

## **CHAPTER B – COMMUNITIES (OPA 5)**

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

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

**B.1.0 INTRODUCTION (OPA 5)**

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

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

## **B.2.0 DEFINING OUR COMMUNITIES (OPA 5) (OPA 34)**

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

- a) the *urban boundary* which delineates the urban area from the *rural area*. The urban boundary is delineated through the Urban Hamilton Official Plan. It is the intent of the City of Hamilton to maintain a firm urban boundary. Lands shall not be removed from the boundaries of *Rural Hamilton* and added to the *Urban Area*; and,
- b) rural settlement area boundaries which set the limits for residential, non-farm, and non-resource-based growth. Rural settlement area boundaries shall not be expanded.

### B.3.0 QUALITY OF LIFE AND COMPLETE COMMUNITIES

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

#### 3.1 Strong Economy (OPA 5)

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

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

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

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

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

#### Tourism

**3.1.2** The City acknowledges that tourism brings concrete economic benefits to the City of Hamilton. A strong tourism industry also contributes leisure, entertainment, cultural, recreational, and hospitality services for residents and visitors, and helps attract new residents, businesses and industry to relocate to the City of Hamilton.

**3.1.3** The City acknowledges that agri-tourism contributes to the economy of the City as a whole, the *rural area* in particular, and the ability of farmers to keep their lands in agricultural production.

#### Arts and Culture

**3.1.4** The City recognizes that arts and culture bring many benefits to the City of Hamilton. Arts and culture contribute to the City's economy, cultural landscape,

quality of life, vibrancy, livability, and sense of place and can play a significant role in the *adaptive reuse* of older buildings and the transformation of deteriorated neighbourhoods and commercial areas.

**3.1.5** The City of Hamilton embraces the international consensus that culture is the fourth pillar of sustainable development, joining economic prosperity, environmental responsibility and social equity. Consideration of integrating cultural vitality into all City decisions and City initiatives shall be given as the City adopts a holistic approach to culture.

**3.1.6** The City of Hamilton is committed to being a reliable and trusted partner, working with community stakeholders to create conditions which support and cultivate creative people, creative capacity, and a shared responsibility for culture.

**3.1.7** Arts and culture are supported by several policy directions of this Plan: conservation of *cultural heritage resources* and protection and enhancement of natural heritage resources. Arts and culture can also be supported by program initiatives, and City plans such as the Cultural Plan and the Public Art Master Plan.

### Partnerships

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

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

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

### **3.2 Housing Policies (OPA 5)**

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

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

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

### 3.2.1 Affordable Housing Policies

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

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

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

- 3.2.1.1 The City shall endeavour to provide a facilitative land use planning process for development applications for *affordable* housing and *housing with supports*.
- 3.2.1.2 Where appropriate, assistance shall be provided, either by the City and/or by senior governments, to encourage the *development* of *affordable* housing, with priority given to projects in areas of the City that are lacking in *affordable* housing. City assistance may include selling or leasing of surplus City land or financial assistance.
- 3.2.1.3 In accordance with the City's 'Housing First' policy, all City-owned land that is surplus to the City's needs and appropriate for residential development shall be given priority for sale or lease for the *development* of *affordable* housing by CityHousing Hamilton Corporation, or coordinated by CityHousing Hamilton Corporation or the City of Hamilton Housing Services for *development* by other housing stakeholders.
- 3.2.1.4 The City shall identify, promote and, where appropriate, participate in *affordable* housing opportunities funded by senior levels of government.

- 3.2.1.5 The City shall encourage senior levels of government to adopt a 'Housing First' policy whereby *affordable* housing uses are, where appropriate, given priority in the disposition of surplus government owned land.
- 3.2.1.6 Investment in new *affordable* housing shall be encouraged by a coordinated effort from all levels of government through implementation of a range of strategies, including effective taxation, regulatory and administrative policies and incentives.

### **3.2.2 General Policies for Rural Housing**

- 3.2.2.1 Small scale *housing with supports*, including residential care facilities, shall be permitted as a stand alone use in the form of a single detached dwelling in accordance with Policies C.3.1.2 c), C.5.1, and Volume 2, A.1.3.1.
- 3.2.2.2 The existing stock of housing in the rural areas shall be retained wherever possible and kept in a safe and adequate condition through use of the City's Property Standards by-law and incentive programs financed by the City or by senior levels of government. (OPA 26)
- 3.2.2.3 Where dwellings are demolished without being replaced on the same site or are demolished and moved to another part of an agricultural parcel, the proponent shall be required to rehabilitate the land to the same average soil quality as any adjacent agricultural lands.

### **3.3 Design Policies (OPA 5)**

#### **3.3.1 Barrier Free Design**

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

- 3.3.2 All newly constructed and/or renovated City of Hamilton owned, leased, or operated facilities, parks and open spaces, infrastructure, and any other space that are accessible to the public, shall comply with the City of Hamilton Barrier Free Design Guidelines.
- 3.3.3 The City shall require barrier free design, wherever possible, on private sector sites and in private sector buildings and facilities through site plan approval, enforcement of the Ontario Building Code, and implementation of all applicable provincial legislation, standards and guidelines.

#### **3.3.4 Public Art**

Public art is a vital component of the built environment, creating and enhancing a sense of community pride and identity. Public art installations make living in Hamilton, and traveling through the city's streets, public and private spaces an engaging and more pleasurable experience for residents

and visitors. Public art, as an important expression of community identity and culture, enhances tourism and economic development and the overall vitality of the City. Public Art includes art created by artists or in collaboration with artists through a public process and installed on city owned or privately owned publicly accessible land.

