

CHAPTER F - IMPLEMENTATION

The success of the Official Plan can only be achieved through effective implementation. The Planning Act, R.S.O., 1990 c. P.13, Municipal Act and other provincial regulations provide a series of tools to fulfill the City's goals and objectives of this Plan. In addition, there are other mechanisms such as Council adopted strategic plans, Vision 2020 and the Economic Development Strategy, and guidelines. Supporting plans such as Master Plans for infrastructure (approved pursuant to the Environmental Assessment Act), culture, recreation and social development plans and strategies are also key elements which shape Hamilton's function as a sustainable City.

Although not expressly directed by this Plan, residents and businesses, community and special interest groups, non-governmental organizations and other levels of government also contribute to the successful outcome of this Plan through their own initiatives.

This Section of the Plan describes the Planning Act, R.S.O., 1990 c. P.13 tools, supporting policies, Council adopted guidelines, as well as monitoring procedures which shall be used to measure the success of specific policies in this Plan.

F.1.0 PLANNING ACT IMPLEMENTATION TOOLS

1.1 Official Plan

The Official Plan provides the direction for managing growth and change in the City for lands within the *urban area* over a 30 year time frame. Any municipal by-law or public work must comply with the policies of this Plan. (OPA 142)

1.1.1 All municipal by-laws, including Zoning By-laws, public works and public undertakings shall comply with this Plan.

1.1.2 The new Zoning By-law shall be in compliance with the provisions of this Plan. It is intended that not all lands be pre-zoned in order that amenity and design, population density, public works requirements, environmental concerns and all other related policies of this Plan may be reviewed prior to *development* proceeding and appropriate zoning regulations applied. Accordingly, *development* proposals shall be required to conform to the Zoning By-law that implements the provisions of this Plan.

Official Plan Amendments

1.1.3 Amendments to this Plan, including secondary plans, shall be required to create, modify or expand land use designations and policies which do not comply with this Plan.

1.1.4 Amendments to this Plan shall be undertaken by the City:

- a) to update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five Year review or other appropriate time through a City initiative; or,
- b) to update and streamline administration of municipal planning policies.

1.1.5 When considering amendments to this Plan, including secondary plans, the City shall have regard to, among other things, the following criteria:

- a) the impact of the proposed change on the City's vision for a sustainable community, as it relates to the objectives, policies and targets established in this Plan; and,
- b) the impact of the proposed change on the City's communities, environment and economy and the effective administration of the public service.

1.1.6 In the absence of a Municipal Comprehensive Review as defined by Growth Plan for the Greater Golden Horseshoe, there shall be no appeal with respect to the refusal or failure of the City to adopt an Official Plan amendment for:

- a) the redesignation, conversion or addition of non-employment land uses for lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Business Park, or Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations; and,
- b) the expansion of all or part of the urban boundary.

- 1.1.7** There shall be no appeal with respect the adoption of an Official Plan amendment and/or the passage of a Zoning By-law amendment to permit the erection, location or use of two residential units within existing dwellings in designations where residential land uses are permitted.

Official Plan Reviews

- 1.1.9** This Plan shall be reviewed at regular intervals in accordance with Planning Act, R.S.O., 1990 c. P.13 requirements.
- 1.1.10** The City shall consider if there is a need to undertake a *Municipally Initiated Comprehensive Review*, at the time of an official plan review. To determine the need for a review, the City shall have regard for the following matters:
- a) any changes to the population and employment growth targets as prescribed by provincial legislation; or,
 - b) any changes to provincial policy or legislation; or,
 - c) the amount of employment and/or non-employment land to meet the projected needs for up to the 2051 planning horizon: or, (OPA 167)
 - d) any major Official Plan policies which are outdated.
- 1.1.11** In addition to the policies of the Growth Plan for the Greater Golden Horseshoe respecting the potential conversion of employment sites, the City may prepare and apply a set of criteria to determine the potential employment conversion sites or identification of regeneration areas.
- 1.1.12** Notwithstanding Policy F.1.1.10, if a major change in an Employment Area has taken place prior to the initiation of a mandatory official plan review, Council may direct that a *Municipally Initiated Comprehensive Review* for City-wide employment lands be undertaken.
- 1.1.13** Conversion of any lands designed as an Employment Area to permit non-employment uses may only be considered through a *Municipally Initiated Comprehensive Review* where both Provincial conversion criteria specified in the Growth Plan for the Greater Golden Horseshoe and local conversion criteria as noted in Policy F.1.1.11 have been satisfied. (OPA 167)

1.2 Secondary Plans and Neighbourhood Plans

Secondary plans are used to provide detailed and community specific guidance to growth and change in smaller geographic areas of the City. Secondary plans identify more detailed land uses, densities, design requirements, and infrastructure requirements and other implementing actions appropriate for the community. These plans are not intended to repeat the policies in Volume 1, but to supplement Volume 1 policy directions and land use designations. Once secondary plans are completed, they are adopted as amendments to this Plan.

Volume 2 contains the secondary plans.

- 1.2.1** Secondary plans may be prepared as needed for planning districts, neighbourhoods, nodes, corridors or any other area of the City, and in particular:
- a) large tracts of vacant or underutilized land to ensure the appropriate and orderly use of land, co-ordinate local *development* with City-wide planning infrastructure strategies and ensure the efficient provision of infrastructure; and,
 - b) areas undergoing change where general Volume 1 policies are insufficient to guide *redevelopment* or warrant localized reconsideration, and in particular:
 - i) areas with desirable characteristics or functions such as main streets, heritage areas, the waterfront, etc; and,
 - ii) areas in need of stability and strengthening such as older residential neighbourhoods, commercial areas and heritage areas.
- 1.2.2** The individual secondary plan policies and designations are contained in Volume 2. Secondary plan designations shall be identified on the maps appended to the specific secondary plan areas. It is intended that secondary plan policies are to be read in conjunction with the policies and designations contained in Volume 1. However, should there be a discrepancy between the policies and/or designations, the policies and designations of the secondary plan shall prevail.
- 1.2.3** Prior to commencing the preparation of a secondary plan, the City shall prepare a terms of reference which shall set out the need for the Secondary Plan, the intended scope, the process of plan preparation and the opportunities for public participation and involvement. Any privately initiated secondary plans shall require a terms of reference that is approved by the City prior to the commencement of the Plan.
- 1.2.4** Secondary plans shall generally include the following:
- a) a statement of the basis or rationale for the preparation of the secondary plan and rationale for varying or supplementing the Volume 1 policies and designations;
 - b) a description of the secondary plan area, including a reference map, the role and relationship of the planning district and/or area under study to the City as a whole;
 - c) a statement of the desired land use of the area along with relevant and related environmental, social and economic goals;
 - d) the goals and objectives appropriate for the area including a statement demonstrating how they are in keeping with the strategic directions and general goals of this Plan and provincial legislation, policies and appropriate guidelines;
 - e) new designations and policies for the secondary plan area that amend or detail those policies and designations found in Volume 1; and,

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

1.2.5 Where appropriate, the *secondary plan* shall follow a coordinated secondary planning process under the Planning Act, R.S.O., 1990 c. P.13 and the Municipal Engineers Association Municipal Class Environmental Assessment process.

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

1.2.7 *Neighbourhood plans* were policies adopted by council resolution and do not form part of the Official Plan, and no longer reflect either municipal or provincial policy. (OPA 167, MMAH Mod. 37)

~~1.2.8~~ deleted by OPA 167, MMAH Mod. 38 (subsequent policies renumbered)

1.2.8 When secondary plans are updated, opportunities for achieving the growth management targets of Policy A.2.3.3 shall be considered as part of the secondary plan process.

1.3 Special Policy Areas, Area Specific Policy Areas, Site Specific Policy Areas

Special Policy Areas are geographic areas where either additional studies are required to determine ultimate land uses or where more detailed and specific policies are required and these lands are not contained within a secondary plan. Site Specific Policy Areas shall be used to apply site specific planning policies to defined properties. Area Specific Policy Areas shall be used to apply policies to larger areas, containing multiple properties. These policies provide detailed direction for individual properties or geographic areas of the City where more detailed direction for land use, infrastructure, transportation, environment, urban design or similar issues are required beyond the general framework provided by this Plan due to unique local circumstances not capable of being addressed by Volume 1 or secondary plans. All Special Policy Areas, Area Specific Policy Areas and Site Specific Policy Areas are identified in Volume 3, with the exception of those site specific areas which are located within a secondary plan area or rural settlement area. Those site specific policy areas are contained within the specific secondary plans or rural settlement area plans of Volume 2.

1.3.1 Special Policy Areas, Area Specific Policy Areas and Site Specific Policy Areas may be created as needed for areas of the City where more detailed direction is required beyond the policies of Volumes 1 and 2.

1.3.2 Special Policy Areas, Area Specific Policy Areas, and Site Specific Policy Areas shall be prepared to implement this Plan and may amend Volume 1 as necessary. In the event of a conflict between any of these areas and Volume 1, the policy areas in Volume 3 shall prevail and take precedence provided the general goals and objectives of Volume 1 are maintained.

1.3.3 Special Policy Areas, Area Specific Policy Areas and Site Specific Policy Areas shall be adopted as amendments to this Plan.

1.4 Interpretation of the Official Plan

The following policies provide guidance to understand and interpret the schedules, maps, text, tables, and figures of this Plan.

1.4.1 This Plan shall be read as a whole document to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

1.4.2 Sections A.1.0 – Hamilton's Official Plan, A.2.1 – Vision 2020, A.2.2 – City of Hamilton Strategic Plan, and A.2.5 – Provincial Legislation, Plans and Policies provide the background to this Plan and are not considered as policies. Illustrations, pictures and sidebars are for illustrative purposes only.

1.4.3 The preamble, goals and objectives at the beginning of each policy section are part of this Plan and assist in understanding the intent of the policies. Tables are considered to be policies. In the event of ambiguity or conflict in the policies of this Plan for specific circumstances the preamble shall provide interpretative guidance.

1.4.4 Chapter G – Glossary explains the terms and concepts contained in this Plan and shall be considered as policy.

1.4.5 Schedules and maps in this document are part of this Plan. Appendices shall be considered as information only.

1.4.6 The land use designations, shown on Schedule E-1 – Urban Land Use Designations, generally apply to lands 4 hectares in size or greater that demonstrate a similar function. In some cases, land use designations may be smaller to recognize unique circumstances such as, remnant parcels of land, and/or lands that represent a specific function that need to be recognized.

