

CHAPTER C – CITY WIDE SYSTEMS AND DESIGNATIONS

This Section of the Plan contains designations and land use policies that are intended to apply across the City. The purpose is to provide for consistent approaches to the policy directives that relate to both urban and *rural areas*. Specifically:

- General land use provisions and detail land uses that are allowed “as-of-right” in all designations, provided certain conditions are met.
- Both the Open Space and Utilities designations are common to the rural and urban areas and have the same general policy framework.
- The natural heritage policies are based on a systems wide approach which requires that policy directions and requirements are comprehensive on this basis.
- The transportation network which is comprised of walking, bicycling, roads, transit, rail, port and airport are critical to both movement of goods and people in the City.
- The infrastructure policies clearly provide direction of municipal services such as water, wastewater, waste management and storm water.

However, in a few cases, there may be slight differences between the rural and urban areas in terms of policy directives or mapping.

C.1.0 PROVINCIAL PLANS WITH DESIGNATIONS

The planning regime within the City is affected and is directed by provincial legislation, plans and policies, including the Provincial Policy Statement, the Niagara Escarpment Plan, the Greenbelt Plan, the Parkway Belt West Plan, and the Growth Plan for the Greater Golden Horseshoe.

The Official Plan must be consistent with the Provincial Policy Statement and conform to the Greenbelt Plan. However, in some areas of provincial policy, the municipality can be more restrictive than the provincial directions. Where land use designations exist, this section details the interrelationship between the various provincial documents and this Plan.

1.1 Niagara Escarpment Plan

The Niagara Escarpment is a prominent natural feature that traverses the breadth of the City. It provides a distinctive landscape and performs many *ecological functions*. The natural and physical features of the Escarpment should be protected through policies which apply to the physical features themselves and to a protective buffer.

The Niagara Escarpment Plan provides for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and to ensure only such development occurs as is compatible with that natural environment.

- 1.1.1 Any *development* within the Niagara Escarpment Plan area, as shown on Schedule A – Provincial Plans, shall meet the requirements of this Plan and the Niagara Escarpment Plan and Section 3.3 of the Greenbelt Plan. Where there is discrepancy between this Plan and the Niagara Escarpment Plan, the most restrictive policies will prevail.
- 1.1.2 In Rural Hamilton Official Plan.
- 1.1.3 In Rural Hamilton Official Plan.
- 1.1.4 In Rural Hamilton Official Plan.
- 1.1.5 In Rural Hamilton Official Plan.
- 1.1.6 To minimize the impact and further encroachments in the Escarpment environment, for those lands located within the Niagara Escarpment Plan area identified on Schedule A - Provincial Plans, the following policies shall apply:
 - a) The design of the *development* shall be compatible with the visual and natural environment;
 - b) Setbacks and screening adequate to minimize the visual impact of *development* on the Escarpment landscape shall be required; and
 - c) No new lots shall be created in Escarpment Natural or Protection Areas unless such lot creation is for the purposes of correcting conveyances, enlarging *existing* lots or acquisition by a public body or authority.
 - d) In Rural Hamilton Official Plan.

- 1.1.7** In Rural Hamilton Official Plan.
- 1.1.8** On lands located within *Urban Hamilton* and identified as Niagara Escarpment Natural Area on Schedule A – Provincial Plans, the following policies shall apply:
- a) The uses contained in Section C.3.3 - Open Space shall be permitted except for:
 - i) golf courses;
 - ii) cemeteries; and
 - iii) intensive recreational activities such as formal sports fields, community centres, arenas.
- 1.1.9** On lands located within *Urban Hamilton* and identified as Niagara Escarpment Protection Area on Schedule A - Provincial Plans, the following policies shall apply:
- a) Where lands are designated Open Space on Schedule E-1 - Urban Land Use Designations, the policies contained in Section C.3.3 - Open Space designation shall apply except for:
 - i) golf courses;
 - ii) cemeteries; and
 - iii) intensive recreational activities such as formal sports fields, community centres, arenas.
- 1.1.10** On lands located within *Urban Hamilton* and identified as Niagara Escarpment Plan Urban Area on Schedule A - Provincial Plans, the following policies shall apply:
- a) Where lands are designated Neighbourhoods on Schedule E-1 - Urban Land Use Designations, the policies contained in Section E.3.0 - Neighbourhoods Designation shall apply;
 - b) Where lands are designated Commercial and Mixed Use Areas on Schedule E-1 - Urban Land Use Designations, the policies contained in Section E.4.0 - Commercial and Mixed Use Areas Designation shall apply;
 - c) Where lands are designated Institutional on Schedule E-1 - Urban Land Use Designations, the policies contained in Section E.6.0 - Institutional Designation shall apply
 - d) Where lands are designated Open Space on Schedule E-1 - Urban Land Use Designations, the policies contained in Section C.3.3 - Open Space designation shall apply; and,
 - e) Where lands are designated Utility on Schedule E-1 - Urban Land Use Designations, the policies in Section C.3.4 - Utilities Designation shall apply.

1.1.11 Portions of the Winona Urban Area which are designated as Niagara Escarpment Minor Urban Centre on Schedule A - Provincial Plans, shall meet the following criteria:

- a) *Development* and growth shall not extend into the designated Niagara Escarpment Protection Area;
- b) *Development* and growth shall minimize land use conflicts and, where appropriate, incorporate adequate screening and/or setbacks to reduce visual impact on the Escarpment landscape; and,
- c) *Development* and growth generally shall take place as a logical extension of *existing development* in the form of planning groups rather than linear or scattered *development*.

1.2 Greenbelt Plan

In Rural Hamilton Official Plan.

1.3 Parkway Belt West Plan

The Parkway Belt West Plan provides a system of linked natural areas and protected utility corridors which extends from Dundas through the Regions of Halton, Peel and York.

1.3.1 The provisions of the Parkway Belt West Plan shall apply to *development* of lands that are identified as Parkway Belt West Plan Area on Schedule A – Provincial Plans, of this Plan. In the case of discrepancy between the Parkway Belt West Plan and this Plan, the most restrictive policies shall apply prevail provided that they are consistent with its intent and purpose.

C.2.0 NATURAL HERITAGE SYSTEM

(All C.2.0 policies are under appeal only as they relate to 313 Stone Church Road East and lands bounded by Stone Church Road East, Upper Wellington Street, Lincoln M. Alexander Parkway and Upper Wentworth Street)

The City contains many natural areas and features that contribute to the municipality's beauty, unique character, and quality of life.

A large portion of the City has been identified as part of the Natural Heritage System of the Protected Countryside in the Greenbelt Plan. The Greenbelt Plan seeks to ensure that natural areas are managed as an integrated system so as to enhance key features of that system, as well as to support environmental objectives contained in the Niagara Escarpment Plan. Beyond provincial plan boundaries, the City has identified locally and provincially significant natural areas that warrant similar consideration.

The Natural Heritage System, identified on Schedule B – Natural Heritage System, consists of the Niagara Escarpment Plan area, and Core Areas and Linkages identified by the City, based on requirements of the Provincial Policy Statement. Together, provincial and local planning objectives for the Natural Heritage System focus on protecting and restoring these features and natural functions as a permanent environmental resource for the community. The City shall focus on protecting and enhancing the natural heritage system through stewardship, education and awareness, land use planning policies, habitat restoration and management, and acquisition.

The Natural Heritage System consists of Core Areas, Linkages, and the matrix of lands between them which may be suitable for restoration. The systems approach involves delineating a Natural Heritage System which includes Core Areas, as well as supportive features (*Linkages*) that maintain the ecological functionality and connectivity of the natural system. Connecting natural areas allows wildlife and plants to move between habitat patches. These connections are important for maintaining biodiversity, and the long-term health and viability of natural systems. Protection and restoration of impaired or degraded habitat and habitats in diminishing supply, such as meadows, is vital for a fully functional Natural Heritage System. Using the systems approach, the City shall look at the restoration potential of natural areas adjacent to Core Areas, not just the habitat that currently exists. The systems approach also involves setting targets for the amount of habitat Hamilton needs for a healthy, functioning ecosystem. Looking beyond what exists to consider what could or should exist moves habitat protection towards a fully sustainable natural heritage system.

2.1 Policy Goals

The following goals apply to designation and management of the Natural Heritage System in Urban *Hamilton*.

- 2.1.1 Protect and enhance biodiversity and *ecological functions*.
- 2.1.2 Achieve a healthy, functional ecosystem.
- 2.1.3 Conserve the natural beauty and distinctive character of Hamilton's landscape.

- 2.1.4 Maintain and enhance the contribution made by the Natural Heritage System to the quality of life of Hamilton's residents.
- 2.1.5 Restore and enhance connections, quality and amount of natural habitat.
- 2.1.6 Provide opportunities for recreational and tourism uses where they do not impact natural heritage features.
- 2.1.7 Monitor and periodically assess the condition of Hamilton's natural environment.

