Community Facilities/Services Policies

*Community facilities/services* are an integral part of the fabric of the City and fundamental cornerstones that make communities complete. They make neighbourhoods livable and support a high quality of life by providing space and amenities for a host of services, programs, and activities. *Community facilities/services* are lands, buildings, and structures that provide services for health, education, recreation, social or cultural activities, security, and safety. *Community facilities/services* may include community and recreation centres, arenas, parks, health care and social service facilities, day care centres, seniors' centres, emergency medical services, fire services, police services, *cultural facilities*, places of worship, museums, schools, universities and colleges, and libraries. *Community facilities/services* may be publicly or privately owned or operated.

To create a high quality of life and to be adaptable to meet changing community needs, *community facilities/services* must be flexible. Flexibility is particularly important in newly built or renovated facilities which must meet the needs of our changing population.

Preserving and improving access to *community facilities/services* in established neighbourhoods and meeting changing needs is a responsibility shared by the City, senior levels of government, public agencies, the private non-profit service delivery and voluntary sector, community groups, and citizens. Making the best use of what we have, promoting shared facilities and shared responsibility, and integrating planning of *community facilities/services* with planning for change are necessary for Hamilton to attain and maintain a high quality of life.

The City recognizes that the planning and provision of *community facilities/services* requires partnership, consultation, coordination, and cooperation among all levels of government, public agencies, the non-profit service delivery and voluntary sector, and citizens. It is the role of the City to facilitate and support a process of integrated planning and cooperation.

#### 3.5.1 Policy Goals

- 3.5.1.1 Create a vibrant, active and supportive City by providing *community facilities/services* that support a high quality of life for all residents.



3.5.1.2 Provide *community facilities/services* in an efficient sustainable manner that optimizes their use, minimizes their environmental impacts, and promotes their flexibility to adapt to changing needs.

### 3.5.2 General Policies

#### Privately and Publicly Owned or Operated Community Facilities/Services

3.5.2.1 All new public buildings which are publicly or privately owned and/or operated *community facilities*:

- a) shall comply with Section B.3.3 – Design Policies and B.3.4 – Cultural Heritage Policies;
- b) shall be easily accessible by walking and cycling where feasible;
- c) shall be located and designed to be barrier free and to comply with all accessibility legislation, standards, and guidelines;
- d) where proposed adjacent to residential uses, shall be designed and operated to limit noise, traffic, and privacy impacts on neighbouring residents; and,
- e) should meet all of the following design criteria where possible:
  - i) main entrances shall front onto a public road;
  - ii) parking should be provided to the side or rear of the main building and be screened and landscaped;
  - iii) pedestrian walkways shall link parking facilities and any adjacent public sidewalks to entrances;
  - iv) cycling infrastructure such as bicycle parking shall be provided where feasible;
  - v) the design of landscaping and lighting shall be of high quality and appropriate to the site; and,
  - vi) lighting should highlight the design of buildings.

3.5.2.2 Where new *community facilities* are clustered or co-located in campus-like settings, the following criteria shall apply:



- a) The campus or shared facility shall be integrated into adjacent areas and neighbourhoods through building placement such as peripheral buildings which address the public streets, built form, massing, design, landscaping, and attention to the intensity of uses.
- b) The design of individual buildings shall relate to one another.
- c) Care and attention shall be given to the pedestrian environment, with pedestrian linkages between buildings and pedestrian circulation plans.
- d) Cycling facilities, including cycling routes and bicycle parking, shall be integrated into the site.
- e) Wayfinding signage and pedestrian scale lighting sufficient for public safety shall be provided.
- f) Entryways and gateways shall be identified and marked with entryway features.
- g) Care and attention shall be given to traffic flow onto and within the site.

3.5.2.3 New public buildings and *community facilities* shall be encouraged to include publicly accessible space such as meeting rooms and multi-purpose rooms for the use of community groups, where feasible.

#### Policies for Publicly Owned or Operated Community Facilities/Services

3.5.2.4 The City's responsibilities for *community facilities/services* include parks, community centres, recreation facilities, libraries, and museums, among others. Where appropriate, the City shall establish standards for the level of these *community facilities/services* through policies of this Plan and other municipal studies and strategies.

3.5.2.5 Public *community facilities/services* shall be provided in an equitable, sustainable, efficient manner and their use optimized through application of the following policies:

- a) Partnership and collaboration among providers and funders of *community facilities/services*, including the City, shall be strongly encouraged.

- b) The use of existing *community facilities/services* shall be optimized to serve the surrounding community, wherever feasible, before the *development* of new facilities is considered.
  - c) Where *community facilities/services* are deemed to be surplus, other *community facility/service* uses shall be given first priority in disposal of the property.
  - d) Shared use of sites and buildings, including clustering/co-locating of facilities into campus-like settings with shared parking facilities, shall be strongly encouraged.
- 3.5.2.6 Public buildings and public *community facilities/services* provide a focal point, image and sense of identity for communities. Clustering/co-locating of new facilities which support a range of services on a shared site or in a shared building optimizes efficiency and improves convenience and accessibility. Clustering also creates a major destination that facilitates service integration, and provides flexibility for program or use change as community needs change.
- 3.5.2.7 All new public buildings and public *community facilities/services* shall:
- a) be designed to reflect and enhance local community character, image, identity, and sense of place; and,
  - b) be encouraged to include public art as part of overall site and/or building design.
- 3.5.2.8 Policies B.3.5.2.1 to B.3.5.2.3 inclusive, B.3.5.2.5, and B.3.5.2.6 shall not apply to the renovation, expansion, or *adaptive reuse* of existing buildings for *community facilities*.
- 3.5.3 Parkland Policies
- 3.5.3 Parkland Policies
- 3.5.3.1 The uses permitted on lands designated as Open Space – Neighbourhood, Community, City-wide, and Parkette on Rural settlement Area Plans in Volume 2 of this Plan shall be parks for both active and passive recreational uses, community/recreational facilities, and other open space uses.

- 3.5.3.2 Notwithstanding Section C.3.3.2 a), ancillary commercial uses that are complimentary to Community and City-wide Parks and support the primary open space use such as, but not limited to food concessions, recreational equipment rentals, and water oriented recreational uses, may be permitted provided such uses do not interfere with or have *negative impacts* on the open space nature of the land.
- 3.5.3.3 Lands designated as Natural Open Space in the Rural Settlement Area Plans are generally part of a park or conservation area. They have environmental features and are intended to be preserved in their natural state. Where appropriate, limited recreational activities/uses may be permitted including trails, picnic areas, forest management, conservation management.
- 3.5.3.4 The City shall establish a hierarchy of parks as follows which are applicable to park types in the Rural Area;
- a) Neighbourhood Parks primarily cater to the recreational needs and interests of the residents living within its general vicinity. Residents can easily walk or bike to these parks. Neighbourhood Parks are generally comprised of municipal parkland, containing a mixture of passive areas, sports facilities, informal and formal play areas, and may include natural areas. They serve a population of approximately 5,000 people and have a minimum size of approximately two hectares.
  - b) Community Parks serve more than one urban neighbourhood and the rural area, but are not intended to serve the City as a whole. Community Parks have more intensive recreational facilities such as sports fields, recreational and community centres. These facilities shall have good transportation access along adjacent arterial and/or collector roadways and provide adequate parking to meet anticipated demand. They serve a population of approximately 20,000 people and have a minimum size of approximately seven hectares city wide.
  - c) City-wide Parks are municipally, regionally, provincially or nationally significant destinations that meet the needs of residents and are of interest to visitors. These facilities are often associated with major recreation, education or leisure activities and may have natural or unique features. They range greatly in size and type.

- d) Parkettes are small open spaces which have no or limited recreational facilities.

3.5.3.5 In addition to the parks hierarchy outlined in Section B.3.5.1.4, there are two open space categories not considered as parks but which contribute to the City's Open Space and Parks System:

- a) General Open Space shall include golf courses, community gardens, pedestrian and bicycle trails, walkways, picnic areas, beaches, and remnant parcels of open space lands. These areas do not function as parks but are used for both active and passive recreational activities.
- b) Natural Open Space shall include lands with significant natural features and landscapes such as wetlands, *woodlands*, *hazard lands*, forested slopes, creek/ravine corridors, the Niagara Escarpment, environmentally sensitive areas (of natural and scientific interest) and areas of wildlife habitat. These areas perform important biological and *ecological functions* and provide passive recreational opportunities.

3.5.3.6 In certain cases, single parks may have dual classifications, such as Natural Open Space and Community Park, which recognize that parks can have multiple functions.

3.5.3.7 Parks and natural areas shall be linked in a continuous public Open Space and Parks System, including those lands identified in the Niagara Escarpment Parks and Open Space System, wherever possible.

3.5.3.8 All Open Space and Parks shall be designated as Open Space on Schedule D - Rural Land Use Designations. The classification of parkland shall be identified or designated in Rural Settlement Area Plans. These classifications shall be used to determine parkland needs in accordance with Section B.3.5.1.9.

3.5.3.9 To ensure the provision of an adequate amount of parkland, the following standards shall be used in the determination of parkland needs:

- a) Rural Settlement Areas (as defined on Schedule D - Rural Land Use Designations, and Maps 1 to 19 in Volume 2 of this Plan)

Park Classification	Per 1,000 Population (Ratios)	Minimum Service Radius/ Walking Distance
Neighbourhood Parks	0.7 ha/1000	800 m
Community Parks	0.7 ha/1000	n/a

- b) Rural Areas in all areas of the City (calculation requires City-wide Parks to be evaluated in all the former municipalities)

Park Classification	Per 1,000 Population (Ratios)	Minimum Service Radius/ Walking Distance
City-wide Parks	0.7 ha/1000	n/a

3.5.3.10 Parkettes have no parkland standards because of their small size and limited recreational opportunities. The purchase of parkettes shall only be made in exceptional circumstances where no other parks or open spaces exist in the vicinity nor are there any other opportunities to purchase neighbourhood or community parks.

3.5.3.11 General Open Space and Natural Open Space areas are not considered parkland. Therefore no standards are applied.

3.5.3.12 Where parkland standards may not be met in the rural area, the City shall endeavour to increase the supply of parkland through bequests, donations, partnerships with other public agencies and other methods as set out in Section F.4 – Municipal Land Acquisition of this Plan.

3.5.3.13 Notwithstanding Section B.3.5.1.9 of this plan, the City may consider a lower parkland standard, where a Neighbourhood and Community Park may be feasibly combined on the same site.

3.5.3.14 Through the preparation of Rural Settlement Area Plans, the City shall determine the amount and type of park required based on the following considerations:

- a) The parkland standards in Section B.3.5.1.9;
- b) Projected population;
- c) The location of other parks in adjacent areas;

d) The feasibility of locating parks near schools and Natural Open Spaces; and,

e) Site characteristics (slope, natural features, frontage in a public road) as defined by the Landscape Manual for Parks, adopted by Council.

3.5.3.15 Preference shall be given to locating Neighbourhood or Community Parks adjacent to school sites.

3.5.3.16 Where lands are deemed surplus by the City, a public agency or other land owner, the following criteria shall be used in the evaluation of parkland needs:

- a) The amount of parkland deficit/surplus based on the standards in Section B.3.5.1.9;
- b) The size, the location and site characteristics of the surplus land;
- c) The size and location of other Neighbourhood, Community or City-wide Parks in the area; and,
- d) Available municipal funds.

3.5.3.17 Whenever land designated or used for Open Space and Parks purposes is acquired or used by a city department or other public agency for non-recreational public purposes, the City or public agency shall be required to compensate for the resulting loss of parkland by paying the full current market value of the parcel of land into the Parkland Reserve.

#### 3.5.4 Library Services

Libraries provide a collection of resources for information, knowledge, learning, and entertainment and also serve as venues for community functions and focal points for communities.

3.5.4.1 New libraries shall be accessible and barrier free to all residents.

3.5.4.2 Where established library facilities are inadequate to serve area residents, the City shall encourage the Hamilton Public Library Board to provide alternative or additional branch libraries or services. To ensure the provision of suitable library sites, the City shall encourage the inclusion of the Library Board in the planning of other *community facilities/services*.

3.5.4.3 Every effort shall be made to co-locate new libraries with other *community facilities/services* and central to the area being served.

3.5.4.4 New libraries shall comply with Sections B.3.5 – Community Facilities/Services Policies, and B.3.3 – Design Policies.

3.5.5 Educational Facilities

The City recognizes that schools (elementary and secondary) are one of the building blocks of Hamilton's communities, and not only provide education, but also recreational space and resources to the neighbourhood. Universities and colleges not only serve the City, but attract students and faculty from across Canada and the world.

3.5.5.1 The decision to operate a school is at the sole discretion of the school board or private agency, and is guided by the requirements of the Province. The City shall work in cooperation with the school boards and other educational service providers to ensure that educational facilities are located in close proximity to the population they are to intended to serve to minimize motor vehicle dependence and to maximize pedestrian and cycling access.

3.5.5.2 Where existing schools are deemed surplus by school boards the City shall endeavour to collaborate with school boards regarding disposition of the land, in a manner that meets both school board and City requirements, needs, and objectives.

3.5.5.3 The City shall consider purchase and *adaptive reuse* or *redevelopment* of surplus school sites for public purposes where other *community facilities/services* do not meet established standards and resources are available.

3.5.5.4 The City shall, in the case of a proposed relocation of a designated or zoned school site at the subdivision approval stage, ensure that such changes are minor in nature or the shift is designed to improve the centrality of the school site relative to its intended service area or to improve its overall functionality.

3.5.5.5 *Redevelopment* of surplus school sites for residential and other uses shall be *compatible* with the surrounding neighbourhood and comply with the other policies of this Plan.



3.5.5.6 Schools shall provide landscaped open space for outdoor student activities and be designed and operated to limit noise, traffic, privacy impacts on neighbouring residents.

3.5.5.7 New educational facilities shall comply with Sections B.3.5 – Community Facilities/Services Policies, and B.3.3 – Design Policies.

3.5.6 Healthcare Facilities

Healthcare facilities such as hospitals are primarily the responsibility of the Province. The City shall collaborate with senior levels of government and their agencies to identify needs and ensure provision of high quality healthcare facilities and related services to the community.

3.5.7 Emergency Medical, Fire, and Police Services

3.5.7.1 Emergency services are comprised of emergency medical, fire, and police services and their associated stations. Design of communities and siting of emergency service stations can impact response times and efficiency of emergency medical, fire, and police services delivery.

3.5.7.2 The preferred location for emergency medical, fire, and police stations is fronting arterial or collector roads.

3.5.7.3 Safe, direct, and unobstructed access to roads shall be required for emergency services including the use of controlled intersections, lighting, and signage.

3.5.8 Cultural Facilities

*Cultural facilities* are publicly owned or operated lands, buildings and structures used for the creation, production, and dissemination of culture and arts or cultural activities. Cultural services, such as public programming, conservation, and presentation of cultural resources are also integral to the City's cultural experiences. *Cultural facilities* include museums, art galleries, exhibition facilities, and managed historical sites.

3.5.8.1 City-wide or regional scale *cultural facilities* contribute to Hamilton's image and identity. The prominence of a city-wide or regional *cultural facility* should be reflected in its design. New *cultural facilities* that serve the City or larger region and are not linked to an existing *cultural heritage resource*, shall be designed



to reflect the character, identity, and image of Hamilton and the region served by the facility.

3.5.8.2 Design competitions or other mechanisms to stimulate innovative design shall be strongly encouraged for new *cultural facilities*.

3.5.8.3 *Adaptive reuse of a protected heritage property or cultural heritage landscape* for new *cultural facilities* shall be exempt from all locational and design requirements of this Plan provided the following conditions are met to the satisfaction of the City:

- a) The proposed use is permitted in the relevant designation;
- b) The heritage attributes are *conserved*.
- c) The heritage attributes are considered in the design of any new additions, features, related buildings or structures, or landscaping.

3.5.8.4 New *cultural facilities* shall comply with Sections B.3.5 – Community Facilities/Services Policies, B.3.3 –Design Policies and B.3.4 – Cultural Heritage Policies.

### 3.6 Health and Public Safety Policies

#### 3.6.1 Contaminated Sites Policies

Contaminated sites are a legacy from the past with impacts on environmental and human health that are becoming increasingly apparent as lands are proposed for *redevelopment*; however, remediation of contaminated sites can provide *redevelopment* opportunities which can further the goal of rejuvenation. Prior to permitting *development* on contaminated or potentially contaminated properties, it is important to identify these sites and ensure they are suitable or have been made suitable for the proposed land use(s) in accordance with provincial legislation, regulations, and standards.

3.6.1.1 The City shall require proponents of *development* or *redevelopment* proposals to document previous uses of the property(s) affected by the proposal for lands currently or previously used for:

- a) employment (industrial), commercial, community, transportation, or utility purposes;
- b) activities involving the elimination or disposal of waste and other residues, including landfill sites or waste disposal facilities;
- c) any activities involving the storage or use of hazardous substances, including fuels, oils, chemicals, paints, or solvents; and,
- d) any use with the potential for site contamination, such as dry cleaning facilities, and gas stations.

3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more *sensitive land use* is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial regulations. The Record of Site Condition shall be submitted by the proponent to the Province and a copy of the notice of acknowledgement shall be submitted to the City. The Record of Site Condition shall be to the satisfaction of the City.

3.6.1.3 The City shall continue to identify other circumstances pertaining to specific *development or redevelopment* proposals where the filing of a Record of Site Condition may be required beyond those circumstances contemplated in Policy B.6.1.2. These circumstances may include the age of a building proposed for

*redevelopment*, historic land use, and potential off-site sources of contamination.

3.6.1.4 Where there is potential for site contamination due to a previous use or uses on lands subject to *development or redevelopment* proposals, and a mandatory filing of a Record of Site Condition is triggered, the City shall:

- a) withhold final approval of an application until acceptance of a Record of Site Condition. In the interim, conditional approval may be considered; or,
- b) defer or establish conditions of approval for applications involving official plan amendments, zoning by-law amendments, plans of subdivision, and site plan approvals where a Record of Site Condition is necessary.

3.6.1.5 Application submissions involving land use changes on or within 200 metres, or greater distance as required by the City or province, of lands identified on Appendix E – Rural Municipal Landfill Sites, may not be considered complete unless accompanied by written permission for *redevelopment*, proof that remediation is complete from the appropriate authority, or a landfill impact assessment, according to all applicable provincial guidelines and requirements.

3.6.1.6 In approving applications involving land use changes on or near former landfill sites, the City may require a higher standard of remediation or safety than the Province.

3.6.1.7 As a condition of approval of applications involving land use changes within 200 metres of lands identified on Appendix E – Rural Municipal Landfill Sites, future purchasers and tenants shall be advised of existing and potential impacts of the former landfill. Such a warning provision shall be included as a clause in a lease or rental agreement, agreement of purchase and sale, and development agreement where applicable, and registered on title where possible.

3.6.1.8 No activity associated with the proposed use shall be permitted on a contaminated site or potentially contaminated site until any required Record of Site Condition has been filed and it has been demonstrated to the satisfaction of the City that there will be no *adverse effects*.

3.6.1.9 *Development* on, abutting, or adjacent to lands affected by oil, gas, and salt hazards; or former mineral mining operation, mineral aggregate operations, or petroleum resource operations may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or are complete to the satisfaction of the City.

### 3.6.2 Air Quality and Climate Change

Air quality and climate change have significant direct and indirect impacts on community health, the environment, and the economy of Hamilton. Local sources of air pollutants that can compromise clean air include personal and commercial vehicles, industry, and energy sources used for heating and cooling.

Climate change can be caused by natural processes and human activities. Increased fossil fuel use and permanent forest loss has increased the concentrations of greenhouse gases, leading to accelerated changes in our climate. A high concentration of heavy industries and transportation corridors are contributing local sources of greenhouse gases in the City.

Addressing climate change requires two complementary actions: mitigation (i.e. reduction) and adaptation. Mitigation involves actions to reduce greenhouse gases or actions to avoid or delay climate change. Adaptation involves actions or planning to minimize a city's vulnerabilities to the impacts of climate change.

Several goals and policies of this Plan, both directly and indirectly contribute to the improvement of air quality and reduce greenhouse gases:

- a) integrating the transportation network to include all modes of transportation;
- b) promoting *active transportation*;
- c) achieving a natural heritage ecosystem through the protection and enhancement of natural heritage features and functions; and,
- d) enhancing vegetative cover.

Many of these goals and policies also contribute to the adaptation to climate change by minimizing vulnerabilities to climate impacts. Prohibiting new *development* on *hazard lands*, and incorporating design features that reduce climate impacts on public works and infrastructure - roads and associated infrastructure, bridges, water and waste water systems, and energy distribution, are climate change adaptation strategies.

#### Partnerships

3.6.2.1 The City shall partner with community groups, such as Clean Air Hamilton, to develop actions to reduce air pollutants and improve air quality.

3.6.2.2 The City shall partner and work with other levels of governments, other municipalities, academics, community groups, and local industries to develop:

a) actions that reduce air pollutants and greenhouse gases, improve air quality, reduce and respond to the impacts of climate change in the City; and,

b) a Hamilton Air Quality and Climate Change Plan.

3.6.2.3 The City shall promote and support public and private education and awareness of air quality and climate change, associated health impacts, and linkages to transportation and land use *development* in the City.

#### Monitoring

3.6.2.4 The City shall undertake an air pollutant and greenhouse gas emissions inventory and assess the conditions of Hamilton's local air quality and climate to inform actions to reduce emissions of air pollutants and greenhouse gases generated in the City.

3.6.2.5 The City may partner with other organizations to monitor, track, and assess the conditions of Hamilton's local air quality and climate to identify local emission sources and take action to reduce air pollutant and greenhouse gas emissions at these sources.

3.6.2.6 The City shall monitor and reduce air pollutants and greenhouse gases generated by the City's corporate activities and services to achieve the targets set out in the Corporate Air Quality and Climate Change Strategic Plan.

- 3.6.2.7 The City shall prepare an annual Air Quality and Climate Change report to monitor the City's progress toward its goals and to increase awareness of air quality and climate change.

3.6.3 Noise, Vibration, and Other Emissions

Noise, vibration, and other emissions such as dust and odours from roads, airports, railway lines and stationary sources have the potential to negatively impact the quality of life of residents. The objective of the following policies is to protect residents from unacceptable levels of noise, vibration, and other emissions and to protect agriculture and the operations of transportation facilities, commercial uses, industrial uses, and *agricultural-related uses*.

- 3.6.3.1 *Normal farm practices* shall be exempt from the entirety of Section B.3.6.3 in accordance with all applicable legislation and provincial guidelines.

General Policies for Noise and Vibration Emissions

- 3.6.3.2 *Development of noise sensitive land uses*, in the vicinity of provincial highways, parkways, arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

- 3.6.3.3 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.

- 3.6.3.4 Where feasible and in compliance with other policies, the City shall ensure that land use arrangements which minimize the impact of noise and vibration be considered in the formulation of plans of subdivision and condominium, official plan amendments, severances, and zoning by-law amendments.

- 3.6.3.5 Where noise or vibration attenuation measures are required, these measures, for both outdoor and indoor space, may include the following:

- a) sound-proofing measures, construction techniques, and materials;

- b) layout and design of the structure or outdoor living areas;
- c) spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers;
- d) building setbacks; and,
- e) acoustical barriers such as berms, noise walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies.

3.6.3.6 Acoustical barriers shall generally be located on private property.

3.6.3.7 New technologies may offer opportunities for innovative noise and vibration abatement techniques not yet contemplated. The development and use of such techniques shall be encouraged.

#### Airport Noise and Vibration

3.6.3.8 *Development* within the vicinity of John C. Munro International Airport shall be in accordance with Section C.4.8 – Airport.

#### Road and Railway Traffic Noise and Vibration

3.6.3.9 A *noise feasibility study*, or *detailed noise study*, or both, may be required as determined by the City prior to or at the time of application submission, for *development* of residential or other noise *sensitive land uses* on lands in the following locations:

- a) 400 metres of an arterial road, as identified on Schedule C – Rural Functional Road Classification;
- b) 400 metres of a truck route, as identified in the Truck Route Master Plan;
- c) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Rural Functional Road Classification; and,
- d) 500 metres of a railway line.

3.6.3.10 *Development* proposals for which noise studies are submitted shall meet all of the following requirements and conditions to the satisfaction of the City and in accordance with provincial guidelines:



a) *Development* applications shall include evidence that provincial outdoor sound level criteria shall be met.

i) If predicted noise levels in outdoor living areas exceed 55 dBA, but are less than or equal to 60 dBA, the noise study shall indicate and discuss the noise mitigation measures which would reduce noise levels to as close to 55 dBA as is feasible.

ii) The City shall determine if noise mitigation is required and the appropriate noise mitigation measure to be implemented. If predicted noise levels in outdoor living areas exceed 60 dBA, noise mitigation shall be required.

b) *Development* applications shall include evidence that provincial indoor sound level criteria are met. If sound levels exceed provincial guidelines for either daytime or nighttime hours:

i) appropriate mitigation measures shall be incorporated into the *development*, according to provincial guidelines; and,

ii) appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within development agreements.

3.6.3.11 As a condition of approval of *development* applications where noise studies are required as a consequence of proximity to roadways, appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and development agreements, as required.

3.6.3.12 A vibration study may be required to be submitted prior to or at the time of application submission for development on lands located within 75 metres of a railway line or railway yard. Vibration studies may be reviewed by the appropriate railway company.

#### Design of Mitigation Measures Adjacent to Roads

3.6.3.13 Design of noise mitigation measures adjacent to collector roads, or arterial roads shall address streetscape quality through compliance with the following policies:

a) The use of noise barriers (walls and berms) should be avoided, wherever possible.



- b) The use of noise barriers shall only be considered if it can be demonstrated to the satisfaction of the City that no other noise mitigation measures are practical or feasible and their long term maintenance and replacement has been addressed.
- c) Noise mitigation measures shall comply with all design policies of this Plan unless it is determined in the *detailed noise study*, to the satisfaction of the City, that compliance with the design policies is not practical or feasible.

#### Future Roads, Provincial Highways, and Parkways

3.6.3.14 Where new *development* precedes the construction of planned roads, provincial highways, or parkways, where noise mitigation measures are anticipated, the City may require as a condition of approval that a pro-rated cost contribution be made by the proponent prior to final approval for construction of noise mitigation measures, where deemed appropriate by the City.

#### Railway Corridors and Yards General Policies

3.6.3.15 As determined by the City, a *noise feasibility study*, or *detailed noise study*, or both, shall be submitted prior to or at the time of application submission, for *development* of residential or other noise *sensitive land uses* on lands within 500 metres of a rail yard.

3.6.3.16 The City shall consult with the appropriate railway company in the review of any noise or vibration study required as a consequence of proximity to railway lines or yards. All noise and vibration studies and associated applications required as a consequence of proximity to railway lines or railway yards shall be circulated to the appropriate railway company for comment.

3.6.3.17 All proposed *development* adjacent to railways or railway yard shall ensure that appropriate safety measures such as setbacks, berms, and security fencing are provided to the satisfaction of the City and in consultation with the appropriate railway company.

3.6.3.18 As a condition of approval of *development* applications where noise or vibration studies are required as a consequence of proximity to railway lines or railway yards, appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within development agreements.

Noise, Vibration and other Emissions from Stationary Sources, Including Railway Yards

3.6.3.19 The City shall ensure that all *development* or *redevelopment* with the potential to create conflicts between *sensitive land uses* and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines. The City may require proponents of such proposals to submit studies prior to or at the time of application submission, including the following: *noise feasibility study; detailed noise study; air quality study; odour, dust and light assessment; and any other information and materials identified in Section F.1.9 – Complete Application Requirements and Formal Consultation.*

3.6.3.20 *Development* or *redevelopment* with the potential to create conflicts between *sensitive land uses* and point source or fugitive air emission such as noise, vibration, odour, dust, and other emissions may include:

- a) *development* or *redevelopment* of *sensitive land uses* in the vicinity of commercial or any other uses with the potential to produce point source or fugitive air emission such as noise, vibration, odour, dust, and other emissions, including those with a high number of deliveries, loading areas, and other noise generating features such as a drive-through speaker, or car wash.
- b) *development* or *redevelopment* of new *resource-based* industrial or infrastructure or utility facilities including railway yards in the vicinity of *sensitive land uses*;
- c) commercial or any other uses with the potential to produce point source or fugitive air emission such as noise, vibration, odour, dust, and other emissions, including those with a high number of deliveries, loading areas, and other noise generating features such as a drive-through speaker, or car wash, in the vicinity of *sensitive land uses*; and,
- d) *development* or *redevelopment* of *sensitive land uses* in the vicinity of significant employment (industrial) facilities including railway yards, industrial, infrastructure or utility facilities.

3.6.3.21 Where noise attenuation measures are required to address noise from stationary sources, noise barriers shall only be used where other attenuation methods are not feasible or sufficient. If noise barriers must be used, the barrier shall be designed to complement the streetscape and community design.