1.4.7 Boundaries of land use designations, as shown on Schedule E-1 – Urban Land Use Designations, shall be considered approximate, and are not intended to define the exact limits of any land use, unless they coincide with a road, lot or concession line, railway, watercourse or prominent physical feature or specifically coincide with detailed area boundaries set out in a secondary plan or special policy or site specific area. Similarly, minor adjustments may be made in the boundaries in the Zoning By-law without amending this Plan, providing the By-law conforms to the general intent of this Plan.

1.4.8 The implementation of this Plan shall take place over the long term and the use of the words “shall”, “will” and “must” are not to be interpreted as Council's requirement to undertake the action immediately. Council shall determine appropriate phasing, fiscal capacity and priorities for implementation based on the municipal budget and program availability for any action or undertaking that implements the policies of this Plan.

1.4.9 The identification and proposed location of municipal infrastructure, parks, roads, water and wastewater facilities or services, as identified on schedules or in text in this Plan, including secondary plans:

- a) may be changed without an amendment to this Plan provided the change is minor in nature and the intent of the Plan is maintained;
- b) shall not be interpreted as the City's commitment to providing these municipal public facilities within a specific time frame; and,
- c) shall not be interpreted as necessarily being specifically or solely the responsibility of the City to provide, finance or otherwise implement.

1.4.10 The structural elements on Schedule E – Urban Structure and the policies of Section E.2.0 – Urban Structure, shall provide direction for specific land use designations on Schedule E-1 – Urban Land Use Designations, the policies in Sections E.3.0 – Neighbourhoods Designation through E.6.0 – Institutional Designation, inclusive, Section C.3.3 – Open Space Designations, and the secondary plans contained in Volume 2.

1.5 Zoning By-law

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

1.5.1 The City shall prepare a Zoning By-law that implements this Plan except for the lands that are within the Development Control area of the Niagara Escarpment Plan.

1.5.2 The Zoning By-laws of the former municipalities shall remain in effect until the new Zoning By-law takes effect. However, any amendments shall be in conformity with this Plan.

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

1.5.4 The Zoning By-law uses and regulations may be more restrictive than Official Plan policies and designations. (OPA 64)

1.5.5 There are instances where intended zoning for certain lands in the urban area has not yet been determined, and lands remain zoned for agricultural purposes or have been zoned as a future development zone. These lands may be rezoned to a Future Development zone to allow for the following matters to be addressed:

- a) to implement the provisions of the Urban Hamilton Official Plan, including, but not limited to policies relating to natural heritage and environmental considerations, cultural heritage, built form, urban design, and principle of use;
- b) to ensure adequate transportation and municipal servicing to support the land use; and,
- c) to establish phasing to ensure orderly *development* and/or *redevelopment* of the lands. (OPA 109)

- 1.5.6** Until such time as the lands within the Future Development zone are rezoned, the Zoning By-law may permit interim land uses which may include an existing use or other use(s) that is permitted by the Zoning By-law and does not jeopardize the land for future development. (OPA 109)
- 1.5.7** Council may pass a By-law to rezone all or parts of the lands within the Future Development zone to permit development or redevelopment at such time as the City is satisfied that conditions of Policy F.1.5.5 are met. (OPA 109)
- 1.5.8** A Minor Zoning By-law Amendment includes any or all of the following circumstances:
- a) To prohibit development of a single detached dwelling and a residential care facility on a retained agricultural parcel of land as a result of a surplus farm dwelling identified through a condition of Consent;
 - b) To recognize a reduced lot area as part of a surplus farm dwelling approved through a Consent application;
 - c) To amend an existing Holding Provision;
 - d) To establish a new Holding Provision;
 - e) To add a use permitted by the Official Plans; and,
 - f) To remove an existing Site Specific Zoning By-law where the effect would be to revert to the parent zoning in force and effect. (OPA 175)
- 1.5.9** Council may, by By-law, delegate to the Chief Planner or other designated staff the authorization to pass a Minor Zoning By-law Amendment in accordance with policy F.1.5.8. (OPA 175)

1.6 Development Permit System

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

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

1.7 Site Plan Control

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

- 1.7.1** Site plan control shall be used to achieve the following planning objectives:

- a) minimize the impact of development on adjacent properties;
- b) obtain right-of-way dedications; (OPA 142)
- c) promote pedestrian scale *development* and land use *compatibility*;
- d) enhance the public realm and create a functional and distinctive streetscape through high quality building design;
- e) preserve and enhance community character by integrating heritage features and important views in site designs;
- f) integrate ecologically important features into site designs to protect and enhance their functions; and,
- g) ensure accessibility for people with a range of abilities through safe and efficient pedestrian and vehicular circulation.

1.7.2 Council shall use the powers of site plan control to implement certain aspects of this Plan. Accordingly the entire area within the City of Hamilton Planning Area shall be established as a proposed Site Plan Control Area.

1.7.3 Council may establish the classes of *development* that are subject to site plan control, and those which are exempt, in a by-law.

1.7.4 Council may require, as a condition of site plan approval, the deeding of land for right-of-way dedication purposes in accordance with the policies in Section C.4.0 – Integrated Transportation Network. (OPA 142)

1.7.5 To achieve the objectives in Policy F.1.7.1, the City shall, as part of the site plan approval:

- a) consider matters relating to exterior design, including but not limited to the character, scale, material, and appearance, including fenestration, colour and shape and sustainable design features of buildings;
- b) require sustainable design elements within an adjoining City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities be provided;
- c) require facilities designed for people with a range of abilities; and,
- d) consider the character, scale, appearance and design features of the exteriors of those new buildings and structures that may be attached to *built heritage resources* or sited in close proximity to such resources and care shall be taken to permit only those changes that retain, protect, complement or do not otherwise harm distinguishing heritage features.

1.7.6 To City shall establish and update Site Plan Guidelines to indicate the City's design preferences and expectations for site development.

1.8 Holding By-laws

There are instances where the intended use and zoning is known for lands but *development* should not take place until the planned details and phasing of

development is determined, and/or facilities are in place or conditions for *development* are met. Under the Planning Act, R.S.O., 1990 c. P.13, Council may pass a “Holding” By-law that places an “H” symbol over the zoning of land and specifies the conditions that shall be met before the “H” symbol is removed and the lands can be developed.

1.8.1 Council may use the Holding “H” symbol in conjunction with the Zoning By-law to identify the ultimate use of land but to limit or to prevent the ultimate use in order to achieve orderly, phased *development* and to ensure that servicing and design criteria established in this Plan have been met prior to the removal of the “H” symbol.

1.8.2 A Holding symbol may be applied under any or all of the following circumstances and specified in the Holding by-law:

- a) where *development* is contingent upon other related matters occurring first, such as but not limited to:
 - i) completion of required site or area specific studies which are to be specified in the by-law;
 - ii) consolidation of land ownership of abutting properties to ensure orderly *development* and phasing of *development*;
 - iii) fulfillment of financial obligations;
 - iv) securing of funding agreements on necessary infrastructure or services; and,
 - v) fulfillment of conditions imposed by the City through other Planning Act, R.S.O., 1990 c. P.13 tools.
- b) where phasing is necessary in order to ensure orderly *development* and/or achieve one or more objectives of this Plan;
- c) where municipal infrastructure is not adequate or available to support the ultimate use; and,
- d) where environmental constraints currently preclude *development* or *redevelopment* without planned mitigative or remediated measures.

1.8.3 Until such time as the Holding “H” symbol is removed, the By-law may permit interim land uses which may include an *existing* use or other use(s) that is permitted by the Zoning By-law and does not jeopardize the land for the intended land uses.

1.8.4 Council shall pass a By-law to remove the Holding “H” symbol for all or part of the property only when the City is satisfied all the conditions of:

- a) the “H” zone have been fulfilled; and,
- b) the provisions of this Plan are met.

1.8.5 Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to pass a by-law, in accordance with policy F.1.8.4, provided:

- a) the Holding Provision was applied by the City as part of an applicant-initiated site specific Zoning By-law Amendment; or,
- b) the Holding Provision applies to lands within a Council-approved Secondary Plan. (OPA 175)

1.9 Bonusing Provisions and Transfer of Development Rights

The City may authorize increases in the height and/or density of a proposed *urban area development*, beyond those permitted in the Zoning By-law, in return for the provision of community benefits that meet the policy objectives of this Plan.

1.9.1 The City may permit heights and densities that exceed the maximum densities of this Plan and the Zoning By-law, provided:

- a) the proposed increase in height and density is in compliance with the goals and policies of this Plan; and,
- b) the community benefit provided is directly related to the increased height and density of the proposal.

1.9.2 The City may seek to secure any of the following community benefits:

- a) provision of housing, in particular rental and *affordable* housing;
- b) *community facilities/services*;
- c) child care facilities;
- d) *cultural facilities*;
- e) arts facilities;
- f) public art;
- g) park facilities and/or land;
- h) recreational facilities;
- i) protection of *cultural heritage resources*;
- j) improvements to transit stations;
- k) amenities for, or conducive to *active transportation*, such as pedestrian amenities or cycling facilities;
- l) enhanced public access and connections to community facilities, open space and natural areas, including public walkways trail systems;

- m) preservation and enhancement of the Natural Heritage System (Core Areas and Linkages) beyond requirements, involving the conveyance of natural areas to a public authority;
- n) enhanced tree planting and/or landscaping on-site;
- o) off-site landscaping and streetscaping treatments, including but not limited to *urban braille*, enhanced park facilities, and tree planting;
- p) public parking structures;
- q) other local improvements identified in Community Improvement Project Areas, capital budgets or other implementation plans or studies that are consistent with the policies in this Plan; and,
- r) any public work, initiative or matter in compliance with this Plan.

1.9.3 The City may permit the transfer of density potential from one property to another to facilitate:

- a) the retention of designated *cultural heritage resources* or those eligible for designation subject to *compatibility* of scale and architectural treatment between the heritage resource(s) and the new *development* and between the recipient property and its existing environs; and,
- b) other purposes as specified in secondary plans or area specific policies.

1.9.4 Prior to enactment of a Zoning By-law amendment under Section F.1.9 – Bonus Provision and Transfer of Development Rights, the City shall require the proponent to enter into one or more agreements dealing with the provisions of facilities, services or matters including the timing of conveyances or payments for community benefit to the City. The agreement shall be included in the relevant development agreement which shall be registered on title, where possible, against the land to which it applies, or in a restrictive covenant.