2.2 General Policies

- 2.2.1 The Natural Heritage System shown on Schedule B - Natural Heritage System, comprised of privately-owned land is not available for use by the general public nor shall there be any intent or obligation by the City to purchase such lands.
- 2.2.2 The boundaries of *Core Areas* and *Linkages*, shown on Schedule B - Natural Heritage System, are general in nature. Minor refinements to such boundaries may occur through Environmental Impact Statements, *watershed* studies or other appropriate studies accepted by the City without an amendment to this Plan. Major changes to boundaries, the removal or addition of *Core Areas* and *Linkages* identified on Schedule B - Natural Heritage System and Schedules B-1-8 – Detailed Natural Heritage Features require an amendment to this Plan.
- 2.2.3 In Rural Hamilton Official Plan.
- 2.2.4 Notwithstanding the designations on Schedule E-1 - Urban Land Use Designations, the policies of this Plan shall apply to *Core Areas* not currently identified on Schedule B - Natural Heritage System and Schedules B-1 to B-8 - Detailed Natural Heritage Features. Additional *Core Areas* may be mapped and identified or *Core Area* boundaries may be refined under the following circumstances and may require an amendment to this Plan:
 - a) individual Environmental Impact Statements;
 - b) watershed or subwatershed studies;
 - c) natural areas inventories;
 - d) Environmental Assessments; or,
 - e) other similar studies.
- 2.2.5 Where the Province has provided guidelines on technical criteria to identify *Core Areas*, the City shall update its criteria to reflect the provincial directions. The City shall undertake an Official Plan amendment to update the existing criteria and applicable schedules.
- 2.2.6 Where provincial direction for identifying *Core Areas* does not exist, the City shall establish its own criteria in cooperation with other agencies, stakeholders, and the public. The City shall include the criteria and identify *Core Areas* and features on the applicable schedules through an Official Plan amendment.
- 2.2.7 Where properties contain two or more overlapping natural features of differing significance which overlap in the Natural Heritage System, the more restrictive policies pertaining to those natural features shall apply. If more than one policy applies to a natural feature the more restrictive policy shall apply.

2.2.8 All natural features, required vegetation protection zones, and enhancement or restoration areas on a property shall be placed under appropriate zoning in the zoning by-law and/or protected through a conservation easement to the satisfaction of the City or the relevant Conservation Authority, or deeded to a public authority. Acquisition by a public body may also be considered as an option for protecting natural features and functions.

2.2.9 The City will work with the Conservation Authorities to implement the recommendation of recovery strategies in order to meet the objectives of the Provincial Policy Statement related to endangered and threatened species.

2.3 Natural Heritage System - Core Areas

It is the intent of this policy to preserve and enhance Core Areas and to ensure that any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions.

2.3.1 In accordance with the policies of this Plan, Schedule B – Natural Heritage System, identifies *Core Areas* to include *key natural heritage features* and *key hydrological features*. *Core Areas* of the City's Natural Heritage System also include other locally and provincially significant natural areas. Schedule B – Natural Heritage System shall be amended when new *Core Areas* are identified.

2.3.2 *Core Areas* include *key natural heritage features*, *key hydrological features* and provincially significant and *local natural areas* that are more specifically identified by Schedule B-1-8 – Detailed Natural Heritage Features. *Core Areas* are the most important components in terms of biodiversity, productivity, and ecological and hydrological functions.

2.3.3 The natural features and ecological functions of *Core Areas* shall be protected and where possible and deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into *Core Areas* shall generally not be permitted, and appropriate *vegetation protection zones* shall be applied to all *Core Areas*.

2.4 Core Areas - Within the Greenbelt Plan Area

In Rural Hamilton Official Plan.

2.5 Core Areas - Outside the Greenbelt Plan Area

2.5.1 Permitted uses within *Core Areas* as identified on Schedule B – Natural Heritage System are established through the designations and policies of Chapter E – Urban Systems and Designations and Volume 3 of this Plan. Boundaries of *Core Areas* and associated *vegetation protection zones* may be further refined by the completion of an Environmental Impact Statement. Generally, permitted uses in *Core Areas* shall include:

- a) to f) in Rural Hamilton Official Plan;
- g) forest, fish and wildlife management;
- h) conservation, and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;

- i) *existing uses*, in accordance with Section F.1.12 – Existing, Non-Complying and Non-Conforming Uses, and according to the requirements in Section C.2.6 – Environmental Impact Statements;
- j) *passive recreation uses and small scale structures* for recreation uses (such as boardwalks, footbridges, fences, docks, and picnic facilities) where permitted by Conservation Authority policies; however, the *negative impacts* on these features should be minimized; and,
- k) infrastructure projects, in accordance with Section C.5.0 – Infrastructure.
(OPA 109)

2.5.2 *New development and site alteration* shall not be permitted within provincially significant wetlands, significant coastal wetlands or significant habitat of threatened and endangered species.

2.5.3 *New development and site alteration* shall not be permitted within fish habitat, except in accordance with provincial and federal requirements.

2.5.4 *New development and site alteration* shall not be permitted within significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest unless it has been demonstrated that there shall be no *negative impacts* on the natural features or on their ecological functions.

2.5.5 *New development and site alteration* shall not be permitted on adjacent lands to the natural heritage features and areas identified in Section C.2.5.2 to C.2.5.4 unless the *ecological function* of the adjacent lands has been evaluated and it has been demonstrated that there shall be no *negative impacts* on the natural features or on their ecological functions.

2.5.6 The construction of a single dwelling on an *existing* lot of record having frontage on a public road may be permitted within or adjacent to *Core Areas*, subject to Section F.1.12 - Existing, Non-Complying and Non-Conforming Uses and Conservation Authority policies.

2.5.7 Streams are mapped in Schedule B - Natural Heritage System. Streams have been separated into two classes: *Coldwater Watercourse/Critical Habitat* and *Warmwater Watercourse/Important/Marginal Habitat*. If the stream has not been classified as part of an EIS, subwatershed study, or other study, a scoped EIS is required to determine the classification.

2.5.8 New development or site alteration subject to Policies C.2.5.3 to C.2.5.7 requires, prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant Conservation Authority that:

- a) There shall be no negative impacts on the *Core Area's* natural features or their ecological functions.
- b) Connectivity between *Core Areas* shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape.

- c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or site alteration wherever possible.

2.5.9 An Environmental Impact Statement shall propose a vegetation protection zone which:

- a) has sufficient width to protect the *Core Area* and its *ecological functions* from impacts of the proposed land use or *site alteration* occurring during and after construction, and where possible and deemed feasible to the satisfaction of the City, restores or enhances the *Core Area* and/or its *ecological functions*; and
- b) is established to achieve, and be maintained as *natural self-sustaining vegetation*.

2.5.10 Where vegetation protection zone widths have not been specified by watershed and sub-watershed plans, secondary, Environmental assessments and other studies, the following vegetation protection zone widths shall be evaluated and addressed by Environmental Impact Statements. Other agencies, such as Conservation Authorities, may have different vegetation protection zone requirements.

- a) *Coldwater Watercourse* and *Critical Habitat* – 30-metre vegetation protection zone on each side of the watercourse, measured from the bankfull channel.
- b) *Warmwater Watercourse* and *Important and Marginal Habitat* – 15 metre vegetation protection zone on each side of the watercourse, measured from the bankfull channel.
- c) *Provincially Significant Wetlands* – 30-metre vegetation protection zone, measured from the boundary of the wetland, as approved by the Conservation Authority or Ministry of Natural Resources.
- d) *Unevaluated wetlands* – *Unevaluated wetlands* and locally significant *wetlands* require a 15 metre vegetation protection zone, measured from the boundary of the *wetland*, as approved by the Conservation Authority or Ministry of Natural Resources, unless an Environmental Impact Statement recommends a more appropriate *vegetation protection zone*.
- e) *Woodlands* – 10-metre vegetation protection zone, measured from the edge (drip line) of the *woodland*.
- f) *Significant woodlands* – 15-metre vegetation protection zone, measured from the edge (drip line) of the *significant woodland*.
- g) *Areas of Natural and Scientific Interest (ANSIs)* – *Life and Earth Science ANSIs* require a 15-metre vegetation protection zone.
- h) *Significant Valleylands* – As required by the relevant Conservation Authority.
- i) *Significant Habitat of Threatened or Endangered Species* and *Significant Wildlife Habitat*: the minimum vegetation protection zone shall be

determined through Environmental Impact Statements, dependent on the sensitivity of the feature.

- 2.5.11** *Vegetation protection zone* widths greater or less than those specified in a) to i) above may be required if ecological features and functions warrant it, as determined through an approved Environmental Impact Statement. Widths shall be determined on a site-specific basis, by considering factors such as the sensitivity of the habitat, the potential impacts of the proposed land use, the intended function of the *vegetation protection zone*, and the physiography of the site.
- 2.5.12** Permitted uses within a *vegetation protection zone* shall be dependent on the sensitivity of the feature, and determined through approved studies. Generally, permitted uses within a *vegetation protection zone* shall be limited to low impact uses, such as vegetation restoration, resource management, and open space. Permitted uses within the *vegetation protection zone* shall be the same uses as those within the Core Area in Policy C.2.5.1 and the *vegetation protection zone* should remain in or be returned to a natural state.
- 2.5.13** All plantings within *vegetation protection zones* shall use only non-invasive plant species native to Hamilton. The City may require that applicants for *development or site alteration* develop a restoration or management plan for the *vegetation protection zone* as a condition of approval.