#### 3.6.4 Water Quality

The City shall protect water quality and quantity in accordance with Sections C.2.0 – Natural Heritage System, Section C.5.0 – Infrastructure, F.3.1 – Supporting Plans, and all applicable legislation.

#### 3.6.5 Hazard Lands

The City has a diversity of landscapes and topography due to our location in the Great Lakes-St. Lawrence River watershed and the proximity of the Niagara Escarpment. While this topography is responsible for a unique and beautiful setting in which to live, it also provides some inherent hazards to human settlement.

*Hazard lands* are lands that have an inherent risk to life or property due to a variety of natural hazards such as flooding, erosion, or unexpected collapse of land. *Hazard lands* are areas susceptible to flooding, erosion, slope failure, or other physical conditions which are severe enough to pose a risk to residents, loss of life, property damage, and social disruption either at a specific location or to upstream or downstream lands within the watershed, if these lands were to be developed. In many places, *hazard lands* coincide with the lands of the Natural Heritage System; however, this is not always the case. In many situations, the natural heritage system extends beyond the limits of *hazard lands*.

In the City of Hamilton, *hazard lands* are defined, mapped, and regulated by the Conservation Authorities in accordance with the Conservation Authorities Act. The Niagara Escarpment Commission regulates lands that also have inherent hazards through the Niagara Escarpment Planning and Development Act.

The general intent of this Plan is that *development* be directed to areas outside of *hazard lands* and that there should be no *development* on, or *site alterations* to *hazard lands*.

#### Policy Goal

3.6.5.1 The following goal shall apply in the *rural area*:

- a) The City shall reduce the risk to its residents or potential for public cost from natural hazards.

Policies

3.6.5.2 *Hazard lands* include *hazardous lands* and *hazardous sites*.

3.6.5.3 *Hazard lands* are identified, mapped, and regulated by the Conservation Authorities. Boundaries of most *hazard lands* are determined by the appropriate Conservation Authority.

3.6.5.4 The portion of properties that contain *hazard lands* shall be identified through zoning.

3.6.5.5 Lands identified on Schedule A – Provincial Plans, as Niagara Escarpment Plan Natural Area are also recognized as having inherent environmental hazards such as flood and erosion susceptibility. Any development must be in accordance with Section C.1.1 – Niagara Escarpment Plan and Section F.2.1 – Niagara Escarpment Development Control. Consultation with the Niagara Escarpment Commission shall be encouraged to determine suitability and compatibility with the objectives, permitted uses, and development criteria of the Niagara Escarpment Plan.

3.6.5.6 *Hazard lands* shall be conserved and land uses or activities which could be affected by prevailing hazardous conditions such as flooding or erosion, or could increase the inherent hazard, shall be prohibited in *hazard lands* and on *lands adjacent* to *hazard lands*.

3.6.5.7 Uses permitted within *hazard lands* shall be limited to conservation, fish and wildlife management areas, *existing agricultural uses*, non-structural *agricultural uses*, passive public or private recreational uses, flood or erosion control facilities, and uses legally existing at the time of approval of this Plan.

3.6.5.8 *Development* and *site alteration* shall be prohibited in *hazard lands*.

3.6.5.9 Notwithstanding Policies B.3.6.5.6, B.3.6.5.7, and B.3.6.5.8, *development* and *site alteration* may be permitted on *hazard lands*:

- a) where a Special Policy Area, under Section 3.1.3 a) of the Provincial Policy Statement has been approved by the Province. Such special policy areas permitting *development* and *site alteration* on *hazard lands* shall be included as Area Specific Policies in Volume 3;

b) where the *development* is limited to uses which by their nature must locate within the *floodway* such as flood or erosion control works;

c) where *development* is a minor addition or a passive non-structural use which does not affect flood flows to the satisfaction of the applicable Conservation Authority;

d) where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards as determined by the applicable Conservation Authority.

3.6.5.10 *Development* and *site alteration* permitted through Policy B.3.6.5.9 above shall comply with Section C.2.0 – Natural Heritage System.

3.6.5.11 Development approvals shall not be granted within *hazard lands* or on lands adjacent to *hazard lands* that are regulated by a Conservation Authority until written consent is obtained from the applicable Conservation Authority.

3.6.5.12 The City shall discourage the expansion of *existing* legal non-complying uses within *hazard lands*.

3.6.5.13 Where an existing legal non-conforming or non-complying building or structure lying within all or part of *hazard lands* is destroyed in a manner not related to the inherent environmental hazards of the land, the City shall permit the building or structure to be rebuilt only if the Conservation Authority having jurisdiction permits the reconstruction.

3.6.5.14 Where lands with inherent hazards exist that are not regulated by the Province or a provincial body, such as steep slopes not associated with a watercourse or shoreline, the City shall as part of applications for development under the Planning Act, require the preparation of appropriate studies to:

a) map the hazard;

b) assess the existing and future stability of the hazard;

- c) identify appropriate setbacks from the hazard; and,
- d) identify other mitigation measures necessary to protect the site, the hazard, *adjacent lands*, and public safety.

3.6.5.15 Hazards identified under Policy B.3.6.5.14 shall be zoned in the same manner as *hazard lands*.

Not Final and Binding

### 3.7 Energy and Environmental Design

Energy efficiency, environmental design, and increasing the supply of energy through *renewable energy systems* and *alternative energy systems*, benefits human and environmental health, protects the global climate, and reduces the demand for

energy resources and the infrastructure needed for its production and distribution.

### Energy Efficiency

3.7.1 The City shall support energy efficient, low impact, and environmental designed *development* through:

- a) approval of planning applications, including applications for zoning by-law amendments, site plan approval, and plans of subdivision or condominium, as appropriate;
- b) the use of environmental building rating systems such as certification under the Leadership in Energy and Environmental Design (LEED) program or an equivalent rating system for upgrading/retrofitting of existing *development* and new *development*;
- c) designs which use *renewable energy systems* or *alternative energy systems*;
- d) designs which use *cogeneration energy systems*;
- e) designs which minimize building heat loss and capture or retain solar heat energy in winter, and minimize solar heat penetration in summer. Consideration shall be given to such measures as green roofs or reflective roofs, discouraging excessive surface parking, allowing direct access to sunlight, and effective landscaping;
- f) building or structure orientations that maximize solar or wind energy;
- g) designs that encourage sustainable forms of transportation and facilitate *transportation demand management*, including *active transportation* and energy conserving vehicles;
- h) designs that facilitate cooperation/joint energy efficiency between developments to optimize the efficient use of resources;
- i) energy conservation initiatives, including *energy demand management*;
- j) water and storm water conservation/management practices such as green roofs, water recycling systems, etc.;



- k) encouraging the use of reclaimed building materials as appropriate;
- l) pilot projects and *community energy plans* as appropriate; and,
- m) other environmental development standards that encourage energy efficiency and environmental design as contained in the City's approved engineering policies and standards and master planning studies, and are supported by the City's financial incentive programs.

3.7.2 Corporately, the City shall support energy efficiency by:

- a) implementing the City's approved Corporate Energy Policy;
- b) participating in energy conservation programs;
- c) supporting City and City/private partnership pilot projects which are energy efficient and have good environmental design;
- d) marketing and educational initiatives; and,
- e) advocating/lobbying senior levels of government for programs and funding to support energy efficiency and environmental design, and for changes to the Building Code Act and Regulations.

#### Increased Energy Supply

3.7.3 The City shall promote increasing the supply of energy and in particular, the supply of sustainable energy by:

- a) permitting energy generation facilities to meet existing and planned needs, including *renewable energy systems* and *alternative energy systems*, both as principal and *accessory* uses. These facilities shall be permitted in all land use designations subject to the other relevant policies of this Plan, Policy B.3.7.2, *compatibility* with the surrounding land uses, and in accordance with the provisions of the Zoning By-law; and,
- b) protecting existing and future utility corridors.



Renewable Energy and Alternative Energy System Locations

3.7.4 *Renewable energy systems* and *alternative energy systems* shall be permitted in accordance with all federal and provincial requirements and Policy B.3.7.3 a).

3.7.5 *Renewable energy systems* and *alternative energy systems* may be subject to studies to demonstrate how the potential adverse impacts, such as noise, dust, vibration, air quality, and water quality and quantity shall be mitigated.

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## Chapter C – CITY WIDE SYSTEMS AND DESIGNATIONS

### C.2.0 NATURAL HERITAGE SYSTEM

- 2.7.6 Where new *development* or *site alteration* is proposed within a *linkage* in the Natural Heritage System as identified by an Environmental Impact Statement, the Environmental Impact Statement shall include a Linkage Assessment.

### C.3.0 General Land Use Provisions and Designations

- C.3.1.4 The following uses shall be permitted in the Agriculture, Specialty Crop, and Rural designations, provided the following conditions are met:

- a) Except as permitted in Sections D.2.1.1.4 and C.3.1.4 b) and c) of this Plan, a maximum of one dwelling per lot shall be permitted in designations where residential uses are permitted. The Zoning By-law shall limit permitted dwellings to a maximum of one residence per lot in designations where residential uses are permitted; and
- b) Except as permitted in Section D.2.1.1.4 of this Plan, where a second dwelling is required on a lot on a temporary basis, such as allowing an *existing* dwelling to be replaced, the City may permit both dwellings on the same lot for a specified period of time provided that:
  - i) provision is included in the Zoning By-law;
  - ii) The temporary residence is provided with water and sewage disposal services that are acceptable to the City; and
  - iii) The owner enters into an agreement and posts financial securities with the City to ensure the removal of the temporary residence and its associated uses following the expiration of the temporary use.
- c) Garden suites may be permitted on a temporary basis subject to a Temporary Use By-law provided the following conditions are met:

- i) The water and sewage disposal services available on the site are designed and have the capacity to support the uses;
- ii) The garden suite shall be serviced by the existing private water and sewage disposal services on the property, which shall be the same services as the existing dwelling;
- iii) The use does not expand into *key natural heritage features* and *key hydrologic features*, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;
- iv) The temporary residence is designed for removal following the expiration of the Temporary Use By-law; and,
- v) The owner enters into an agreement and posts financial securities with the City to ensure the removal of the temporary residence and its associated uses following the expiration of the Temporary Use By-law.

#### C.4.0 INTEGRATED TRANSPORTATION NETWORK

Movement in the City of Hamilton, both rural and urban areas, is comprised of various transportation modes, which together form an integrated transportation network that supports all land uses and contributes to the well-being of the community. The integrated transportation network offers a range of travel options for moving both people and goods on roads, rail, and air. The options on the roadway network include, transit, *active transportation* (non-motorized movements), commercial vehicles and automobiles. The function of the integrated transportation network and overarching objective of the Official Plan is to safely and efficiently move people, goods, and equipment with minimum energy and environmental impact, and serve as an economic enabler.

The transportation network and land uses are mutually inclusive; land uses are connected and accessible through the transportation network. Equally, transportation is made more efficient when complemented by appropriate locations for various land uses. The City shall plan for an integrated transportation network through the policies of this Plan, provincial policies, and requirements of the Planning Act. The integrated transportation policies will help in achieving the shared goal of Vision 2020, the Growth Related Integrated Development Strategy, the Transportation Master Plan, and other City plans, of an integrated sustainable transportation network for people, goods, services, and equipment which is safe, environmentally responsible, affordable, efficient, convenient and accessible.

This Plan recognizes the relationship between the transportation network and its impact on quality of life, health, and economic development potential. The integrated transportation network will offer a greater range of transportation mode choice. An improved and efficient transportation network is key to creating the vital link between activities and land uses throughout the City.

The rural area has a unique set of transportation needs and challenges. Due to the much lower population densities and its functions as agricultural land base, natural heritage land base, and a source of natural resources, in the rural area there is limited opportunity for development of a greater range of transportation choices. It is important that the transportation infrastructure needs of the agricultural industry are central to any improvement plans. The primary principle of this Plan is to protect the agricultural,

natural heritage, and natural resource land base from fragmentation and conflicting or competing land uses. Rural densities are and will remain too low to support increased conventional transit services and several forms of active transportation infrastructure.

#### 4.1 Policy Goals

The following goals apply to the integrated transportation network in rural Hamilton:

- 4.1.1 Provide a balanced and integrated transportation network which includes all modes of transportation such as *active transportation*, automobiles, farm vehicles and equipment, goods movement vehicles, and rail.
- 4.1.2 Recognize the relationship of transportation and land use planning in connecting communities, land uses and activities and the role of the integrated transportation network in improving overall quality of life and economic strength.
- 4.1.3 Facilitate the safe and efficient movement of farm goods, vehicles and equipment.
- 4.1.4 Facilitate the safe and efficient movement of goods and services within and between Hamilton, neighbouring municipalities and regions through various modes within the integrated transportation network.
- 4.1.5 Maximise the safety and minimize the energy use and environmental impacts of the transportation system.
- 4.1.6 Work in cooperation with other levels of government and government agencies to further develop inter-regional travel plans.
- 4.1.7 Facilitate an increase in *active transportation* in the City and contribute to *transportation demand management* initiatives where appropriate.

#### 4.2 Integrated Transportation Network

- 4.2.1 The City shall maintain the existing transportation network and ensure the continued sustainability of existing transportation infrastructure before new infrastructure developments are considered.

- 4.2.2 Transportation infrastructure shall be designed and implemented to support the policies of this Plan, including the needs of the agriculture industry.
- 4.2.3 All land use planning decisions shall be coordinated with, and consider, the integrated transportation network goals and policies of Section C.4.0 – Integrated Transportation Network.
- 4.2.4 *Transportation demand management* measures shall be evaluated in all transportation related studies, master plans, and environmental assessments.
- 4.2.4.1 *Transportation demand management* measures may include:
- a) provision of *active transportation* features including facilities within the road right-of-way and at public and private origin/destination points which promote and support the safe, comfortable and convenient flow of cyclists and pedestrians, such as paved road shoulders, sidewalks, walkways, and multi-use paths, where appropriate and in accordance with the Transportation Master Plan and relevant Master Plans;
  - b) support ride-sharing and car-sharing spaces;
  - c) encouraging businesses and employers to prepare and supplement *transportation demand management* plans to promote reductions in automobile use and improved modal splits by means such as smart commute programs, *active transportation*, ride-sharing and car-sharing initiatives for their employees;
  - d) encouraging businesses and employers to provide preferred parking for car pool vehicles; and,
  - e) other measures detailed in the Transportation Master Plans and described in Section F.3.1.8 – Transportation Master Plans.
- 4.2.5 The City, in consultation with the Province and adjacent municipalities, shall work to implement inter-city transportation projects prior to, and in conjunction with, provincial transportation projects in order to encourage a balanced transportation network.

## Design

4.2.6 Rural settlement area plans shall incorporate the following design directions:

- a) establishment of a continuous grid road network as the preferred street layout to allow all vehicle types, pedestrians, and cyclists to move efficiently;
- b) efficient spacing of arterial and collector roads within the grid network;
- c) organization of land uses in a manner that reduces automobile dependence and improves modal choice and the movement of goods; and,
- d) road design and layout which reduces and minimizes the need for future traffic calming and/or unnecessary traffic control devices.

4.2.7 The road network shall be planned and designed to:

- a) be shared by all modes of transportation;
- b) maximize safety for all users; and,
- c) minimise lifecycle environmental impacts in accordance with Section C.4.5 - Road Network.

## Barrier Free Transportation

4.2.8 Hamilton's transportation network shall be developed to be inclusive of the needs of persons with disabilities, seniors, and those with reduced mobility through the following provisions:

- a) ensuring that sidewalks, where they are appropriate, are accessible and accommodate people with impaired or reduced mobility using techniques including curb cuts and appropriately designed crosswalks at intersections and roundabouts;
- b) encouraging the use of voice signals at crosswalks to allow for safe passage for persons with limited vision;
- c) modifying existing transportation facilities over time to provide barrier free accessibility;

- d) requiring minimum off-street parking spaces for the disabled regulated through the Zoning By-Law; and,
- e) taking accessibility requirements into account for the design of new *developments* in accordance with Policy B.3.3.11 - Barrier Free Design.

#### New Transportation Corridors

- 4.2.9 Additional transportation corridors may be added to the integrated transportation network in Hamilton in the future. Recognizing the need to plan proactively for future infrastructure requirements and sustainable transportation solutions, the City supports active participation with provincial, inter-provincial and federal transportation planning studies.
- 4.2.10 The City shall plan for and protect corridors and rights-of-way for transportation, transit and infrastructure facilities to meet current and projected needs and not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

### 4.3 Active Transportation Network

*Active transportation* which includes pedestrian movement, cycling and any other non-motorized modes of transportation, is a key component of the City's transportation network. *Active Transportation* provides a sustainable alternative to travel by private automobile, resulting in health, economic and social benefits from improved air quality, reduced energy consumption, reduced injuries, and increased physical activity. This Plan recognizes that *active transportation* is an essential component of the overall integrated transportation network. Some rural area facilities for *active transportation*, such as paved road shoulders, also improve the road infrastructure for farm vehicles, farm equipment, and large vehicles for transporting other rural resources.

- 4.3.1 When roads and other infrastructure are replaced or upgraded, where feasible the City shall accommodate commuter cycling needs on the road network and major recreational pathways in accordance with the City's Cycling Master Plan.
- 4.3.2 The City shall maintain and, where feasible during replacement or upgrading of infrastructure, build the *active transportation* network which recognizes the importance of the *active transportation*



network while achieving a high standard of connectivity and protecting agriculture. *Active transportation* shall be promoted and accommodated in road design and operation through:

- a) continuous improvement and expansion of the existing network of pedestrian and bicycle infrastructure, including paved road shoulders, multi-use paths, bike lanes, and on-street bike routes;
- b) establishment of pedestrian-oriented design guidelines where appropriate in rural settlement area plans that promote *active transportation*; and,
- c) provision of traffic calming measures and signage, where appropriate.

4.3.3 The City shall design pedestrian friendly streets where appropriate within large Rural Settlement Areas by:

- a) making streetscapes visually appealing to make walking more inviting;
- b) discouraging the placement of objects which will impede pedestrian movements;
- c) reducing motor vehicle traffic in areas of high pedestrian activity by design or other means;
- d) establishing exclusive pedestrian links in areas of high pedestrian activity and vehicular traffic;
- e) providing adequate lighting;
- f) providing active transportation facilities; and,
- e) applying other means as specified in the policies of Section B.3.3 – Design, where applicable.

#### 4.4 Public Transit Network

Public transit entities under municipal jurisdiction include conventional and specialized networks. Inter-regional networks are under the jurisdiction of provincial/federal authorities. School bus systems are the sole responsibility of the relevant school board.

Municipal public transit in the *rural area* is limited to the Accessible Transit System (DARTS), Trans-Cab service in small defined areas,

and urban routes that cross stretches of rural lands to access urban destinations. The low density of *rural areas*, required even in Rural Settlement Areas due to the constraints of private water and sewage services, means broad conventional public transit service in the *rural area* is unfeasible. There is no increase in public transit service contemplated in the *rural area* of the City of Hamilton.

4.4.1 New transit service/infrastructure shall be subject to sufficient density, demand and operational feasibility.

4.4.2 The City shall continue to provide specialized transit service for those unable to use other transportation modes where feasible.

4.4.3 The City shall work together with other municipalities and transit providers to implement seamless integration and coordination between transit networks across municipal jurisdictions from both planning and operational perspectives.

#### 4.5 Roads Network

The road network is a component of the overall transportation network. The City shall provide an efficient road network that will accommodate anticipated traffic volumes at a reasonable level of service while balancing the needs of all road users and vehicles for the safe and efficient movement of people, farm equipment, and goods and providing a right-of-way for underground utilities.

Functional road classifications and associated policies recognize differing needs for rural and urban roads.

##### Functional Classification

4.5.1 The road network shall be comprised of Provincial highways, parkways, arterial roads, collector roads, and local roads. The road network, except for local roads, is identified on Schedule C – Rural Functional Road Classification. The road alignments of proposed roadways shown are diagrammatic and may be altered provided the general intent of this Plan is maintained.

4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

a) Provincial highways, subject to the following general policies:

i) There are two primary provincial highways located within the City – Highway 403 and the QEW. Additionally, Highway 6,

Highway 8, and Highway 5, are provincially owned facilities and have unique classifications. *Development* which falls within the Ministry of Transportation's permit control area is subject to the requirements of the provincial government.

ii) New entrances or the upgrading of entrances within the Ministry of Transportation's permit control area of a provincial highway shall be subject to the approval of the Ministry of Transportation.

iii) The City and the Ministry of Transportation shall work cooperatively with respect to the planning of land *development* and associated access connections within the Ministry of Transportation's permit control area adjacent to all provincial highways and interchanges within the City, to protect the future capacity and operation of both the provincial highway network and the City's transportation facilities.

b) Arterial roads, subject to the following policies:

i) The primary function of an arterial road in the *rural area* is to carry relatively high volumes of intra-municipal and inter-regional traffic through the *rural area* in association with other types of roads.

ii) Land accesses shall be permitted but are a secondary consideration to the function of the road.

iii) The maximum basic right-of-way width for arterial roads shall generally be 36.567 metres, but in certain circumstances a right of way width of 45.720 may be required.

iv) Arterial roads in the *rural area* shall generally be organized in a grid pattern.

v) Paved shoulders may be provided to accommodate farm vehicles and equipment, pedestrians, and cyclists.

vi) Separate facilities may be provided to accommodate pedestrians and cyclists.

vii) On street parking may be prohibited.

c) Collector roads shall be subject to the following policies:

i) The function of a collector road in the *rural area* is equally shared between carrying moderate volumes of intra-municipal and inter-regional traffic through the *rural area*

and providing direct land access.

- ii) The maximum basic right-of-way widths for collector roads in the *rural area* shall be 36 metres.
  - iii) Collector roads in the *rural area* shall generally be connected with local, collector and arterial roads.
  - iv) Wider lanes or paved shoulders may be in place to accommodate farm vehicles and equipment, pedestrians, and cyclists.
  - v) Separate facilities may be in place to accommodate cyclists and pedestrians.
  - vi) Sidewalks may be provided on both sides of the street in Rural Settlement Areas.
- d) Local roads, subject to the following policies:
- i) The primary function of a local road in the *rural area* is providing direct property access, while the secondary function is to move low volumes of traffic to collector roads.
  - ii) The maximum basic right-of-way widths for local roads in the *rural area* shall be 36 metres.
  - iii) Local roads shall generally be connected with other local and collector roads.
  - iv) Sidewalks should be provided on one or both sides of the street in Rural Settlement Areas, but cycling facilities are generally not required.
  - v) The minimum right of way width for all road classifications shall be 20.117 metres.

#### Special Character Roads

4.5.3 Notwithstanding the foregoing, the City may decide to reduce or waive certain functional requirements in the following circumstances:

- i) where a road has been defined as a heritage road in accordance with Policies C.4.5.3.1 to C.4.5.3.4 inclusive, of this Official Plan; or,
- ii) where it has been determined through an environmental assessment, area master plan, rural settlement area planning

study, or development planning approval process that a reduced right-of-way width is required to maintain existing neighbourhood character or to provide pedestrian friendly areas within neighbourhoods, and does not affect the safe operation of the roadway.

4.5.3.1 The City shall identify, *conserve* and manage identified heritage roads and associated features. Heritage roads shall be defined as those roads which exhibit one or more of the following attributes:

- a) historical associations with a theme of human history that is representative of cultural processes in the *development* and use of land in the City;
- b) historical associations with the life or activities of a person, group, institution or organization that has made a significant contribution to the local or regional municipality; and,
- c) scenic amenity with a recognizable sense of position or place either viewed from within the road right of way or viewed from an exterior viewpoint.

4.5.3.2 The City, in consultation with its Municipal Heritage Committee, may designate heritage roads or road allowances under the Ontario Heritage Act.

4.5.3.3 Heritage roads shall be *conserved* and protected by the appropriate road authority without jeopardizing health and safety with a presumption against any works or undertakings that would adversely affect identified heritage attributes. In particular the City shall endeavour to retain and protect:

- a) existing road surface widths where they contribute to the heritage character of the road;
- b) existing trees and treelines within the road right-of-way;
- c) other vegetation, plantings and features such as boulevards, hedgerows, ditches, grassed areas and fencelines; and,
- d) transportation related heritage features, such as bridges, where they contribute to the special character of the road.

4.5.3.4 Works or undertakings, such as intersection improvements, may be undertaken at specific locations to remedy clearly demonstrated deficiencies at that location provided that they do not adversely

affect the character or attributes of the heritage road. Additionally, *development* shall not be encouraged where it adversely affects or has the potential to adversely affect the character or attributes of a heritage road, such as the removal of distinctive tree lines and tree canopies, fencelines or hedgerows or the placement or introduction of berms, screens, gateway or entrance features or other unsympathetic barriers.

#### Design and Maintenance

4.5.4 The road network shall be designed and maintained according to the following policies:

- a) The Functional Road Classification System shown on Schedule C – Rural Functional Road Classification shall be used as the basis for decisions regarding design standards for road construction, bicycle and truck routes, road widenings and access policies. The City may re-classify roads by:
  - i) re-classifying an existing road to a higher classification where considered necessary, as traffic conditions change in response to *development*, through an amendment to this Plan; or,
  - ii) re-classifying an existing road to a lower classification, which shall be permitted without an amendment to this Plan.
- b) The City shall be permitted to design a road according to an urban or rural cross-section regardless of whether the road is in an urban or rural area.
- c) The City shall initiate construction and maintenance programs to improve the safety and operation of the road network.
- d) Only essential new transportation routes, maintenance, and repairs of existing routes shall be permitted in the Escarpment Natural Area.

#### Condominium Roads

4.5.5 A common element condominium road shall be considered as a public road or publicly assumed road for the purposes of the Zoning By-law and this Plan.

## Road Widening

- 4.5.6 The City may reserve or obtain land for future road widenings for rights-of-way as described in Schedule C-1 – Future Road Widenings (Rural). Where a future road widening for rights-of-way is not described in Schedule C-1 – Future Road Widenings (Rural), the City may reserve or obtain land for road widenings for rights-of-way as described in Section C.4.5.2. The aforesaid road widening land conveyances may be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.
- 4.5.6.1 The City may require, as a condition of site plan approval, subdivision approval, condominium approval and land severance consent, sufficient lands to be conveyed to provide for a road right-of-way in accordance with the designated widths as set out in Section C.4.5.2 or Schedule C-1 – Future Road Widenings (Rural).
- 4.5.6.2 Land conveyances for future road widenings obtained through land severance or consent shall be taken from both the severed and retained parcels of land unless in the opinion of the City obtaining the land conveyance from both parcels would not be practicable or feasible.
- 4.5.6.3 Where a proposed *development* is subject to site plan approval as detailed in Policy F.1.7 – Site Plan Control, the following provisions shall apply:
- a) Further to Policy 4.5.6.1 above, the City may require as a condition of site plan approval, the dedication of property abutting roads with future rights-of-way widths as specified on in Schedule C-1 – Future Road Widenings (Rural), as applicable.
  - b) Where feasible and where the City requires dedication of property for future rights-of-way widths, lands shall be dedicated equally from both sides of the road unless otherwise specified. Where the City requires more than one half of the widening from one side of the road, the City shall require, from said side of the road, dedication at no cost to the City of one half of the total proposed widening and shall acquire the remaining land required for the road widening through gift, bequeathment, purchase, expropriation or other methods.
  - c) Notwithstanding Policies C.4.5.6.3 to C.4.5.6.4 inclusive, the City may require, as a condition of site plan approval, the



dedication of additional property for daylighting triangles at road intersections. In this regard, the maximum amount of land to be dedicated shall not exceed 116.13 square metres in accordance with Policy C.4.5.7.

4.5.6.5 Notwithstanding Policies C.4.5.6.2, C.4.5.6.4, and C.4.6.7:

- a) Where site plan approval is required primarily for the purposes of natural heritage protection and site plan approval is the only Planning Act application, a conveyance of lands for a future road widening or daylight triangle shall not be taken.
- b) Where site plan approval is required for a minor *development* and the site plan approval is the only Planning Act application, a conveyance of lands for a future road widening or daylight triangle may not be taken at the discretion of the City.

4.5.6.6 Notwithstanding Sections C.4.5.6 and C.4.5.7, the City may waive or accept less lands to be dedicated than the maximum road widening and/or daylighting triangle requirements where, in the opinion of City, constraints including but not limited to, the nature of existing development, topographic and/or natural features, cultural heritage and design features or other constraints make it impractical to widen the road to the established road allowance requirement.