1.10 Interim Control By-laws

Interim control by-laws are intended to be used, prior to the approval of any Planning Act, R.S.O., 1990 c. P.13 applications, in areas where the City wishes to undertake a comprehensive study in an area that is experiencing *development* and/or redevelopment pressures. Matters related to land use, transportation, infrastructure, environment and other aspects of *development* may be addressed during the study period. Once the studies are complete, this Plan and the Zoning By-law shall be amended to reflect the recommendations determined by the study.

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

1.11 Temporary Use By-laws

At times it is in the public interest to permit lands to be used for a particular use on a temporary basis even though it may not conform to the Zoning By-law. The Planning Act, R.S.O., 1990 c. P.13 authorizes a municipality to pass a temporary use by-law, which defines the area and duration of the use.

- 1.11.1** Council may adopt Temporary Use By-laws provided the use complies with the permitted uses in Chapter E – Urban Systems and Designations, to permit the temporary use of land, buildings or *structures* for a purpose that is prohibited by the Zoning By-law. Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to adopt Temporary Use By-laws. (OPA 175)
- 1.11.2** A temporary use by-law may allow a use that is temporary in nature. Any new buildings or *structures* associated with the proposed temporary use shall be constructed so that it can be easily removed after the expiry date of the temporary use by-law.
- 1.11.3** The proposed temporary use shall:
- a) be *compatible* with uses on adjacent and nearby properties;
 - b) have no adverse impact on the traffic, transportation or parking facilities in the area;
 - c) comply with the *Minimum Distance Separation* requirements established by the Province; and,
 - d) have sufficient services such as roads, storm water drainage, water supply and sanitary sewage systems to accommodate the proposed temporary use.
- 1.11.4** A Temporary Use By-law may be permitted for a period of time which shall not exceed three years, except for garden suites which shall not exceed ten years. However, Council may, by By-law, delegate to the Chief Planner or other designated staff, the authorization to adopt a By-law to extend such period of time for further periods of time not exceeding three years each, during which the temporary use is authorized, in accordance with policy F.1.11.3. (OPA 175)
- 1.11.5** Upon expiration of the temporary use by-law, uses which may have been permitted by that temporary use by-law shall cease to exist, shall not be considered as legal non-conforming uses, and therefore shall be removed.
- 1.11.6** The Chief Planner or other designated staff may, by By-law, adopt a Temporary Use By-law or grant an extension to a Temporary Use By-law in accordance with policies F.1.11.2, F.1.11.3 and F.1.11.4. (OPA 175)

1.12 Existing, Non-Complying and Non-Conforming Uses

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

- 1.12.1** In Rural Hamilton Official Plan.

to

1.12.6

Urban Area Policies

1.12.7 Legally existing land uses which do not comply with the land use designations shown on Schedule E-1 – Urban Land Use Designations or their related policies should cease to exist over time. Accordingly, such uses shall be deemed as legal non complying.

1.12.8 Where appropriate, the City may amend the Zoning By-law to recognize the legal non-complying use as an *existing* use provided that all the following criteria shall be met:

- a) the Zoning By-law shall permit only the *existing* use and the associated performance standards;
- b) the use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated; and,
- c) the use is in compliance with appropriate provincial and municipal regulations.

1.12.9 The expansion or enlargement or change in legal non-complying uses shall be permitted provided they maintain the intent and purpose of this Plan and the Zoning By-law.

1.12.10 Council may pass by-laws, in accordance with Subsection 34(10) of the Planning Act, R.S.O., 1990 c. P.13, as amended, to permit expansions or enlargements of any buildings or structures used for purposes prohibited in the applicable zoning by-law if the buildings or structures were lawfully used for the such purposes on the day of the passing of the applicable zoning by-law, provided the by-law maintains the intent and purpose of this Plan. (OPA 69) (OPA 128)

1.12.11 Where the Province has passed a Minister's Zoning Order under the Planning Act, R.S.O., 1990 c. P.13, the use of the property shall be deemed to comply with the policies and land use designations of this Plan. (OPA 155)

1.13 Minor Variance

The Planning Act, R.S.O., 1990 c. P.13 allows the City to appoint a Committee of Adjustment to deal with specific planning matters.

1.13.1 Council may appoint a Committee of Adjustment to authorize consents, variances to the Zoning By-law, an Interim Control By-law, extensions or enlargement of legal non-conforming uses provided they maintain the intent and purpose of this Plan and any other requirements of the Planning Act, R.S.O., 1990 c. P.13.

1.14 Division of Land

Development of lands may require subdivision of *existing* lots or tracts of land.

1.14.1 Plan of Subdivision

1.14.1.1 The division of land shall occur by registered plan of subdivision where:

- a) a new road or an extension to an existing road is required; and,
 - b) it is deemed in the public interest for the proper and orderly *development* of lands.
- 1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:
- a) the plan of subdivision conforms to the policies and land use designations of this Plan.
 - b) the plan of subdivision implements the City's staging of development program;
 - c) the plan of subdivision can be supplied with adequate services and community facilities;
 - d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
 - e) the plan of subdivision can be integrated with adjacent lands and roadways;
 - f) the plan of subdivision shall not adversely impact municipal finances; and,
 - g) the plan of subdivision meets all requirements of the Planning Act, R.S.O., 1990 c. P.13.
- 1.14.1.3 The City may, as a condition of approval pursuant to the Planning Act, R.S.O., 1990 c. P.13, require the owner of lands subject to a plan of subdivision to enter into one or more agreements which may be registered against the title of the subject lands.
- 1.14.1.4 Council may pass By-laws to exempt properties from Part-Lot Control, subject to the provisions of the Planning Act, R.S.O., 1990 c. P.13.
- 1.14.1.5 If a plan of subdivision or part thereof has been registered for eight years or more and does not conform to the policies of this Plan, the City may use its authority under the Planning Act, R.S.O., 1990 c. P.13 to deem it not be a registered plan of subdivision.
- 1.14.1.6 If approval of a draft plan of subdivision lapses, opportunities for achieving the growth management targets of Policy A.2.3.3 may be considered as part of the *development* review process.
- 1.14.2 Lot Creation – Rural Area
In Rural Hamilton Official Plan.
- 1.14.3 Lot Creation – Urban Area
Neighbourhoods Designation
- 1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban

Land Use Designation, shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- ~~b)~~ Deleted by OPA 167, MMAH Mod. 39, subsequent policies renumbered.
- b) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- c) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- d) The lots are fully serviced by municipal water and wastewater systems; and,
- e) The lots have frontage on a public road.

1.14.3.2 Where a consent is required for the purposes of land assembly to implement a secondary plan or *Neighbourhood Plan*, Policy F.1.14.3.1c) shall not apply.

1.14.3.3 Consents for new lot creation for both the severed and retained lands for mixed uses, commercial, institutional, or open space in the Neighbourhoods designation shall be permitted provided the following conditions are met:

- a) the lots comply with the policies of this Plan including secondary plans, where one exists;
- b) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- c) the lots are fully serviced by municipal water and wastewater systems; and,
- d) the lots have frontage on a public road.

Commercial/ Mixed Use and Institutional Designations

1.14.3.4 Consents for new lot creation for both the severed and retained lands for mixed uses, commercial, institutional, or open space uses in the Commercial/ Mixed Use and Institutional designation shall be permitted provided the following conditions are met:

- a) the lots severed for commercial, institutional or open space uses shall comply with the policies of this Plan including secondary plans, where one exists;
- b) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- c) the lots severed for residential uses, including mixed use buildings which contain residential uses shall comply with Section B.2.4 – Residential Intensification Policies, Section B.3.3 – Urban Design Policies, Section E.3.0 – Neighbourhoods Designation and any other relevant policies of this Plan;

- d) the lots are fully serviced by municipal water and wastewater systems; and,
- e) the lots have frontage on a public road.

Employment Designations

1.14.3.5 Consents for new lot creation for both the severed and retained lands for employment uses in the Employment designation shall be permitted provided the following conditions are met:

- a) The lots comply with the policies of this Plan including secondary plans, where one exists;
- b) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- c) The lots are fully serviced by municipal water and wastewater systems; and,
- d) The lots have frontage on a public road.

General

1.14.3.6 Minor lot line adjustments shall be permitted provided there is no increased fragmentation of a *core area* and the adjustments do not conflict with intent of the policies of this Plan.

1.14.3.7 Consents may be granted for the purposes of long-term lease agreements for infrastructure and utility works provided a separate lot is not created for a dwelling or any urban land use, except the uses noted in this Section.

1.14.3.8 Consents within the Niagara Escarpment Plan area shall comply with the provisions of the Niagara Escarpment Plan in addition to the provisions of Section F.1.14.

1.14.3.9 Severances shall not be granted for dwellings created as *Secondary Dwelling Units – Detached*. (OPA 155)

1.15 Community Improvement

It is the intent of Council through Community Improvement to promote and maintain a high quality living and working environment throughout the City. Community Improvement shall be accomplished through (1) the upgrading and ongoing maintenance of communities or areas characterized by obsolete buildings, and/or conflicting land uses and or/inadequate physical infrastructure and community services, and, (2) the establishment of policies and programs to address identified economic, land *development* and housing supply issues or needs throughout the Urban Area.

1.15.1 Community Improvement shall be carried out through the designation, by Council, of Community Improvement Project Areas and through the preparation and implementation of Community Improvement Plans pursuant to the Planning Act, R.S.O., 1990 c. P.13. It is the intent of Council that the entire *urban area* or any part of the *urban area* as defined in this Plan, and as subsequently amended, may by by-law be designated as a Community Improvement Project Area.

1.15.2 When designating Community Improvement Project Areas, one or more of the following characteristics may be present:

- a) building stock or property in need of rehabilitation;
- b) buildings and *structures* of heritage or architectural significance;
- c) encroachment of incompatible land uses or activities;
- d) deteriorated or insufficient physical infrastructure such as, but not limited to, sanitary and storm sewers and water mains, public transit, roads/streets, curbs, sidewalks, street lighting and utilities;
- e) deteriorated or insufficient *community facilities/services* such as, but not limited to public indoor/outdoor recreational facilities, public open space and public social facilities;
- f) inadequate mix of housing types;
- g) inadequate *affordable* housing;
- h) known or perceived environmental contamination;
- i) deteriorated or insufficient parking facilities;
- j) poor overall visual amenity of the area, including, but not limited to streetscapes and urban design;
- k) existing Business Improvement Areas or potential for inclusion in a Business Improvement Area designation, provided such designation is in conformity with the Niagara Escarpment Plan;
- l) inappropriate road access and traffic circulation;
- m) shortage of land to accommodate building expansion and/or parking and loading facilities;
- n) other barriers to the improvement or redevelopment of under utilized land or buildings; or,
- o) any other environmental, social, or community economic development reasons for designation.