2.6 Environmental Impact Statements

- 2.6.1** Any required Environmental Impact Statement shall be completed in accordance with Section F.3.2.1 - Environmental Impact Statements, and comply with all provisions of Section C.2.5 – Core Areas – Outside of Greenbelt Plan Area.

2.7 Linkages

Linkages are natural areas within the landscape that ecologically connect Core Areas. Connections between natural areas provide opportunities for plant and animal movement, hydrological and nutrient cycling, and maintain ecological health and integrity of the overall Natural Heritage System. The City recognizes the importance of Linkages shown on Schedule B –Natural Heritage System in reducing the adverse impacts of habitat fragmentation on natural areas. Habitat fragmentation results in loss of species diversity and reduced ecosystem health and resilience. It is the intent of this policy that Linkages be protected, restored, and enhanced to sustain the Natural Heritage System wherever possible.

- 2.7.1** The City shall encourage the connection of Core Areas within the municipality and adjacent to its municipal boundaries through the identification of *Linkages* in Environmental Impact Statements, Secondary Plans, watershed plans, and other studies.
- 2.7.2** On its own properties, including road rights-of-way, utilities, major infrastructure facilities, and storm water management ponds the City shall enhance *Linkages* by restoring natural habitat, where appropriate. The City shall support the naturalization of vegetation in inactive sections of parks and open space areas, where appropriate.

2.7.3 The City shall require the incorporation of Linkages into a design of new development requiring approval by this Plan to retain and enhance the cultural, aesthetic, and environmental qualities of the landscape, wherever possible and deemed feasible to the satisfaction of the City.

2.7.4 Since *linkages* are best enhanced and protected through larger-scale planning processes, Secondary Plans shall identify and evaluate *Linkages* in greater detail, including *Linkages* currently identified in Schedule B – Natural Heritage System and those that may be newly identified through the planning process. *Linkages* shall be mapped in Secondary Plans and policies for their protection and enhancement included.

2.7.5 Where new *development* or *site alteration* is proposed within a *Linkage* in the Natural Heritage System as identified in Schedule B – Natural Heritage System, the applicant shall prepare a Linkage Assessment. On sites where an Environmental Impact Statement (EIS) is being prepared, the Linkage Assessment can be included as part of the EIS report. Any required Linkage Assessment shall be completed in accordance with Policy F.3.2.1.11 - Linkage Assessments.

2.7.6 *Linkage* Assessments shall include the following information:

- a) identify and assess the *Linkage* including its vegetative, wildlife, and/or landscape features or functions;
- 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.

2.7.7 In addition to the *Linkages* identified on Schedule B – Natural Heritage System, there may be Hedgerows that are worthy of protection, especially where:

- a) they are composed of mature, healthy trees and generally provide a wide, unbroken linkage between *Core Areas*;
- b) there is evidence that wildlife regularly use them as movement corridors or habitat;
- c) they contain tree species which are threatened, endangered, special concern, provincially or locally rare; or,
- d) groupings of trees which are greater than 100 years old.

2.8 Watershed Planning

2.8.1 *Watershed* planning is an ecosystem approach to land use and infrastructure planning based on the boundaries of a *watershed* or sub-*watershed*. The City recognizes *watershed* planning as an important mechanism for guiding land use and infrastructure decisions to protect water and land resources from site specific or cumulative degradation in urban and *rural areas*.

2.8.2 The City shall work co-operatively with the Conservation Authorities, stakeholders, and other agencies to prepare and implement *watershed plans*, *sub-watershed plans*, and *master drainage plans*.

2.8.3 All applications for *development* shall conform to the recommendations in a secondary plan as it pertains to *sub-watershed plan* requirements.

2.9 Restoration and Management

2.9.1 The City shall pursue partnerships to rehabilitate *Core Areas* and re-establish and strengthen *Linkages*. The City shall encourage naturalization, or the re-establishment of natural self-sustaining vegetation throughout the Natural Heritage System to maintain ecological functions.

2.9.2 City owned properties containing natural habitat should be managed to maintain and enhance the environmental value of these features, where ever possible.

2.9.3 The City has identified opportunities for habitat restoration using a science-based approach and is committed to enhancing *Linkages* through habitat restoration on its properties where ever possible. In parks or other City owned property adjacent to natural *Core Areas*, the City shall establish naturalized vegetation to enhance *Linkages* and *Core Areas* where ever feasible.

2.10 Remedial Action Plans

2.10.1 The City supports and shall undertake such actions as Council considers necessary for the implementation of the Hamilton Harbour Remedial Action Plan and Niagara River Remedial Action Plan for the portion of the Welland River *watershed* within the municipality.

2.11 Tree and Woodland Protection

2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.

2.11.2 Opportunities for tree planting on City-owned lands (such as lands designated Open Space and inactive portions of parks) shall be identified and implemented in co-operation with government agencies and local interest groups. In restoration efforts, the City shall plant only native species, preferably those of local origin.

2.11.3 Where the City is undertaking infrastructure work, existing woodland resources shall be protected and preserved, where feasible. If it is necessary for infrastructure works to destroy any trees, excluding trees that are listed as *threatened or endangered species*, the City shall endeavour to compensate by re-planting on site and/or planting trees elsewhere.

2.11.4 The City shall maintain and update as necessary a Woodland Conservation By-law and Tree Protection Policy. A Woodland Protection Strategy to protect tree cover on new *development* sites within urban and rural settlement areas and provides technical direction and practices to protect trees and other vegetation during construction shall be prepared to minimize the impacts on trees and woodlands to be retained.

2.12 Non-Regulatory Natural Heritage System Management

- 2.12.1** The City shall support agencies, community organizations, and private landowners in their efforts to protect and enhance natural heritage features through private habitat restoration and stewardship, land trusts, public acquisition, conservation easements, property tax mechanisms and similar tools.
- 2.12.2** The City shall continue to work with Conservation Authorities, other levels of government, landowners, and the community to support education, outreach, and landowner stewardship programs.
- 2.12.3** The City shall prepare a strategy for the use of non-regulatory measures for the management of natural areas which includes: conservation easements, land trusts, public land dedication or acquisition, an environmental reserve fund to support the acquisition and management of natural areas and financial incentives such as tax relief or grants to landowners who manage and maintain significant natural areas on their land in a natural state.
- 2.12.4** The City shall continue to gather data on natural areas through its partnerships with local agencies and organizations to conduct periodic natural area inventories. This data shall be used to monitor the condition and health of natural areas and the wildlife and plants that inhabit them.
- 2.12.5** The City shall produce a “State of the Environment” report periodically, to track the City’s progress towards its natural heritage protection goals.

2.13 Water Resources

- 2.13.1** The City shall protect, improve or restore the *quality and quantity of water* by using the *watershed* as the ecologically meaningful scale for planning and minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts.
- 2.13.2** The City shall promote efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality.
- 2.13.3** *Development and site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* and tributaries including those tributaries defined by the City’s Source Protection Plan such that these features and their related *hydrologic functions* and water quality functions shall be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features*, *sensitive ground water features*, and their *hydrologic functions*.

C.3.0 GENERAL LAND USE PROVISIONS AND DESIGNATIONS

General land use provisions identify land uses which are permitted in all or multiple designations provided certain conditions are met. These uses include: uses over which the City has no jurisdiction; public uses, such as municipal infrastructure, that are required for day to day operations, and other uses that implement the goals, objectives and policies of this Plan without detracting from a primary land use function.

In addition to general land use provisions there are two land use designations that will be applied and implemented on a city-wide basis – Open Space and Utility.

3.1 Rural Area General Provisions

In Rural Hamilton Official Plan.

3.2 Urban Area General Provisions (Policies)

3.2.1 The following uses shall be permitted in all land use designations:

- a) conservation uses such as forest, wildlife and fisheries management provided the use complies with Section C.2.0 – Natural Heritage System; **(under appeal as it applies to 313 Stone Church Road East)**
- b) utilities, municipal infrastructure and transportation facilities, corridors and easements, electrical facilities used directly for the generation and distribution of electric power, natural gas and oil pipeline lines, telecommunication and new facilities approved under all relevant statutes, where the land(s) are less than 4 hectares in size, provided that the facility is not used for the purposes of maintenance or storage or railway yard;
- c) wherever possible, the uses identified in C.3.2.1.b) shall be integrated with the general character of the surrounding uses through the provision of landscaping, screening and buffering, siting of structures, height control, and any other measures deemed to be appropriate by the City;
- d) any operation of the Government of Canada, Province of Ontario or City of Hamilton, not described in Policy C.3.2.1a) and b);
- e) uses regulated for the purposes of Shipping and Navigation or uses incidental thereto, authorized by the Hamilton Harbour Commissioners Act, or any by-law, regulation or other provision adopted pursuant to the Hamilton Harbour Commissioners Act or other federal regulation; and,
- f) *community gardens*.