4.5.6.7 Notwithstanding Section C.4.5.6 and C.4.5.7, the City shall interpret the required right-of-way widths detailed in Section C.4.5.2 and Schedule C-1 – Future Road Widening (Rural), where applicable to denote only the basic requirement for the section of the road. Additional rights-of-way may be required at intersections to provide for exclusive turning lanes, daylight triangles and other special treatments to accommodate the optimum road/intersection geometric design. There may also be additional requirements for rights-of-way to provide lands for environmental considerations, the construction of bridges, overpasses, earth filled ramps, grade separations, depressed sections of roads, pathways, roundabouts, and traffic control in accordance with Section C.4.5.7. Any such additional right-of-way requirements shall be determined at the time of design of the road facilities and shall become part of the total required right-of-way.



#### Daylighting Triangles

4.5.7 The City shall require the conveyance of property for appropriate daylighting triangles and corner rounding on existing roads at such times as the property is to be developed or redeveloped, as a condition of site plan approval, consent, or plan of subdivision approval, in accordance with City standards based on the intersecting roadways of the functional road classification detailed in Section C.4.5.2. Daylighting triangles at intersections shall generally be as follows:

- a) Local to local roads: 4.57 m triangle or radius;
- b) Collector to local or collector roads: 9.14 m x 9.14 m triangle; and,
- c) Arterial to collector or arterial: 15 m x 15 m triangle.

#### Access Management

4.5.8 The efficiency, safety and traffic carrying capacity of arterial roads shall be protected by minimising the number of intersecting streets and access points and providing sufficient spacing between them.

4.5.8.1 To the extent feasible, the intersection of a new collector road with an arterial road shall provide sufficient separation from the nearest major intersection to allow for the efficient operation of traffic control devices.

4.5.8.2 Local roads with cul-de-sacs shall not be permitted to connect to arterial roads unless there are no reasonable alternatives.

4.5.8.3 Private access to arterial and collector roads shall be designed to minimize the number of driveways where feasible.

4.5.8.4 New *development* or *redevelopment* shall only be permitted on a property that has direct frontage on a publicly assumed road constructed to municipal standards.

#### Traffic Management

4.5.9 Traffic calming shall be considered an effective means of reducing the negative impacts of traffic on the quality of life and health and safety of residents in Rural Settlement Areas.

- 4.5.10 Traffic calming devices shall only be installed where warranted in accordance with the current City of Hamilton Traffic Calming policies.
- 4.5.11 In accordance with approved guidelines, the City may, at the discretion of the City, require transportation impact studies to assess the impact of proposed *developments* on current travel patterns and/or future transportation requirements. These studies shall include a transportation demand management assessment and plan, and shall be submitted prior to or at the time of application for Official Plan amendments, subdivision approvals, major rezoning and major site plan approvals.
- 4.5.12 Roundabouts, where determined appropriate in accordance with City policy, shall be the preferred method for intersection traffic control over all-way stop and traffic signals. Design of roundabouts shall consider pedestrian and cycling safety and access.
- 4.5.13 Proactive safety measures for all road systems users, including persons with disabilities or reduced mobility, shall be considered in both new *development* and *redevelopment* proposals.

#### Parking and Loading

- 4.5.14 Parking and loading requirements regulated through the Zoning By-Law or site plan approval shall ensure adequate parking for the site, while avoiding excess parking supply.
- 4.5.15 Parking options and related incentives for *active transportation* use shall be improved through:
- a) installation of secure bike parking in strategic high activity public locations, including municipal parking facilities; and,
  - b) adoption of Zoning regulations to require secure bike parking in new commercial, agriculture-related, and institutional *developments* where appropriate.
- 4.5.16 New *development* or *redevelopment* on properties adjacent to arterials and where necessary, collector roads, shall include provisions for sufficient parking, loading, manoeuvring and off-street parking.

#### 4.6 Goods Movement Network

An important component of Hamilton's transportation network, in both the urban and rural areas, is an efficient system of goods and

services movement, which helps attract and retain industries and business, thus contributing to the City's economy. The goods movement network in Hamilton consists of provincial highways, the road network, rail, the John C. Munro Hamilton International Airport and the Port of Hamilton. The local goods movement network links to the wider inter-regional, inter-provincial, and international goods movement network as detailed in the Growth Plan for the Greater Golden Horseshoe. Hamilton has access to a wide range of goods movement facilities and corridors. These facilities and corridors form a network which contributes to making the City an ideal location for a "goods movement gateway".

- 4.6.1 The goods movement network in Hamilton shall be maintained, protected and enhanced to support Hamilton's economic development strategy.
- 4.6.2 Goods movement corridors include truck and rail transportation routes, the John C. Munro Hamilton International Airport, and the Port of Hamilton. Heavy truck traffic, other than local deliveries, shall be restricted to designated truck routes to minimize negative impacts of truck traffic on local roads.
- 4.6.3 The City shall encourage the development of facilities, including inter-modal facilities, for the transfer of goods between rail, air, marine and truck modes of transportation in appropriate locations such as designated Employment Areas.
- 4.6.4 The City shall encourage the movement of goods to fully utilize John C. Munro International Airport and the Port of Hamilton, where feasible and in accordance with Sections C.4.8 - Airport.
- 4.6.5 The roads network shall be designed to accommodate heavy trucks on the designated truck route system.

#### **4.7 Rail Network**

The use of *heavy rail* transportation shall be considered an efficient method of moving goods and people. Rail is an important mode within the integrated transportation network and shall be promoted while minimizing and eliminating potential conflicts with adjacent land uses.

- 4.7.1 The City shall support railway companies in providing service to the residents and businesses throughout the City.

- 4.7.2 All proposed *development* and *redevelopment* adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided to the satisfaction of the City and in consultation with the appropriate railway company.
- 4.7.3 The City shall support the acquisition of abandoned railway rights-of-way by public authorities, for transportation facilities, utility corridors, bicycle and foot paths, transit rights-of-way, outdoor recreation, reforestation, open space and linkages.
- 4.7.4 *Development* adjacent to rail yards and rail lines shall be in accordance with Section B.3.6.3 – Noise, Vibration, and Other Emissions.

#### 4.8 Airport

- 4.8.1 It is the objective of this Plan to support John C. Munro International Airport as a 24 hour, seven day a week operation. The Airport and the adjacent Airport Business Park is one of the City's major economic nodes and a valued transportation facility which links the movement of goods and people.
- 4.8.2 The lands identified as John C. Munro International Airport on Schedule D – Rural Land Use Designations are recognized as the City's major airport facility, which includes both airport uses and complementary uses supporting the primary function of the Airport. These lands are intended to have full municipal services.
- 4.8.3 The City shall support the Federal Government and airline companies in the provision of adequate airline and airport service to the residents and businesses of the City.
- 4.8.4 The City shall maintain Noise Exposure Forecast (NEF) contours and the Primary Airport Zoning Regulation, as amended from time to time, and formulate guidelines for *development* in the vicinity of John C. Munro International Airport.
- 4.8.5 The City shall minimize future conflicts between operation of the Airport and surrounding land uses to ensure:
- a) there shall be no negative impact on the long-term operations of the Airport;

- b) the opportunities for expansion of airport operations shall not be limited; and,
  - c) there are no land uses in the vicinity which may cause a potential aviation hazard.
  - d) development that is noise or land use sensitive to airport operations or will limit the opportunities for expansion of airport operations shall be restricted.
- 4.8.6 NEF contours and the Airport Influence Area are identified on Appendix D – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations Area, and designated on Schedule F – Airport Influence Area.
- 4.8.7 All *development* and *redevelopment* shall comply with all provincial and municipal standards, criteria and guidelines regarding noise and vibration from air traffic sources, including Section B.3.6.3 - Noise, Vibration and Other Emissions.
- 4.8.8 Proposals for *development*, *infill development* and *redevelopment* of residential or other *sensitive land uses* shall comply with the following requirements in Table C.4.8.1 – Requirement for Development in the Vicinity of John C. Munro International Airport, based on all applicable locational criteria. Proposals may meet more than one locational criteria and thereby be subject to more than one set of requirements.

**Table C.4.8.1: Requirements for Development in the Vicinity of John C. Munro International Airport**

	Locational Criteria	Requirements
<b>1</b>	35 NEF and greater, and/or within the Airport Influence Area	<p>a) All new <i>development</i> of residential and other <i>sensitive land uses</i>, including infill <i>development</i> and <i>redevelopment</i>, shall be prohibited.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p>
<b>2</b>	28 NEF and greater, but less than 35 NEF	<p>a) All new <i>development</i> of residential and other <i>sensitive land uses</i>, including infill <i>development</i> and <i>redevelopment</i>, shall be prohibited.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p> <p>c) All <i>development</i> applications approved prior to approval of this Plan may proceed.</p>
<b>3</b>	25 NEF and greater, but less than 28 NEF	<p>a) All <i>development</i> and <i>redevelopment</i> proposals for residential and other <i>sensitive land uses</i>, including infill <i>development</i> and <i>redevelopment</i>, shall be required to submit a <i>detailed noise study</i>, employ noise mitigation measures and include appropriate warning clauses in accordance with Section B.3.6.3 - Noise, Vibration and Other Emissions, and Policy C.4.8.6.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p>

- 4.8.9 Any amendment to expand the *urban boundary* into the Airport Influence Area designated on Schedule F – Airport Influence Area, shall comply with all Airport Influence Area policies and the Rural Hamilton Official Plan.
- 4.8.10 Any permitted *development, redevelopment* or infill *development* at or above 25 NEF or within the Airport Influence Area shall be required to submit a *detailed noise study*, implement noise mitigative measures in accordance with provincial and federal guidelines/standards or municipal approaches that achieve the same objective, and include appropriate warning clauses in lease or rental agreements, agreements of purchase and sale, and within development agreements.

## C.5.0 INFRASTRUCTURE

### 5.1 Private Water and Wastewater Services

It is the objective of this Plan to ensure all rural *development* establishes, and maintains in perpetuity, sustainable *private services* in accordance with the following policies.

5.1.1 No draft, conditional, or final approval of *development* proposals shall be granted by the City for any *development* in the *rural area* that could impact existing *private services* or involves proposed *private services* until the *development* proposal has complied with the all of the following:

- a) Prior to or at the time of application for a proposal that could impact existing *private services* or involves proposed *private services*, *development* proponents shall submit complete information regarding existing or proposed private water and wastewater services. This information shall be complete to the satisfaction of the City. Where sufficient information is not available to enable a full assessment of on-site and off-site water supply and/or sewage disposal impacts or if the proponent does not agree with the City's calculations, the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.2 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved or amended from time to time.
- b) Any information submitted or study required in Policy C.5.1.1 a) shall be completed to the satisfaction of the City in accordance with Section F.3.2.2 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. The City may request or conduct a peer review of the study or servicing information, which shall be completed by an agency or professional consultant acceptable to the City and retained by the City at the applicant's expense.
- c) The minimum size for a new lot proposed in an application for a severance or lot addition, with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall be the size required to accommodate the water system and sewage disposal system with no on-site and off-site impacts, and shall include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b). In no case shall a



proposed new lot be less than one acre. The maximum lot size shall be in accordance with Policy F.1.14.2.1 g).

d) *Development* of a new land use or a new or replacement building on an existing lot that require(s) water and/or sewage servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot size are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 g).

e) The private water supply and sewage disposal systems shall be capable of sustaining the proposed and existing uses within acceptable levels of on-site and off-site water quantity and quality impacts, including nitrate impact;

f) The existing or proposed wastewater system shall not include a sewage disposal holding tank.

g) The existing or proposed water supply system shall include a well with sufficient quantity of water to sustain the use. A cistern system that meets current accepted standards, may, to the satisfaction of the City, be an additional component of the water supply system.

5.1.2 *Development* on lands currently connected to a municipal water supply or that have been approved by the City for connection to a municipal water supply may be exempt from only the private water supply requirements of Policy C.5.1.1, or the required hydrogeological study may be scoped, at the discretion of the City. All other policies and requirements shall continue to apply.

5.1.3 The land owner shall be responsible for the maintenance and repair of all private water supply and sewage disposal systems in accordance with all applicable legislation.

5.1.4 Notwithstanding Policies F.1.14.2.1 c) v), F.1.14.2.1 e), and the water supply requirements of C.5.1.1, Private Water and Wastewater Services, which prohibit *development* on a water cistern, in the case of the severance of an *existing* surplus farm dwelling in accordance with Section F.1.14.2.8, the severance of an *existing* dwelling serviced by an *existing* water cistern may be

permitted provided there is no negative impact of the proposal on the cistern. All other aspects of Policies F.1.14.2.1 c) v) and F.1.14.2.1 e), and Section C.5.1 shall continue to apply.

5.1.5 Notwithstanding the water supply requirements of C.5.1.1 f) - Private Water and Wastewater Services which prohibit *development* on a water cistern, the building of a dwelling on an *existing* vacant legal lot of record in accordance with Policy F.1.12.6, serviced by a water cistern, where insufficient water supply is due to the impacts of dewatering for mineral aggregate extraction as demonstrated by a quarry area of influence study, approved by the Province and provided by the proponent, may be permitted at the discretion of the City. All other aspects of Section C.5.1 shall continue to apply. No severances shall be permitted on the basis of an *existing* water cistern except in accordance with Policy C.5.1.4.

5.1.6 Where a new dwelling is permitted under Policy C.5.1.5, the servicing or hydrogeological study required in Policy C.5.1.1 shall consider potential hydrologic and hydrogeological changes when the mineral aggregate operation ceases and the lands are rehabilitated.

#### C.5.2 Communal Water and Wastewater Systems

The Province requires municipalities to prohibit the extension or expansion of lake-based municipal services to all *rural areas*, except in response to public health emergencies. The extension of lake-based municipal service systems may be necessary if private or municipally-operated communal water or wastewater treatment systems experience serious operational constraints or failures in future. The City operates communal water supply systems in Freelon, Carlisle, Greenville and Lynden as a result of private water service failures, operator default and/or previous public health emergencies. A variety of private communal water and wastewater systems associated with specific *developments* have also been established in the past. Many *existing* communal systems operate in conjunction with privately maintained sewage disposal systems resulting in partly serviced rural *development*. Partly serviced rural *development* is subject to a higher risk of failure and the potential for future public health emergencies. Therefore, it is the objective of this Plan to restrict both the creation and expansion of communally serviced or partially serviced rural *development*.

- 5.2.1 The creation of new communal water or wastewater treatment systems shall be prohibited.
- 5.2.2 The expansion of all *existing* communal water and wastewater systems that would increase the number of partly serviced properties in the *Rural Area* is prohibited except as stated in Policies C.5.2.4 and C.5.2.6 below.
- 5.2.3 The City shall not consider nor accept to becoming a party to a 'default responsibility agreement' for any private communal water supply or sewage treatment system whether or not the *existing* or proposed *development* is permitted by this Plan or the Zoning By-law.
- 5.2.4 An amendment to this Plan shall be required prior to acceptance of any 'default responsibility agreement' for a private communal water supply or wastewater system. An application for such an amendment shall not be deemed to be complete unless all of the following are met:
- a) a Municipal Class Environmental Assessment has been completed in accordance with terms of reference approved by the City; and,
  - b) the estimated cost of system operation and maintenance, including appropriate financial securities required in the event of system failure, have been identified.
- 5.2.5 The financial securities identified in Policy C.5.2.4 b) shall be charged by registered agreement to the owners of the land serviced by the expanded communal service system.
- 5.2.6 No extension of municipal or communal water or wastewater services outside of Rural Settlement Area boundaries in the *rural area* shall be permitted by this Plan unless the Medical Officer of Health declares an urgent public health emergency and there are no viable alternatives to rectify the emergency except by the provision of communal water and/or wastewater services to the affected population.

### **C.5.3 Lake-Based Municipal Water and Wastewater Systems**

It is the objective of this Plan to prohibit the extension or expansion of all lake-based, municipal water and wastewater services outside the *urban area* boundary.

- 5.3.1 The Province requires municipalities to prohibit the extension or expansion of lake-based municipal services outside of *urban area* boundaries for properties within the City limits, except in response to public health emergencies. No extensions of the municipal lake-based water and wastewater systems shall be permitted into *rural area* lands detailed in this Plan unless the Medical Officer of Health declares an urgent public health emergency and there are no viable alternatives to rectify the emergency except by the provision of municipal water and/or wastewater systems to the affected population.
- 5.3.2 The City may allow *existing* lots and existing uses that front on a rural/urban boundary road, to connect to existing municipal water and wastewater systems, provided all the following conditions are met:
- a) the area shall remain outside the *urban area* and shall be designated Agriculture, Specialty Crop or Rural in the Rural Hamilton Official Plan; and,
  - b) sufficient supply and capacity are available to service the existing development.
- 5.3.3 Prior to the adoption of this Plan, the City has installed, approved specific Official Plan policies, entered into legal agreements and approved engineering plans in accordance with its former Official Plan policies to extend lake-based municipal water and wastewater services to certain properties in the *rural area*. This Plan recognizes and permits these existing and approved public works to be maintained or completed in accordance with previous policies, agreements and plans approved on or before December 16, 2004. No future lake-based municipal service extensions or expansions, agreements, plans or amendments to same shall be permitted by this Plan.
- 5.3.4 The City shall endeavour to recover the full lifecycle cost of providing sustainable municipal water and wastewater service as required by applicable municipal by-laws and provincial legislation.
- 5.3.5 Where a private well(s) and/or private on-site septic system(s) is abandoned in favour of connection to a water and/or wastewater system, the property owner shall properly

decommission the well and decommission the septic tank/system in accordance with provincial regulations and City guidelines so as to reduce or eliminate potential safety and health hazards.

- 5.3.6 Water and wastewater systems shall be designed and constructed in accordance with the specifications and standards of the City, provincial guidelines, and all other applicable standards, regulations and guidelines.

#### **5.4 Storm Water Management Facilities**

- 5.4.1 The location and construction of new storm water management ponds and the expansion, extension and operation of *existing* facilities on lands designated as Agriculture, Specialty Crop, Rural, Utilities and Rural Settlement Area on Schedule D - Rural Land Use Designations shall meet the following conditions:

- a) Storm water management ponds shall be permitted only for uses that serve the rural area.
- b) Notwithstanding Policy C.5.4.1 c), a storm water management pond for the development of the Ancaster Industrial Park shall be permitted on the west side of Trinity Road, midway between Wilson Street and Book Road West (Ancaster Fairgrounds).
- c) Notwithstanding Policy C.5.4.1 c), a storm water management pond for the development of Parkside Hills Subdivisions – Phase 2 (25T201003) shall be permitted on lands located north of the future east west corridor, west of Centre Road, Waterdown North.

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## Chapter D – RURAL SYSTEMS, DESIGNATIONS AND RESOURCES

### D.2.0 AGRICULTURE DESIGNATION

D.2.1.1.4 A *farm labour residence* may be permitted on the same lot as the primary farm use provided all the following conditions are met:

2.1.1.5 The severance of a lot for a *farm labour residence* shall not be permitted.

### D.4.0 RURAL DESIGNATION

#### D.4.1.1.2

A kennel may be permitted provided the use will not impact adjacent land uses. The following requirements shall be established in the Zoning By-law:

- a) Limitations on the area of the site and/or building floor area;
- b) Minimum setbacks from adjacent sensitive land uses; and,
- c) Other aspects of the kennel use.

D.6.29 The development of Mineral Aggregate Resource Extraction Areas shall not adversely impact *significant cultural heritage resources* either directly or indirectly unless suitably *conserved* or mitigated by the proponent to the satisfaction of the City and in accordance with studies required under the Aggregate Resources Act.

D.6.30 The rehabilitation of areas impacted by mineral aggregate resource extraction operations shall reflect and *conserve* elements of the pre-extraction character of the *significant cultural heritage resources* where possible.

D.6.31 Where possible, public or private rehabilitation of lands impacted by *mineral aggregate resource* extraction shall reflect and represent the pre-extraction land uses and character of the *significant cultural heritage resources*. The reflection and representation of these *significant* cultural heritage elements shall not preclude the rehabilitation of natural heritage features and ecological function, but shall ensure that the cultural history of the lands is appropriately represented in the rehabilitated site.

## Chapter F – IMPLEMENTATION

### F.1.0 PLANNING ACT IMPLEMENTATION TOOLS

#### 1.2 Rural Settlement Area Plans

1.2.4 Rural settlement area plans shall generally include the following:

a) *cultural heritage resources* shall be identified, evaluated and *conserved*. This identification and protection of *cultural heritage resources* may be accomplished through the preparation and inclusion of a *cultural heritage conservation plan statement* within the Rural Settlement Area planning process.

1.2.6 Rural Settlement Area plans may be undertaken and coordinated where and when appropriate in conjunction with community strategies to address a wider range of issues which cannot be addressed through land use planning alone.

#### 1.4 Interpretation of the Official Plan

1.4.6 The *urban boundary* is delineated in the Urban Hamilton Official Plan. The *urban boundary* shown in the schedules and appendices of this Plan shall be considered approximate and is not intended to define the exact limits of the *urban boundary*. (NOTE: The existing policy F.1.4.6 and subsequent policies of this section are to be renumbered.)

#### 1.5 Zoning By-law

1.5.4 The City may develop criteria for the establishment and use of conditional zoning upon approval by the Province.

#### 1.6 Development Permit System

The Development Permit System is an additional implementation tool that may be used to ensure the City's goals, objectives and policies of this Plan are realized. The Development Permit system is intended to be a flexible planning tool which combines zoning and site plan control and minor variance into one process.

1.6.1 The City may investigate the development of a development permit system for use in specific geographic areas of the City.



## 1.7 Site Plan Approval

- 1.7.1 Site plan control shall be used to achieve the following planning objectives:
- a) minimize the impact of *development* on adjacent properties;
  - b) obtain land for future road widenings where appropriate;
- 1.7.4 Council may require, as a condition of Site Plan approval, the deeding of land for road widening purposes in accordance with the policies of Section C.4.0 – Integrated Transportation Network.
- 1.7.5 To achieve the objectives in Policy F.1.7.1, the City shall, as part of the site plan approval:
- a) consider matters relating to exterior design, including but not limited to the character, scale, material, and appearance, including fenestration, colour and shape, and sustainable design features of buildings;
  - b) require sustainable design elements within an adjoining City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities be provided;
  - c) require facilities designed for people with a range of abilities; and,
  - iv) consider the character, scale, appearance and design features of the exteriors of those new buildings and structures that may be attached to *built heritage resources* or sited in close proximity to such resources and care shall be taken to permit only those changes that retain, protect, complement or do not otherwise harm distinguishing heritage features.
- 1.7.6 To City shall establish and update Site Plan Guidelines to indicate the City's design preferences and expectations for site development.



## 1.9 Complete Application Requirements and Formal Consultation

- 1.9.1 *Formal consultation* with the City shall be required prior to the submission of a Planning Act application(s) for an official plan amendment, zoning by-law amendment, draft plan of subdivision, or site plan.
- 1.9.2 The purpose of such *formal consultation* shall be to review a draft *development* proposal for the lands affected by the proposed application(s) and identify the need for, and the scope, of *other information and materials*, and the scope of the other information and materials, considered necessary by the City and other affected agencies to allow comprehensive assessment of the *development* application(s).
- 1.9.3 Notwithstanding Policy F.1.9.1, the City may waive the requirement for formal consultation, where the City has identified that, due to the nature of the proposal, the need for and scope of required *other information and materials* can be determined without a formal consultation. The City shall provide the applicant with a form that identifies the necessary *other information and materials* to be submitted with the application(s) to deem it complete.
- 1.9.4 The City shall only accept and process complete Planning Act application(s) for official plan amendment, zoning by-law amendment, draft plan of subdivision and site plan.
- 1.9.5 A Planning Act application(s) shall be deemed complete provided:
- a) it satisfies all applicable provincial requirements;
  - b) it satisfies all requirements set out in this Plan; and,
  - c) it shall be accompanied by all the *other information and materials* listed in Table 1.9.1 as determined by the procedures in Policies F.1.9.1, F.1.9.2, and F.1.9.3.
- 1.9.6 Notwithstanding Policies F.1.9.1 to F.1.9.3 inclusive, and F.1.9.5 c), for severance applications the City may determine the need and scope of required *other information and materials* without a *formal consultation*. The City shall provide the applicant with a written list of *information and materials* required to be submitted with the application(s). Alternatively, applicants may request a *formal*

*consultation* in which case F.1.9.2 shall apply.

- 1.9.7 Table F.1.9.1 identifies the *other information and materials* required, to deem Planning Act applications for official plan amendment, zoning by-law amendment, draft plan of subdivision, and site plan complete:

Table F.1.9.1 Other Information and Materials

1	Background Information The objective of required background information is to provide the City, external agencies and the public with basic knowledge about a site and/or development proposal.
a)	Survey Plan
b)	Concept Plan
2	Planning The objective of required Planning information and materials is to ensure that a proposed development and/or change in land use is consistent with applicable Provincial and Municipal policies, and Council adopted guidelines.
a)	Affordable Housing Report/Rental Conversion Assessment
b)	Draft OPA, and Zoning By-laws
c)	Farm economics report
d)	Land Use/Commercial Needs Assessment
e)	Planning Justification Report
f)	Site Plan and Building Elevations
g)	Design Report
3	Cultural The objective of required Cultural information and materials is to ensure that buildings, structures, sites or landscapes of historical, architectural, archaeological, or scenic value are maintained, and that any potential adverse impacts on these areas are mitigated.
a)	Archaeological Assessment
b)	Cultural Heritage Impact Assessment (for Heritage Resources and/or Cultural Heritage Landscapes)
4	Environmental The objective of required Environmental information and materials is to identify and assess the environmental and natural features related to a site, including surface and subsurface features, and ensure that any adverse impacts resulting from a proposed development and/or change in land use on an identified environmental or natural heritage feature are mitigated to an acceptable level.

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a)	Aggregate Resource Assessment
b)	Aggregate/Mineral Resource Analysis
c)	Air Quality Study
d)	Channel Design and Geofluvial Assessment
e)	Chloride Impact Study
f)	Cut and Fill Analysis
g)	Demarcation of top of bank, limit of wetland, limit of natural hazard, limit of Environmentally Significant Area (ESA), or limit of Conservation Authority regulated area
h)	Environmental Impact Statement (EIS)
i)	Energy and Environmental Assessment Report
j)	Erosion Hazard Assessment
k)	Fish Habitat Assessment
l)	Floodline Delineation Study/Hydraulic Analysis
m)	General Vegetation Inventory
n)	Impact Assessment for new Private Waste Disposal Sites
o)	Karst Assessment/Karst Contingency Plan
p)	Landscape Plan
q)	Linkage Assessment
r)	Meander Belt Assessment
s)	Nutrient Management Study
t)	Odour, Dust and Light Assessment
u)	Restoration Plan
v)	Shoreline Assessment Study/Coastal Engineers Study
w)	Slope Stability Study and Report
x)	Species Habitat Assessment
y)	Tree Management Plan/Study
z)	Tree Protection Plan
5	Environmental/Servicing and Infrastructure The objective of required Environmental/Servicing and Infrastructure information and materials is to ensure that a proposed development and/or change in land use is safe from contamination, can be supported by adequate soil conditions and stormwater management facilities, and shall not have an adverse impact on the City's natural water resources.
a)	Contaminant Management Plan
b)	Environmental Site Assessment and/or Record of Site Condition (RSC)
c)	Erosion and Sediment Control Plan
d)	Hydrogeological Study
e)	Grading Plan
f)	Master Drainage Plan

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g)	Storm Water Management Report/Plan and/or update to an existing Storm Water Management Plan
h)	Soils/Geotechnical Study
i)	Sub-watershed Plan and/or update to an existing Sub-watershed Plan
6	Financial The objective of required financial information and materials is to ensure that a proposed development and/or change in land use shall not have an unreasonable or unanticipated financial impact on the City.
a)	Financial Impact Analysis
b)	Market Impact Study
7	Servicing and infrastructure The objective of servicing and infrastructure materials is to ensure that a proposed development and/or change in land use can be supported by adequate municipal infrastructure and services.
a)	Recreation Feasibility Study
b)	Recreation Needs Assessment
c)	School Accommodation Issues Assessment
d)	School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment
e)	Servicing Feasibility Report
f)	Servicing Options Report
g)	Water and Wastewater Servicing Study
8	Land Use Compatibility The objective of required land use compatibility information and materials is to demonstrate that the residents or users of a proposed development and/or change in land use are buffered from nuisances such as noise, dust, odours, and vibrations, and reduce the potential for public costs or risk to future residents or users resulting from a proposed development and/or change in land use.
a)	Agricultural Impact Assessment
b)	Dust Impact Analysis
c)	Land Use Compatibility Study
d)	Landfill Impact Study
e)	Minimum Distance Separation Calculation
f)	Noise Impact Studies (Noise Feasibility and/or Detailed Noise Study)
g)	Odour Impact Assessment
h)	Sun/Shadow Study
i)	Vibration Study
j)	Wind Study

9	<p>Transportation</p> <p>The objective of required transportation related information and materials is to demonstrate that any changes to the transportation network resulting from a proposed development and/or change in land use can be accommodated by the transportation network, and ensure that any adverse impacts on surrounding land uses are mitigated.</p>
a)	Cycling Route Analysis
b)	Transportation Impact Study
c)	Parking Analysis/Study
d)	Pedestrian Route and Sidewalk Analysis
e)	Roadway/Development Safety Audit
f)	Modern Roundabout and Neighbourhood Roundabout Analysis
g)	Neighbourhood Traffic Calming Options Report
h)	Transit Assessment
i)	Transportation Demand Management Options Report
10	<p>Cost Recoveries</p> <p>The objective of cost recoveries related information and materials is to enable the City to recover costs for any proposed development and/or change in land use in accordance with all City By-laws.</p>
a)	Cost Recovery Agreement

1.9.8 *Other information and materials* submitted in accordance with Policy F.1.9.5 shall be subject to the following requirements to be deemed complete:

- a) The *other information and materials* submitted shall be prepared by a qualified professional, in accordance with applicable legislation and/or to the satisfaction of the City, retained by and at the expense of the applicant.
- b) The City may request or conduct a peer review of any *other information and materials* submitted where the City lacks the appropriate expertise to review such *other information and materials*. Such peer review shall be completed by an appropriate agency or professional consultant retained by the City, at the applicant's expense.
- c) The City may refuse *other information and materials* submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory.

d) The City may request electronic versions of all *other information and materials* submitted and stipulate the format of the digital submission.

e) In addition to the *other information and materials* listed in Table F.1.9.1, the applicant may be required to submit any other supporting information and materials identified by the City during the *formal consultation* process with the applicant as being necessary for an application to be deemed complete.