1.15.3 Community Improvement Plans shall provide direction regarding the application of one or more of the following:

- a) allocation of public funds such as grants, loans or other financial instruments for the physical rehabilitation, redevelopment or improvement of land and/buildings;
- b) municipal acquisition of land or buildings and subsequent land clearance, rehabilitation, redevelopment or resale of these properties or other preparation of land or buildings for community improvement;
- c) encouragement of infill and rehabilitation where feasible;

- d) promotion of historic preservation through the appropriate local, provincial and federal legislation;
- e) promotion of the viability of Commercial areas through the establishment and support of Business Improvement Areas; and,
- f) other municipal actions, programs or investments for the purpose of strengthening and enhancing neighbourhood stability, stimulating production of a variety of housing types, facilitating local economic growth, improving social or environmental conditions, or promoting cultural development.
- g) Identification of *cultural heritage resources* which shall be, wherever possible, conserved through appropriate adaptive reuse and alterations. Demolition of heritage structures shall be discouraged.

1.15.4 All *developments* participating in programs and initiatives contained within Community Improvement Plans shall:

- a) conform to the policies contained in this Plan,
- b) comply with all municipal by-laws and regulations of the City;
- c) comply with the Niagara Escarpment Plan, in accordance with Section C.1.0 – Provincial Plans with Designations ; and,
- d) obtain a Niagara Escarpment Development Permit where applicable.

1.15.5 Council shall determine the priorities and sequences in which designated Community Improvement Project Areas shall have individual Community Improvement Plans prepared.

1.15.6 Any Community Improvement Plan shall endeavour to co-ordinate individual initiatives to improve properties with municipal actions to upgrade physical infrastructure and community services, and promote new types of housing.

1.15.7 Council shall be satisfied that community improvements are within the financial capability of the City.

1.16 Minimum Distance Separation I and II

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

1.16.1 New land uses, including the creation of lots, and expansion to existing uses permitted by the policies of this Plan shall comply with the Minimum Distance Separation (MDS) Formulae. The formulae for calculating required *minimum distance separation* between land uses shall be implemented in the Zoning By-law.

1.17 Public Participation and Notification Policies

One of the principles of sustainability is transparent and participatory government. In recognition of this principle, the City shall involve the various people and

organizations throughout the City, including residents, business, special interest groups, non-governmental organizations and other levels of government.

- 1.17.1** The City may use a variety of communication methods to seek input on planning matters or to provide information to the general public. Depending on the issues and in accordance with the Planning Act, R.S.O., 1990 c. P.13, the City shall choose the most appropriate method of communication. Communication may be in the form of:
- a) direct mail outs;
 - b) public notice signs;
 - c) surveys, electronic or mail out;
 - d) public information open houses held virtually or in person;
 - e) public meetings held virtually or in person;
 - f) City web site; and/or,
 - g) workshops. (OPA 155)
- 1.17.2** Notification of public meeting(s) for the adoption of the Official Plan and amendments, changes to the Zoning By-law, plans of subdivision, draft plan of condominium as required by the Planning Act, and Community Improvement Plans shall be given to the public at least 7 days prior to the date of the meeting(s) and the notice shall be given in accordance with the applicable requirements of the Planning Act, R.S.O., 1990 c. P.13 regulations. (OPA 155) (OPA 175)
- 1.17.3** Council decisions shall take place no sooner than a minimum of 7 days from the time the first notification is given, for Planning Act, R.S.O., 1990 c. P.13 applications/procedures identified in Section F.1.17.2. (OPA 175)
- 1.17.4** Where a notice of public meeting or written notice of an application is required for Planning Act, R.S.O., 1990 c. P.13 application, other than those identified in Section F.1.17.2, notice shall be given in accordance with the applicable requirements of the Planning Act, R.S.O., 1990 c. P.13.
- 1.17.5** Notice of the intention of the passing of an amending by-law to remove a Holding "H" symbol shall be given in accordance with the applicable requirements of the Planning Act, R.S.O., 1990 c. P.13.
- 1.17.6** Notice of the passing of an Interim Control By-law shall be given in accordance with the applicable requirements of the Planning Act, R.S.O., 1990 c. P.13.
- 1.17.7** Public meetings under the Planning Act, R.S.O., 1990 c. P.13 shall not be required for minor administrative amendments to this Plan or the Zoning By-law such as format changes, typographical errors, grammatical errors, mapping errors and policy number or regulation changes. (OPA 142) (OPA 175)
- 1.17.8** The City will inform, consult, and collaborate with local Indigenous communities and First Nations to empower their role in local land use planning matters. (OPA 167)

- 1.17.8.1 The City will respect the consultation protocols of Indigenous communities and First Nations whose traditional territories are located within the City of Hamilton municipal boundary when engaging on land use planning matters. (OPA 167)
- 1.17.8.2 To ensure meaningful engagement is realized with local Indigenous communities and First Nations, the City will initiate development of an Indigenous Engagement protocol for Land Use Planning. (OPA 167)

1.18 Parkland Dedication Policies

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

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

- i) For land designated to permit residential *development* or *redevelopment* with a density less than 20 units per hectare, dedication of land not to exceed an amount of 5% of the net land areas to be developed.
- ii) For land designated to permit residential *development* or *redevelopment* with a density of 20 to 75 units per hectare, parkland shall be dedicated at a rate not to exceed 1 hectare for each 300 dwelling units proposed;
- iii) For land designated to permit residential *development* or *redevelopment* with a density of 75 to 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.6 hectares for each 300 dwelling units proposed;
- iv) Notwithstanding Policy F.1.18.1 a) and Policy F.1.18.1 a) ii) for land designated to permit residential development or redevelopment with a density of 20 to 75 units per hectare where cash-in-lieu payment applies, the rate for calculating parkland dedication shall not exceed a rate of 1.0 hectare for each 500 dwelling units proposed. (OPA 73)
- v) For land designated to permit residential *development* or *redevelopment* with a density greater than 120 units per hectare, parkland shall be dedicated at a rate not to exceed 0.5 hectares for each 300 dwelling units proposed.
- vi) Notwithstanding Policy F.1.18.1 b), regardless of the density of development, a maximum land dedication of 5% of the net land area

shall apply to developments of single or semi-detached lots, or duplexes.

vii) In the case of lands to be developed for an individual single detached dwelling in a rural area, the parkland dedication shall be based on an amount not to exceed 2.5% of a 0.4 hectare lot. This policy is not applicable to designated Rural Settlement Areas.

viii) Notwithstanding Policy F.1.18.1 a) i) to v), Council may consider reducing the residential parkland dedication rate for: dwellings within specific geographic areas of the City; specific dwelling unit types; and, certain types of charitable, non-profit or social/*affordable* housing, as provided for in the Parkland Dedication By-law.

b) Council shall require a parkland dedication in an amount not exceeding 2% for commercial proposals except as exempted in the Parkland Dedication By-law.

c) Council shall require a parkland dedication in an amount not exceeding 5% for institutional proposals and all other land use proposals other than residential and commercial uses, subject to any exemption as set out in the Parkland Dedication By-law.

d) Council shall require that parkland dedication be based on a pro rata proportion for proposed mixed use development (for commercial and residential uses on one site or within one building), in accordance with the Parkland Dedication By-law.

e) Council shall require a combination of dedication rates as defined in Policy F.1.18.1 applicable to specific use and/or density for any *development* including a subdivision containing lands proposed for a variety of land uses and/or at a variety of residential densities.

1.18.2 Notwithstanding Policy F.1.18.1 c), Council shall not require parkland dedication or cash-in-lieu, as a condition of the approval of industrial *development* or *redevelopment* proposals.

1.18.3 Storm water management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas, and major utility corridors and easements shall not be considered acceptable lands eligible to satisfy parkland dedication.

1.18.4 For the purpose of calculating the land area subject to the parkland dedication, storm water management facilities, valley lands, *hazard lands*, woodlots, Core Areas, and major utility corridors and easements shall be excluded except where the lands listed above contain water services, wastewater services, private roads, public roads, or parking lots.

1.19 Complete Application Requirements and Formal Consultation

1.19.1 Formal consultation with the City shall be required prior to the submission of a Planning Act, R.S.O., 1990 c. P.13 application(s) for an official plan amendment, Zoning By-law amendment, draft plan of subdivision, or site plan.

1.19.2 The purpose of such formal consultation shall be to review a draft development proposal for the lands affected by the proposed application(s) and identify the

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need for, and the scope of *other information and materials* considered necessary by the City and other affected agencies to allow comprehensive assessment of the development application(s).

- 1.19.3** Notwithstanding Policy F.1.19.1, the City may waive the requirement for formal consultation, where the City has identified that, due to the nature of the proposal, the need for and scope of required *other information and materials* can be determined without a formal consultation. If the requirement for formal consultation is waived, the City shall provide the applicant with a waiver letter from the formal consultation process that identifies any necessary *other information and materials* to be submitted with the application(s) to deem it complete. (OPA 175)
- 1.19.4** The City shall only accept and process complete Planning Act, R.S.O., 1990 c. P.13 applications for official plan amendment, Zoning By-law amendment, draft plan of subdivision and site plan.
- 1.19.5** A Planning Act, R.S.O., 1990 c. P.13 application(s) shall be deemed complete provided that:
- it satisfies all applicable provincial requirements;
 - it satisfies all requirements set out in this Plan; and,
 - it shall be accompanied by all the *other information and materials* listed in Table 1.19.1 as determined by the procedures of Policy F.1.19.1 or F.1.19.3. (OPA 175)
- 1.19.6** Table F.1.19.1 identifies the *other information and materials* which may be required to deem Planning Act, R.S.O., 1990 c. P.13 applications for official plan amendment, Zoning By-law amendment, draft plan of subdivision, and site plan complete: (OPA 175)

Table F.1.19.1 Other Information and Materials (OPA 167)(OPA 175)

Study/Material Name		Planning Application			
		Official Plan Amendment	Zoning By-law Amendment	Draft Plan of Subdivision	Site Plan Control
1	Affordable Housing Report/Rental Conversion Assessment	√	√		√
2	Aggregate Resource Assessment	√			
3	Aggregate/Mineral Resource Analysis	√			