3.2.2 The following uses shall be permitted in the Neighbourhoods, Commercial and Mixed Use, and Institutional designations:

- a) A *home business* shall be permitted accessory to a dwelling provided that all the following conditions and criteria are met:

- i) Limitations on the number of employees, the gross floor area and the types of *home business* permitted, as well as other regulations, shall be established in the Zoning By-law; and,
 - ii) No outside storage shall be permitted in conjunction with a *home business*; and,
- b) A *bed and breakfast establishment* shall be permitted provided all the following conditions and criteria are met:
- i) The establishment is accessory to the main residential use of the existing dwelling. Limitations on the number of guest rooms as well as other regulations of the use shall be established in the Zoning By-law;
 - ii) A maximum of one bed and breakfast establishment shall be permitted in a dwelling unit; and,
- c) A small scale residential care facility shall be permitted as-of-right, provided it complies with all applicable policies and the Zoning By-law; and,
- d) A *secondary dwelling unit* shall be permitted on a single, semi-detached or townhouse lot, provided it complies with all applicable policies and the Zoning By-law. (OPA 142)

3.2.3 Renewable energy undertakings are exempted from Planning Act, R.S.O., 1990 c. P.13 approvals as per Schedule K of the Green Energy and Green Economy Act, 2009. These undertakings shall be subject to the Green Energy and Green Economy Act, 2009 and other provincial approvals.

3.2.4 Urban Agriculture (OPA 31)

Urban agriculture consists of *urban farms* and *community gardens*. Together, these uses are considered part of Hamilton's community infrastructure, providing opportunity for social inclusion, local economic development, education and learning. Urban agriculture contributes to community and neighbourhood sustainability, community health and nutrition, food security and provides land use diversity that helps achieve complete communities.

3.2.4.1 *Urban farms* and *community gardens* may be permitted in the following designations in accordance with the provisions of the Zoning By-laws:

- a) Neighbourhoods, Institutional, Utility, Downtown Mixed Use Area, Mixed Use-High Density, Mixed Use-Medium Density, District Commercial and Arterial Commercial designations;
- b) Open Space designation except areas designated Natural Open Space in secondary plans or identified as Natural Open Space in accordance with Section B.3.5.3.5 b);
- c) Notwithstanding 3.2.4.1a), in areas defined as Pedestrian Focus Streets under Section E.4.3, or secondary plans or policy direction where the desired built form is consistent with a *pedestrian focus street*, *urban farms* and *community gardens* shall be permitted as ancillary uses only and may be located in rear yards or on a rooftop (OPA 69).

3.2.5 Urban Farmers' Markets (OPA 36)

Urban farmers' markets are often seasonal temporary venues, where farmers/vendors can sell *local agricultural products, value added local agricultural products,* and VQA wines. Other complementary activities such as entertainment, food premises, food or farming demonstrations add to the diversity of the market.

3.2.5.1 *Urban farmers' markets* may be permitted in the following designations in accordance with the provisions of the Zoning By-law:

- a) Local commercial areas within the Neighbourhoods designation;
- b) Institutional designations provided the use is located on the same lot as a community facility;
- c) Commercial and mixed use designations; and,
- d) Open space designation, except lands:
 - i) designated Neighbourhood Park or Natural Open Space in secondary plans;
 - ii) identified as Neighbourhood Park or Natural Open Space in Neighbourhood Plans;
 - iii) zoned Neighbourhood Park or Conservation Hazard Lands.

3.3 Open Space Designations

Hamilton has a diverse and complex network of open spaces including the Niagara Escarpment - a world biosphere reserve, significant environmental features such as *wetlands, woodlands, environmentally significant areas;* city wide parks and small neighbourhood parks. The Bruce Trail is an *essential* component of the Niagara Escarpment Parks and Open Space System, linking parks, open space areas, and natural features. Open spaces, both individually and collectively, provide health, environmental, aesthetic and economic benefits that are *essential* elements for a good quality of life in our community. In addition, open spaces play an important role in defining the character of the City and in preserving its natural environment. Open space is an *essential* part of the urban and rural fabric of our City, providing *linkages* between communities and complementing and enhancing our built and rural environments and heritage and cultural fabric.

It is the City's goal to establish and maintain an integrated parks and recreation system. This system contributes to a healthy, environmentally sound, and economically diverse community by providing benefits critical for good quality of life. As part of the natural fabric of a community, parks and open spaces are a source of pride and identity. Wherever possible, parks shall be linked with other open space lands, walkways, bicycle/multi- use paths and trails. Parkland classifications and standards shall be used to determine the amount and type of parkland required for the community.

Policies ensure sufficient and viable opens spaces are retained, enhanced, expanded and appropriately acquired. Such policies are necessary to achieve

the environmental, social, economic, health and aesthetic benefits that parklands and open space provide for our communities.

Function

- 3.3.1** Lands designated as Open Space are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses.
- 3.3.2** The Open Space designation applies to lands greater than 4 hectares in size designated open space on Schedule E-1 – Urban Land Use Designations. Lands used for open space purposes less than 4 hectares shall be permitted within the Neighbourhoods designation subject to the provisions of this Plan.
- 3.3.3** Open Space designations shall be further refined in secondary plans and rural settlement area plans or identified in Appendix A - Parks Classification in accordance with Section B.3.5.3 – Parkland Policies.

Permitted Uses

- 3.3.4** The following uses shall be permitted on lands designated Open Space on Schedule E-1 – Urban Land Use Designations:
- a) parks for both active and passive recreational activities;
 - b) publicly owned and operated recreation/community centres or historic sites;
 - c) pedestrian pathways, trails, bikeways and walkways;
 - d) marinas;
 - e) forest, fish and wildlife management areas; and,
 - f) cemeteries.
- 3.3.5** Secondary commercial uses such as food concessions, recreational equipment rentals, and water-oriented recreational uses may be permitted provided they are complementary to the permitted uses specified in Policy C.3.3.4 and provided they do not interfere with or have any negative impacts on the open space nature of the land.
- 3.3.6** Where land is designated Open Space and is under private ownership, it is not intended this land shall necessarily remain so indefinitely, nor shall the Plan be construed as implying these areas are free and open to the general public or shall be purchased by the City.
- 3.3.7** Open Space lands which are identified in the Niagara Escarpment Parks and Open Space System shall comply with the policies of the Niagara Escarpment Plan. Open Space lands which are identified as Core Areas of the Natural Heritage System shall comply with the policies of Section C.2.0 – Natural Heritage System.
- 3.3.8** The City shall promote healthy, active communities by providing opportunities for public access to shorelines.

- 3.3.9** Whenever land designated or used for Open Space and Parks purposes, as designated on Schedule E-1 – Urban Land Use Designations, the maps of the secondary plans, or identified on Appendices relating to Open Space and Parks, 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.

3.4 Utility Designation

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

Function

- 3.4.1** The Utility designation applies to lands greater than 4 hectares in size designated Utility on Schedule E-1 – Urban Land Use Designations. Lands used for utility purposes less than 4 hectares shall be permitted within the other land use designations in accordance with Policies C.3.2.1 and C.3.4.9. (OPA 128)

Permitted Uses

- 3.4.2** The following uses shall be permitted on lands designated Utility on Schedule E-1 – Urban Area Land Use Designations:
- a) major facilities, corridors, easements and rights-of-way for utilities and services, such as electric power, natural gas and oil pipelines, telecommunication, storm water management, water and wastewater service; (OPA 64)
 - b) municipal works yards outside *Employment Areas*;
 - c) parking lots in conjunction with adjacent uses;
 - d) open space uses such as trails, *urban farms* and *community gardens*;
 - e) transportation yards;
 - f) heavy rail corridors and main lines; and,
 - g) *Waste management facilities*.
- 3.4.3** In Rural Hamilton Official Plan.
- 3.4.4** The location and construction of new water supply and wastewater service facilities shall comply with the provisions of Section C.5.3.2 – Lake Based Municipal Water and Wastewater Systems.
- 3.4.5** Only *essential* utility facilities, the maintenance of and minor upgrading of *existing* facilities shall be permitted within the Niagara Escarpment Plan Natural Area, as identified on Schedule A – Provincial Plans.
- 3.4.6** Additional uses may be permitted on lands of the City, public authorities and corporations of the Province responsible for the generation and transmission of

electric power, Hydro lands and all other lands designated Utility where deemed by Council to be *compatible* with adjacent land uses.

Waste Management Facilities

3.4.7 Waste management facilities shall be subject to the Sections E.5.3.6, E.5.3.7, and E.5.3.8, inclusive.

Other Provisions

3.4.8 Utilities shall integrate with the general character of the surrounding uses through the provision of landscaping, screening and buffering, siting of *structures*, height control, and any other measures as may be deemed to be appropriate by the City and in accordance with the Green Energy and Green Economy Act, 2009.