1.9.9 The requirement for *other information and materials* submitted in accordance with Policies F.1.9.1 through F.1.9.8 inclusive is not intended to preclude Council and its delegated authorities from requiring additional reports, studies, maps, plans, calculations, information or materials, which are identified during the review process as necessary for Council and its delegated authorities to make informed decisions.

1.9.10 The City shall establish guidelines for the *other information and materials* identified in Policy F.1.9.7, to provide direction regarding the intended content and scope of such *other information and materials*.

1.9.11 Any *development or redevelopment* within 200 metres of any gas pipeline easement or facility shall require consultation with the applicable utility company.

#### **1.14 Division of Land**

1.14.1.6 If a plan of subdivision or part thereof has been registered for eight years or more and does not conform to the policies of this Plan, the City may use its authority under the Planning Act to deem it not be a registered plan of subdivision.

##### **1.14.2 Lot Creation**

###### **General Policies**

1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:

a) Severances that create a new lot for the following purposes shall be prohibited:

- i) Residential uses except in accordance with:
    - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a *farm consolidation*; and,
    - 2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed;
  - ii) On-farm *secondary uses* in accordance with Policy D.2.1.3;
  - iii) Severance of a lot for a *farm labour residence* or an *existing* dwelling that was permitted in a previous official plan and zoning by-law as a *farm labour residence*, farm help house, or help house;
  - iv) Severance of any *existing* second dwelling on a lot, irrespective of the origin of the second dwelling, except in accordance with Section F.1.14.2.8, where a dwelling may be severed as a result of a *farm consolidation*.
- b) Severances that create a new lot(s) may be permitted for only the following purposes:
- i) *Agricultural uses* in accordance with Policies F.1.14.2.1, F.1.14.2.2, and F.1.14.2.3;
  - ii) *Agricultural-related uses* in accordance with Policies F.1.14.2.1, F.1.14.2.2, and F.1.14.2.3;
  - iii) Severance of a surplus farm dwelling made surplus as a result of a *farm consolidation* in accordance with Policies F.1.14.2.1 and F.1.14.2.8;
  - iv) Severances within designated Rural Settlement Areas in accordance with Policies F.1.14.2.1 c), d) and e), Policy F.1.14.2.4, and Section C.5.1, Private Water and Wastewater Services;
  - v) Acquiring land for infrastructure, petroleum resource extraction, and *mineral aggregate resource* extraction purposes in accordance with Policy F.1.14.2.1 h);



- vi Facilitating conveyances of land to a public body or approved private *land trust* in accordance with Policy F.1.14.2.1 i);
- vii) In the Rural designation only, non-agricultural uses which may only be permitted in accordance with Sections D.4.1, F.1.14.2.1, and F.1.14.2.3;
- c) All proposed severances that create a new lot shall:
  - i) comply with the policies of this Plan including a rural settlement area plan where one exists;
  - ii) be compatible with and not hinder surrounding agricultural operations;
  - iii) conform to the Zoning By-law;
  - iv) only be permitted when both severed and retained lots have frontage on a public road; and,
  - v) meet the requirements of Section C.5.1, Private Water and Wastewater Services.
- d) All proposed lot additions shall:
  - i) comply with the policies of this Plan including rural settlement area plans where one exists;
  - ii) be compatible with and not hinder surrounding agricultural operations;
  - iii) conform to the Zoning By-law;
  - iv) only be permitted when both lots will retain frontage on a public road;
  - iv) meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of complete information regarding existing or proposed private water and wastewater services prior to or at the time of application.



- e) Proposed lot additions may be required to submit a hydrogeological study in accordance with C.5.1, Private Water and Wastewater Services, at the discretion of the City.
- f) All proposed severances and lot additions shall meet all Minimum Distance Separation requirements in accordance with Section F.1.16, Minimum Distance Separation I and II and the Zoning By-law. Where the required Minimum Distance Separation distance, according to MDS I, is not met for a severance and lot addition, a decision regarding variation of the Minimum Distance Separation shall be made prior to a decision on the severance.
- g) The maximum lot size for all proposed severances and lot additions outside of designated Rural Settlement Areas, except severances or lot additions for agricultural purposes where both the severed and retained lots are proposed to contain *agricultural uses*, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of *agricultural use*.
- h) Severances may be granted for the purposes of long-term lease agreements for petroleum resource works, *mineral aggregate resource* extraction, and infrastructure works provided a separate lot is not created for a dwelling or any non-farm use other than petroleum resource works, *mineral aggregate resource* extraction, and infrastructure works.
- i) Severances that facilitate the conveyance of lands to a public authority or a private *land trust* approved by the City for the purposes of natural heritage conservation shall be permitted provided:
  - i) a separate lot is not created for an additional dwelling or any other non-farm use;
  - ii) there is no increased fragmentation of a *key natural heritage feature* or *key hydrologic feature*; and,
  - iii) a restrictive covenant or conservation easement is placed on title prohibiting *development* of the land for non-conservation or non-agricultural uses in perpetuity.

Agriculture, and Specialty Crop Designations

1.14.2.2 Severances that create a new lot in the Agriculture and Specialty Crop designations, except surplus farm dwelling severances, shall be permitted providing the following conditions are met:

- a) The permitted *agricultural use* or *agricultural-related use* shall comply with the policies of Sections D.2, Agriculture and D.3, Specialty Crop of this Plan;
- b) The minimum lot size for newly created agricultural lots and retained agricultural lots within the:
  - i) Agriculture designation shall be 40.4 hectares (100 acres), except as provided in Section D.2.1.
  - ii) Specialty Crop designation shall be 16.2 hectares (40 acres), except as provided in Section D.2.1.
- c) The calculations of the minimum lot size requirements for the Agriculture designation and Specialty Crop designation may also include lands designated as Open Space on Schedule D – Rural Land Use Designations, or identified within the Natural Heritage System on Schedule B – Natural Heritage System.
- d) New lots shall be considered for *agricultural uses* and *agricultural-related uses* only and shall demonstrate to the satisfaction of the City, by a report prepared by an accredited professional knowledgeable in farm economics, such as an agrologist or agronomist, that the proposed *agricultural uses* on the severed and retained lots are of sufficient size and nature to be reasonably expected to:
  - i) Sustain a commercially viable farm operation;
  - ii) Allow farm operators the flexibility to change the existing and proposed *farm operation* in the event of business failure; and
  - iii) Allow farm operators the flexibility to diversify and intensify the production of agricultural commodities in response to changing economic conditions and trends in agriculture.

- e) The City may request comments on the report required in F.1.14.2.2 d) from the Province or other independent peer reviewer, at the expense of the applicant, prior to consideration of the new lot for severance approval.

#### Rural Designation

1.14.2.3 In the Rural designation, severances that create a new lot, except surplus farm dwelling severances, may be considered only for *agricultural uses*, *agriculture-related uses*, *existing rural resource-based commercial uses*, *existing rural resource-based industrial uses*, and *existing rural institutional uses*, provided all of the relevant conditions of Section D.4.2.1 and the following conditions are met:

- a) New lots for *agricultural uses* and *agriculture-related uses* shall demonstrate by a report prepared by an accredited professional knowledgeable in farm economics, such as an agrologist or agronomist, that the proposed agricultural lot(s) is(are) of sufficient size and nature to be reasonably expected to:
  - i) Sustain a commercially viable farm operation;
  - ii) Allow farm operators the flexibility to change the existing and proposed farm operation in the event of business failure;
  - iii) Allow farm operators the flexibility to diversify and intensify the production of agricultural commodities in response to changing economic conditions and trends in agriculture; and,
- b) The City may request comments on the report required in F.1.14.2.3 a) from the Province or an independent peer reviewer, at the expense of the applicant, prior to consideration of the new lot for severance approval.

#### Lot Creation within Designated Rural Settlement Areas

1.14.2.4 Within designated Rural Settlement Areas all proposed severances that create a new lot and proposed lot additions shall:

- a) comply with the policies of this Plan including a rural settlement area plan where one exists;

- b) be compatible with and not hinder surrounding agricultural operations;
- c) conform to the Zoning By-law;
- d) be permitted only when both severed and retained lots have frontage on a public road;
- e) meet Minimum Distance Separation requirements; and,
- f) meet the requirements of Section C.5.1, Private Water and Wastewater Services.

#### Lot Additions in All Designations

1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:

- a) No new lots shall be created;
- b) All resulting lots shall be:
  - i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan; and,
  - ii) be compatible with and not hinder surrounding agricultural operations.
  - iii) For lands within the Agriculture designation where the lot addition is for *agricultural uses* the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).
- c) For lands within the Specialty Crop designation where the lot addition is for *agricultural uses* the minimum lot size of all resulting lots shall be 16.2 hectares (40 acres).
- d) For lands within the Rural designation where a lot addition will result in the creation of a non-agricultural lot, any existing building or structure for an established residential, commercial or industrial use shall be located on the proposed non-agricultural lot;

- e) The minimum lot size requirements in F.1.14.2.5 d) and e) may also include lands designated as Open Space on Schedule D – Rural Land Use Designations, or identified as within the Natural Heritage System on Schedule B – Natural Heritage System.
- f) The maximum lot size for lot additions outside of designated Rural Settlement Areas, except lot additions for agricultural purposes where both the severed and retained lots are proposed to contain *agricultural uses*, shall be restricted to the minimum size required for the use and to meet the land area requirements of Section C.5.1, with as little acreage as possible taken out of *agricultural use*.

Minor Lot Line Adjustments/Minor Boundary Adjustments in All Designations

1.14.2.6 Minor lot line adjustments and minor boundary adjustments may be considered for *legal or technical reasons* only provided:

- a) a separate lot is not created for a dwelling or any other non-farm use except in designated Rural Settlement Areas;
- b) there is no increased fragmentation of a *key natural heritage feature* or *key hydrologic feature*;
- c) the land area of the lot adjustment does not exceed the land area required to address the legal or technical issue, meet the requirements of Section C.5.1, Private Water and Wastewater Services, and meet F.1.14.2.6 b) and c) above with as little acreage as possible taken out of *agricultural use*; and,
- d) the adjustments do not conflict with intent of the policies of this Plan.

1.14.2.7 Notwithstanding Policy F.1.14.2.6, minor lot additions may be permitted where additional land is required for *existing* undersized lots to meet all of the applicable requirements of Section C.5.1, Private Water and Wastewater Services, as determined by the City, for *existing* uses only, provided all of the following are met:

- a) no new lots are created;
- b) the resulting lots are both of a shape and dimension to not impair existing or potential agricultural operations;

- c) there is no increased fragmentation of a *key natural heritage feature* or *key hydrologic feature*; and,
- d) the land area of the minor lot addition does not exceed the land area needed to meet the requirements of Section C.5.1, Private Water and Wastewater Services, and F.1.14.2.7 b) and v) above with as little acreage as possible taken out of agricultural use.

### **Surplus Farm Dwelling Severances**

1.14.2.8 An *existing* farm dwelling that is a *residence surplus to a farming operation* as a result of a *farm consolidation* may be severed provided all of the following conditions are met:

#### All Lands

- a) In all cases where surplus farm dwellings are to be severed the following shall apply:
  - i) The *farm consolidation* shall have been completed prior to the time of application.
  - ii) The farm dwelling shall be determined to be surplus to the *farm operation* for no reason other than the farm dwelling is surplus to the needs of the *farm consolidation*. Farm dwellings that have been determined to be surplus to a *farm operation* prior to December 16, 2004 and prior to the acquisition of the additional farm parcel(s), or as a result of changing agricultural operations, are deemed not to be surplus farm dwellings for the purposes of Section F.1.14.2.8.
- iii) The proposed surplus farm dwelling:
  - 1) shall have been built on or before December 16, 2004; and,
  - 2) shall be habitable on the date of the application for the surplus farm dwelling severance and shall meet the City's standards for occupancy without requiring substantial demolition and new construction.
- iv) The surplus dwelling lot shall be a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Wastewater Services of this Plan. The maximum size of the surplus dwelling lot shall be the size required for servicing in

accordance with Section C.5.1, with as little acreage as possible taken out of agricultural production;

v) A private water well and private sewage disposal system shall be provided in accordance with Section C.5.1, Private Water and Wastewater Services of this Plan;

vi) The shape and dimensions of the surplus farm dwelling lot shall:

1. not impair agricultural operations on the retained land; and

2. generally not exceed a depth of 122 metres (400 feet);

vii) The surplus dwelling lot shall not include barns or other farm buildings which are not suitable to be used as accessory structures to a residential use prescribed by the Zoning By-law, and no such buildings or structures shall be used for industrial or commercial purposes.

viii) Where a barn or other farm building exists within the immediate vicinity of the surplus residence, the City may require demolition of the barn.

#### Lands Merged in Title

b) In cases of a farm dwelling made surplus as a result of merging in title of abutting parcels of land into one ownership on which farm operations are conducted, applications for severance shall comply with the following conditions:

i) The owner and operator of the farm maintains another *existing* dwelling on land that has been merged in title;

ii) In cases where one of the farm parcels does not contain an *existing* farm dwelling, Policy F.1.14.2.8 b) i) shall not apply.

iii) The area of the merged farm parcel after the surplus farm dwelling lot is severed shall generally be a minimum of 8.1 hectares (20 acres) in size for lands designated Specialty Crop on Schedule D - Rural Land Use Designations, or 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D - Rural Land Use Designations; and



- iv) The lot to be created for the surplus farm dwelling shall comply with the provisions of Section F.1.14.2.8 a) of this Plan.

Lands Not Merged in Title

- c) In cases of a farm dwelling made surplus as a result of acquisition as part of a *farm operation* that does not result in the merging in title of parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:

- i) The owner and operator of the farm maintains an *existing* dwelling on land that is also part of the consolidated *farm operation*;
- ii) The parcels of land comprising the consolidated *farm operation* shall generally be a minimum of 38.4 hectares (95 acres) in total in the Agriculture designation and 14.2 hectares (35 acres) in the Rural and Specialty Crop designations;
- iii) The parcel of land from which the surplus dwelling is severed shall generally be a minimum of 8.1 hectares (20 acres) in size for lands designated Specialty Crop on Schedule D – Rural Land Use Designations, or 16.2 hectares (40 acres) in size for lands designated Agriculture or Rural on Schedule D – Rural Land Use Designations;
- iv) Prior to granting of final consent, one of the following conditions shall be met for the retained farm parcel as a result of a surplus farm dwelling severance:
  - 1. The land owner shall apply for and receive final approval to rezone the farm parcel to prohibit the construction of a dwelling unit; or
  - 2. The land owner shall grant in favour of the City, a restrictive covenant which prohibits the construction of any dwelling unit.

If the land owner grants a restrictive covenant in favour of the City, the City shall rezone the farm parcel to prohibit the construction of any dwelling unit.



### 1.16 Minimum Distance Separation I and II

The *Minimum Distance Separation Formulae* are a tool to establish distances between a livestock facility and another lands use. The objective is to prevent land use conflicts as well as to minimize nuisance complaints.

- 1.16.1 New land uses, including the creation of lots, and new or expanding livestock facilities and expansion to existing uses permitted by the policies of this Plan shall comply with the Minimum Distance Separation (MDS) Formulae. The formulae for calculating required *minimum distance separation* between land uses shall be implemented in the Zoning By-law.
- 1.16.2 Minimum Distance Separation (MDS) distances shall be calculated in accordance with all provincial Minimum Distance Separation guidelines and regulations as amended from time to time.
- 1.16.3 Where the required Minimum Distance Separation distance, according to MDS I, is not met for a severance and lot addition, a decision regarding variation of the Minimum Distance Separation shall be made prior to a decision on the severance.

### 1.18 Parkland Dedication Policies

- 1.18.1 In accordance with the Planning Act, and in considering any *development/redevelopment* proposal, plan of subdivision or consent to sever, Council shall determine whether to require the dedication of parkland or require cash-in-lieu of such dedication.
  - a) Council shall require a parkland dedication in an amount not exceeding 5% for residential proposals, or alternatively, shall not exceed a rate of 1.0 hectare for each 300 dwelling units proposed, (the rate to be applied will be that which yields the greater amount of either land or cash-in-lieu), or a combination thereof for *developments* or *redevelopment* that contain a mix of residential densities.

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

- i) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed

2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.

- ii) Notwithstanding Policy F.1.18.1 a), Council may consider reducing the residential parkland dedication rate for dwellings within specific geographic areas of the City and for certain types of charitable, non-profit or social/*affordable* housing, as provided for in the Parkland Dedication By-law.
  - b) Council shall require a parkland dedication in the amount not exceeding 2% for commercial purposes except as exempted in the Parkland Dedication By-law.
  - c) Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals, and all other land use proposals other than residential and commercial and schools, subject to any exemption as set out in the Parkland Dedication By-law.
  - d) Council shall require a parkland dedication in the amount of 2% of the land area to be developed or redeveloped for a school.
  - e) Council shall require a combination of dedication rates as defined in Policy F.1.18.1 applicable to specific use and/or density for any *development* including a subdivision containing lands proposed for a variety of land uses.
- 1.18.2 Notwithstanding Policy F.1.18.1 c), Council shall not require the 2% parkland dedication or cash-in-lieu as a condition of the approval of industrial *development*/redevelopment proposals.
- 1.18.3 Storm water management facilities, *valley lands*, *hazard lands*, woodlots and *Environmentally Significant Areas*, and major utility corridors and easements shall not be considered acceptable lands eligible to satisfy parkland dedication.
- 1.18.4 For the purpose of calculating the land area subject to the parkland dedication, storm water management facilities, *valley lands*, *hazard lands*, woodlots, *Environmentally Significant Areas* and major utility corridors and easements shall be excluded except where the lands listed above contain water services, wastewater services, private roads, public roads, or parking lots.

### **F.3.0 OTHER IMPLEMENTATION TOOLS**

#### **3.1.1 Source Protection Plan**

3.1.1.1 The City shall work, in conjunction with other partners, to implement Source Protection Plans.

3.1.1.2 The Official Plan shall be amended, from time to time, to implement the recommendations of the Source Protection Plans.

#### **3.1.2 Transportation Master Plans**

The continued implementation and expansion of the integrated transportation network shall be accomplished with the implementation of Section C.4.0 -Integrated Transportation Network as well as the Transportation Master Plans.

3.1.2.1 The Transportation Master Plans shall layout the City's approach to managing and meeting the demand for transportation facilities, including walking, cycling, transit and roads and guide future transportation investment in the City of Hamilton.

3.1.2.2 The City's Transportation Master Plans shall be maintained and updated as necessary through a comprehensive review process.

3.1.2.3 Future amendments to this Official Plan shall be considered as required to adopt appropriate policies resulting from an update to the Transportation Master Plans or a new Transportation Master Plan.

3.1.2.4 Decisions affecting Hamilton's transportation network shall have regard to the objectives and guiding principles laid out in the Transportation Master Plans.

#### **Function of the Transportation Master Plan**

3.1.2.5 The Transportation Master Plans shall be the primary tools to implement operational based transportation policies including:

a) creating awareness and promoting the benefits of walking and cycling through:

i) the provision of user-oriented information for all pedestrians, cyclists and other road users to increase

awareness of non-motorized networks, user guidelines and safety requirements;

ii) the participation with and engagement of community groups and advisory committees; and,

iii) the participation in programs and activities like Smart Commute, Car Free Day, Commuter Challenge etc.

b) identifying further transportation demand management strategies in addition to provisions of Section C.4.2.4.1; and,

3.1.2.6 Provisions for bicycle parking/storage facilities, carpooling parking spaces, and appropriate parking spaces shall be regulated through the Zoning By-Law.

### 3.1.3 Community Strategies

3.1.3.1 Community strategies address a range of issues that are not able to be addressed through traditional land use planning processes such as secondary planning. Examples of issues that may be addressed through community strategies include access and equity, access to housing and services, health inequalities, property maintenance, environmental issues, community appearance, economic stability, and crime. Such issues are often complex and require a multi-agency and community-based approach for their resolution. Community strategies may identify other initiatives or studies that need to be undertaken to solve identified problems, or may make direct recommendations to address the issues identified.

3.1.3.2 Community Strategies shall include identification and analysis of needs, issues, and opportunities for a defined geographical area in the broader city context. Community Strategies should be undertaken in collaboration between the City and community partners, or, by the City with active participation from local community groups, agencies, not-for-profit or other organizations.

### 3.2.2 Linkage Assessments

3.2.2.1 *Linkage* assessments shall consider both the *linkage* within the site and connections with other sites and shall evaluate the following:

a) identify and assess the linkage including its vegetative, wildlife, and/or landscape features or functions, including:

- i) the natural areas and habitats/functions linked (number of sites linked and habitat sizes and condition);
  - ii) linkage type (e.g. anthropogenic railway or utility corridor, hedgerow, plantation, or natural community);
  - iii) vegetation cover type quality (health, condition, maturity, species, and aesthetic value);
  - iv) width;
  - v) length; and,
  - vi) continuity of vegetation (long gaps greater than 100 metres, gaps containing roads or other barriers, or gaps less than 30 metres wide with no barriers);
- b) assess the potential impacts on the viability and integrity of the *linkage* as a result of the development proposal; and,
  - c) make recommendations on how to protect, enhance or mitigate impacts on the *linkage(s)* and its functions through planning, design and construction practices.

#### F.3.2.5 Hydrogeological Studies

3.2.5.1 The City shall prepare and adopt Guidelines for Hydrogeological Studies and Technical Standards for Private Services to provide direction regarding the technical assumptions and methodologies to be followed in the preparation of hydrogeological study reports. These guidelines shall be used by proponents and professionals when preparing hydrogeological studies. Until such time as Guidelines for Hydrogeological Studies are adopted by Council, hydrogeological studies shall be completed according to accepted best practices, to the satisfaction of the City.

3.2.5 Any required hydrogeological study shall be conducted by a professional engineer, hydrogeologist or similar professional, qualified to the satisfaction of the City.

3.2.5.3 Hydrogeological Studies required by Policy C.5.1.1 of this Plan shall determine the feasibility of sustainably servicing a proposed use on a proposed site with private water and wastewater systems, in accordance with the policies of this Plan.

3.2.5.4 Provided a proposed use on a proposed site can be sustainably serviced in accordance with F.3.2.2.3, the required Hydrogeological Study shall, in the case of a permitted severance in the *rural area*, or of the lots within a multi unit site plan development in a Rural Settlement Area:

a) Determine the appropriate lot size that:

i) meets lot boundary conditions, as defined in provincial guidelines; and,

ii) includes sufficient land for a reserve discharge site, leaching bed, and/or other sewage disposal treatment system(s) as referenced in the Building Code as amended from time to time;

b) Determine the availability of sufficient and suitable water supply;

c) Demonstrate that water taking for the proposed use on the proposed lot will not impact neighbouring wells;

d) Assess the potential on-site and off-site groundwater and surface water resource impacts of sewage disposal system effluent from the proposed use on the proposed site; and,

e) Recommend conditions of approval which may be required to be met by the proponent prior to final approval of the application, which-ensure the long term sustainability of private water and sewage disposal services on the site.

### 3.2.6 Cultural Heritage Impact Assessments

3.2.6.1 Where the City requires a proponent to prepare a *cultural heritage impact assessment* it shall be undertaken by a qualified professional with demonstrated expertise in cultural heritage assessment, mitigation and management, according to the requirements of the City's Cultural Heritage Impact Assessment Guidelines, and shall contain the following:

a) 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;

- b) a description of the proposed *development* or *site alteration* and alternative forms of the *development* or *site alteration*;
- c) a description of all *cultural heritage resource(s)* to be affected by the *development* and its alternative forms;
- d) a description of the effects on the *cultural heritage resource(s)* by the proposed *development* or *site alteration* and its alternative forms; and,
- e) 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)*.

### 3.2.7 Archaeological Assessments

3.2.7.1 Any required archaeological assessment shall 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:

- a) shall be prepared following the terms and conditions set out in the provincial guidelines; and,
- b) 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.

### 3.2.8 Design and Architectural Guidelines and Architectural Control

3.2.81 The City may develop design guidelines to address contextual or use-specific design issues, or other matters where the City identifies



a need for specific design guidance in order to implement the policies of this Plan.

### 3.2.9 Site Plan Guidelines

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

### 3.2.10 Energy and Environmental Assessment Report

3.2.10.1 Proponents of *development* applications may be required to prepare an Energy and Environmental Assessment Report to indicate how the proposal incorporates environmental and sustainable design features and practices, such as *active transportation*, energy efficiency through building and site design, and water conservation and is consistent with the principles and policies identified in Section B.3.7 – Energy and Environmental Design and other applicable policies in Chapter D – Rural Systems and Designations.

3.2.10.2 The need and scope for the preparation of an Assessment Report shall be determined by the City at the formal consultation stage of the *development* review process and submitted as part of the associated application. The specific requirements of the Assessment Report shall be reflective of individual applications and determined on a case by case basis.

3.2.10.3 The City shall develop Terms of Reference for the preparation of Energy and Environmental Assessment Report.

## 3.4 Monitoring and Measuring Performance

### Targets for Air Quality

3.4.1.8 The City's objective is to increase the number of good air quality days, where the Province's Air Quality Index (AQI) is less than 30, over the lifetime of this Plan, by encouraging and undertaking actions to reduce greenhouse gas emissions towards the following locally established targets.



**Table F.3.4.2: City Air Pollutants and Greenhouse Gas Emission Targets**

2012	2020
10% reduction of 2005 emission levels	20% reduction of 2005 emissions levels

### 3.7 Public Undertakings

3.7.1 Prior to any municipal or provincial public works or other *development* or *site alteration* activities that are subject to the Environmental Assessment Act or other applicable legislation, the proponent shall identify and evaluate all *cultural heritage resources*, and where necessary ensure that suitable *conservation* or mitigation measures, as assessed by a qualified heritage professional, are undertaken.

3.7.2 The City shall also enhance the environs of *cultural heritage resources* as part of capital works and maintenance projects through such means as tree planting, landscaping, street improvements, buried utilities, and the provision of street furniture, lighting, signage, and other streetscape components, that are consistent or *compatible* with the character of the heritage resources.

### 3.8 Grants and Loans

3.8.1 The City may establish and maintain grant and loan programs which may include guidelines to determine eligibility for funding for owners or long-term lessees:

- a) of designated heritage properties or properties with registered heritage conservation easements;
- b) for renewal projects or building upgrades; and,
- c) any other initiative the City may identify.

## Chapter G – GLOSSARY

**Active Transportation:** non-motorized travel, including walking, cycling, inline skating and wheelchair movements. The active transportation network includes sidewalks, crosswalks, designated road lanes and off-road trails to accommodate active transportation (Metrolinx, 2008).

**Adaptive Reuse:** means the adaptation of an existing building or site for another land use.

**Adjacent:** In regard to cultural heritage and archaeology, those lands contiguous to, or located within 50 metres of, a *protected heritage property*.

**Adjacent Lands:** means those lands contiguous to hazard lands, a specific natural heritage feature, or area where it is likely that development or site alteration would have a negative impact on the hazard, feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives.

**Adverse Effects:** as defined in the Environmental Protection Act, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and,
- h) interference with normal conduct of business. (PPS, 2005)

**Affordable:** means:

- a) in the case of ownership housing, the least expensive of:

- i) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
  - ii) housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the City of Hamilton; and,
- b) in the case of rental housing, the least expensive of:
- i) a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
  - ii) a unit for which the rent is at or below the average market rent of a unit in the City of Hamilton (PPS, 2005 amended); and,
- c) in the case of housing developments, at least 25 percent of either *affordable* ownership or *affordable* rental housing. For the purposes of the policies of this Plan, *affordable* housing developments may include a mix of *affordable* and market rate units, both ownership and rental.