4	Agricultural Impact Assessment	√	√	√	√
5	Air Quality Study	√	√	√	
6	Archaeological Assessment	√	√	√	√
7	Channel Design and Geofluvial Assessment	√	√	√	
8	Chloride Impact Study	√	√	√	
9	Concept Plan	√	√	√	√
10	Construction Management Plan			√	√
11	Contaminant Management Plan	√	√	√	√
12	Cost Recovery Agreement	√	√	√	√
13	Cultural Heritage Assessment – Documentation and Salvage Plan	√	√	√	√
14	Cultural Heritage Impact Assessment	√	√	√	√
15	Cut and Fill Analysis	√	√	√	√
16	Cycling Route Analysis	√	√	√	
17	Draft Official Plan Amendment/ Draft Zoning By-law Amendment	√	√		
18	Dust Impact Analysis	√	√	√	√
19	Energy and Environmental Assessment Report	√	√	√	√
20	Environmental Impact Statement (EIS) and Summary of Environmentally Significant Areas Impact Evaluation Group Comments (where applicable)	√	√	√	√
21	Environmental Site Assessment and/or Record of Site Condition	√	√	√	√
22	Erosion and Sediment Control Plan	√	√	√	√
23	Erosion Hazard Assessment	√	√	√	√
24	Farm Economics Report	√	√		
25	Financial Impact Analysis	√	√		
26	Fish Habitat Assessment	√	√	√	√
27	Floodline Delineation Study/ Hydraulic Analysis	√	√	√	√
28	Full Disclosure Report	√	√		
29	Functional Servicing Feasibility Report	√	√	√	
30	General Vegetation Inventory	√	√	√	√
31	Grading Plan	√	√	√	√
32	Housing Report	√	√	√	√
33	Hydrogeological Study	√	√	√	√
34	Impact Assessment for new Private Waste Disposal Sites	√	√		√
35	Karst Assessment/Karst Contingency Plan	√	√	√	√
36	Land Use Compatibility Study	√	√		√
37	Land Use in the Vicinity of Existing Pipelines Study	√	√	√	√
38	Land Use/ Commercial Needs and Impact Assessment	√			
39	Landfill Impact Assessment	√	√	√	

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40	Landscape Plan			√	√
41	Limit of Environmentally Significant Area, or Limit of Conservation Authority Regulated Area	√	√	√	√
42	Linkage Assessment	√	√	√	√
43	Market Impact Study	√	√		
44	Master Drainage Plan	√	√	√	√
45	Materials Palette or Imagery			√	√
46	Meander Belt Assessment	√	√	√	√
47	Minimum Distance Separation Calculation	√	√		√
48	Ministry of the Environment Conservation and Parks - Environmental Compliance Approval	√	√	√	√
49	Modern Roundabout and Neighbourhood Roundabout Analysis	√	√	√	
50	Neighbourhood Traffic Calming Options Report	√	√	√	
51	Noise Impact Studies (Noise Feasibility and/or Detailed Noise Study)	√	√	√	√
52	Nutrient Management Study	√	√	√	√
53	Odour Impact Assessment	√	√	√	√
54	Odour, Dust and/or Light Impact Assessment	√	√	√	√
55	Parking Analysis/Study	√	√	√	√
56	Pedestrian Route and Sidewalk Analysis	√	√	√	
57	Planning Justification Report	√	√	√	
58	Pre-Technical Conservation Authority Review	√	√	√	√
59	Public Consultation Summary and Comment Response Report	√	√	√	
60	Recreation Feasibility Study	√	√		
61	Recreation Needs Assessment	√	√	√	
62	Restoration Plan	√	√	√	√
63	Right of Way Impact Assessment	√	√	√	√
64	Roadway/Development Safety Audit	√	√	√	
65	School Accommodation Issues Assessment	√	√		
66	School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment	√	√	√	
67	Servicing Options Report	√	√	√	
68	Shoreline Assessment Study/Coastal Engineers Study	√	√	√	√
69	Site Lighting Plan			√	√
70	Site Plan and Building Elevations	√	√	√	√
71	Slope Stability Study and Report	√	√	√	√
72	Soil Management Plan			√	√
73	Soils/Geotechnical Study			√	√
74	Species Habitat Assessment	√	√	√	√
75	Storm Water Management Report/Plan and/or update to an	√	√	√	√

	existing Storm Water Management Plan				
76	Sub-watershed Plan and/or update to an existing Sub-watershed Plan			√	√
77	Summary Response to Formal Consultation Comments	√	√	√	√
78	Sun/Shadow Study	√	√	√	√
79	Survey Plan	√	√	√	√
80	Traffic Impact Study	√	√	√	√
81	Transit Assessment	√	√	√	
82	Transportation Demand Management Options Report	√	√	√	√
83	Transportation Impact Study	√	√	√	
84	Tree Management Plan/Study	√	√	√	√
85	Tree Protection Plan	√	√	√	√
86	Urban Design and Architectural Guidelines			√	
87	Urban Design Report and Design Review Panel Summary of Advice and Response (where applicable)	√	√	√	√
88	Vibration Study	√	√	√	√
89	Visual Impact Assessment (OPA 167)	√	√	√	√
90	Water and Wastewater Servicing Study	√	√	√	
91	Watermain Hydraulic Analysis			√	√
92	Water Well Survey and Contingency Plan	√	√	√	√
93	Wildland Fire Assessment (OPA 167)			√	√
94	Wind Study	√	√	√	√
95	Zoning Compliance Review		√	√	√
96	3D Model	√	√	√	√

1.19.7 *Other information and materials* submitted in accordance with Policy F.1.19.5 shall be subject to the following requirements to be deemed complete: (OPA 175)

- a) The *other information and materials* submitted shall be prepared by a qualified professional, in accordance with applicable legislation, in accordance with Council endorsed Terms of Reference or Guideline material as amended, and/or to the satisfaction of the City, retained by and at the expense of the applicant. (OPA 175)
- b) The City may request or conduct a peer review of any *other information and materials* submitted where the City lacks the appropriate expertise to review such *other information and materials*. Such peer review shall be completed by an appropriate agency or professional consultant retained by the City, at the applicant's expense.
- c) The City may refuse any *other information and materials* submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory and is not considered to be in accordance with the applicable Terms of Reference or Guideline. (OPA 175)

- d) The City may request electronic versions of all *other information and materials* submitted and stipulate the format of the digital submission.
- e) In addition to the *other information and materials* listed in Table F.1.19.1, the applicant may be required to submit any other supporting information and materials identified by the City during the formal consultation process with the applicant as being necessary for an application to be deemed complete.

1.19.8 The requirement for *other information and materials* submitted in accordance with Policies F.19.1 or F.19.3 is not intended to preclude Council and its delegated authorities from requiring additional reports, studies, maps, plans, calculations, information or materials, which are identified during the review process for an application(s) which has been deemed complete as being necessary for Council and its delegated authorities to make informed decisions.

1.19.9 The City shall establish guidelines for the *other information and materials* identified in Policy F.19.6, to provide direction regarding the intended content and scope of such *other information and materials*.

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

1.19.11 Prior to the submission of a complete Planning Act application, where complete application requirements have been determined through formal consultation or a formal consultation waiver letter prior to January 1, 2023, the City may:

- a) amend the formal consultation or waiver letter; or
- b) require a new formal consultation.
(OPA 175)

1.20 Cash-in-Lieu of Parking

1.20.1 Where a proponent is required, under the Zoning By-law, to provide and/or maintain parking facilities, the City may require a cash payment in lieu of all or part of the parking requirements, in accordance with the City's Cash-in-Lieu of Parking Policy. Such funds shall be used for the following purposes, as deemed appropriate by the City:

- a) The acquisition of lands and/or the provision of off-street parking;
- b) Support for measures that reduce or shift the demand for parking through outreach, education and targeted programs; and,
- c) Provision of infrastructure and services that support micro-mobility including bicycles, shared bicycles, E-scooters and electric bicycles. (OPA 155)

F.2.0 OTHER PROVINCIAL STATUTES AND REGULATIONS

In addition to Section C.1.0 – Provincial Plan and Designations, and other relevant provincial statutes, regulations and guidelines, as amended or replaced from time to time, the following provincial implementation tools are in effect in the City relating specifically to land use planning.

2.1 Niagara Escarpment Development Control

Within the Niagara Escarpment Development Control area, all *development* unless specifically exempted by regulation under the Niagara Escarpment Planning and Development Act, shall require a development permit from the Niagara Escarpment Commission. No other permits, including building permits, may be issued unless a development permit has been issued from the Niagara Escarpment Commission.

2.2 Nutrient Management Plans

In Rural Hamilton Official Plan.

2.3 Conservation Authority Regulations

2.3.1 The Conservation Authority Regulation Development, Interference with Wetlands and Alterations to Shorelines and Watercourses affects the Natural Heritage System and natural hazards within the City and the Regulation shall be implemented by the City, where appropriate.

2.3.2 The Conservation Authorities that have jurisdiction within the City of Hamilton are the Hamilton Conservation Authority, Niagara Peninsula Conservation Authority, Halton Region Conservation Authority, and Grand River Conservation Authority.

2.4 Ontario Heritage Act

The Ontario Heritage Act (1990) provides a legislative framework and variety of tools for the protection and preservation of the Province's *cultural heritage resources*. The Ontario Heritage Act enables the City to protect and *conserve cultural heritage resources* through:

- a) designation, either individual properties under Part IV of the Act or collectively as groups of properties, under Part V of the Act;
- b) establishment of a municipal heritage committee to advise Council on both designation and heritage permit applications;
- c) an obligation to keep a register of properties that have been designated under the Ontario Heritage Act. Municipalities may also include other properties that council "believes to be of cultural heritage value or interest" in the register. The inclusion of these non-designated heritage properties in the register enables municipalities to protect them from building demolition or removal for a period of up to 60 days;
- d) prevention of demolition of a building or structure on a designated heritage property;

- e) passing of by-laws to buy, lease, or expropriate designated heritage properties that may be at risk;
- f) entering into voluntary legal agreements, such as easements or covenants, with *cultural heritage property* owners that apply to all or a portion of a property. Easements are registered on title and run with property, hence binding all present and future owners; and,
- g) provision of grants and loans for the conservation and care of designated heritage properties, community museums and those with a heritage conservation easement registered on title.

2.5 Clean Water Act

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

F.3.0 OTHER IMPLEMENTATION TOOLS

In certain circumstances, more detailed plans, strategies and programs are required to guide decision making as the City implements the goals and objectives of this Plan. Given the long term vision of the Plan, supporting plans such as City's Growth Management Study (GRIDS), the Economic Development Strategy, Master Plans (culture and recreation, public art, community culture infrastructure) and Council adopted guidelines (Environmental or Heritage Impact Statements, Urban Design) provide a greater level of procedural and explanatory detail than what is required or appropriate for inclusion in this Plan. Similarly, these strategies and guidelines can be updated and amended to reflect changing circumstances in a more timely manner. These actions plans, strategies, and guidelines are not adopted as amendments to this Plan but implement the Plan itself.