3.4.9 The City of Hamilton shall prepare a telecommunications antenna siting protocol to ensure effective local participation in decisions respecting the siting of proposed antennas and their supporting structure.

C.4.0 INTEGRATED TRANSPORTATION NETWORK

Movement in the City of Hamilton 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, air and water. 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 and goods seamlessly and effectively, 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 and densities for various land uses. The City shall plan for an integrated transportation network contributing to *complete communities* through the policies of this Plan, provincial policies, and requirements of the Planning Act, R.S.O., 1990 c. P.13. Accordingly, the integrated transportation network shall support and implement the urban structure including mixed use nodes, *Urban Corridors*, Major Activity Centres, Neighbourhoods and Employment areas. The integrated transportation policies will help in achieving the shared goal of Vision 2020, the Growth Related Integrated Development Strategy and the Transportation Master Plan, of an integrated sustainable transportation network for people, goods and services, which is safe, environmentally friendly, affordable, efficient, convenient and accessible.

This Plan recognizes the relationship between the transportation network and its impact on quality of life and economic development potential. The integrated transportation network will offer a greater range of transportation mode choice. An improved and efficient transportation network is a key component of *complete communities* – creating the vital link between activities and land uses throughout the City. Improved mode choice can be accomplished through a better balance between the competing needs of the street network including cars, transit, *active transportation*, goods movement and parking. A balanced integrated transportation network shall contribute to vibrant streets where pedestrians and cyclists feel comfortable and can co-exist with traffic on the street, improving health and quality of life.

Transportation demand management (TDM) is an essential part of an overall integrated transportation network and part of a more sustainable transportation system. The policies of this Plan, together with the directions and programs from the Transportation Master Plan, will contribute to an overall *transportation demand management* strategy for the City.

4.1 Policy Goals

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

- 4.1.1 Provide a balanced and integrated transportation network which includes all modes of transportation such as *active transportation*, transit, automobiles, goods movement vehicles, rail, air and marine.

- 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 creating *complete communities* and improving overall quality of life.
- 4.1.3 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.
- 4.1.4 Plan *urban areas* so that travel by automobile is an option not a necessity.
- 4.1.5 Work in cooperation with other levels of government and government agencies to further develop inter-regional travel plans including expansion of GO Transit in the Hamilton area, proposals for *rapid transit* within the City and other inter-regional transit and highway, marine, and airport initiatives.
- 4.1.6 Provide a convenient, fast, frequent and affordable public transportation service that features adequate carrying capacity and serves all residents and businesses.
- 4.1.7 Facilitate an increase in *active transportation* in the City and contribute to *transportation demand management* initiatives.

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 growth objectives and urban structure as described in Section E.2.0 - Urban Structure.
- 4.2.3 All land use planning and design decisions shall be coordinated with, and consider, the integrated transportation network goals and policies of Section C.4.0 – Integrated Transportation Network.
 - 4.2.3.1 The timing of new *developments* shall be coordinated with the availability of adequate, matched transportation network capacity.
- 4.2.4 *Transportation demand management* measures shall be evaluated in all transportation related studies, master plans, environmental assessments, neighbourhood traffic management plans and new *development* plans including the degree to which it can help achieve transportation goals in accordance with Section C.4.1 - Policy Goals.
 - 4.2.4.1 *Transportation demand management* measures may include:
 - a) provision of *active transportation* features including secure bicycle storage facilities and pedestrian and cycling access to the road network facilities;
 - b) supporting transit through reduced parking standards for some land uses where appropriate and making provisions for car-sharing spaces through the site plan process where feasible and appropriate; and,

- c) other measures detailed in the Transportation Master Plan and described in Section F.3.1.8 – Transportation Master Plan.

4.2.5 Public transit shall be an integral component of planning for new *development* and *redevelopment* of residential uses and all new commercial, employment, institutional and mixed use centres within the *urban areas* of the City. Accordingly, new secondary plans shall include provisions for safe, convenient, accessible and direct access to the public transit network via *active transportation*.

4.2.6 The City, in consultation with the Province and adjacent municipalities, shall work to implement inter-city transit projects prior to, and in conjunction with, provincial transportation projects in order to encourage a balanced transportation network.

4.2.7 City has been identified as part of the Greater Toronto and Hamilton Area (GTHA) in The Big Move - Regional Transportation Plan (RTP) developed by Metrolinx. As such, the City shall work with Metrolinx to implement the recommendations of the RTP through the policies of this Plan and the Transportation Master Plan.

Urban Design and Complete Streets

4.2.8 New secondary plans and designs for *major transit generators* shall incorporate the following design directions:

- a) establishment of a continuous grid road network as the preferred street layout to allow pedestrians, cyclists, transit vehicles, automobiles and goods and services vehicles to move efficiently through communities;
- 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;
- d) placement of higher density land uses near existing and planned transit stop/station locations;
- e) street design and layout which reduces and minimizes the need for future traffic calming and/or unnecessary traffic control devices; and,
- f) all other applicable design guidelines and design policies of Volume 1, including Section B.3.3 – Urban Design Policies and Chapter E - Urban Systems and Designations.

4.2.9 Direct access to transit facilities shall be provided via sidewalks and walkways from the interior block areas of neighbourhoods. Within existing and planned *development*, the City shall encourage the creation of mid-block connections for pedestrians, transit, and *active transportation* modes.

4.2.10 *Development* of *major transit generators* shall provide safe and convenient pedestrian and cycling environments and access through building orientation, site layout, traffic management, and the provision of facilities such as sidewalks, crosswalks, bike lanes and trails, bicycle parking and loading, and connections to transit service.

4.2.11 The City shall encourage new *development* to be located and designed to minimize walking distances to existing or planned transit and facilitate the efficient movement of goods where feasible.

4.2.12 The road network shall be planned and designed to:

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

Barrier Free Transportation

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

- a) ensuring that new transit facilities, transit stops, and vehicles are accessible and utilize barrier free design principles in accordance with the Accessibility for Ontarians with Disabilities Act;
- b) ensuring that sidewalks are accessible and accommodate people with impaired or reduced mobility using techniques including curb cuts, *urban braille*, and appropriately designed crosswalks at intersections and roundabouts;
- c) encouraging the use of voice signals at crosswalks to allow for safe passage for persons with limited vision;
- d) modifying existing transportation facilities over time to enhance accessibility;
- e) requiring minimum off-street parking spaces for the disabled regulated through the Zoning By-Law; and,
- f) taking accessibility considerations into account for the design of new *developments* in accordance with Policy B.3.3.11 - Barrier Free Design.

4.2.14 The City shall continue to be a leader in providing accessible sidewalks and other public spaces by maintaining and expanding the *urban braille* network.

4.2.14.1 Priority areas for expanding the City's *urban braille* network shall be within the *Downtown Urban Growth Centre* and within Sub-Regional Service Nodes in accordance with Policy B.3.3.11 – Barrier Free Design and Section E.2.0 – Urban Structure, and in areas that will create connections to existing *urban braille* areas.

4.2.15 In accordance with Policy C.4.1.6, recognizing that an increasing proportion of the population is aging and many will possess mobility challenges, the City shall continue to ensure that it is able to provide an appropriate range of public transit services and programs on the conventional, specialized and *rapid transit* networks in an efficient and effective manner to all existing and planned trip generators throughout the *urban area*.

New Transportation Corridors

4.2.16 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 such as the ongoing Niagara to Greater Toronto Area (NGTA) corridor planning and Environmental Assessment study and the Ontario-Quebec Continental Gateway and Trade Corridor Study.

- a) The NGTA study will address congestion, economic growth, and better gauge a long term land use and transportation framework extending from the Niagara Peninsula to the Greater Toronto Area.
- b) The Ontario-Quebec Continental Gateway and Trade Corridor Study will develop a multi-modal strategy to improve goods movement and trade.

4.2.17 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 physical, economic and social benefits from improved air quality, reduced energy consumption and increased physical activity. This Plan recognizes that *active transportation* is an essential component of the overall integrated transportation network. Together, land use planning, transportation planning and the design of the built form creates an environment that encourages and enables people to use *active transportation* for travel to work, school, exercise, recreation and social interaction.

4.3.1 The City shall require, provide, and maintain infrastructure that maximizes safe and convenient passage for pedestrians and cyclists along streets.

4.3.2 The City shall accommodate commuter cycling needs on the road network and major recreational pathways to the greatest extent possible in accordance with the City's Cycling Master Plan and Trails Master Plan.

4.3.3 The City shall build and maintain the *active transportation* network which recognizes the importance of the sidewalk and cycling network while achieving a high standard of connectivity. *Active Transportation* shall be promoted and accommodated in street design and operation through:

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

4.3.4 Within the designated right-of-way, the design of streets and sidewalks shall provide a buffer between vehicular and pedestrian flow where feasible.