**Alternative Energy Systems:** means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems. Alternative energy systems undertakings do not include renewable energy undertakings as defined in the Green Energy and Green Economy Act.

**Archaeological Resources:** Include artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act (PPS, 2005).

**Area of Archaeological Potential:** A defined geographical area with the potential to contain *archaeological resources*. Criteria for determining archaeological potential are established by the Province, this Plan and the City's Archaeological Management Plan. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act (PPS, 2005, amended).

Built Heritage Resources: means one or more *significant* buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community (PPS, 2005). These resources may be identified through inclusion in the City's Register of Property of Cultural Heritage Value or Interest, designation or heritage conservation easement under the Ontario Heritage Act, and/or listed by local, provincial or federal jurisdictions.

Community Energy Plan: means a City-wide plan that addresses energy security concerns and which may also address climate change, and may include the objectives of reducing energy consumption, developing renewable energy or alternative energy supplies, ensuring reliable conventional energy supplies, or of reducing greenhouse gas emissions.

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.

Compatibility/compatible: means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. *Compatibility* or *compatible* should not be narrowly interpreted to mean "the same as" or even as "being similar to".

Conserve: means the identification, protection, use and/or management of *cultural heritage* and *archaeological resources*.

Conserved: in the context of *cultural heritage resources*, means the identification, protection, use and/or management of *cultural heritage* and *archaeological resources* in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact statement (PPS, 2005).

Cultural Facilities: means publicly owned and/or operated lands, buildings and structures used for the creation, production and dissemination of arts and culture. *Cultural facilities* include publicly owned and/or operated lands, buildings and cultural sites such as but not limited to museums, art galleries, exhibition facilities, and managed historical sites.

Cultural Heritage Impact Assessment: A document comprising text and graphic material including plans, drawings and photographs that contains the results of historical research, field work, survey, analysis, and description(s) of *cultural heritage resources* together with a description of the process and procedures in deriving potential effects and mitigation measures as required by official plan policies and any other applicable or pertinent guidelines. A *cultural heritage impact assessment* may include an archaeological assessment where appropriate.

Cultural Heritage Landscape: A defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act, and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, railways and industrial complexes of cultural heritage value (PPS, 2005).

Cultural Heritage Conservation Plan Statement: A document comprising text and graphic material including plans, drawings and photographs that contains the results of historical research, field work, survey, analysis, and description(s) of *cultural heritage resources* together with a statement of cultural heritage value, interest, merit or significance accompanied by guidelines as required by the policies of this Plan. A *cultural heritage conservation plan statement* shall be considered a conservation plan as including in the PPS (2005) definition of *conserved* (above).

Cultural Heritage Properties: Properties that contain *cultural heritage resources*.

Cultural Heritage Resources: Structures, features, sites, and/or landscapes that, either individually or as part of a whole, are of historical, architectural, archaeological, and/or scenic value that may also represent intangible heritage, such as customs, ways-of-life, values, and activities.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and *structures*, requiring approval under the Planning Act, but does not include:

- a) Activities that create or maintain infrastructure used by a public body and authorized under an environmental assessment process; or
- b) Works subject to the Drainage Act; or
- c) The carrying out of agricultural practices on land that was being used for agriculture on or before December 16, 2004 unless the *development* entails the construction of buildings or structures. (Greenbelt, 2005, amended).

Farm Consolidation: means the acquisition of additional farm parcels to be operated as one *farm operation*, for the purposes of expanding the *farm operation* and/or sustaining viability of continued *agricultural use* of the lands, where acquisition shall not include any arrangements other than the completed purchase of the additional farm parcel(s) by the same person (an individual, corporation, or partnership) that operates the farm operation. Beneficial ownership or ownership through any trust shall not be considered to be acquisition.

Farm Operation: means a single farm business operated by a person, (an individual, corporation, or partnership), and which is comprised primarily of an *agricultural use* and all of the land holdings and utilized land associated with the farm business.

Formal consultation: means a meeting of potential applicants with City staff and outside agencies to identify the standards, requirements, and expectations for a potential Planning Act application. The purpose of a formal consultation is to:

- a) Provide applicants with preliminary comments on *development* proposals;
- b) Identify key issues to be addressed and approvals that will be required as part of the *development* approvals process; and,
- c) Identify all *information and materials* (i.e. plans, studies, reports, etc.) required to be submitted to satisfy complete application requirement(s).

Hazard Lands: means hazardous lands and hazardous sites.

Hazardous Lands: means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of

the Great Lakes – St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits (PPS, 2005).

Heavy Rail – means freight and passenger rail including GO Transit rail used primarily to move people and goods inter-regionally. Heavy rail excludes *light rail transit*.

Historic: means a time period, starting approximately 200 years ago, during which European settlement became increasingly widespread in the Hamilton area and for which a written (or 'historic') record has been kept.

Housing with Supports: means public, private or non-profit owned housing with some form of support component, beyond economic support, intended for 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).

Land Trust: means a nonprofit organization that, as all or part of its mission, actively works to *conserve* land by undertaking or assisting in land or conservation easement acquisition, or by its stewardship of such land or easements.

Lithic scatters: means a collection of stone tools and/or debris from the manufacture and use of stone tools.

Major Transit Generator: means a facility or area which generates significant volumes of passenger and/or goods/services trips to/from residential, commercial and/or industrial land uses (Metrolinx, 2008).

Middle- and Late-Archaic: means Native cultural horizons, approximately 7,000 to 3,000 years ago, marked by technological adaptations and regionalization of traditions and styles.

Natives: Indians as defined by the Indian Act of Canada.



### Noise Studies:

- a) feasibility noise study: means an initial noise assessment in the planning stage of a development project in order to determine the feasibility of the proposed project meeting provincial sound level criteria, and if necessary, to specify required noise control measures, in accordance with provincial guidelines;
- b) detailed noise study: means a detailed assessment of all noise sources affecting the lands subject to a proposed development, and control measures required to meet provincial sound level criteria, in accordance with provincial guidelines.

Paleo-Indian: Native cultural horizon, approximately 12,000 to 9,500 years ago, associated with the first human colonization of the American continents.

Planned Corridors: means corridors identified through provincial plans or preferred alignment(s) determined through the Environmental Assessment Act process which are required to meet projected needs (PPS, 2005).

Planning Act: The Planning Act is Provincial legislation that sets out the ground rules for land use planning in Ontario and describes how land uses may be controlled, and who may control them.

Post-Contact: Anytime after the European colonization of the Hamilton area, approximately 350 years ago, to the present.

Private Services: means private sewage disposal and/or private water supply services.

Protected Heritage Property: means real property designated under Parts IV, V or VI of the Ontario Heritage Act; heritage conservation easement property under Parts II or IV of the Ontario Heritage Act; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss (PPS, 2005).

Provincial Policy Statement: The Provincial Policy Statement is issued under the authority of Section 3 of the Planning Act. It provides direction on



matters of provincial interest related to land use planning and development, and promotes the provincial “policy-led” planning system.

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites (PPS, 2005).

Renewable Energy Systems: means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy. These systems have the same meaning as a renewable energy undertaking under the Green Energy and Green Economy Act.

Significant: In regard to cultural heritage and archaeology, means *cultural heritage resources* that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people (PPS, 2005).

Site Alteration: means activities, such as grading, excavation, and the placement of fill that would change the landform and natural vegetative characteristics of a site (PPS, 2005, amended).

Soil Disturbance: means activities such as, but not limited to, tree planting; grubbing, including tree and brush removal; grading; stockpiling; soil capping or placement of fill; demolition; use of heavy machinery on-site, including staging areas and access routes; and, landscaping and landscape stabilization, which have the potential to impact and/or remove archaeological resources.

Transportation Corridor: A transportation corridor includes any or all of the following:

major roads, arterial roads, and highways for moving people and goods;

- a) rail lines/railways for moving people and goods;
- b) transit rights-of-way/transitways including buses and light rail for moving people. (Growth Plan, 2006)

Transportation Demand Management: a program of incentives which influence whether, when, where and how people travel, and encourage them to make more efficient use of the transportation system (Metrolinx, 2008).

Transportation System: A system consisting of corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, park-and-ride lots, service centres, rest stops, vehicle inspection stations, inter-modal terminals, harbours, and associated facilities such as storage and maintenance (PPS, 2005).

Urban Boundary: The line that delineates the *urban area* from the *rural area*.

Woodland: In regard to archaeology, refers to a *Native* cultural horizon, approximately 3,000 to 300 years ago, marked by a large population increase and adoption of agricultural practices.

**Volume 2, Chapter A**

**A.1.0 General Policies**

A.1.2.4 Development in Rural Settlement Areas shall proceed in accordance with the specific policies and designations for each Rural Settlement Area and subject to the following conditions:

- i) Within the Rural Settlement Areas, *development* shall be of a height, density, area and nature to be compatible with the existing built environment;
- ii) All *development* shall be required to obtain approval from the City for servicing. Any *development* shall be serviced in accordance with Section C.5.1, Sustainable Private Water and Wastewater Services of Volume 1 of this Plan; and
- iii) The *development* shall comply with the Natural Heritage System Policies, Section C.2.0, Volume 1 of this Plan.

A.1.2.8 To maintain and protect the distinct form and historical character of Rural Settlement Areas designated in this Plan, any application pursuant to the Planning Act or other legislation shall seek to *conserve cultural heritage resources, cultural heritage landscapes, areas of archaeological potential, archaeological sites* and the overall settlement character.

A.1.2.9 To *conserve* the settlement character, construction of new buildings or renovation of existing buildings shall be sympathetic to and consistent with the existing heritage attributes of the Rural Settlement Area, including, but not limited to, consideration of traditional minimum lot sizes and setbacks in accordance with Section C.5.1 of Volume 1, building massing and orientation, and preservation of views, open spaces, and landmarks.

A.1.3.1 On lands designated Settlement Residential, residential uses are limited to single detached dwellings and small scale residential care facilities. *Small scale* institutional uses may also be permitted in accordance with Policy A.1.3.6 of Volume 2.

Appendix AA  
Amendment No. 5  
To the Rural Hamilton Official Plan

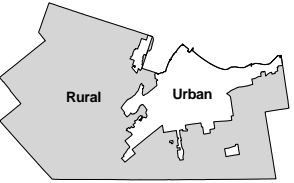
"Appendix F-2 - Overall Archaeological Potential" to  
be adopted into the Rural Hamilton Official Plan

Date:  
October 31, 2013

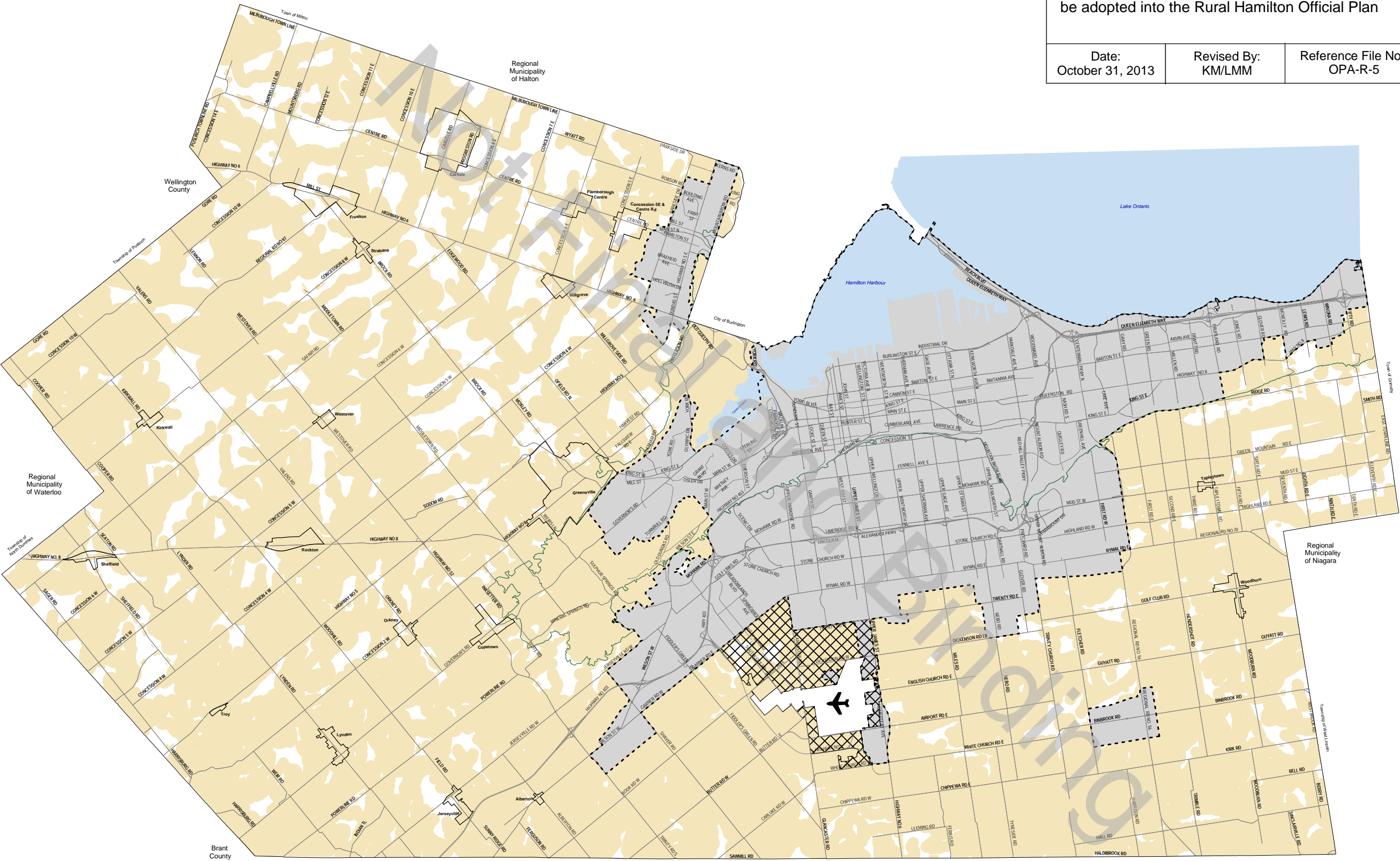
Revised By:  
KM/LMM

Reference File No.:  
OPA-R-5

Key Map



**Note:** For Urban Archaeologic Potential refer  
Appendix F-4 of the Urban Hamilton  
Official Plan.



Legend

Overall Archaeology Potential

Other Features

Urban Area

John C. Munro  
Hamilton International Airport

Subject to Airport Employment  
Growth District Secondary Plan  
- Under Appeal to OMB

Niagara Escarpment

Urban Boundary

Municipal Boundary

Rural Hamilton Official Plan  
Appendix F-2  
Rural Archaeological Potential



Date: July 2012



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Appendix BB  
Amendment No. 5  
To the Rural Hamilton Official Plan

- Realignment of Urban Boundary
- ..... Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

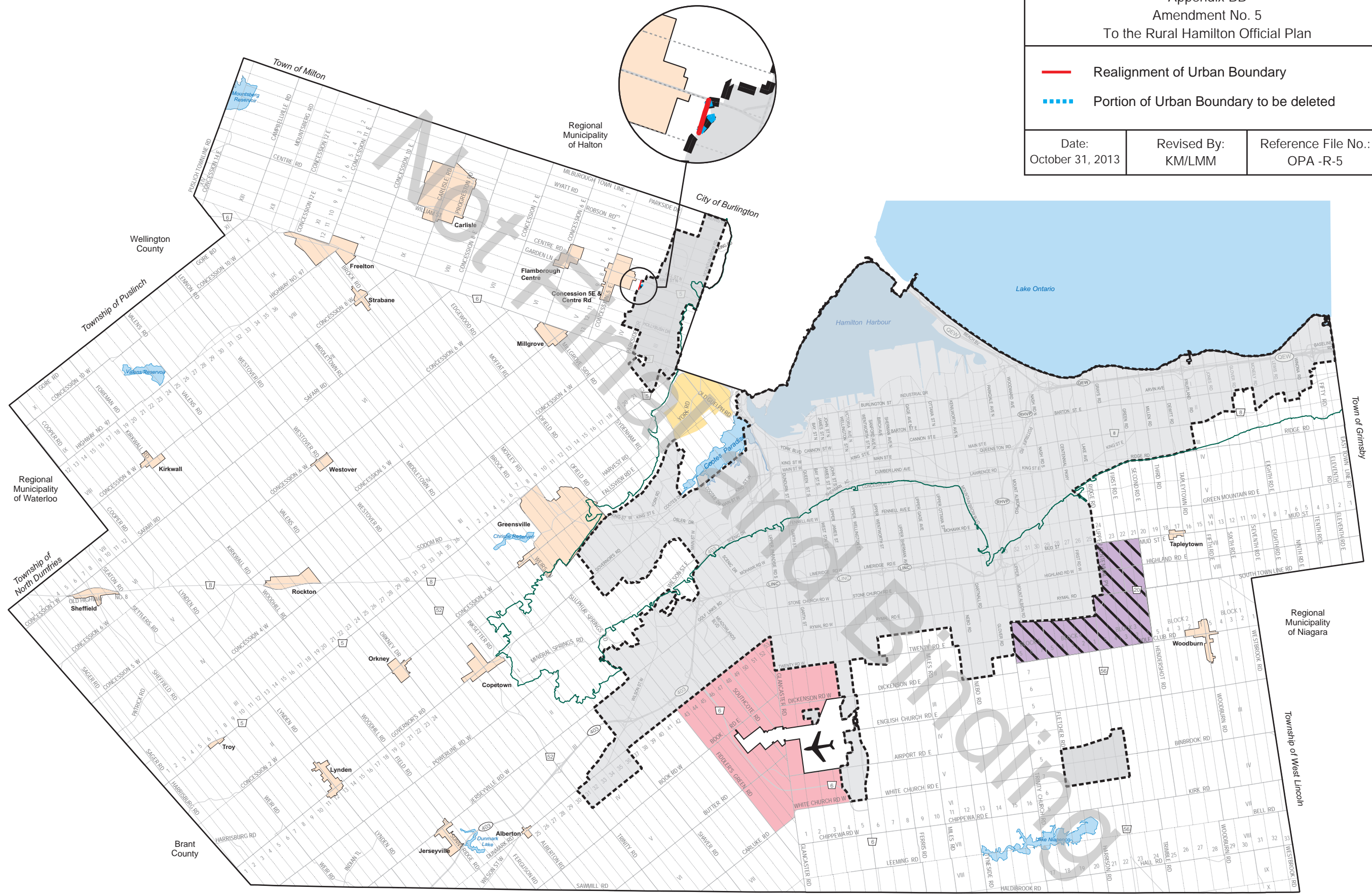
Revised By:  
KM/LMM

Reference File No.:  
OPA -R-5

MODIFICATION 49

Delete Special  
Policy Area B

Special Policy Area B is still  
under appeal - Multiple Parties



Legend

Rural Settlement Areas

Special Policy Areas

Special Policy Area A -  
Pleasantview

Special Policy Area B -  
Future Urban Growth Node

Special Policy Area C -  
Future Employment Growth  
District

Other Features

Urban Area

John C. Munro Hamilton  
International Airport

Niagara Escarpment

Urban Boundary

Municipal Boundary

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

Rural Hamilton Official Plan  
Volume 3: Map A  
Special Policy Areas

Not To Scale

Date: March 7, 2012



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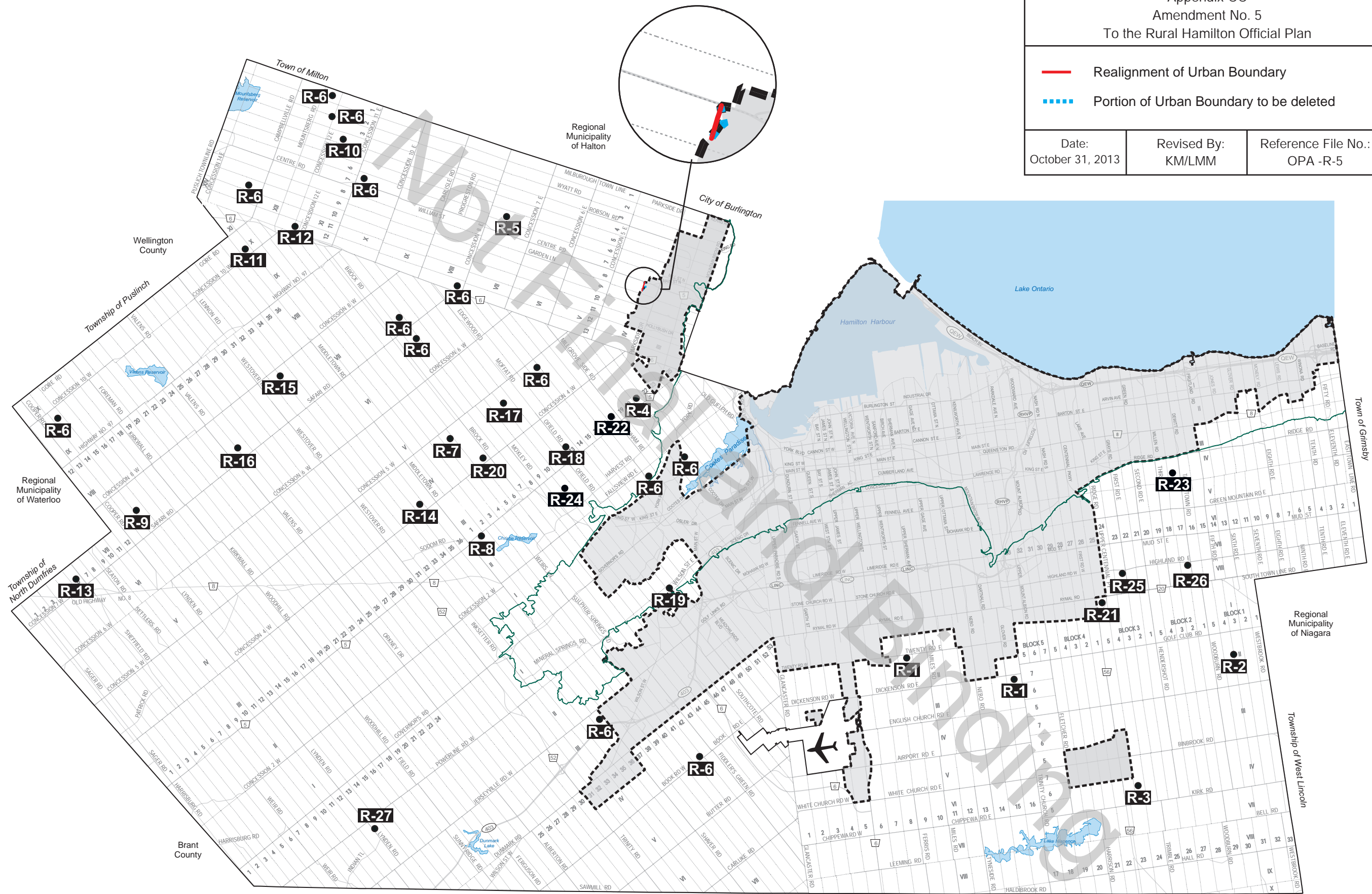
Appendix CC  
Amendment No. 5  
To the Rural Hamilton Official Plan

- Realignment of Urban Boundary  
..... Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

Revised By:  
KM/LMM

Reference File No.:  
OPA -R-5







- Legend**
- Site Specific Areas (SSA)
  - R-** Refers to Rural Site Specific Area #, Volume 3, Chapter B
  - Other Features**
  - Urban Area
  - John C. Munro Hamilton International Airport
  - Niagara Escarpment
  - Urban Boundary
  - Municipal Boundary

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

Rural Hamilton Official Plan  
Volume 3: Appendix A  
Site Specific Key Map



Appendix G  
Amendment No. 5  
To the Rural Hamilton Official Plan

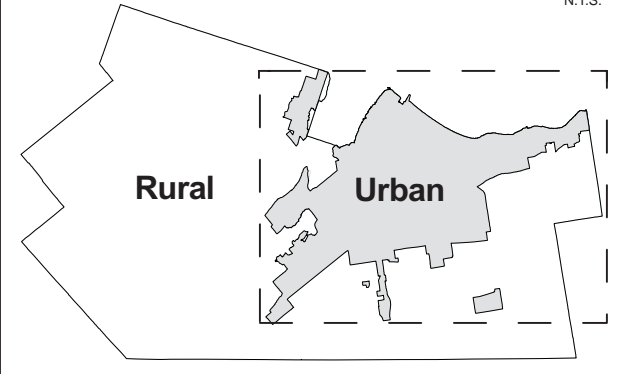
-  Lands to be redesignated from “Parkway Belt West Plan Area” to “Escarpment Natural Area”
-  Lands to be redesignated from “Parkway Belt West Plan Area” to “Escarpment Protection Area”
-  Realignment of Urban Boundary
-  Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

Revised By:  
KM/LMM

Reference File No.:  
OPA -R-5

Key Map

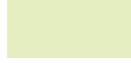


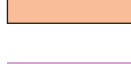


Note: For Urban Provincial Plan Designations, refer to Schedule A of the Urban Hamilton Official Plan.

Legend

 Parkway Belt West Plan Area

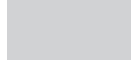
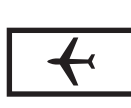
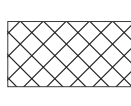



Greenbelt Plan Designations

-  Protected Countryside
-  Hamlets (Rural Settlement Areas)
-  Towns and Villages
-  Specialty Crop

Niagara Escarpment Plan Designations

-  Natural Area
-  Protection Area
-  Mineral Resource Extraction Area
-  Rural Area
-  Urban Area
-  Minor Urban Centres

Other Features

-  Urban Area
-  John C. Munro Hamilton International Airport
-  Subject to Airport Employment Growth District Secondary Plan - Under Appeal to OMB
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary

\* Note: Refer to the appropriate Provincial Plan for detailed mapping

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

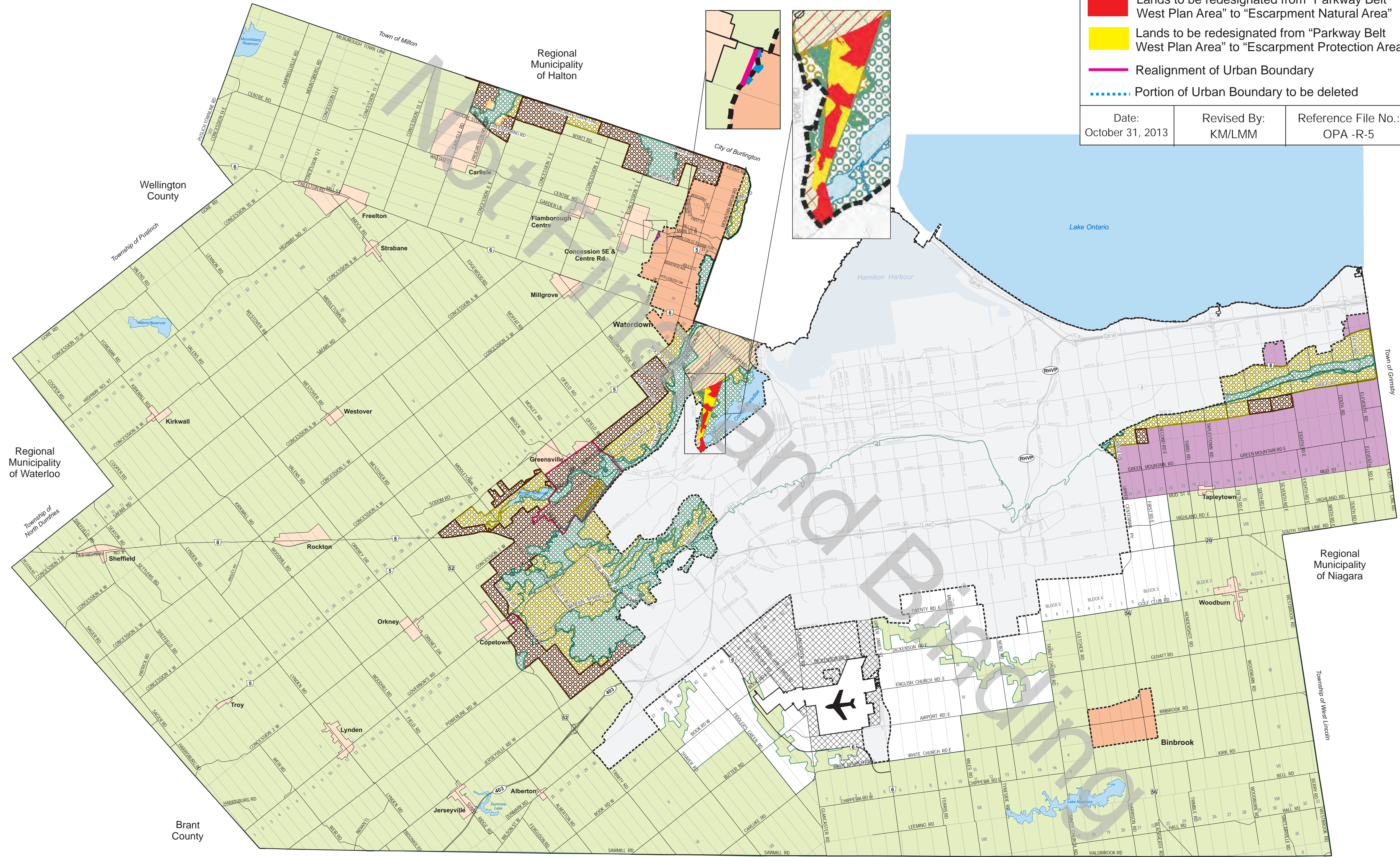
Rural Hamilton Official Plan  
Schedule A  
Provincial Plans



Date: June 28, 2011



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Haldimand County

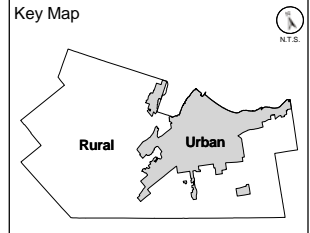


Appendix H  
Amendment No. 5  
to the Rural Hamilton Official Plan

- Linkages to be added to Schedule and Legend
- Lands to be identified as "Core Areas"
- Lands to be deleted as "Core Areas"
- Realignment of Urban Boundary
- Portion of Urban Boundary to be deleted

Rural Settlement Area boundaries added to Schedule

Date: October 31, 2013	Revised By: KM/LMM	Reference File No.: OPA-R-5
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**Note:** For Urban Detailed Natural Heritage Features refer to Schedule B of the Urban Hamilton Official Plan.