3.1 Supporting Plans

3.1.1 The City recognizes the importance of undertaking and implementing the recommendations of supporting plans in the fulfillment of the vision, goals and objectives of this Plan. They shall be used:

- a) to establish municipal priorities;
- b) to provide technical and procedural direction for studies required to review *development* applications;
- c) to set municipal implementation targets; and,
- d) to identify other actions to implement this Plan.

3.1.1.1 The requirements of the studies identified in Section F.3.1 – Supporting Plans shall be considered as minimum requirements. These requirements may be expanded upon.

3.1.2 Cultural Heritage Management Plan

3.1.2.1 The City shall prepare a comprehensive cultural heritage management plan to identify, evaluate and manage *cultural heritage resources* and their contributions to and interrelationships with other community resources, such as natural heritage, tourism, recreation and economic development. The Cultural Heritage Management Plan may provide the basis for the establishment of additional Official Plan policies or other city-led initiatives for the *conservation of cultural heritage resources*.

3.1.2.2 As part of the Cultural Heritage Management Plan the City shall maintain a current and publicly accessible database of *cultural heritage resources*, including those designated under the Ontario Heritage Act and those listed in the Register of Property of Cultural Heritage Value or Interest.

3.1.3 Archaeology Management Plan

3.1.3.1 The City recognizes there are *areas of archaeological potential* and *archaeological resources* that remain unidentified and have yet to be subjected to a detailed assessment by a licensed archaeologist. The Archaeology Management Plan shall outline the City's roles and responsibilities to guide the conservation and management of archaeology within the City of

Hamilton, and to provide policy and protocol for implementation, ensuring that the management of archaeology is systematic and consistent across the City. (OPA 167)

3.1.3.2 deleted by OPA 167

3.1.4 Cultural Heritage Conservation Plan Statements

3.1.4.1 *Cultural heritage conservation plan statements* shall include the following elements:

- a) a description of the historical development of the area;
- b) a description of the *cultural heritage resources* and their significance;
- c) conservation priorities for identified *cultural heritage resources*;
- d) *redevelopment* potential;
- e) consideration of open space, public access and community connectivity;
- f) the provision of interpretive devices, such as plaques and displays;
- g) the creation of guidelines for the conservation and enhancement of *cultural heritage resources*; and,
- h) the creation of guidelines for contextual enhancements, such as streetscaping and alterations and/or additions to *adjacent* properties.

3.1.4.2 *Cultural heritage conservation plan statements* may be included in secondary plan studies and policies, neighbourhood plans or other planning initiatives.

3.1.4.3 The City shall develop guidelines for the preparation of *cultural heritage conservation plan statements*.

3.1.5 Storm Water Management Plans

3.1.5.1 In cases where a storm water management plan is being prepared for lands within the urban boundary, it shall be informed by a *sub-watershed plan* or equivalent, where appropriate, and the following matters shall be addressed to avoid, minimize and/or mitigate storm water volumes, contaminant loads and impacts to receiving water courses: (OPA 167)

- a) maintenance of groundwater quality and flow and stream base flow;
- b) protecting water quality and aquatic species and their habitats particularly during extreme weather events; (OPA 167)
- c) minimizing the disruption of pre-existing natural drainage patterns, wherever possible;
- d) prevention of increases in stream channel erosion and flood risk;
- e) minimizing stormwater flows and reliance on stormwater management ponds, which includes appropriate *low impact development* and *green infrastructure*; (OPA 167)

- f) establishing planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces, and encourage a design approach which protects natural features, fish and wildlife, and maximizes vegetation; and, (OPA 167)
- g) alignment with the City's Water, Wastewater and Stormwater Master Plan. (OPA 167)

3.1.6 Watershed and Sub-watershed Plans

3.1.6.1 A generic Terms of Reference for *watershed* and *sub-watershed* studies will be developed in consultation with the Conservation Authorities, the City, stakeholders, and relevant agencies. Until these generic terms of reference are completed, the following information must be included in the specific terms of reference for *Watershed* and *Sub-watershed* studies:

- a) Watershed and Sub-watershed Characterization:
 - i) Hydrology – hydrologic model for sub-watershed's *existing* and *future development*; description of physical features; stream geomorphology; identify *hazard lands*, low flow analysis, assess erosion and flooding;
 - ii) Hydrogeology – characteristics of bedrock and overburden and their relationship with the groundwater system;
 - iii) Aquatic Environment – assess fisheries and benthic communities, classify streams according to *fish habitat*;
 - iv) Terrestrial Environment – assess plants, vegetation communities and wildlife, rare species, disturbance history, habitat fragmentation, develop a natural heritage system; and,
 - v) Water Quality and Quantity.
- b) *Watershed* and *Sub-watershed* Management – identify areas of constraint, land and water management strategies, land use impacts, mitigation measures, buffers, and restoration;
- c) Implementation and Monitoring Plan – identifies who is responsible for different implementation actions, recommendations for future studies, construction phasing, and monitoring plan; and,
- d) any additional requirements as determined to be necessary for the unique characteristics of the *watershed* and/or the proposed *development*.

3.1.6.2 Once a *Watershed* or *Sub-watershed plan* is endorsed by City Council and approved by the relevant Conservation Authority, the City shall implement its recommendations through:

- a) amendments to the Official Plan, as appropriate;
- b) secondary plans;
- c) zoning By-law amendments;

- d) conditions of approval for new *developments*;
- e) environmental assessments for servicing and infrastructure plans and projects; and,
- f) habitat restoration and landowner stewardship programs delivered by the City or other agencies.

3.1.6.3 Recommendations from approved *watershed* and *sub-watershed plans* shall be implemented by future amendments to this Plan, including secondary plans and/or conditions or criteria identified through the review of *development* applications.

3.1.7 Source Water Protection Plan

3.1.7.1 The City shall work, in conjunction with other partners, to develop and implement a Source Water Protection Plan.

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

3.1.8 Water, Wastewater and Stormwater Master Plan (OPA 167)

F.3.1.8.1 The City shall develop a Water, Wastewater and Stormwater Master Plan to determine the long and short-term water, wastewater and stormwater infrastructure needs to support growth to the year 2051. (OPA 167)

3.1.8.2 The City's Water, Wastewater and Stormwater Master Plan shall be maintained and updated as necessary through a comprehensive review process. (OPA 167)

F.3.1.8.3 Future amendments to this Official Plan shall be considered as required to adopt applicable policies resulting from an update to the Water, Wastewater and Stormwater Master Plan. (OPA 167)

3.1.9 Transportation Master Plan

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

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

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

3.1.9.3 Future amendments to this Official Plan shall be considered as required to adopt appropriate policies resulting from an update to the Transportation Master Plan.

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

Function of the Transportation Master Plan

3.1.9.5 The Transportation Master Plan shall be the primary tool to implement operational based transportation policies including:

- a) creating awareness and promoting the benefits of walking and cycling through:
 - i) the provision of user-oriented information for all pedestrians, cyclists and other road users to increase awareness of non-motorized networks, user guidelines and safety requirements;
 - ii) the participation with and engagement of community groups and advisory committees; and,
 - iii) the participating in activities like Smart Commute, Car Free Day, Commuter Challenge etc.
- b) identifying further transportation demand management strategies in addition to provisions of Section C.4.2.4.1; and,
- c) undertaking significant improvements to the public transit network to address changes in travel demand occurring from increased densities along nodes corridors.

3.1.9.6 Provisions for bicycle parking/storage facilities, carpooling parking spaces, park n' ride spaces and appropriate parking spaces shall be regulated through the Zoning By-Law.

3.1.10 Community Strategies

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

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

3.2 Council Adopted Guidelines and Technical Studies

Council adopted guidelines and technical studies provide the necessary guidance for the preparation of specific studies. Certain guidelines will require adoption by Council. The requirements of the studies identified in Section F.3.2– Council Adopted Guidelines and Technical Studies shall be considered as minimum requirements. These requirements may be expanded upon.

3.2.1 Environmental Impact Statements (EIS)

3.2.1.1 Council has adopted Environmental Impact Statement Guidelines which shall be used by proponents and professionals when preparing an EIS. The City shall revise the Environmental Impact Statement Guidelines from time to time.

3.2.1.2 When a *development* proposal has the potential to negatively impact a Core Area’s natural features or their ecological functions, the proponent shall be required to prepare an EIS to the satisfaction of the City in consultation with the relevant–Conservation Authority. An EIS inventories and describes the existing Core Areas and *ecological functions* of the site in the context of the surrounding landscape. An EIS also assesses the potential *negative impacts* that proposed *development* may have on Core Areas and *Linkages* and provides recommendations on natural area boundaries, mitigation measures, and design measures to accommodate or enhance existing natural features and functions.

3.2.1.3 In Rural Hamilton Official Plan.

Table F.3.1. Adjacent Land Distances to Trigger an Environmental Impact Statement

In Rural Hamilton Official Plan.

3.2.1.4 An EIS shall be required for *development* and *site alteration* proposed within or adjacent to a Core Area. Adjacent lands for features are defined in Table F.3.2 below. The distances for adjacent lands provided in Table F.3.2 are guidelines only and the City may require an EIS for development proposed outside of the adjacent area if it is anticipated that impacts may be far-reaching.