4.3.5 The City shall design pedestrian friendly streets 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) distinctly separating vehicular, pedestrian and cycling traffic to the fullest extent possible;
- f) providing adequate lighting;
- g) applying other means as specified in the policies of Section B.3.3 – Urban Design, where applicable; and,
- g) applying all other applicable design guidelines and design policies of Volume 1, including Section B.3.3 – Urban Design Policies and Chapter E - Urban Systems and Designations.

4.4 Public Transit Network

Public transit entities under municipal jurisdiction include conventional, specialized and *rapid transit* networks. Inter-regional networks are under the jurisdiction of provincial/federal authorities.

Public transit has been and shall continue to be a key component of the City's integrated transportation network. The use of public transit has environmental, economical and social advantages over the automobile, such as improving air quality and reduced traffic congestion. It is the intent of this Plan that transit provide access to residential areas, employment areas, school and other institutions, shopping and recreational facilities in an efficient and reliable manner. Transit shall continue to increase connectivity and integration with other forms of transportation.

4.4.1 The City shall provide public transit at a level of service to enhance its use as a viable alternative to the automobile and achieve transportation demand targets stipulated in the Transportation Master Plan in accordance with Section F.3.1.8 – Transportation Master Plan.

4.4.2 Transit service levels shall be increased incrementally, in conjunction with other policies to improve the viability of transit, with a goal of increasing annual transit ridership per capita. Service level increases shall be primarily directed to:

- a) *urban nodes* and *urban corridors* as identified on Schedule E – Urban Structure;

- b) areas developed according to transit orientated development principles;
- c) designated *Employment Areas*;
- d) new urban communities where there is a sufficient density and mix of land uses to support transit service.

4.4.3 The City shall improve the speed and reliability of transit service by providing transit-priority measures to lessen delays on transit vehicles caused by other traffic and traffic control signals where feasible.

4.4.4 The City shall encourage public transit supportive practices for new *developments* and *redevelopments* and incorporate required facilities in the road pattern of secondary plans and plans of subdivision, where and when applicable, to allow for convenient access to public transit service.

Conventional Transit

4.4.5 The City of Hamilton shall continue to provide conventional bus transit to the majority of the *urban areas* of Hamilton. Conventional transit shall serve local communities.

4.4.5.1 Further to the forgoing policy, once *rapid transit* is implemented, conventional bus transit shall continue to serve areas outside of identified *rapid transit* corridors, provide local service within the corridor where appropriate, and provide feeder service to *rapid transit*. Until *rapid transit* is implemented, conventional bus transit shall be the primary mode of transit within the City.

4.4.6 The City shall introduce transit service/infrastructure as early as possible to newly developed residential, commercial, employment and mixed use areas to promote the use of public transportation and reduce the need for automobiles.

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

Specialized Transit

4.4.7 The City shall continue to provide specialized transit service to ensure equal access and mobility for all residents in accordance with Policy C.4.2.15, for those unable to use conventional or *rapid transit* or other transportation modes.

Rapid Transit

4.4.8 The City shall evaluate the potential to establish *rapid transit* within the Primary and Secondary Corridors identified on Schedule E – Urban Structure, and the proposed corridors identified as Potential Rapid Transit Lines on Appendix B – Major Transportation Facilities and Routes.

4.4.9 *Rapid transit* may operate on its own right-of-way, as a separate system or in shared corridors, where possible, to ensure that it is not delayed in general traffic. The *rapid transit* network shall consist of an interconnecting network of existing and planned rights-of-way along corridors in which a *rapid transit* facility may be located.

4.4.9.1 *Rapid transit* may be developed in a staged manner whereby various transit-priority measures may be implemented to improve the quality of transit service

in terms of speed and reliability as an interim stage in the long-term development of a full *rapid transit* network.

- 4.4.10** The City may require park-and-ride facilities to enhance accessibility to *rapid transit* services at selected stations and other appropriate sites outside of the *Downtown Urban Growth Centre*. In this regard, the City shall encourage the proponents of major developments at existing or planned *rapid transit* stations to provide sufficient land for park-and-ride facilities, for which the City may enter into agreements for purchase, lease, and operation or shared use.
- 4.4.11** *Rapid transit* services shall be integrated with other transportation modes and with the conventional, specialized and inter-regional transit networks where feasible.

Inter-Regional Transit Network

- 4.4.12** The City of Hamilton supports the expansion of GO Transit through increased service to the City and additional expansion to the eastern portions of the City.
- 4.4.12.1 A proposed inter-modal transportation terminal has been identified at Fifty Road and the QEW shown on Appendix B – Major Transportation Facilities and Routes. The proposed location of the inter-modal transportation terminal shall be an access point/destination for future inter-regional and multi-modal travel.
- 4.4.13** Access to the GO Transit network at GO Transit stations shall be promoted through provision of adequate conventional and specialized transit, *rapid transit*, and *active transportation* facilities, as well as limited commuter parking facilities where appropriate outside of the *Downtown Urban Growth Centre*.
- 4.4.14** 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.
- 4.4.15** The City along with Metrolinx has identified the northern portion of the *Downtown Urban Growth Centre* as the location for the establishment of a GO/VIA transit station. This station, along with the existing GO Station identified on Appendix B – Major Transportation Facilities and Routes, shall be the principal access points for inter-regional rail.

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 efficient movement of people and goods and providing a right-of-way for underground utilities.

Functional road classifications and associated policies will recognize differing needs for rural and urban roads, and employment and neighbourhood-oriented roads.

Functional Classification

- 4.5.1** The road network shall be comprised of Provincial highways, parkways, major arterial roads, minor arterial roads, collector roads and local roads. The road network, except for local roads, is identified on Schedule C – 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 West, 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) Parkways, subject to the following policies:

- i) There are two parkways within the City of Hamilton – the Lincoln Alexander Parkway and the Red Hill Valley Parkway. The primary function of a parkway shall be to carry relatively high volumes of intra municipal and inter-regional traffic through the City.
- ii) The basic maximum right-of-way widths for Parkways shall be 60.960 metres.
- iii) Direct land access shall not be permitted.
- iv) Cyclists and pedestrians shall not be permitted on Parkways.

c) Major arterial roads, subject to the following policies:

- i) The primary function of a major arterial road shall be to carry relatively high volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
- ii) Although land accesses are permitted, they shall generally be controlled /restricted.
- iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Right-of-Way Dedications. (OPA 109)

- iv) The right-of-way widths of major arterial roads shall include sufficient width for left turn lanes and right turn lanes at major intersections.
 - v) Major arterial roads should generally be organized in a grid pattern with collectors, other major and minor arterials, parkways and provincial highways.
 - vi) Bicycle lanes may be in place to accommodate cyclists and sidewalks shall generally be provided on both sides of the street for pedestrians.
 - vii) On street parking and loading may be prohibited or at minimum be restricted in the peak hours.
- d) Minor arterial roads, subject to the following policies:
- i) The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
 - ii) Land accesses shall be permitted with some controls.
 - iii) The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres unless otherwise specifically described in Schedule C-2 – Future Right-of-Way Dedications. (OPA 109)
 - iv) Minor arterial roads shall generally be organized in a grid pattern with collectors, major and minor arterials, parkways and provincial highways.
 - v) Bicycle lanes may be in place to accommodate cyclists and sidewalks shall generally be provided on both sides of the street for pedestrians.
 - vi) Gateway features may be permitted where required.
 - vii) On street parking and loading may be prohibited or at minimum be restricted in the peak hours.
- e) Collector roads, subject to the following policies:
- i) The function of a collector road shall be equally shared between providing direct land accesses and the movement of moderate volumes of traffic within and through designated Employment or Neighbourhood Areas.
 - ii) The basic maximum right-of-way widths for urban collector roads shall be 30.480 metres in designated Employment Areas and 26.213 metres in all other areas, unless specifically described otherwise in Schedule C-2 – Future Right-of-Way Dedications. (OPA 109)
 - iii) Collector roads in the urban area shall generally be organized in a grid-network and connect to minor arterial roads and major arterial roads.
 - iv) Short connecting link-roads which generally connect local internal neighbourhood ring road networks to external arterial roads shall be

classified as collector roads. Several connecting link-roads are located in between arterial roads and function as mid block collector roads.