Deferral pending the resolution of the Official Plan Amendment application

Legend

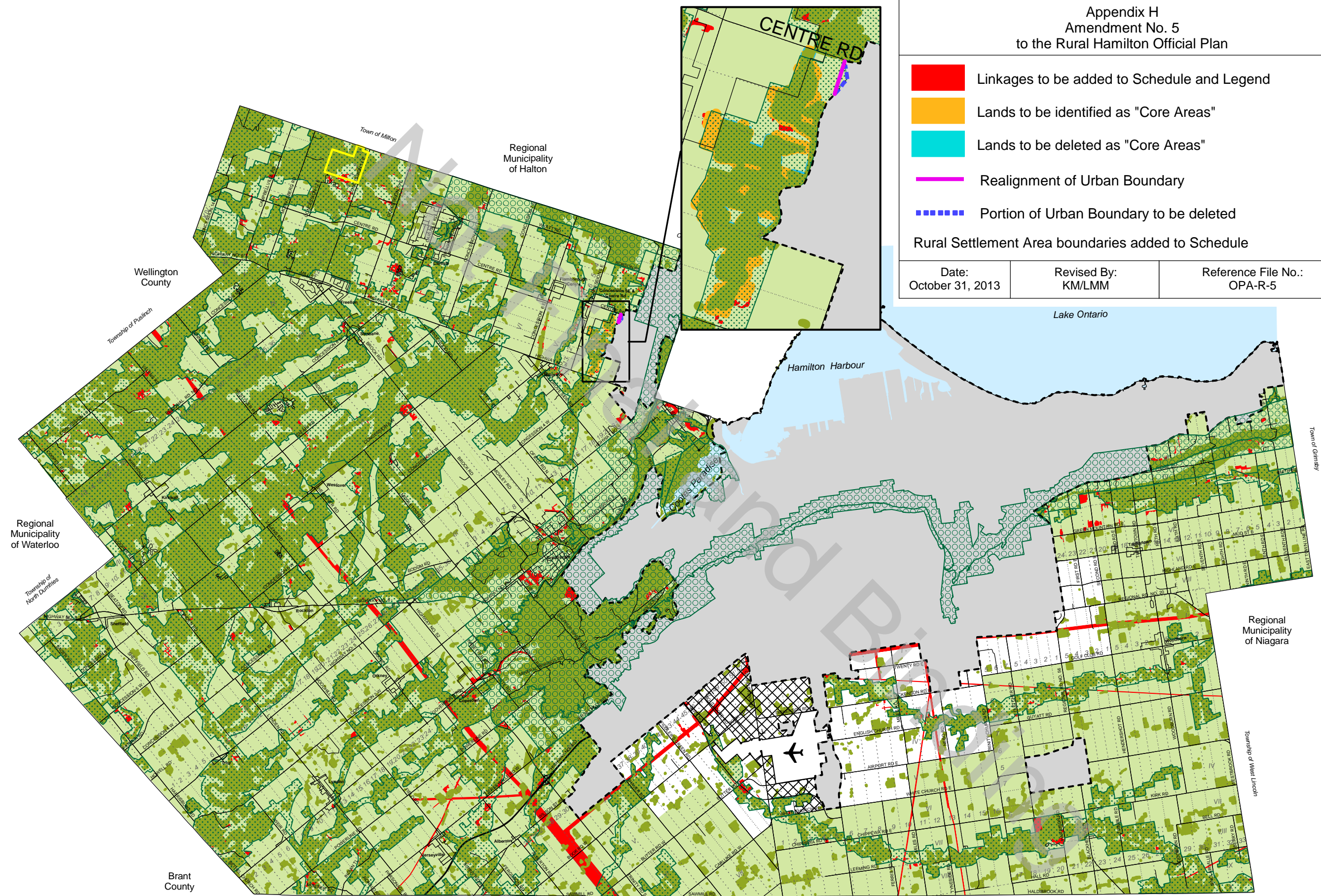
- Core Areas
- Greenbelt Protected Countryside
- Greenbelt Natural Heritage System
- Niagara Escarpment Plan Area

Other Features

- Urban Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary



Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

Rural Hamilton Official Plan  
Schedule B  
Natural Heritage System





Appendix I  
Amendment No. 5  
To the Rural Hamilton Official Plan

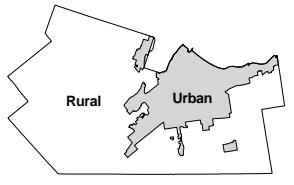
-  Realignment of Urban Boundary
-  Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

Revised By:  
KM/LMM





Reference File No.:  
OPA-R-5

Key Map








**Note:** For Urban Detailed Natural Heritage Features refer to Schedule B-1 of the Urban Hamilton Official Plan.

Legend

-  Key Natural Heritage Feature Life Science ANSI
-  Greenbelt Protected Countryside
-  Greenbelt Natural Heritage System
-  Niagara Escarpment Plan Area

Other Features

-  Urban Area
-  John C. Munro Hamilton International Airport
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

**Rural Hamilton Official Plan**  
**Schedule B-1**  
**Detailed Natural Heritage Features**  
**Key Natural Heritage Feature**  
**Life Science ANSI**



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Appendix J  
Amendment No. 5  
To the Rural Hamilton Official Plan

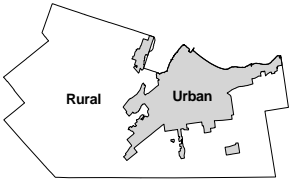
- Realignment of Urban Boundary
- Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

Revised By:  
KM/LMM

Reference File No.:  
OPA-R-5

Key Map



**Note:** For Urban Detailed Natural Heritage Features refer to Schedule B-2 of the Urban Hamilton Official Plan.

Deferral pending the resolution of the Official Plan Amendment application

Legend

- Key Natural Heritage Feature Significant Woodlands \*
- Greenbelt Protected Countryside
- Greenbelt Natural Heritage System
- Niagara Escarpment Plan Area

Other Features

- Urban Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

**\* Note:** Feature mapped with a 30m Vegetation Protection Zone.

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

Rural Hamilton Official Plan  
Schedule B-2  
Detailed Natural Heritage Features  
Key Natural Heritage Feature  
Significant Woodlands





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Appendix K  
Amendment No. 5  
To the Rural Hamilton Official Plan

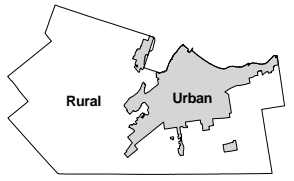
-  Realignment of Urban Boundary
-  Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

Revised By:  
KM/LMM





Reference File No.:  
OPA-R-5

Key Map








**Note:** For Urban Detailed Natural Heritage Features refer to Schedule B-3 of the Urban Hamilton Official Plan.

Legend

-  Key Natural Heritage Feature Alvar and Tallgrass Prairie
-  Greenbelt Protected Countryside
-  Greenbelt Natural Heritage System
-  Niagara Escarpment Plan Area

Other Features

-  Urban Area
-  John C. Munro Hamilton International Airport
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

**Rural Hamilton Official Plan**  
**Schedule B-3**  
**Detailed Natural Heritage Features**  
**Key Natural Heritage Feature**  
**Alvar and Tallgrass Prairie**



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Appendix L  
Amendment No. 5  
To the Rural Hamilton Official Plan

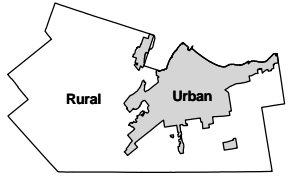
- Realignment of Urban Boundary
- Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

Revised By:  
KM/LMM

Reference File No.:  
OPA-R-5

Key Map



**Note:** For Urban Detailed Natural Heritage Features refer to Schedule B-4 of the Urban Hamilton Official Plan.



Deferral pending the resolution of the Official Plan Amendment application

Legend

- Key Natural Heritage and Key Hydrologic Feature Wetlands \*
- Greenbelt Protected Countryside
- Greenbelt Natural Heritage System
- Niagara Escarpment Plan Area
- Other Features**
- Urban Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

**\* Note:** Feature mapped with a 30m Vegetation Protection Zone.

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

**Rural Hamilton Official Plan  
Schedule B-4  
Detailed Natural Heritage Features  
Key Natural Heritage Feature and Key  
Hydrologic Feature Wetlands**



Not To Scale

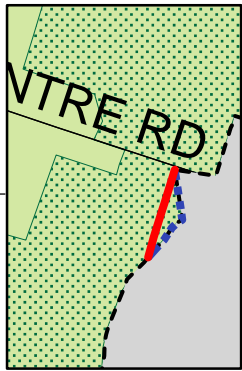
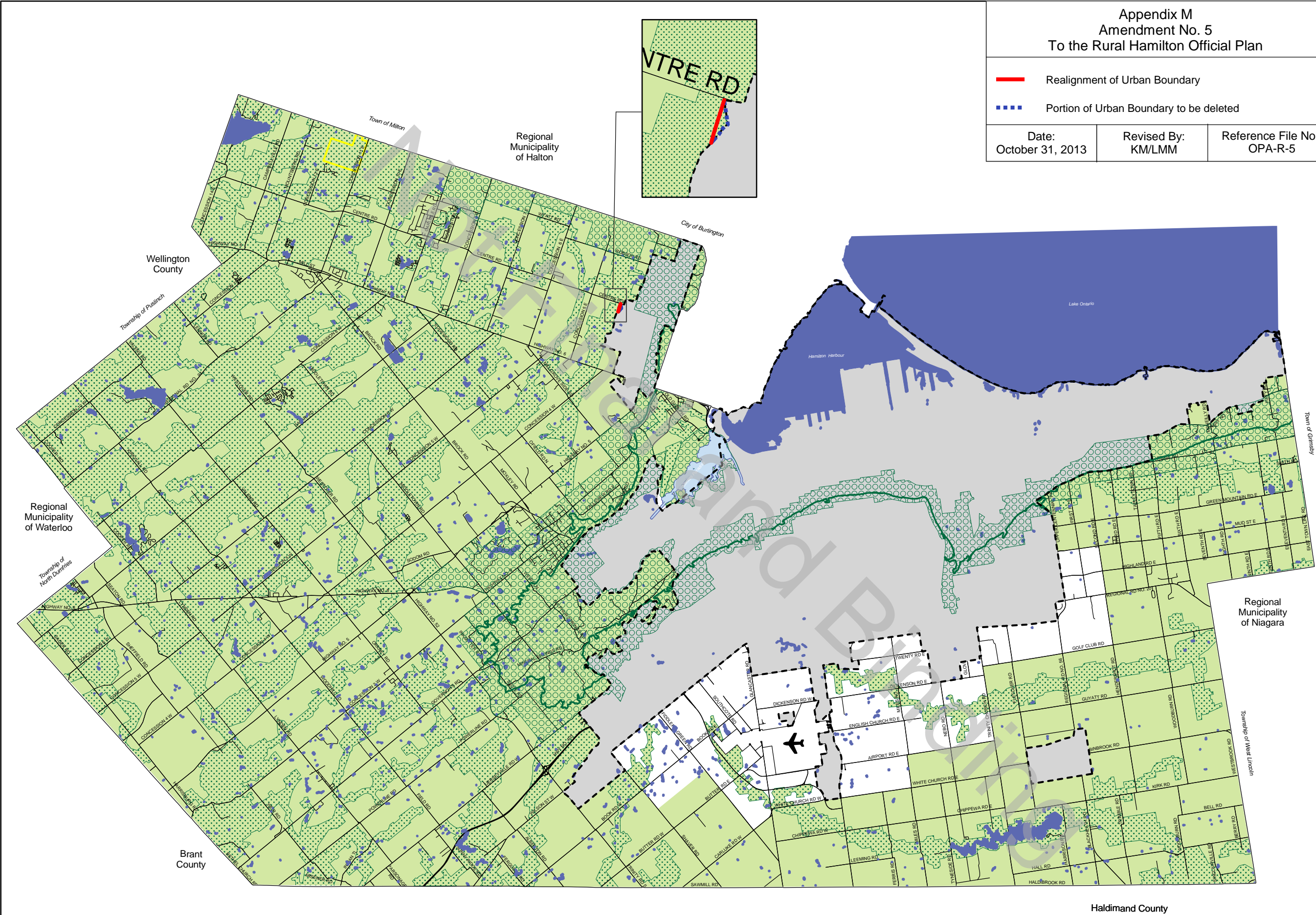


Date: April 25, 2012

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Appendix M  
Amendment No. 5  
To the Rural Hamilton Official Plan

Realignment of Urban Boundary

Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

Revised By:  
KM/LMM

Reference File No.:  
OPA-R-5

Key Map

Note: For Urban Detailed Natural Heritage Features refer to Schedule B-5 of the Urban Hamilton Official Plan.

Deferral pending the resolution of the Official Plan Amendment application

Legend

Key Hydrologic Feature  
Lakes and Littoral Zones \*

Greenbelt Protected  
Countryside

Greenbelt Natural  
Heritage System

Niagara Escarpment Plan  
Area

Other Features

Urban Area

John C. Munro Hamilton  
International Airport

Niagara Escarpment

Urban Boundary

Municipal Boundary

\* Note: Feature mapped with a  
30m Vegetation Protection Zone.

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

Rural Hamilton Official Plan  
Schedule B-5  
Detailed Natural Heritage Features  
Key Hydrologic Feature  
Lakes and Littoral Zones




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Hamilton

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Appendix N  
Amendment No. 5  
To the Rural Hamilton Official Plan

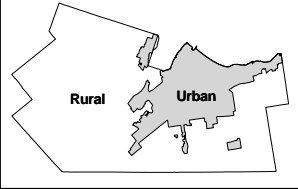
-  Lands to be identified at "Local Natural Area - Environmentally Significant Areas"
-  Realignment of Urban Boundary
-  Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

Revised By:  
KM/LMM

Reference File No.:  
OPA-R-5

Key Map






**Note:** For Urban Detailed Natural Heritage Features refer to Schedule B-6 of the Urban Hamilton Official Plan.









Deferral pending the resolution of the Official Plan Amendment application

Legend

-  Local Natural Area Environmentally Significant Area
-  Greenbelt Protected Countryside
-  Greenbelt Natural Heritage System
-  Niagara Escarpment Plan Area

Other Features

-  Urban Area
-  John C. Munro Hamilton International Airport
-  Subject to Airport Employment Growth District Secondary Plan - Under Appeal to OMB
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

**Rural Hamilton Official Plan**  
**Schedule B-6**  
**Detailed Natural Heritage Features**  
**Local Natural Area**  
**Environmentally Significant Areas**



Not To Scale



Date: June 28, 2011

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Appendix O  
Amendment No. 5  
To the Rural Hamilton Official Plan

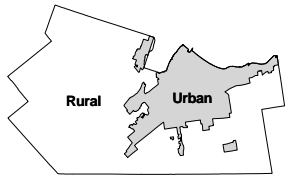
- Realignment of Urban Boundary
- Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

Revised By:  
KM/LMM

Reference File No.:  
OPA-R-5

Key Map



**Note:** For Urban Detailed Natural Heritage Features refer to Schedule B-7 of the Urban Hamilton Official Plan.

Legend

- Local Natural Area  
Earth Science ANSI
- Greenbelt Protected  
Countryside
- Greenbelt Natural  
Heritage System
- Niagara Escarpment Plan  
Area

Other Features

- Urban Area
- John C. Munro Hamilton  
International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

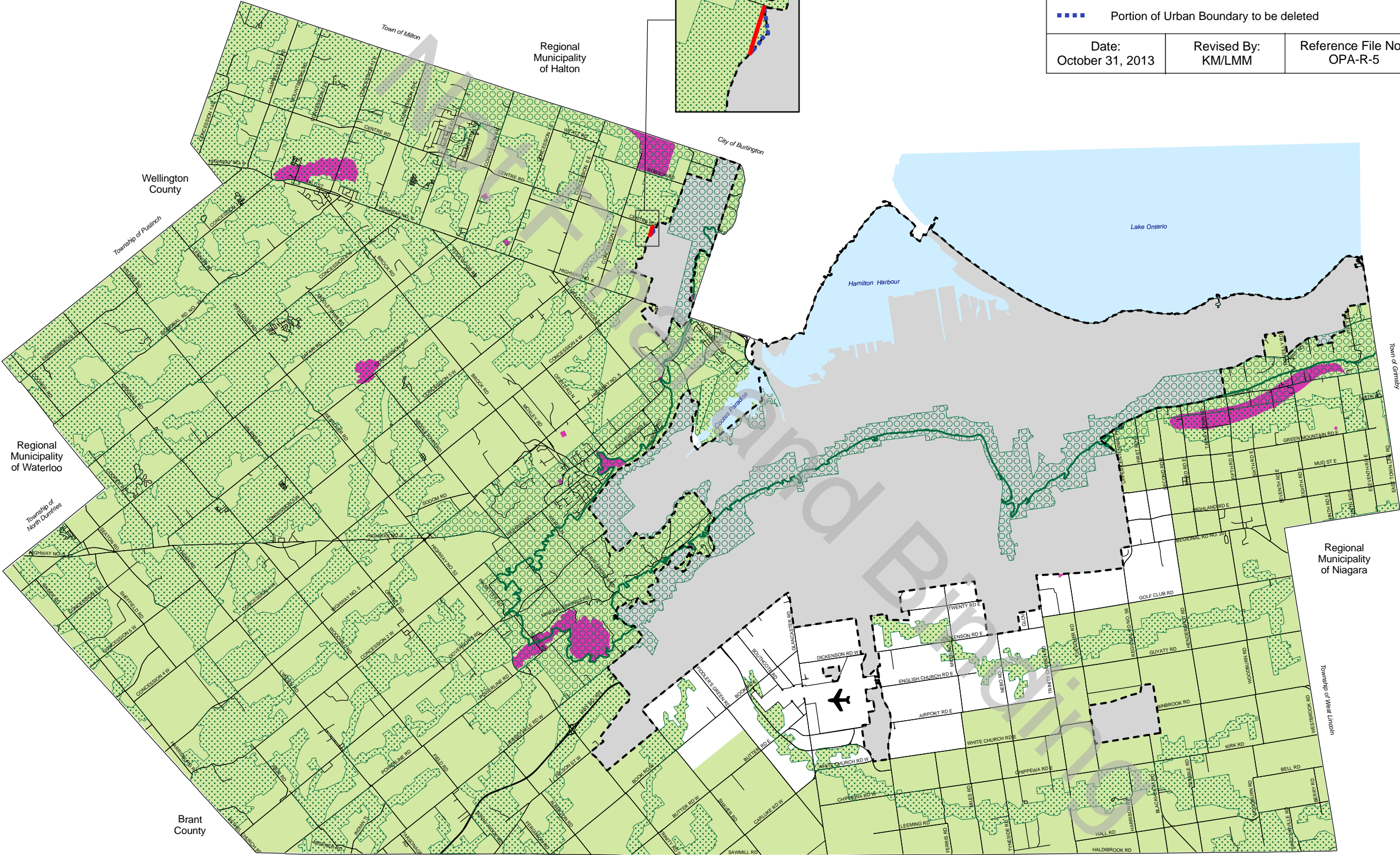
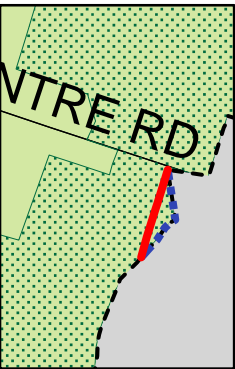
**Rural Hamilton Official Plan**  
**Schedule B-7**  
**Detailed Natural Heritage Features**  
**Local Natural Area**  
**Earth Science ANSI**



Date: June 28, 2011



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Haldimand County



Appendix P  
Amendment No. 5  
To the Rural Hamilton Official Plan

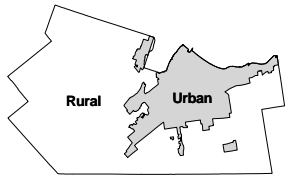
- Realignment of Urban Boundary
- Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

Revised By:  
KM/LMM

Reference File No.:  
OPA-R-5

Key Map



**Note:** For Urban Detailed Natural Heritage Features refer to Schedule B-8 of the Urban Hamilton Official Plan.

Deferral pending the resolution of the Official Plan Amendment application

Legend

- Key Hydrologic Feature Streams \*
- Greenbelt Protected Countryside
- Greenbelt Natural Heritage System
- Niagara Escarpment Plan Area

Other Features

- Urban Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

**\* Note:** Feature mapped with a 30m Vegetation Protection Zone.

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: June 28, 2011

Rural Hamilton Official Plan  
Schedule B-8  
Detailed Natural Heritage Features  
Key Hydrologic Feature Streams



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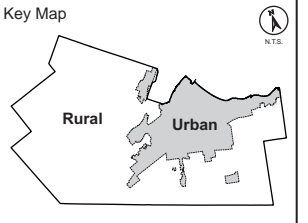
Appendix Q  
Amendment No. 5  
To the Rural Hamilton Official Plan

“Schedule C - Rural Functional Road Classification” to  
be adopted into the Rural Hamilton Official Plan

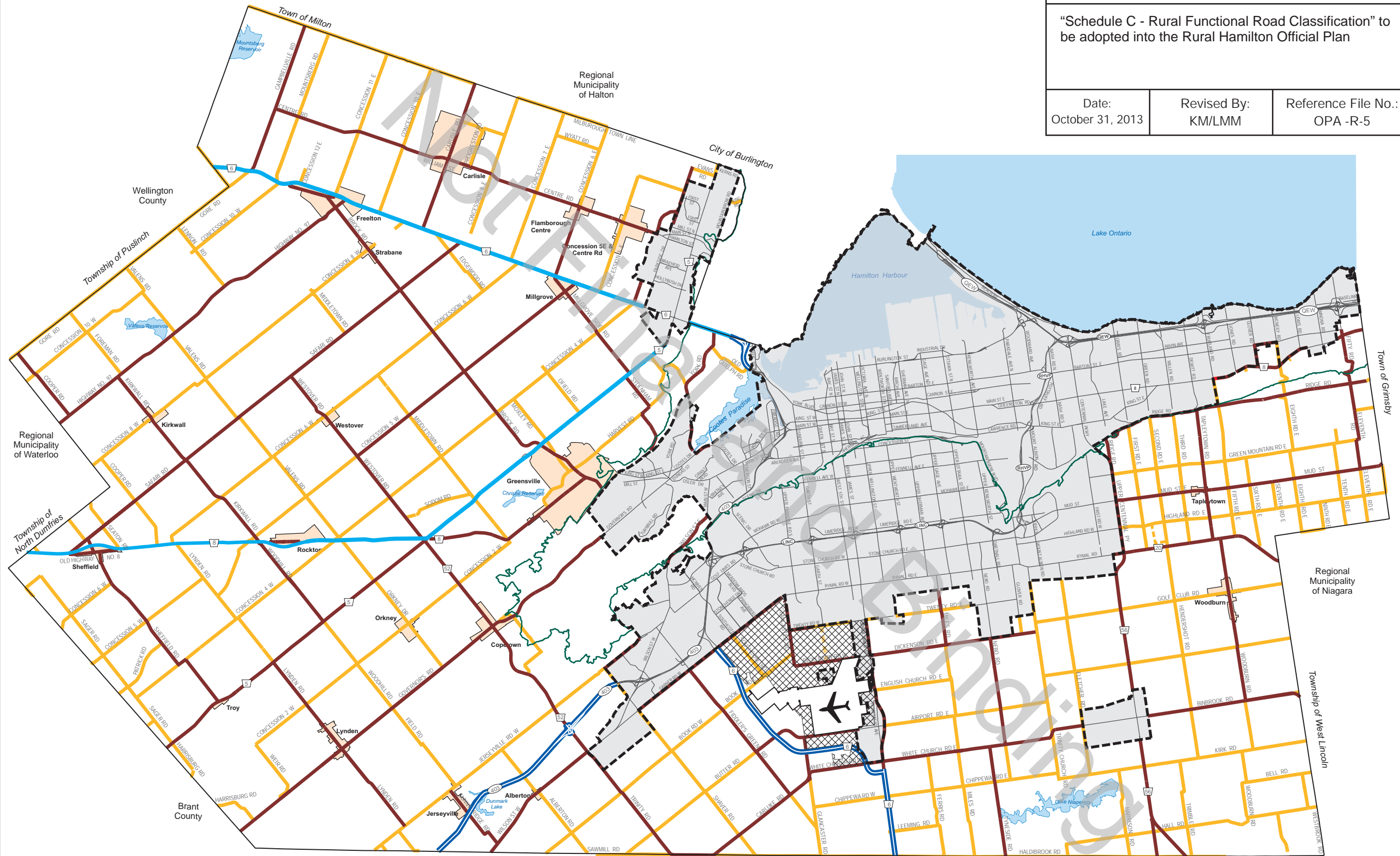
Date:  
October 31, 2013

Revised By:  
KM/LMM

Reference File No.:  
OPA -R-5



**Note:** For Urban Functional Road Classification, refer to Schedule C-1 of the Urban Hamilton Official Plan.



**Legend**

- Arterial
- Collector
- Provincial Highway (Controlled Access)
- Provincial Highway

**Proposed Roads**

- Collector

**Other Features**

- Rural Settlement Areas
- Urban Area
- John C. Munro Hamilton International Airport
- Subject to Airport Employment Growth District Secondary Plan - Under Appeal to OMB
- Municipal Boundary
- Urban Boundary
- Niagara Escarpment

**Hamilton Official Plan  
Schedule C  
Rural Functional  
Road Classification**

### SCHEDULE C-1 - FUTURE ROAD WIDENINGS (RURAL)

Road	From	To	Future Right-of-Way Width (metres)
2nd Con. Road W.	West of Weir Road	South Dumfries Boundary	20.117
Ainsley Road	5th Con Road W.	Lynden Road	20.117
Airport Road	Butter Road	Glancaster Road	30.480
Airport Road West	Glancaster Road	Highway 6	26.213
Alderson Road	Carlisle Road	Remaining Length	20.117
Barton Street	Urban boundary	Fifty Road	36.576
Binbrook Road	Trinity Church Road	Fletcher Road	30.480
Blackheath Road	Highway # 56	Haldibrook Road	26.213
Blagden Road	Progreston Road	Remaining Length	20.117
Brock Road	South of Harvest Road	Highway 8	26.213
Brock Road	North of Harvest Road	Highway 5	30.480
	Highway 5	Freelton Road	26.213
Butter Road	Airport Road	Fiddlers Green	26.213
Campbellville Road	Highway 6	Milborough Line	26.213
Carlisle Road	Highway 6	Milborough Line	26.213
Carluka Road	Glancaster Road	Sawmill Road	30.480
Centre Road	Parkside Drive	305 m North of Carlisle Road	36.576
	305 m North of Carlisle Road	Campbellville Road	30.480
Collinson Road	Highway 5	Highway 5	20.117
Cooper Road	Highway 8	8th Con. Road W.	20.117
Cooper Road	Regional Road 97	Gore Road	30.480
Cora Road	Old Brock Road	Remaining Length	20.117
Crooks Hollow Road	Old Brock Road	Highway 8	20.117
Dickenson Road East	Nebo Road	Upper James Street	36.576
Eleventh Con E	Freelton Road	Highway 6	26.213
Eleventh Road East	Ridge Road	Mud Street	26.213
Evans Road	Parkside Drive	Dundas Street	26.213
Fifty Road	Urban boundary	Ridge Road	26.213
Fletcher Road	Kirk Road West	Binbrook Road	26.213