Table F.3.2: Adjacent Land Distances to Trigger an Environmental Impact Statement (For lands outside the Greenbelt Plan Area)

Natural Heritage Feature	Boundary Definition	Extent of Adjacent Lands (outside of Greenbelt)
<i>Fish Habitat</i>	Streams, rivers, lakes, ponds, and wetland.	30 metres from bankfull channel
Provincially Significant Wetlands	Defined by the Province	120 metres
<i>Significant Habitat of Threatened and Endangered Species</i>	Defined by the Province and City of Hamilton.	50 metres
Non-Provincially Significant Wetlands	Defined by Conservation Authorities and the City of Hamilton	50 metres
<i>Significant Woodlands</i>	Defined by City of Hamilton	50 metres, measured from the dripline
Streams and River Valleys	Conservation Authority regulatory lines, flood plain mapping.	30 metres from stable top of bank
<i>Areas of Natural and Scientific Interest</i>	As defined by the Province	50 metres

(ANSIs)		
<i>Significant Valley lands</i>	As defined by the Province and City of Hamilton.	50 metres
<i>Significant Wildlife Habitat</i>	As defined by the Province and City of Hamilton.	50 metres
<i>Environmentally Significant Areas (ESAs)</i>	As defined by the City of Hamilton	50 metres

- 3.2.1.5 The EIS may be scoped to reflect the type of development being proposed and the sensitivity and special characteristics of the natural area. The applicant's ecological consultant shall prepare a Terms of Reference for the EIS, which outlines the proposed scope of the EIS study. The EIS Terms of Reference shall be completed to the satisfaction of the City, in consultation with the relevant Conservation Authority.
- 3.2.1.6 The EIS must be submitted as part of a complete *development* application to ensure that environmental impacts are considered early in the design process when there is the greatest opportunity to design in harmony with the natural environment. In no case shall an EIS be a condition of approval granted under the Planning Act, R.S.O., 1990 c. P.13 and the completion of an EIS does not guarantee that the *development* application will be approved.
- 3.2.1.7 The EIS must be prepared by a professional qualified in the field of environmental sciences, following the requirements of the City's Environmental Impact Statement Guidelines. An EIS may include plans, studies, environmental analyses, cumulative impact assessments, buffer requirements, or other associated documentation and data considered necessary by Environmentally Significant Areas Impact Evaluation Group (ESAIEG) and City staff, as outlined in the City of Hamilton's Environmental Impact Statement Guidelines.
- 3.2.1.8 Where an Environmental Assessment is carried out under Federal or Provincial Environmental Assessment processes, the assessment shall be considered as fulfilling the EIS requirements of this Plan.
- 3.2.1.9 Where environmental studies, such as a *sub-watershed* study have been carried out as part of a comprehensive planning process, the study may be submitted in place of the EIS, provided it fulfills the requirements of an EIS and is carried out to the satisfaction of the City in consultation with the relevant Conservation Authority.
- 3.2.1.10 Where an EIS demonstrates that a *development* proposal shall have *negative impacts* on the significant natural feature and functions of a site, the following options shall apply:
- a) the application shall be refused; or,
 - b) the City shall consult with the applicant to redesign the proposal to reduce the impacts to the satisfaction of the City in consultation with the relevant Conservation Authority; or,

- c) the City shall negotiate an agreement with the landowner requiring conditions of approval, or requiring dedication of land/conservation easement to protect the significant natural feature or function.

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

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

3.2.2 Hydrogeological Studies

3.2.2.1 The City shall develop and adopt Hydrogeological Study Guidelines which may be required by proponents and professionals when preparing *development* feasibility and hydrogeological studies. The results of these studies shall be used to determine hydrogeological setting, hydrogeological connections to any surface, potential impacts on groundwater quantity and quality, and the suitability of the site for *development*. In the absence of guidelines, studies shall:

- a) assess impacts of groundwater on existing development (both privately and municipally serviced) and future development caused by the excavation for servicing and basements;
- b) recommend measures to mitigate groundwater impacts such as continuously running sump pumps both during construction and post construction;
- c) determine the availability of sufficient and suitable water supply without impacting neighbouring wells; and,
- d) set parameters for monitoring that may be required.

3.2.3 Cultural Heritage Impact Assessments

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

- a) identification and evaluation of all potentially affected *cultural heritage resource(s)*, including detailed site(s) history and a *cultural heritage resource inventory* containing textual and graphic documentation;
- b) a description of the proposed *development or site alteration* and alternative forms of the *development or site alteration*;
- c) a description of all *cultural heritage resource(s)* to be affected by the *development* and its alternative forms;
- d) a description of the effects on the *cultural heritage resource(s)* by the proposed *development or site alteration* and its alternative forms; and,
- e) a description of the measures necessary to mitigate the adverse effects of the *development or site alteration* and its alternatives upon the *cultural heritage resource(s)*.

3.2.4 Archaeological Assessments

3.2.4.1 Any required archaeological assessment must be conducted by an archaeologist licensed under the [Ontario Heritage Act](#) and shall be submitted to the City for final approval and to the Province for review and compliance to licensing provisions and archaeological assessment standards and guidelines. The archaeological assessment:

- a) shall be prepared following the terms and conditions set out in the provincial guidelines; and,
- b) shall provide conservation-related recommendations, including, but not restricted to subsequent processes and procedures for the *conservation* and management of archaeological resources prior to, during and post development and/or *site alteration*-related activities. This may address further archaeological test-excavation and evaluation prior to the determination of a final resource management strategy and the submission of any further reports required by the Province or City. Such recommended processes and procedures for archaeological management shall be implemented through a variety of measures including but not limited to the mitigation, preservation, and/or resource excavation, removal and documentation, of all *archaeological resources*, to the satisfaction of the City and approval by the Province.

3.2.5 Urban Design and Architectural Guidelines and Architectural Control

3.2.5.1 The City may develop urban design guidelines to address contextual or use-specific design issues, or other matters where the City identifies a need for specific design guidance in order to implement the policies of this Plan.

3.2.5.2 The City in considering applications for plans of subdivision and condominiums may require an applicant to prepare urban design and/or architectural design guidelines to the City's satisfaction. The City may undertake *Architectural Control* to ensure compliance with the approved Urban Design/Architectural Guidelines applicable to a specific *development or redevelopment*.

3.2.6 Urban Design Report

3.2.6.1 Proponents of *development* applications may be required to prepare a *Design Report* to indicate how the proposal is consistent with the design principles and policies identified in throughout this Plan and any applicable existing design guidelines.

3.2.6.2 The need and scope for the preparation of a *Design Report* shall be determined by the City during the formal consultation stage of the *development* review process and submitted as part of an application in accordance with Section F.1.19.5. The specific requirements of the *Urban Design Report* shall be reflective of individual applications and determined on a case by case basis.

3.2.6.3 The City shall develop Terms of Reference for the preparation of *Urban Design Reports*.

3.2.7 Commercial Needs and Impact Assessment

3.2.7.1 The City shall develop Terms of Reference for the preparation of a Commercial Needs and Impact Assessment which shall demonstrate there shall be no negative impact on the planned function of existing and designated Commercial and Mixed Use areas or on the planned function of the *Urban Nodes* and *Urban Corridors*.

3.2.7.2 A commercial needs assessment shall address the following matters to the satisfaction of the City:

- a) Determines an appropriate trade area for the proposed facility and identifies the trade area of competing nodes, corridors, Commercial and Mixed Use designations outside of nodes and corridors;
- b) Determines the need for additional retail space within the trade area beyond that necessary for existing retail designations to remain viable;
- c) Determines the amount of potential retail space that could be constructed on vacant designated parcels, or is available within vacant built space, within the trade area or within an overlapping trade area;
- d) Determines the net additional retail needs after considering the above supply potential;
- e) Assesses the opportunities and ability to locate the proposed retail facility within or immediately adjacent to existing nodes, corridors, Commercial or Mixed Use designations outside of nodes and corridors;
- f) Assesses the effect of the proposed development on the urban structure including any effects on the planned function of the Nodes and Corridors;

- g) Assesses any impact on the planned function of the Commercial and Mixed Use designations outside of the nodes and corridors;
- h) Assesses the ability of the proposed facility to be serviced by transit;
- i) Assesses the ability of the proposed facility to be integrated into the surrounding residential neighbourhood(s) and to be accessed by *active transportation*; and,
- j) If the proposed development creates a commercial node or cluster of retail space greater than 25,000 square metres, it shall only be considered through a municipal comprehensive review of the City's urban structure.

3.2.8 Site Plan Guidelines

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

3.2.9 Energy and Environmental Assessment Report

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

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

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

3.2.10 Public Consultation (OPA 49) (OPA 175)

3.2.10.1 Council has adopted Public Consultation Guidelines which shall be used by proponents when conducting public consultation and producing a summary and response to comments received, as may be required as part of a complete application. The City shall require the applicant to submit all materials identified in the Public Consultation Guidelines, where applicable, as part of a complete application for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, or Site Plan. The City may revise the Public Consultation Guidelines from time to time. (OPA 175)

3.2.11 Right of Way Impact Assessment (OPA 49)

3.2.11.1 Where a request is made by a proponent of a *development* application to reduce or waive requirements for conveyance of lands for right-of-way dedications, including daylight triangles, as set out in Section C.4.5.2, Schedule

C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, proponents may be required to prepare a Right of Way Impact Assessment to review potential impacts and provide a rationale for the alternative requirement in accordance with the criteria outlined in Policy C.4.5.6.5 a). (OPA 142)

- 3.2.11.2 The City may develop guidelines for a Right of Way Impact Assessment which may be revised from time to time.

3.2.12 Other Technical Studies

- 3.2.12.1 In addition to the studies identified in Section F.1.19 – Complete Application Requirements and Formal Consultation, and Sections F.3.2.1 to F.3.2.9, inclusive, the City may require technical studies to be submitted as part of the Planning Act, R.S.O., 1990 c. P.13 process. Prior to submission of these technical studies, consultation shall be required with City staff to confirm the contents for and the criteria to be used in the technical studies.

3.3 Advisory Committees

3.3.1 Environmentally Significant Area Impact Evaluation Group (ESAIEG)

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

- 3.3.1.2 Where required, proposed land use changes shall be referred to the Environmentally Significant Areas Impact Evaluation Group for review.

- 3.3.1.3 In Rural Hamilton Official Plan.

3.3.2 Municipal Heritage Committee

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

3.4 Monitoring and Measuring Performance

- 3.4.1** Monitoring and measuring performance of this Official Plan is critical to determine if:

- a) the assumptions of this Plan remain valid;
- b) the implementation of the policies fulfill the overall goals and objectives of this Plan;
- c) growth targets listed in Sections A.2.3 - Growth Management – Provincial and B.2.4.1 - General Residential Intensification Policies, are being met; and,
- d) the priorities identified in this Plan remain constant or require change.

- 3.4.2** Monitoring and measuring performance can be conducted through both qualitative and quantitative measures. Where appropriate, targets have been

included in this Plan. It is not the intent to develop and include specific monitoring or performance measurement programs as part of this Plan. The City undertakes performance measurement in a variety of ways including the development of monitoring programs through supporting plans, completion of provincial performance indicators, and the preparation Vision 2020 performance indicators and report card.

- 3.4.3** Notwithstanding Policy F.3.4.2, in some key areas, such as the Natural Heritage System, land supply specific policies shall be included in the Plan to ensure the environmental policies are being met.