- v) Trucks shall generally be restricted from collector roads, except in designated Employment Areas. Wider lanes or separate facilities shall generally be in place to accommodate cyclists and sidewalks shall be provided on both sides of the street.
 - vi) Horizontal traffic calming features such as curb extensions, median islands, and roundabouts shall be permitted where appropriate subject to meeting City Traffic Calming warrants, except in designated Employment Areas.
- f) Local roads, subject to the following policies:
- i) The primary function of a local road shall be to provide direct land accesses. The secondary function shall be to enable the movement of low volumes of traffic to collector roads.
 - ii) The basic maximum right-of-way widths for local roads shall be 26.213 metres in designated Employment Areas and 20.117 metres in all other areas, unless specifically described otherwise in Schedule C-2 – Future Right-of-Way Dedications; (OPA 109)
 - iii) The City recognizes that in older urban built up areas there are existing right-of-way widths significantly less than 20.117 metres. Notwithstanding the other right-of-way dedication policies of this Plan, it is the intent of the City to increase these existing rights-of-ways to a minimum of 15.24 metres with daylight triangles at intersections instead of the minimum required 20.117 metre right-of-way width, provided all the required road facilities, municipal sidewalks and utilities can be accommodated in this reduced right-of-way width. (OPA 142)
 - iv) Trucks shall be restricted from local roads, except for local deliveries and in Employment Areas.
 - v) Sidewalks should be provided on both sides of the street. (OPA 109)
 - vi) Horizontal and vertical traffic calming measures, including speed humps, may be implemented where appropriate subject to meeting City Traffic Calming warrants, except in designated Employment Areas.
 - vii) Local roads ending in cul-de-sacs shall generally be discouraged, except under the following criteria:
 - 1. where the topography, natural features, wetlands, watercourses, existing development, etc. prevent the construction of a through street;
 - 2. where the road extension would have to cross a railway right-of-way or any other utility corridor;
 - 3. where it has been determined by the City that public street connectivity is not essential to the street circulation network or the

underground services and utility grid network of the adjacent area; or,

4. where the local road network is arranged such that connections for pedestrians and cyclists are direct and continuous.

g) Arterial roads (Rural Area), in Rural Official Plan.

h) Collector roads (Rural Area), in Rural Official Plan.

i) Local roads (Rural Area), in Rural Official Plan.

Special Character Roads

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

- a) where a roadway 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,
- b) where it has been determined through an environmental assessment, area master plan, secondary 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 right-of-way or viewed from an exterior viewpoint. (OPA 142)

4.5.3.2 The City, in consultation with its Municipal Heritage Committee, may designate heritage roads or right-of-ways under the Ontario Heritage Act. (OPA 109)

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, within the right-of-way, the City shall endeavour to retain and protect: (OPA 142)

- a) existing road surface widths where they contribute to the heritage character of the road;
- b) existing trees and treelines;

- c) other vegetation, plantings and features such as boulevards, hedgerows, ditches, grassed areas and fence lines; 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 – Functional Road Classification shall be used as the basis for decisions regarding design standards for road construction, transit, bicycle and truck routes, right-of-way dedications and access policies. The City may re-classify roads by: (OPA 109)
 - 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 roadway according to an urban or rural cross-section regardless of whether the roadway 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 transportation routes, as well as, maintenance and major/minor upgrading 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 for the purposes of the Zoning By-law.

Right-of-Way Dedications (OPA 109)

4.5.6 The City shall reserve or obtain right-of-way dedications as described in Schedule C-2 – Future Right-of-Way Dedications. Where a right-of-way is not described in Schedule C-2 – Future Right-of-Way Dedications, the City shall reserve or obtain dedications for right-of-ways as described in Section C.4.5.2. The aforesaid dedications shall be reserved or obtained through subdivision

approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.

- 4.5.6.1 The City shall require, as a condition of site plan approval, subdivision approval, condominium approval and land severance consent, that sufficient lands are conveyed to provide for a right-of-way dedication in accordance with the designated widths as set out in Section C.4.5.2 or Schedule C-2 – Future Right-of-Way Dedications. (OPA 49)(OPA 142)
- 4.5.6.2 Right-of-way dedication 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 dedication from both parcels would not be practicable or feasible. (OPA 98)(OPA 142)
- 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 shall require as a condition of site plan approval, the dedication of property abutting roads with future rights-of-way widths as specified on in Schedule C-2 – Future Right-of-Way Dedications, as applicable.
 - b) Where feasible, the City shall acquire land through dedication, equally from both sides of the road unless otherwise specified. However, in the built up areas of the City, it may be necessary to acquire more than half of the total dedication from one side of the right-of-way. Where the City requires more than one half of the dedication from one side of the right-of-way, the City shall require, from said side of the right-of-way, dedication at no cost to the City of one half of the total proposed widening and shall acquire the remaining land required for the right-of-way dedication through gift, bequeath, purchase, expropriation or other methods. (OPA 142)
 - c) Notwithstanding Policies C.4.5.6.2, C.4.5.6.3 a), and C.4.5.6.3 b), the City shall require, as a condition of site plan approval, the dedication of additional property for daylighting triangles at road intersections. In this regard, the maximum amount of land to be dedicated shall not exceed 116.13 square metres in accordance with Policy C.4.5.7.
- 4.5.6.4 Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7:
- a) Where site plan approval is required primarily for the purposes of natural heritage protection and site plan approval is the only Planning Act, R.S.O., 1990 c. P.13 application, a conveyance of lands for a future right-of-way dedication or daylight triangle shall not be taken. (OPA 49)
 - b) Where site plan approval is required for a minor *development* and the site plan approval is the only Planning Act, R.S.O., 1990 c. P.13 application, a conveyance of lands for a future right-of-way dedication or daylight triangle may not be taken at the discretion of the City. (OPA 49)
- 4.5.6.5 Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7, and in addition to Policy C.4.5.3, the City may waive or accept less lands to be dedicated than the maximum right-of-way dedication and/or daylighting triangle requirements where, in the opinion of the City:

- a) It is determined through a development planning approval process that due to significant adverse impacts on:
- i) existing built form;
 - ii) natural heritage features;
 - iii) an existing streetscape; or,
 - iv) a known *cultural heritage resource*;
- it is not feasible or desirable to widen an existing right-of-way to the maximum right-of-way width or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, and that the City's objectives for sustainable *infrastructure*, complete streets and mobility can be achieved; or,
- b) An alternative right-of-way width or daylighting triangle size has been deemed appropriate through a City initiated environmental assessment, streetscape master plan, area master plan, secondary planning study, or other transportation or planning study approved by Council, and provided it does not affect the safe and planned operation of the roadway. (OPA 49)

4.5.6.6 Where a right-of-way width less than the maximum right-of-way or a reduced daylight triangle is established in accordance with Policy C.4.5.6.5, the City may require the establishment of an easement for the installation and maintenance of municipal *infrastructure*. (OPA 49)

4.5.6.7 Notwithstanding Section C.4.5.6, the City shall interpret the required right-of-way widths detailed in Section C.4.5.2 and Schedule C-2 – Future Right-of-Way Dedications, where applicable to denote only the basic requirement for the section of the right-of-way. Additional rights-of-way may be required at intersections to provide for exclusive turning lanes, daylight triangles and other special treatments to accommodate the optimum road/intersection geometric design. There may also be additional requirements for rights-of-way to provide lands for environmental considerations, the construction of bridges, overpasses, earth filled ramps, grade separations, depressed sections of roads, pathways, roundabouts, traffic control and transit priority measures, including *rapid transit* lanes and/or stations in accordance with 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.

4.5.6.8 No *development* or *redevelopment* shall be permitted which does not front on a public road of an acceptable standard of construction. (OPA 49)

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 (Urban): 12.19 m x 12.19 m triangle.

Access Management

4.5.8 The efficiency, safety and traffic carrying capacity of parkways, major arterial and minor arterial roads shall be protected by minimising the number and spacing of intersecting streets and access points.

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 and to consolidate driveways for adjacent sites where possible.

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 for Hamilton residents in existing and planned neighbourhoods and other built-up areas. New secondary plans and neighbourhoods shall be designed to minimize the future requirements for traffic calming or traffic management.

4.5.10 Traffic calming devices shall only be installed where warranted in accordance with current City traffic standards.

4.5.11 Traffic management plans for entire neighbourhoods (bounded by an arterial road network) shall be preferred over street-by-street solutions that may shift problems to adjacent roadways. Neighbourhood traffic management shall be explicitly addressed through secondary plans or Transportation Master Plans and, where appropriate, at the draft plan of subdivision or site plan stage for larger *developments* (i.e. consisting of multiple streets in a subdivision).

4.5.12 The City shall require transportation impact studies to assess the impact of proposed *developments* on current travel patterns and/or future transportation requirements. These studies shall be submitted as part of applications for Official Plan amendments, subdivision approvals, major rezoning and major site plan approvals.

4.5.13 Roundabouts shall be the preferred method of traffic control where they are appropriate and advantageous in terms of traffic capacity, traffic calming, community design and environmental considerations. Design of roundabouts shall consider pedestrian and cycling safety and driveway access.

- 4.5.14** 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

- 4.5.15** Parking and loading requirements regulated through the Zoning By-Law or site plan approval shall ensure adequate parking for the site, while avoiding excess parking supply that can discourage transit use and *active transportation* choices.

- 4.5.16** Parking options and related incentives for transit and *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, institutional, and *multiple dwelling developments* where appropriate.

- 4.5.17** To facilitate more efficient uses of off-street parking, the City shall encourage the use of shared parking and develop parking standards for mixed use *development*.