Appendix 'R' to  
Rural Hamilton Official Plan Amendment No. 5

Road	From	To	Future Right-of-Way Width (metres)
	Binbrook Road	Rymal Road	30.480
Fourth Concession West	Sheffield Road (North Leg)	Sheffield Road (South Leg)	26.213
Freelton Road	Highway 6	Eleventh Concession E	26.213
Garden Lane	6th Con. Road E.	7th Con. Road E.	20.117
Glancaster Road	Salem Road	Carluke Road	26.213
Golf Club Road West & East	Trinity Church Road	Westbrook Road	26.213
Gore Road	Cooper Road (Former Highway 52)	0.60km Easterly	26.213
Governors Road	Binkey Road	West City Boundary	36.576
Green Spring Road	8th Con. Road E.	Progreton Road	20.117
Haldibrook Road	Highway No. 56	Boundary Line Between Lot No. 26 & 27 Concession IX	26.213
Harrisburg Road	South Dumfries Boundary	Governors Road	20.117
Harrison Road	Kirk Road West	Southern Boundary of the Binbrook Conservation Area	26.213
Harvest Road	Brock Road	Sydenham Road	20.117
Highway 20	Former 56/Upper Centennial Parkway east	East City Limits	36.576
Highway 5	West City Limits	Former RR 52 (Peter's Corners)	36.576 – 45.720
Highway 52	Highway 5	Governors Road	30.480
Highway 8	Peters Corners	Woodleys Lane	36.576
Hoods Road	Highway 97	Highway 97	20.117
Howell Road	Sager Road	South Dumfries Boundary	20.117
Hunter Road	Highway 5	4th Con. Road W.	20.117
Inksetter Road	Governors Road	2nd Con. Road W.	20.117
Jerseyville Road	Shaver Rd	City Boundary	26.213
Kirk Road West	Fletcher Road	Highway No. 56	26.213
Kirkwall Road	Regional Road 97	Highway 8	30.480
Lynden Road	Highway 5	Jerseyville Road	26.213
Milborough Line	5th Con. Road E.	Campbellville Road	20.117
	Campellville Road	North City Boundary	26.213
Miles Road	578 m south of Rymal Road	Dickenson Road East	26.213
Concession 5 W. (Millgrove Road)	Westover Road	Highway 6	26.213
Millgrove Side Road	Highway 6	Highway 5	26.213
Mountsberg Road	Highway 6	Milborough Line	20.117



Appendix 'R' to  
Rural Hamilton Official Plan Amendment No. 5

Road	From	To	Future Right-of-Way Width (metres)
Moxley Road	Highway 5	4th Con. Road W.	20.117
Mud Street	305 m east of Upper Centennial	East City Limits	36.576
Nebo Road	Dartnall Road Extension (south junction 152.4 m south of Dickenson Road East)	White Church Road	26.213
Neff's Lane	Highway 8	Remaining Length	20.117
New East-West Road	Highway 6	Waterdown North Development West Boundary	36.000
Nicol Street	Crooks Hollow Road	Cora Road	20.117
Norman Road	Sager Road	Sheffield Road	20.117
Patrick Road	Sager Road	Sheffield Road	20.117
Progeston Road	Centre Road	Carlisle Road	20.117
Regional Road 97	Highway 6	West City Boundary	30.480
Regional Road 20	Regional Road 56	Westbrook Road	36.576
Regional Road 56	Rymal Road	Cemetery Road	36.576
Robson Road	Parkside Drive	5th Con. Road E.	20.117
Rock Chapel Road	Highway 5	Sydenham Road	20.117
Rockton Road	Highway 8	Highway 8	26.213
Safari Road	Highway 6	Highway 8	26.213
Sawmill Road	Carluke Road	Trinity Road	30.480
Settler's Road	5th Con. Road W.	Highway # 8	20.117
Sheffield Road	Safari Road	Highway 5	26.213
Shelton Lane	Millgrove Side Road	Remaining Length	20.117
Sixth Concession East	Highway 6	Centre Road	26.213
Sodom Road	Westover Road	Middletown Road	20.117
Southcote Road	Book Road	South End	20.117
Southcote Road	Butter Road	North End	20.117
Sydenham Road	Highway 5	0.25 km North of Livingston Dr	26.213
Tapleystown Road	Ridge Road	Regional Road 20	26.213
Trinity Church Road	750 m north of Dickenson Road East	Golf Club Road	26.213
	Golf Club Road	White Church Road/Binbrook Road East	30.480
Trinity Road	180 m south of Wilson St	Sawmill Road	30.480
Trinity Road South	Wilson Street	Hwy 403	36.576
	Hwy 403	Governors Road	30.480
Tyneside Road	White Church Road East	Haldibrook Road	26.213
Weir's Lane	Highway 8	Former Dundas	20.117

Appendix 'R' to  
Rural Hamilton Official Plan Amendment No. 5




Road	From	To	Future Right-of- Way Width (metres)
		Boundary	
Westbrook Road	Regional Road 20	Binbrook Road	26.213
Westbrook Road	Binbrook Road	Haldibrook Road	20.117
Westover Road	Safari Road	Highway # 8	26.213
White Church Road West & East	Glancaster Road	Trinity Church Road	30.480
Wilson Street West	Trinity Road	West City Boundary	36.576
Woodburn Road	Highway 20	Binbrook Road	26.213
Woodhill Road	Highway 8	Former Highway 5	26.213
Wyatt Road	6th Con. Road E.	7th Con. Road E.	20.117

**Road with Offset Road Allowances Widenings - Rural**

Road	From	To	Survey Plan
Brock Road	Harvest Road	Highway 8	***
Carlisle Road	Sawmill Road	Glancaster Road	RXG-103
Centre Road	Main Street	Concession 5	RXF-78 ***
Centre Road	Concession 5	South of Concession 6	RXF-79 ***
Centre Road	South of Concession 6	Concession 7	RXF-80 ***
Cooper Road	Gore Road	Regional Road 97	***
Freelton Road	Highway 6	Concession 11 East	***
Kirkwall Road	Regional Road 97	Highway 8	***
Regional Road 97	Highway 6	West City Boundary	***
Rockton Road	Highway 8	Highway 8	***
Sheffield Road	Highway 8	Highway 8	***
Sheffield Road	Highway 8	Concession 6 West	62R-3003 ***
Sheffield Road	Concession 6	West Concession 5 West	62R-3002 ***
Sheffield Road	Concession 5 West	Concession 4 West	62R-3004 ***
Tyneside Road	White Church Road	Chippewa Road	62R-120 ***
Tyneside Road	Chippewa Road	Concession 7/8	62R-119 ***
Tyneside Road	Concession 7/8	South City Limits	62R-118 ***
Westover Road	Concession 6	West Safari Road	***
White Church Road	Glancaster Road	Highway 6	RXG-99
White Church Road/Binbrook Road	West of Trinity Church Road	Fletchers Road	RXG-87
*** Denotes that the road widenings are based on the centerline of construction as shown on Ministry of Transportation of Ontario Survey plans or existing centerline of construction shown on Regional Survey Plans or as noted on engineering or construction plans			



Appendix S  
Amendment No. 5  
To the Rural Hamilton Official Plan

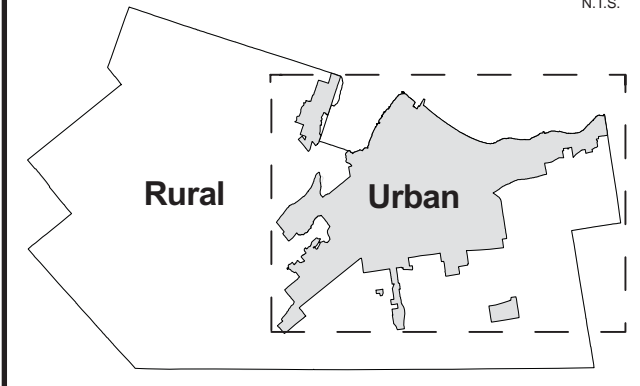
-  Lands to be redesignated from “Rural” to “Open Space”
-  Realignment of Urban Boundary
-  Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

Revised By:  
KM/LMM








Reference File No.:  
OPA -R-5

Key Map

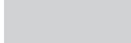

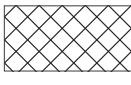





Note: For Urban Land Use Designations, refer to Schedule E-1 of the Urban Hamilton Official Plan.

Legend

-  Rural Settlement Areas
- Rural Land Use Designations**
-  Agriculture
-  Specialty Crop
-  Rural
-  Mineral Aggregate Resource Extraction Areas
-  Open Space
-  Utility

Other Features

-  Urban Area
-  John C. Munro Hamilton International Airport
-  Subject to Airport Employment Growth District Secondary Plan - Under Appeal to OMB
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

Rural Hamilton Official Plan  
Schedule D  
Rural Land Use Designations

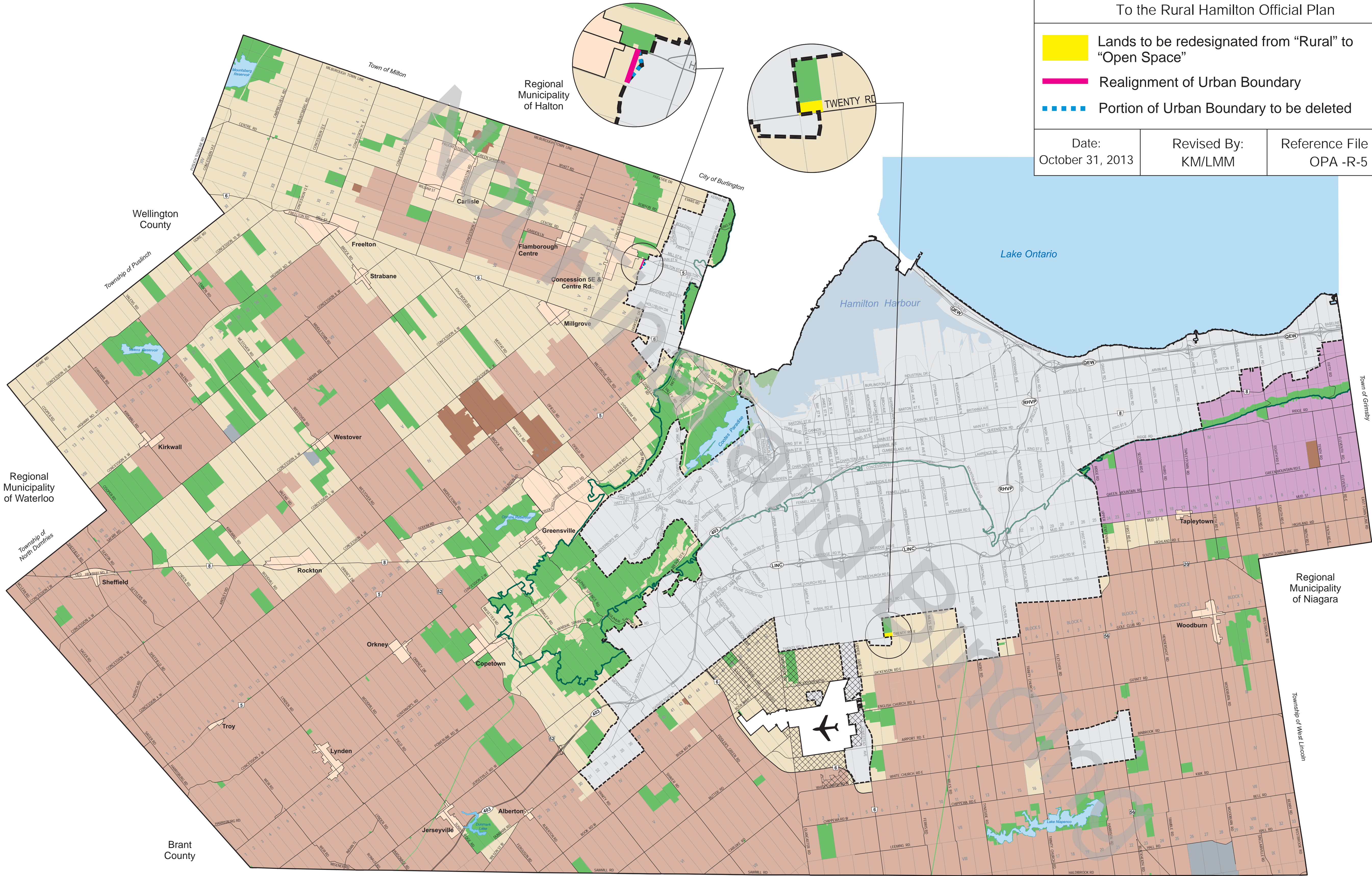


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Date: Jan. 20/12



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Regional  
Municipality  
of Halton

TWENTY RD

City of Burlington

Wellington  
County

Township of Puslinch

Carlisle

Flamborough  
Centre

Concession 5E &  
Centre Rd.

Millgrove

Strabane

Freelton

Kirkwall

Westover

Rockton

Orkney

Copetown

Greenville

Lynden

Troy

Jerseyville

Alberton

Hamilton Harbour

Lake Ontario

Regional  
Municipality  
of Niagara

Town of Grimsby

Township of West Lincoln

Haldimand County

Regional  
Municipality  
of Waterloo

Township of  
North Dumfries

Sheffield



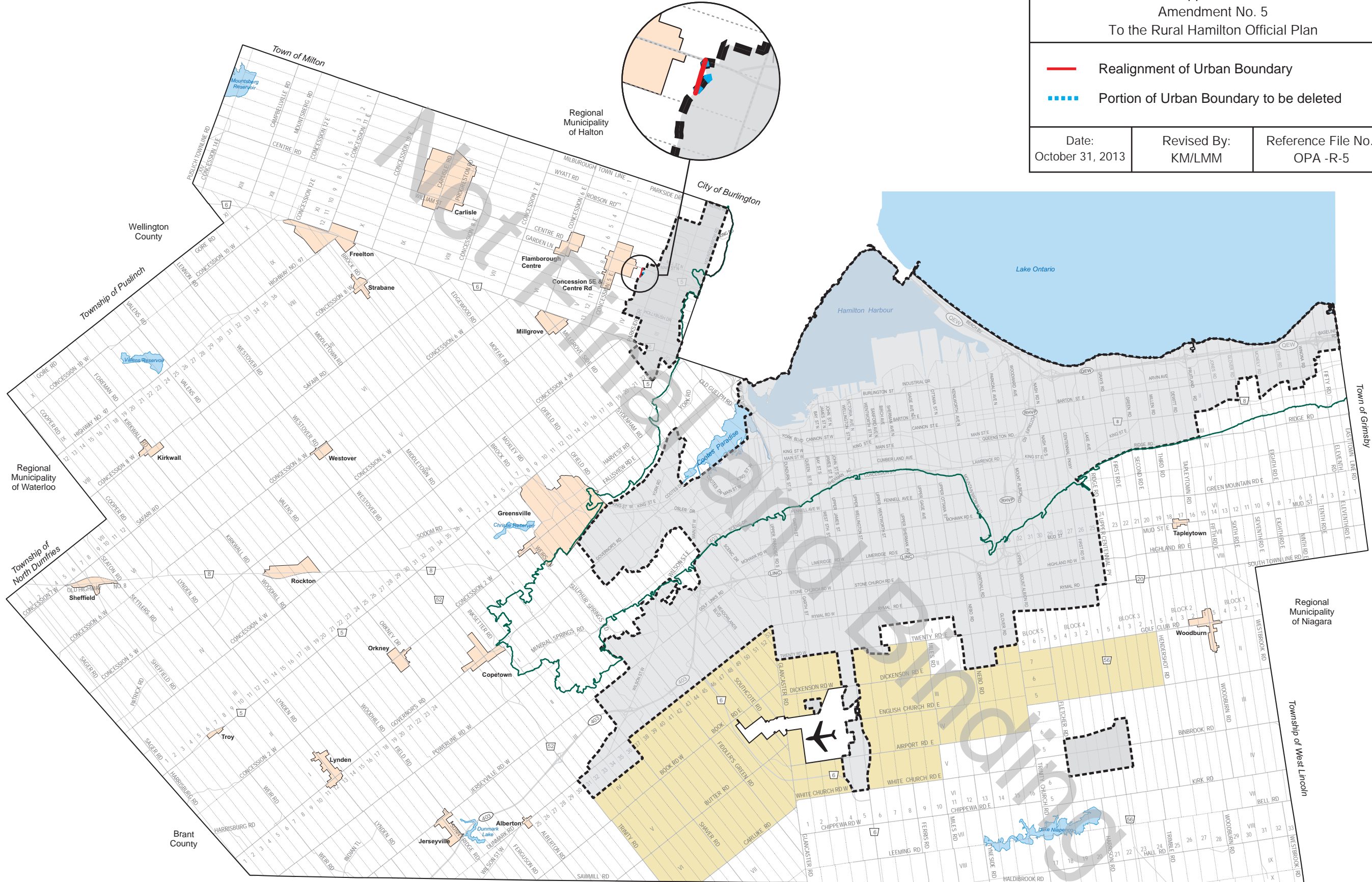
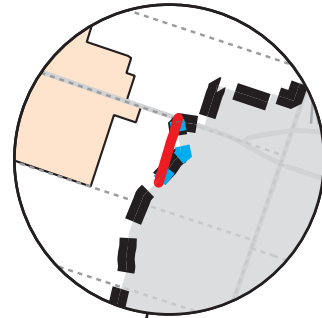
Appendix T  
Amendment No. 5  
To the Rural Hamilton Official Plan

- Realignment of Urban Boundary  
..... Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

Revised By:  
KM/LMM

Reference File No.:  
OPA -R-5

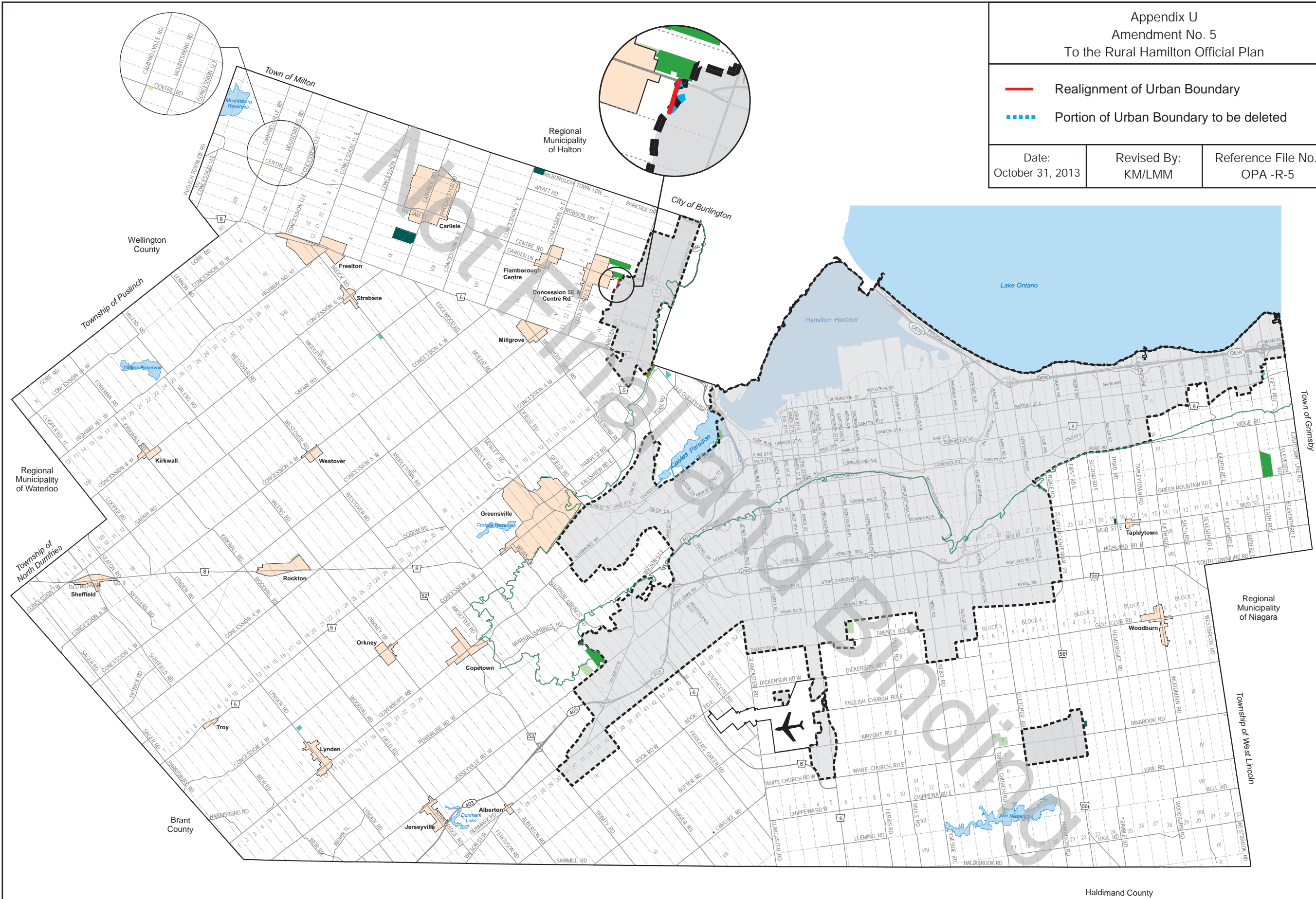


- Legend**
- Rural Settlement Areas
  - Airport Influence Area
- Other Features**
- Urban Area
  - John C. Munro Hamilton International Airport
  - Niagara Escarpment
  - Urban Boundary
  - Municipal Boundary

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

Rural Hamilton Official Plan  
Schedule F  
Airport Influence Area





Appendix U  
Amendment No. 5  
To the Rural Hamilton Official Plan

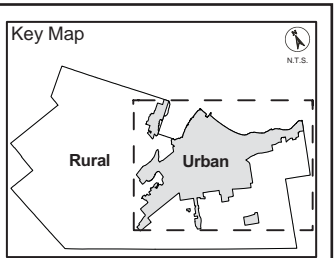
Realignment of Urban Boundary

Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

Revised By:  
KM/LMM

Reference File No.:  
OPA -R-5



**Note:** For Urban Parks Classification Designations, refer to Appendix A of the Urban Hamilton Official Plan.

- Legend
- Rural Settlement Areas

Parkette

General Open Space

Natural Open Space

City Wide

Community

Neighbourhood

Other Features

Urban Area

John C. Munro Hamilton International Airport

Niagara Escarpment

Urban Boundary

Municipal Boundary

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

Rural Hamilton Official Plan  
Appendix A  
Parks Classification



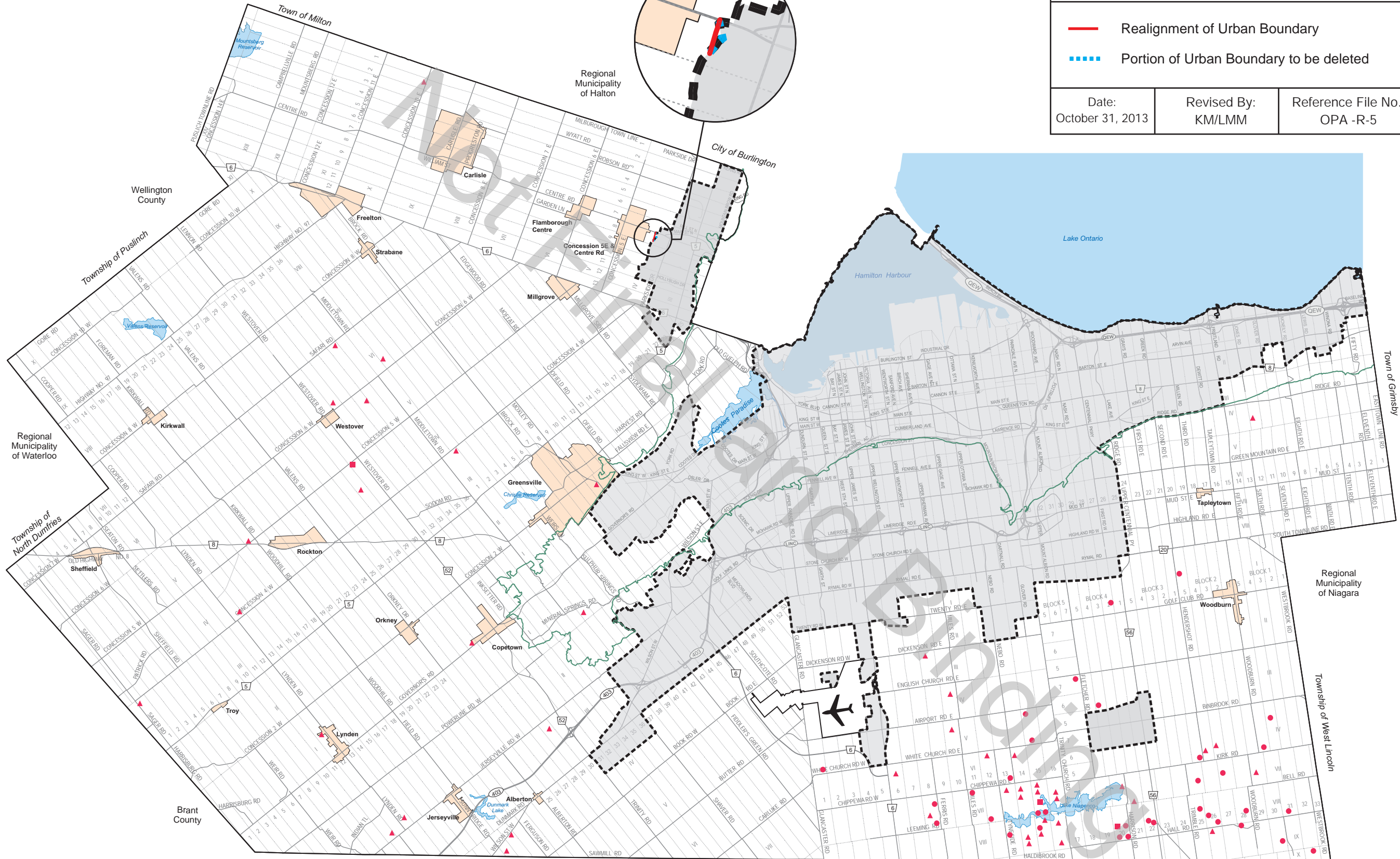
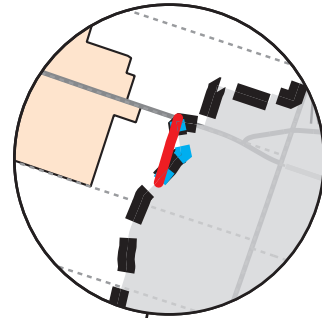
Appendix V  
Amendment No. 5  
To the Rural Hamilton Official Plan

- Realignment of Urban Boundary
- ..... Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

Revised By:  
KM/LMM

Reference File No.:  
OPA -R-5



Legend

Rural Settlement Areas

Gas and Petroleum Wells

- Active Wells
- Suspended Wells
- ▲ Abandoned Wells

Other Features

- Urban Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

Rural Hamilton Official Plan  
Appendix C-1  
Non-Renewable Resources  
Gas and Petroleum Wells