3.4.4 Natural Heritage System Monitoring and Performance

Restoration Plantings

- 3.4.4.1 The City encourages individuals and agencies to use native species appropriate to the local area when planting within or adjacent to natural areas. Wherever possible, the City shall use native species in plantings along roads and on the grounds of City-owned facilities.

Data Management and Monitoring

- 3.4.4.2 The City shall continue to support field studies that assist in identifying natural habitat to be protected and enhanced. The City, in conjunction with its partners, shall maintain a Natural Heritage Database and shall set aside annual funding to continue the collection of field data within natural areas to ensure the existing database remains current.
- 3.4.4.3 The City shall develop a monitoring program in co-operation with the Conservation Authorities, other agencies, and the community to monitor changes to the natural heritage system and to support land use planning and resource management decision-making.
- 3.4.4.4 The City shall prepare a "State of the Environment" report, to monitor the City's progress toward its goals and to increase awareness of the natural heritage system.

Targets for Natural Cover

- 3.4.4.5 It is a City objective is to expand and reinforce the existing natural heritage system in the long term by encouraging and undertaking ecological restoration towards locally established targets.
- 3.4.4.6 The City-wide targets for Hamilton, shown in Table F.3.4.1 - Habitat Restoration Targets, are based on Environment Canada's (2004) report, "A Framework for Guiding Habitat Restoration in Great Lakes Areas of Concern".
- 3.4.4.7 The City shall develop a Natural Heritage System Restoration Strategy to identify implementation activities intended to achieve the desired natural heritage system.
- 3.4.4.8 The City shall monitor the foregoing policies for progress in achieving the following City-wide and general targets for the purposes of reviewing the Official Plan pursuant to the Planning Act, R.S.O., 1990 c. P.13.

Table F.3.4.1: City-Wide Habitat Restoration Targets

Natural Cover Type	Existing Percentage Cover	City-Wide Target Percentage
Forest Cover	17.7 %	30 %
Interior Forest Cover (100 metres inside from edge)	4.2 %	10 %
Interior Forest Cover (200 metres inside from edge)	1.4 %	5 %
Riparian Vegetation greater than 30 metres wide	34.7 %	75 % of stream length should be naturally vegetated.
Wetland Cover	8.3 %	10 %

3.4.5 Targets for Air Quality and Climate Change Mitigation and Adaptation

- 3.4.5.1 The City's objective is to increase the number of good air quality days, where the Province's Air Quality Health Index (AQHI) is less than 7, and to meet all federal and provincial Ambient Air Quality Criteria. The City also has objectives to achieve both corporate and community-wide greenhouse emission reduction targets that align with the Intergovernmental Panel on Climate Change's (IPCC) Special Report on Global Warming of 1.5° C recommendations. (OPA 167)
- 3.4.5.2 Corporate greenhouse gas emissions are those emissions that the City has direct control over and are generated from municipal operations such as corporate fleet vehicles, corporate buildings, water, and wastewater distribution and treatment. (OPA 167)

Table F.3.4.2: Hamilton's Corporate Greenhouse Gas Emission Reduction Targets (OPA 167)

2030	2050
50% reduction of 2005 emission levels	Carbon Neutral

- 3.4.5.3 Community greenhouse gas emissions are those emissions that are outside the City's direct control and are generated from community sources of emissions such as personal vehicles, privately owned buildings, industry, and agriculture. (OPA 167)

Table F.3.4.3: Hamilton's Community Greenhouse Gas Emission Reduction Targets (OPA 167)

2030	2050
50% reduction of 2006 emission levels	80% reduction of 2006 emission levels

- 3.4.5.4 The City, in collaboration with external stakeholders and partners, shall track, analyze and report on Hamilton's progress in achieving its targets through an

annual greenhouse gas inventory for emissions from transportation, buildings, industry, water and waste management, agriculture, and municipal operations. (OPA 167)

3.5 Land Supply and Development Activity (OPA 167)

3.5.1 The City shall monitor the designated urban land supply to ensure there is sufficient land available to accommodate a mix and range of housing types, employment opportunities, and other land uses to meet the projected needs for up to a 30 year time horizon. The monitoring shall include annual reporting on the following: (OPA 167)

- a) the residential intensification rate; (OPA 167)
- b) the planned density of the designated *greenfield area*, (OPA 167)
- c) the planned density of the urban growth centre and other *urban nodes*; (OPA 167)
- d) construction activity including the range and mix of housing types; (OPA 167)
- e) the Vacant Residential Land Inventory; (OPA 167)
- f) comparison of the City's actual population and employment growth to the forecasted population growth identified in policy A.2.3.1 and employment growth identified in Policy A.2.3.2; (OPA 167)
- g) employment and land absorption; and,
- h) housing affordability. (OPA 167)

3.5.2 The City shall monitor the cost of housing and land development and provide annual reports on housing and land development costs, including social housing development costs. (OPA 167)

3.6 Staging of Development

3.6.1 Staging of development refers to the process of managing the rate and timing of subdivision *development* for lands within the urban boundary of the City. This type of management ensures effective and efficient growth in existing and newly developing areas.

3.6.2 The City shall use the annual, three-year Staging of Development Report to manage subdivision growth. The report shall:

- a) provide a document and process which integrates the City's financial planning of growth-related capital costs with land use planning and timing of *development* for new growth areas;
- b) ensure that growth takes place in an orderly and appropriate sequence in locations desirable to meet market demands, other growth strategies, servicing programs, and the priorities in this Plan;

- c) outline the City's intention toward the scheduling and processing of plans of subdivision for residential, employment and commercial *development*, and infrastructure;
- d) identify subdivisions which require owners to be responsible for paying for the installation of growth related, City capital works in exchange for, or as a credit towards, the payment of required development subdivided, in accordance with the Development Charges Act and the Development Charges By-law;
- e) identify subdivisions which include engineering services to be arranged through Front-ending Agreements under the Development Charges Act;
- f) provide necessary financial information for the Ten Year Capital Budget process by estimating potential development charge revenues and development charge expenditures related to new growth areas;
- g) when used in conjunction with the City's Vacant Lot Inventory Report, provide the necessary monitoring mechanism to determine the existing supply of serviced land to meet housing demands and to ensure the provision of a two-year supply of serviced residential land;
- h) provide the necessary monitoring mechanism to determine the existing supply of employment land to meet employment needs to ensure the provision of a serviced employment lands;
- i) the Staging of Development Plan shall be established with consideration of criteria for determining the appropriate staging and priority for development. The criteria include:
 - i) status of plans of subdivision;
 - ii) provincial legislation regarding land supply, density targets, and *intensification*;
 - iii) status of adjacent lands;
 - iv) financing;
 - v) serviceability; and,
 - vi) market forces.

3.6.3 The City's Staging of Development Report shall be prepared and approved annually. The City's Staging of Development Report and the City's Capital Works Program shall generally be prepared in concert with each other.

3.6.4 In addition to the City's Ten Year Capital Forecast, the staging or scheduling of plans of subdivision shall be based on a number of other factors including:

- a) the orderly extension of services, advancing a public need such as a road connection or school;
- b) other strategic program priorities, activity levels or the imminent approval of secondary plans; and,

- c) the programs and input of various Provincial Ministries and local agencies responsible for the delivery of essential services and protection of the environment.

3.6.5 As part of planning for the staging of *development* the City shall work with the utility companies to ensure that adequate utility networks, are or will be, established to serve the anticipated *development* and that these networks can be phased in a manner that is cost effective and efficient.

3.6.6 It is the intent of this Plan to promote the planning and installation of all utilities, including telecommunications in a coordinated and integrated manner, to be more efficient, cost effective, and to minimize disruption.

3.7 State of the Infrastructure Report and Public Works (OPA 167)

3.7.1 The City will assess *infrastructure* risks and vulnerabilities, including those caused by the *impacts of a changing climate* and identify actions and investments to address these challenges, which could be identified as part of municipal asset management planning. (OPA 167)

3.8 Public Undertakings

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

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

3.9 Grants and Loans

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

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

3.10 Property Maintenance and Occupancy By-laws (OPA 142)

3.10.1 Council will endeavour to maintain and improve the condition of all properties through enforcement of Zoning, Building, and Property Standards By-laws.

3.10.2 Council will enforce By-laws pursuant to the Planning Act, R.S.O., 1990 c. P.13:

- a) Setting forth property standards for the maintenance and occupancy of all property within the City;
- b) Prohibiting the use or occupancy of any property that does not conform to the standards;
- c) Requiring property to be repaired and maintained to comply with those standards; and,
- d) Requiring lands cleared of buildings or structures to be left in a graded and levelled condition and free of debris or refuse.

3.10.3 Council will endeavour to raise the standards of new development, both intrinsically and in relation to the immediate environment, through the strengthening and wider application of site plan control policies pursuant to the Planning Act, R.S.O., 1990 c. P.13.

3.10.4 On its own initiative and complementary to the enforcement of property standards on private properties, Council will undertake to keep in a fit and well-maintained condition all municipal properties and structures, and to provide, or maintain in good repair, such municipal services as roads, sidewalks, water and sewage facilities and other public works.

F.4.0 MUNICIPAL LAND AND BUILDING ACQUISITION

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

4.1 Acquisition and Disposition of Lands and Buildings

4.1.1 The City may hold or acquire land from time to time in order to develop any feature to implement particular policies of this Plan. Any land so acquired may be sold, leased, or otherwise disposed of when no longer required.

4.1.2 The City may participate in the management of *cultural heritage resources* through acquisition, disposition, purchase, lease, donation, or other forms of involvement that will result in the sensitive conservation, restoration, or rehabilitation of those resources.

4.1.3 In instances where the City is deeded land for public highways, right-of-way dedication, parkland, storm water management, easements, or for any other purpose, the City may require evidence, as a condition of the transfer, that no environmental contamination has occurred on the subject lands or that the lands have been restored to the satisfaction of the City, and/or other conditions as determined by the City. (OPA 142)

4.2 Easements and Covenants

4.2.1 The City may pass by-laws for entering into easements or covenants with owners of property of cultural heritage value or interest for the purposes of conservation.

4.2.2 The City may pass by-laws for entering into easements for utility purposes.

4.2.3 As the owner of *cultural heritage resources*, the City shall protect, improve, and manage these resources in a manner which furthers the objectives of this Plan and sets an example for the community.

4.2.4 In addition to the Parkland Dedication policies referred to in Policies F.1.18.1 and F.1.18.2, Council may acquire lands through:

- a) donations, gifts, bequests from individuals or corporations; and,
- b) monies allocated in the Municipal Budget.