- 4.5.18** The negative impacts of parking on urban environments and pedestrian activity shall be minimized through:

- a) placement of parking and loading areas at the rear of buildings where feasible;
- b) use of alternative paving materials such as but not limited to permeable pavement systems;
- c) alternative surface water management in parking areas such as urban swales, and ditches;
- d) other considerations including promotion of green technology and public art as a component of parking structures;
- e) landscaping treatments in accordance with Section B.3.3.10 and the Zoning By-Law; and,
- f) other applicable design guidelines and design policies of Volume 1, including Section B.3.3 – Urban Design Policies and Chapter E – Urban Systems and Designations.

- 4.5.19** New *development* on properties adjacent to major arterial and minor arterials and where necessary, collector roads, shall include provisions for sufficient parking, loading, manoeuvring and off-street parking.

4.6 Goods Movement Network

An important component of Hamilton's transportation network 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 inter-national 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 as shown on Appendix B – Major Transportation Facilities and Routes. Heavy truck traffic may 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 and C.4.9 - Marine Network.
- 4.6.5** Land uses that generate or require significant movement of goods shall be directed to lands designated Employment Area, and Commercial and Mixed Use on Schedule E-1 – Urban Land Use Designations.

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.
 - 4.7.1.1** The City shall encourage *heavy rail* connections to *rapid transit* and/or potential *light rail transit* corridors where feasible to increase the connectivity between modes.
- 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 E-1 – Urban 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 (Urban) – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations, and designated on Schedule F – Airport Influence Area of the Rural Hamilton Official Plan. (OPA 128)

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 |
|----------|--|--|
| 1 | 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 <i>infill 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> |
| 2 | 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 <i>infill 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> |
| 3 | 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> 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 G – Airport Influence Area of the Rural Hamilton Official Plan, 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.

4.9 Marine Network

The Port of Hamilton is recognized as a valued transportation facility, a significant employment area, and an important link in the movement of goods to and from the City. Other modes of transportation shall continue to provide a link to the marine network.

4.9.1 The City shall provide road access and encourage the provision of adequate rail service to the Port of Hamilton for the efficient use of harbour facilities and services.

4.9.2 The City shall support the Federal Government and the Port Authority in efforts to provide services for the Port of Hamilton that are consistent with the economic and environmental goals of the City subject to Section E.5.0 - Employment Area Designations.

C.5.0 INFRASTRUCTURE

5.1 Sustainable Private Water and Wastewater Services

In Rural Hamilton Official Plan.

5.2 Communal Water and Wastewater Systems

In Rural Hamilton Official Plan.

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 by this Plan into lands within *Rural Hamilton* 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. (OPA 166)

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 would remain 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 within *Rural Hamilton*. This Plan recognizes and permits these existing and approved public works to be maintained or completed in accordance with previously 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. (OPA 166)

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 All new *development* and *redevelopment* within the *urban area* shall be connected to the City's water and wastewater system.

5.3.6 Where a private well(s) and/or private on-site septic system(s) is abandoned in favour of connection to the City's water and wastewater system, the property owner shall properly plug the well and decommission the septic tank in

accordance with pertinent legislation and guidelines so as to reduce or eliminate potential safety hazards.

- 5.3.7** The City shall improve the quality of effluent discharged from the sewage treatment plants into Hamilton Harbour and Cootes Paradise by:
- a) Aiming to eliminate entry of toxic and harmful contaminants into sewers;
 - b) Investigating and introducing where feasible, technologies to eliminate toxic and harmful contaminants and reduce pollution in discharge;
 - c) Using by-products of the sewage treatment plants where possible; and,
 - d) Preparing an annual monitoring report on the characteristics of discharge.
- 5.3.8** A wastewater treatment surcharge may be assessed to specific businesses as a means of recovering additional costs associated with the treatment of high concentration effluent at the City's wastewater treatment plant.
- 5.3.9** The nature or concentrations of wastewater from non-residential sources will be regulated by the City through the Sewer Use By-law, which may be periodically amended by Council. The City shall maintain and update a Water and Wastewater Master Plan which is supported by the policies of this Plan, providing direction for planning and staging of improvements to the City's water and sewer facilities and guides the operation of the City's day-to-day water and sewer programs.
- 5.3.10** The City shall discourage changes in land use designation and zoning which would result in the underutilization of previously planned and/or constructed water and wastewater systems.
- 5.3.11** The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.
- 5.3.12** Water and wastewater systems shall be designed and constructed in accordance with the specifications and standards of the City, provincial guidelines, and other applicable standards, regulations and guidelines.
- 5.3.13** The City shall limit *development* in the *urban area* to the ability and financial capability of the City to provide infrastructure services in accordance with its approved Development Charges By-laws and to meet provincial environmental standards governing municipal water and wastewater service. The provision of full municipal sewage and water services in the *urban area* shall be subject to the City's financial and physical capabilities, as determined by Council.
- 5.3.14** Expansion of water and wastewater systems within the *urban area*, shall be in accordance with the Water and Wastewater Master Plan and Staging of Development Plan as well as supporting the City's density and intensification targets as detailed in Sections A.2.3.3 – Other Targets and B.2.4 – Residential Intensification.
- 5.3.15** The City shall be satisfied that adequate infrastructure services can be provided prior to any *development* or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.

5.4 Storm Water Management Facilities

The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.

5.4.1 The City may consider the establishment of interim storm water management facilities on a temporary basis notwithstanding the underlying land use designation for the lands provided the interim facilities do not preclude or prejudice future development on the basis of the land use designations shown on Schedule E-1 - Urban Land Use Designations and Secondary Plan - Land Use Plans shown in Volume 2.

5.4.2 Any new *development* that occurs shall be responsible for submitting a detailed storm water management plan prior to *development* to properly address on site drainage and to ensure that new *development* has no negative impact on off site drainage.

5.4.3 Construction of new storm water management ponds and the expansion, extension, alteration and operations of *existing* facilities shall be to the satisfaction of the City and shall be accompanied by a storm water management plan which shall demonstrate that:

- a) Planning, design and construction practices minimize vegetation removal, grading and soil compaction, sediment erosion, the creation of breeding areas for human disease vector species and impervious surfaces; and,
- b) Where appropriate, an integrated approach is used to minimize storm water management flows and structures by such measures as controls and conveyance techniques on individual lots.

5.4.4 In addition to Sections C.5.4.3 a) and b), a storm water management plan otherwise required, by Section F.3.2. – Council Adopted Guidelines and Technical Studies, shall comply with recommendations, standards and targets of the Stormwater Master Plan, approved *watershed plans*, *sub-watershed plans*, and other relevant municipal and provincial studies and guidelines relating to the provision of storm water management.

5.4.5 Where possible, storm water management facilities should be designed in consultation with a qualified landscape architect, to achieve an open space setting.

5.4.6 The City shall not permit any new development which would interfere with, or reduce, the drainage capacity of any natural watercourse or result in drainage problems along watercourses and their tributaries.

5.4.7 The City shall encourage the use of measures that will enable the City to control and reduce storm water run-off and to maintain the receiving watercourses in a more natural condition.

5.4.8 Where feasible, storm water management facilities shall be designed to provide a benefit to the Natural Heritage System.

5.4.9 All land designated on Schedule E-1 – Urban Land Use Designations shall meet the following conditions:

- a) *development* and/or *redevelopment* shall be connected to, or serviced by, a storm water drainage system or other appropriate system such as ditches, or any other techniques acceptable to the City, Conservation Authorities, or the Province and/or detailed in a Storm Water Master Plan or other relevant study;
- b) *development* shall be in accordance with the system capacity for drainage and storm water management and where relevant, will conform to storm water site management plans, a Storm Water Master Plan, site plans and/to other relevant studies, guidelines or regulations; and,
- c) storm water systems shall be designed and constructed, in accordance with the City' standards and guidelines, provincial guidelines, storm water master plans, master drainage plans and any other relevant study or legislation.

5.4.10 The City shall endeavour to recover the full lifecycle cost of providing sustainable municipal storm water services as required by applicable municipal and provincial legislation.

5.5 Waste Management Facilities

The City is responsible for the residential waste generated within its boundaries. Waste is managed through a variety of waste management system methods including landfill sites, composting household organics, and recycling. New methods of waste disposal will be pursued that will increase the amount of waste diverted from landfill.

5.5.1 The City shall maintain a landfill site that is efficiently designed and operated to protect human health.

5.5.2 In Rural Hamilton Official Plan.

5.5.3 The City shall cooperate with neighbouring municipalities to explore opportunities, implement partnerships and, where feasible, share waste management facilities.

5.5.4 The Solid Waste Management Master Plan recommendations shall be implemented through the Official Plan and Zoning By-law, where appropriate.

5.5.5 In Rural Hamilton Official Plan.

5.5.6 The City shall monitor the leachate seepage and methane gas conditions of all sanitary landfill sites managed by the City, and, in so doing, take every measure to protect the surrounding area and prevent adverse environmental effects that may be associated with the sanitary landfill site.

5.5.7 The City's waste management facilities shall comply with the policies of Section E.5.0 – Employment Area Designations.