Not To Scale



Date: June 28, 2011



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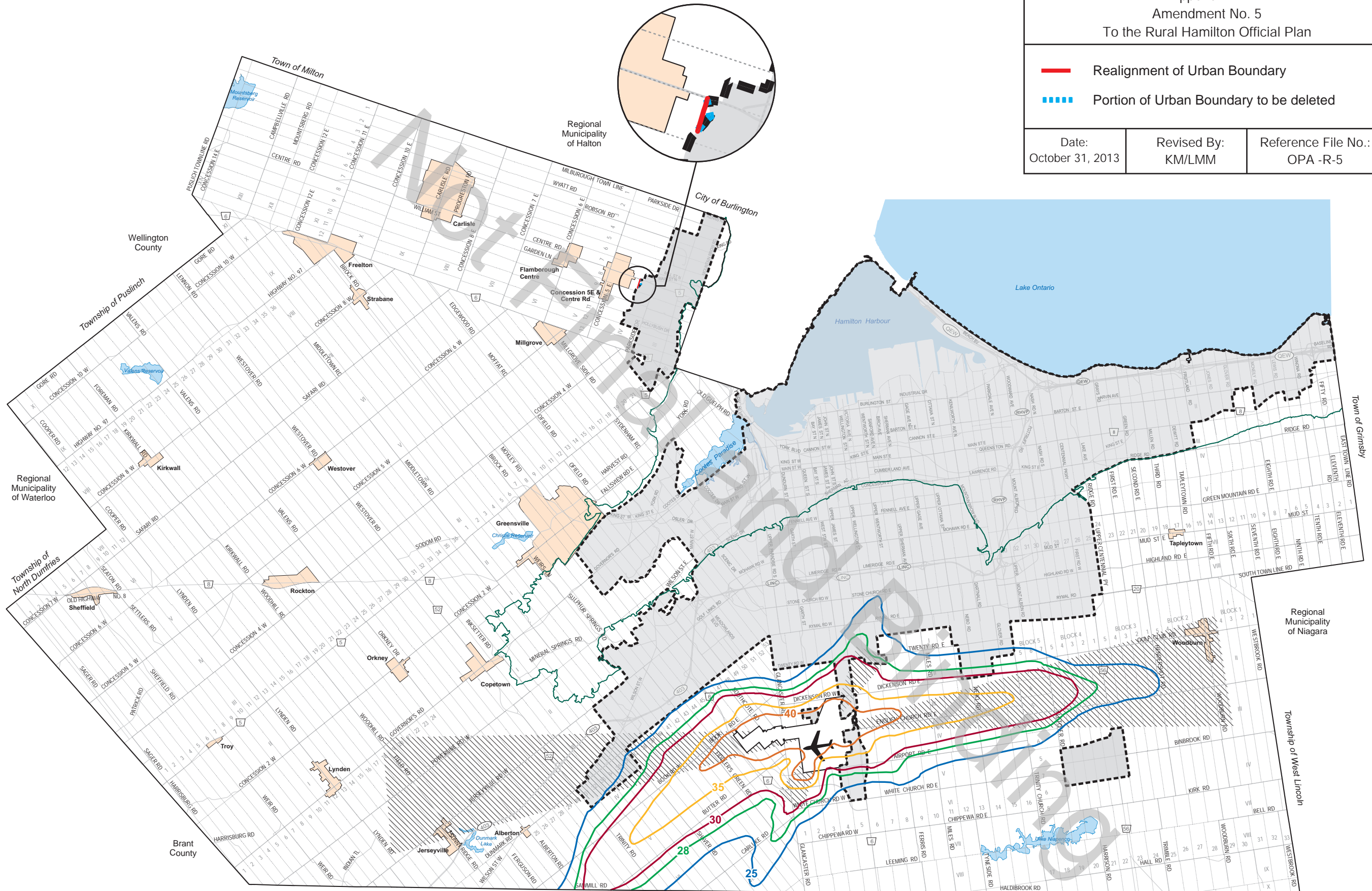
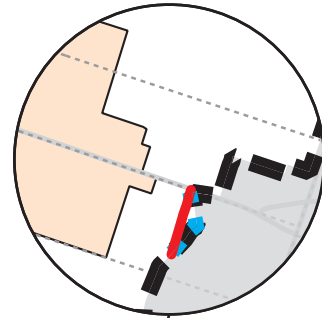
Appendix W  
Amendment No. 5  
To the Rural Hamilton Official Plan

-  Realignment of Urban Boundary
-  Portion of Urban Boundary to be deleted

Date:  
October 31, 2013

Revised By:  
KM/LMM

Reference File No.:  
OPA -R-5



Legend

 Rural Settlement Areas

Noise Exposure Forecast  
Contours

 2010 NEF Contour - 25dB

 2010 NEF Contour - 28dB

 2010 NEF Contour - 30dB


 2010 NEF Contour - 28dB


 2010 NEF Contour - 30dB


 Primary Airport Zoning  
Regulation Area

Other Features

 Urban Area

 John C. Munro Hamilton  
International Airport

 Niagara Escarpment

 Urban Boundary

 Municipal Boundary

Council Adoption: September 27, 2006  
Ministerial Approval: December 24, 2008  
Effective Date: March 7, 2012

Rural Hamilton Official Plan  
Appendix D

Noise Exposure Forecast Contours  
and Primary Zoning Regulation Area

Not To Scale  
Date: June 28, 2011



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OF SURVEY



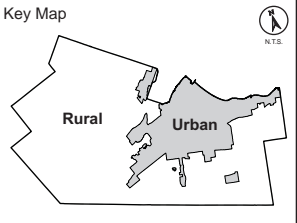
Appendix X  
Amendment No. 5  
To the Rural Hamilton Official Plan

“Schedule E - Rural Municipal Landfill Sites” to  
be adopted into the Rural Hamilton Official Plan

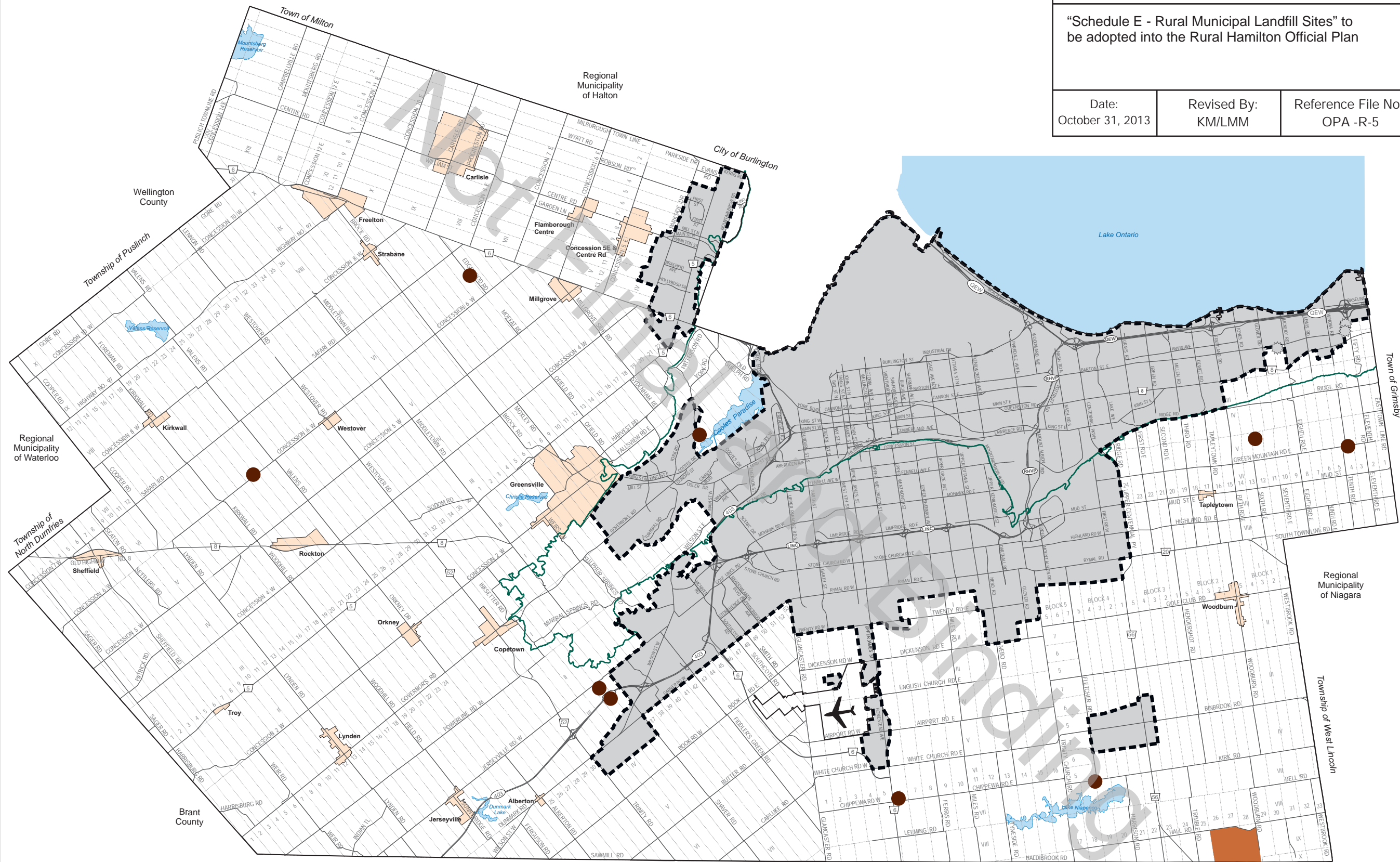
Date:  
October 31, 2013

Revised By:  
KM/LMM

Reference File No.:  
OPA -R-5



**Note:** For Urban Former Municipal Landfill Sites, refer to Appendix E of the Urban Hamilton Official Plan.



**Legend**

- Operating Municipal Landfill
- Former Municipal Landfill Sites (boundaries not defined)
- Other Features**
- Rural Settlement Areas
- Urban Area
- John C. Munro Hamilton International Airport
- Municipal Boundary
- Urban Boundary
- Niagara Escarpment
- Subject to Future OMB Hearing



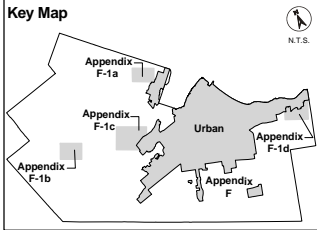
Appendix Y  
Amendment No. 5  
To the Rural Hamilton Official Plan

"Appendix F - Rural Cultural Heritage Resources" to  
be adopted into the Rural Hamilton Official Plan

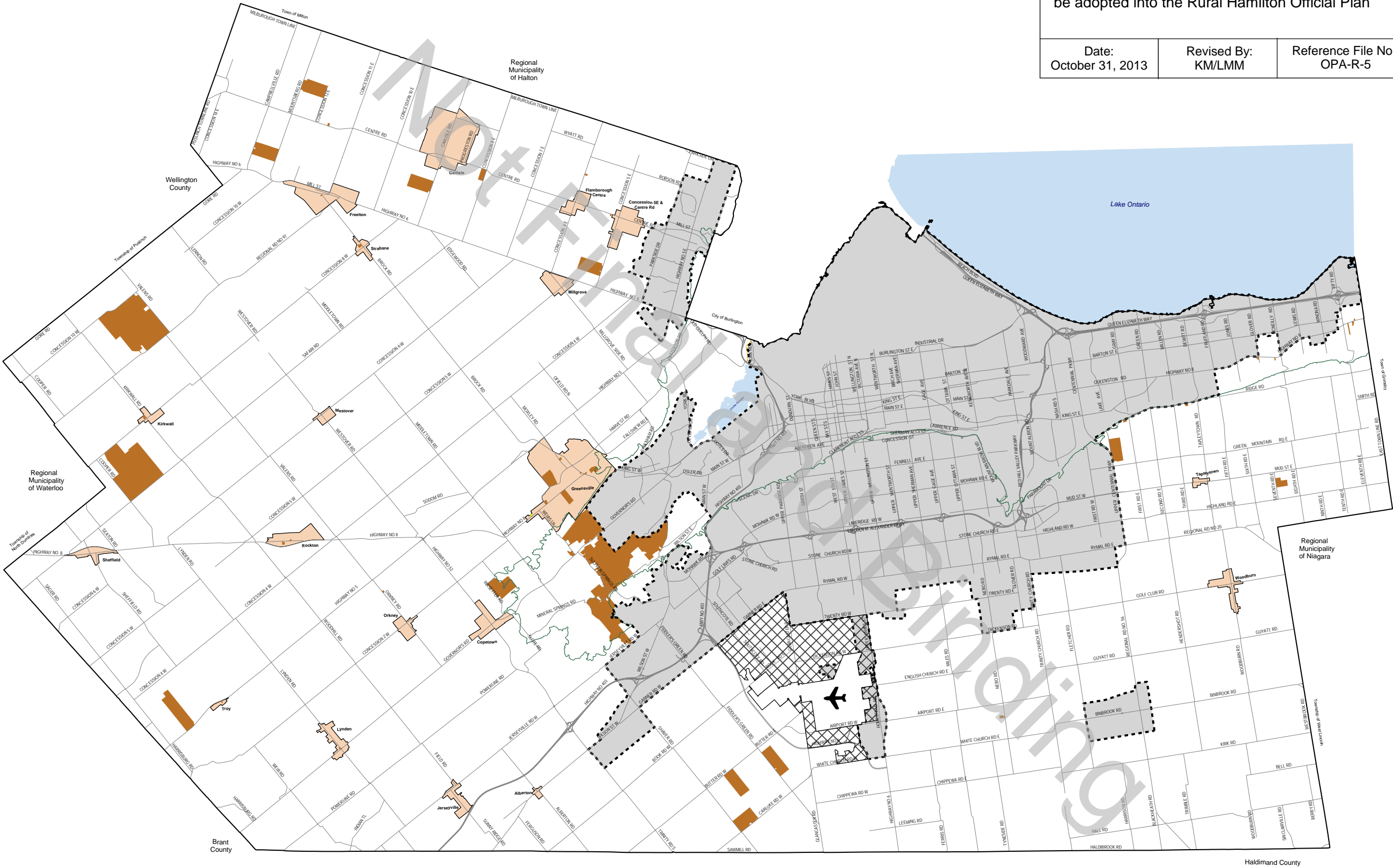
Date:  
October 31, 2013

Revised By:  
KM/LMM

Reference File No.:  
OPA-R-5



**Note:** For a detailed view of Rural Cultural Heritage Resources, refer to Appendix F-1. For Urban Cultural Heritage Resources, refer to Appendix F of the Urban Hamilton Official Plan.



Legend

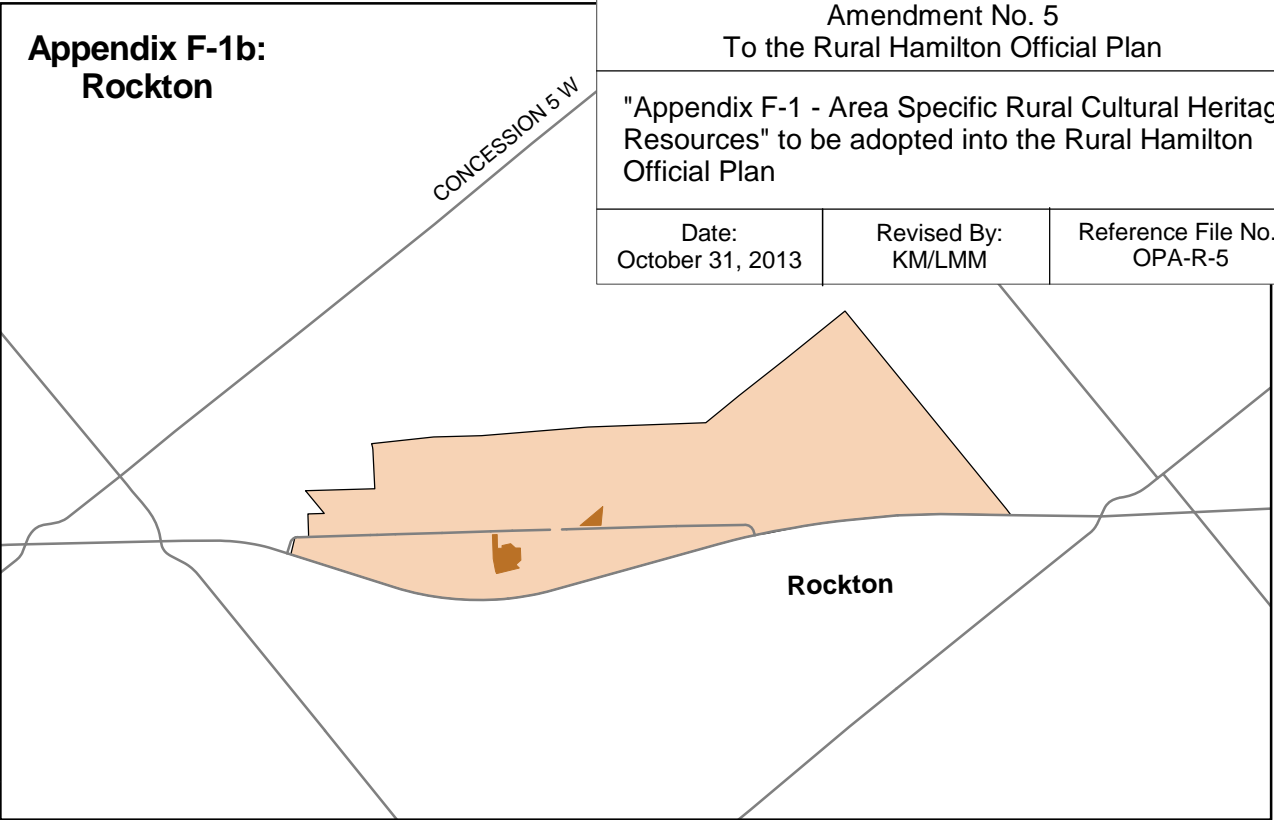
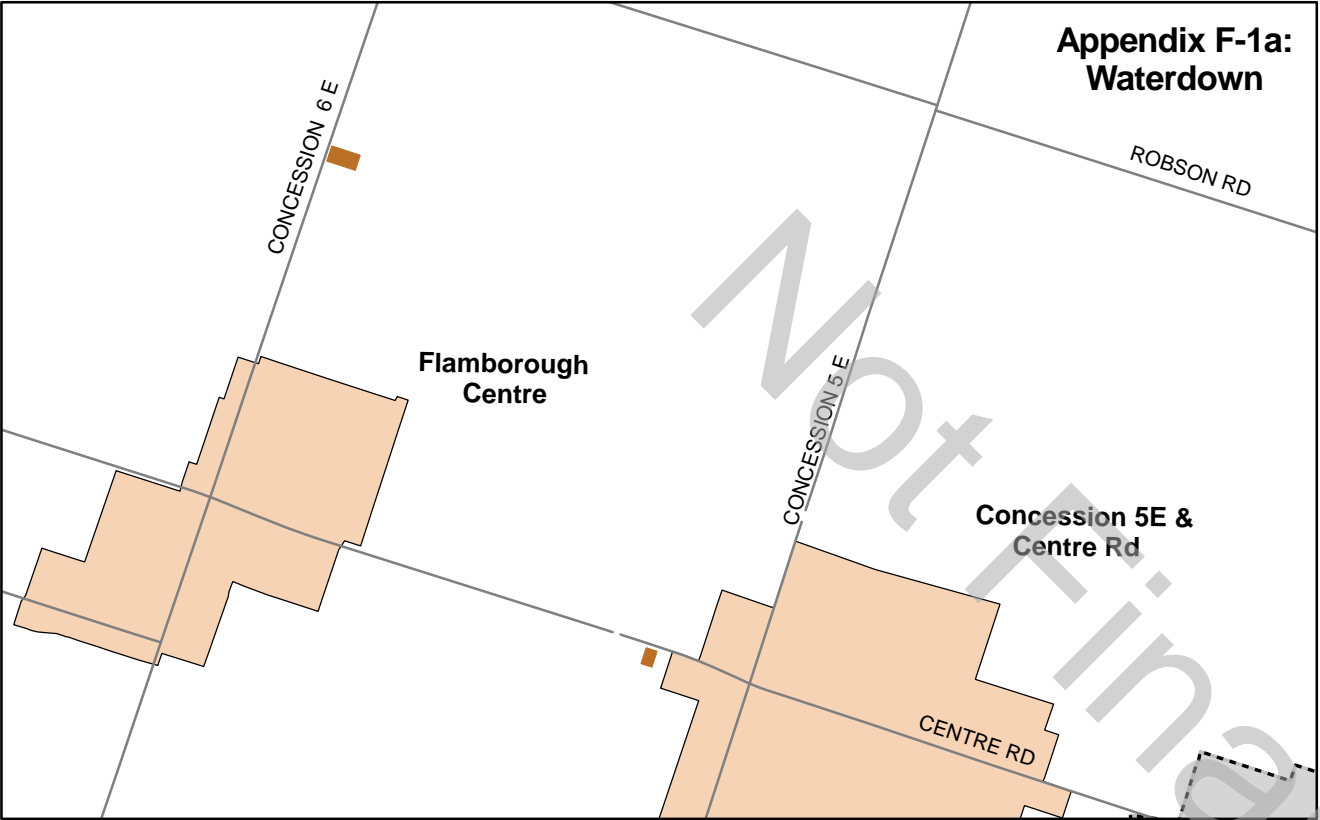
- Cultural Heritage Landscapes
- Individually Designated Properties
- Ontario Heritage Trust Easements (Part IV)

Other Features

- Rural Settlement Areas
- Urban Area
- John C. Munro Hamilton International Airport
- Subject to Airport Employment Growth District Secondary Plan - Under Appeal to OMB
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

Hamilton Official Plan  
Appendix F  
Rural Cultural Heritage Resources





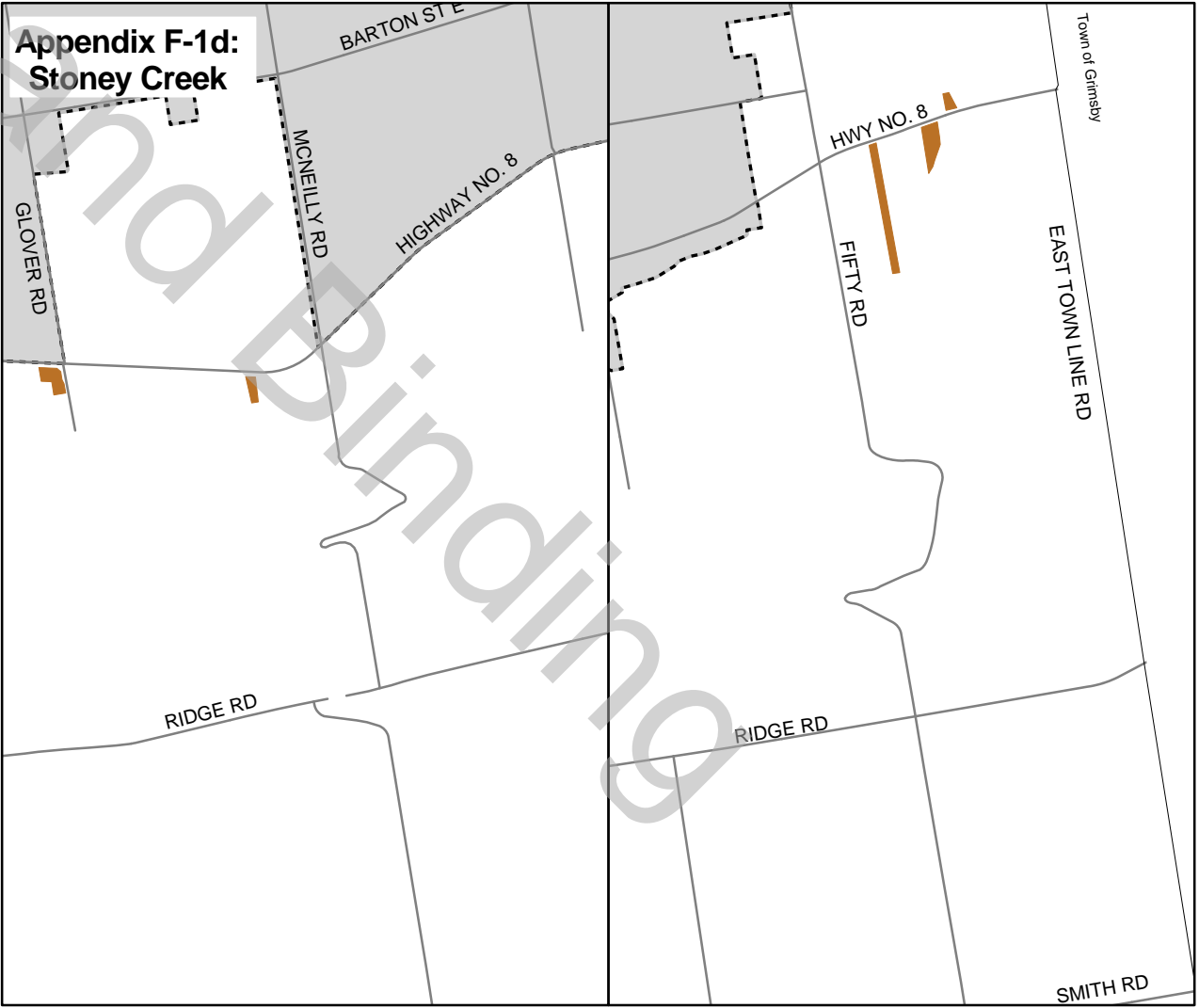
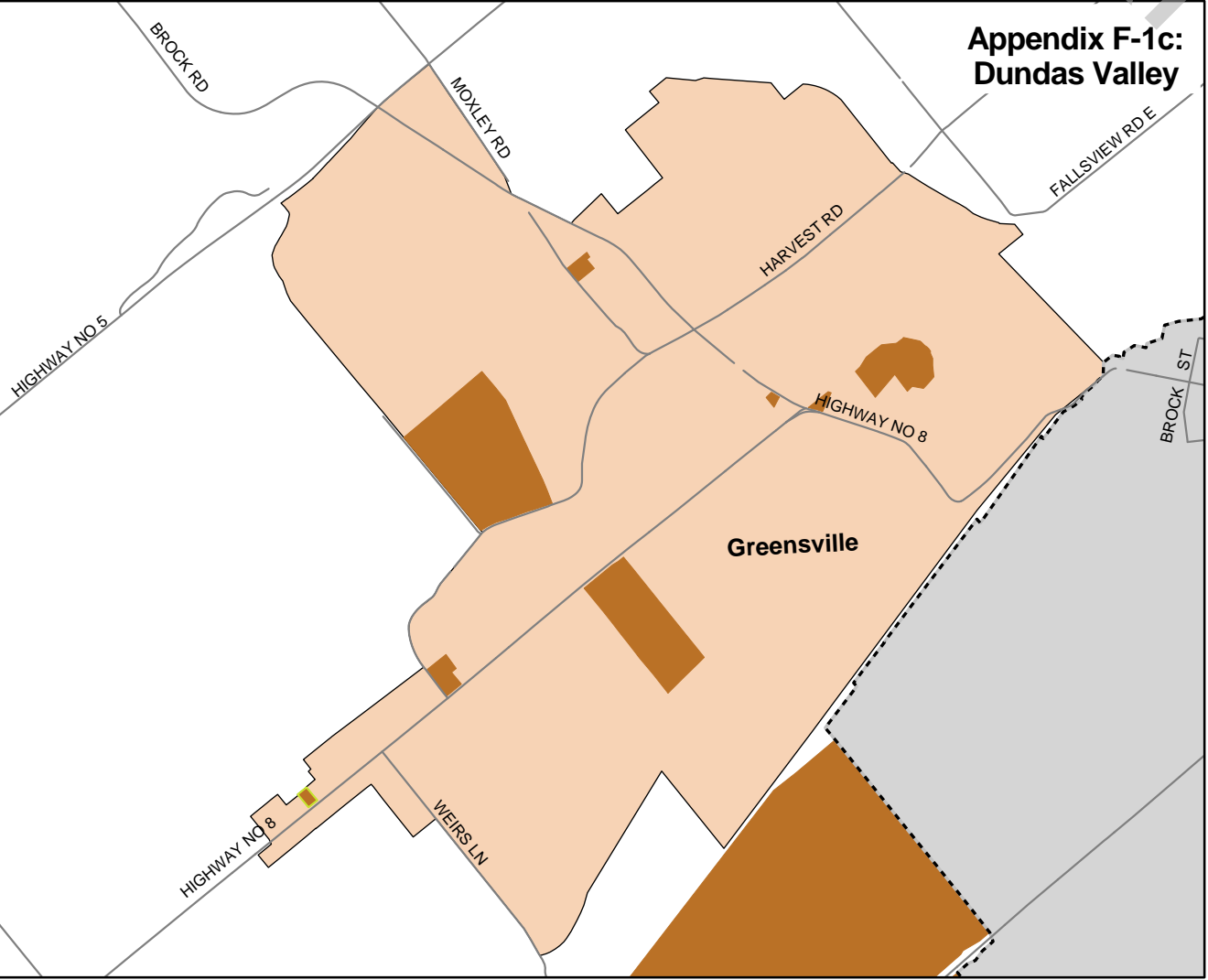
Appendix Z  
Amendment No. 5  
To the Rural Hamilton Official Plan

"Appendix F-1 - Area Specific Rural Cultural Heritage Resources" to be adopted into the Rural Hamilton Official Plan

Date: October 31, 2013	Revised By: KM/LMM	Reference File No.: OPA-R-5
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Key Map

**Note:** For an overall view of Rural Cultural Heritage Resources, refer to Appendix F.  
For Urban Cultural Heritage Resources, refer to Appendix F of the Urban Hamilton Official Plan.



**Legend**

- Cultural Heritage Landscapes
- Individually Designated Properties
- Ontario Heritage Trust Easements (Part V)

**Other Features**

- Rural Settlement Areas
- Urban Area
- John C. Munro Hamilton International Airport
- Niagara Escarpment
- Urban Boundary
- Municipal Boundary

**Hamilton Official Plan  
Appendix F-1  
Rural Area Specific Cultural  
Heritage Resources**

Not To Scale  
Date: Jan 25/13  
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