- 3.3.4.1 Public art may include murals, sculptures, fountains, benches, walkway design, pavement designs and amenity design.
- 3.3.4.2 Public art that fosters community identify through interpreting local history, traditions and culture is encouraged in all public and private spaces.
- 3.3.4.3 The City shall pursue the installation of public art in public locations in accordance with the Public Art Master Plan.
- 3.3.4.4 In addition to locations for public art identified in the Public Art Master Plan, locations for public art shall be identified through rural settlement area planning, other planning processes, and initiatives, where appropriate.
- 3.3.4.5 Private developments that include spaces attracting significant pedestrian traffic are encouraged to include public art in the design of the building and/or site.
- 3.3.4.6 The City shall consider the inclusion and installation of public art as part of the following public infrastructure projects, where appropriate:
  - a) bridges;
  - b) roadway designs;
  - c) noise barriers;
  - d) paving design;
  - e) street furniture; and,
  - f) other infrastructure that is highly visible from the public right-of-way.
- 3.3.4.7 The City shall initiate partnerships with other public institutions in the development of public art projects on publicly assessable lands.

#### **Other Policies**

- 3.3.5** The policies of this section shall be implemented through mechanisms such as zoning and site plan control, where appropriate and as specified in Chapter F – Implementation. (OPA 26)
- 3.3.6** The City, as owners of many public buildings and places, shall apply the design policies of this Section and other sections of this Plan when planning for and developing new, and making improvements to, streets, public spaces, community facilities, and infrastructure. (OPA 26)



### 3.4 Cultural Heritage Resources Policies (OPA 5)

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

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

#### 3.4.1 Policy Goals

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

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

#### 3.4.2 General Cultural Heritage Policies

- 3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:
  - a) Protect and conserve the tangible *cultural heritage resources* of the City, including *archaeological resources, built heritage resources, and cultural heritage landscapes* for present and future generations.
  - b) Identify *cultural heritage resources* through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources.

- c) Promote awareness and appreciation of the City's cultural heritage and encourage public and private stewardship of and custodial responsibility for the City's *cultural heritage resources*.
- d) Avoid harmful disruption or disturbance of known archaeological sites or *areas of archaeological potential*.
- e) Encourage the ongoing care of individual *cultural heritage resources* and the properties on which they are situated together with associated features and structures by property owners, and provide guidance on sound conservation practices.
- f) Support the continuing use, reuse, care, and conservation of *cultural heritage resources* and *properties* by encouraging property owners to seek out and apply for funding sources available for conservation and restoration work.
- g) Ensure the conservation and protection of *cultural heritage resources* in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals.
- h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and *cultural heritage landscapes*, by encouraging those land uses, *development* and *site alteration* activities that protect, maintain and enhance these areas.
- i) Use all relevant provincial legislation, particularly the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act, the Municipal Act, the Niagara Escarpment Planning and Development Act, the Cemeteries Act, the Greenbelt Act, the Places to Grow Act, and all related plans and strategies to appropriately manage, conserve and protect Hamilton's *cultural heritage resources*.

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

#### Heritage Designation

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

#### Listing of Properties in the Heritage Register

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

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

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

- 3.4.2.6 The City recognizes there may be *cultural heritage properties* that are not yet identified, included in the City's Inventory of Buildings of Architectural or Historical Interest, included in the Register of Property of Cultural Heritage Value or Interest, or designated under the Ontario Heritage Act, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.
- 3.4.2.7 The City shall ensure these non-designated and non-registered *cultural heritage properties* are identified, evaluated, and appropriately conserved through various legislated planning and assessment processes, including the Planning Act, the Environmental Assessment Act, the Ontario Heritage Act, and the Cemeteries Act.
- 3.4.2.8 To ensure consistency in the identification and evaluation of these non-designated and non-registered *cultural heritage properties*, the City shall use the criteria for determining cultural heritage value or interest established by provincial regulation under the Ontario Heritage Act and set out in Policy B.3.4.2.9.

### Cultural Heritage Evaluation Criteria

- 3.4.2.9 For consistency in all heritage conservation activity, the City shall use, and require the use by others, of the following criteria to assess and identify *cultural heritage resources* that may reside below or on real property:
- a) prehistoric and historical associations with a theme of human history that is representative of cultural processes in the settlement, development, and use of land in the City;
  - b) prehistoric and historical associations with the life or activities of a person, group, institution, or organization that has made a significant contribution to the City;
  - c) architectural, engineering, landscape design, physical, craft, or artistic value;
  - d) scenic amenity with associated views and vistas that provide a recognizable sense of position or place;
  - e) contextual value in defining the historical, visual, scenic, physical, and functional character of an area; and,
  - f) landmark value.

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

#### Cultural Heritage Conservation Plan Statements

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

#### Cultural Heritage Impact Assessments

- 3.4.2.12 A *cultural heritage impact assessment*:

- a) shall be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act where the proposed *development, site alteration*, or redevelopment of lands (both public and private) has the potential to adversely affect the following *cultural heritage resources* through displacement or disruption:
  - i) Properties designated under any part of the Ontario Heritage Act or *adjacent* to properties designated under any part of the Ontario Heritage Act;
  - ii) Properties that are included in the City's Register of Property of Cultural Heritage Value or Interest or *adjacent* to properties included in the City's Register of Property of Cultural Heritage Value or Interest;
  - iii) A registered or known archaeological site or *areas of archaeological potential*;
  - iv) Any area for which a *cultural heritage conservation plan statement* has been prepared; or,
  - v) Properties that comprise or are contained within *cultural heritage landscapes* that are included in the Register of Property of Cultural Heritage Value or Interest.
- b) may be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act where the proposed *development, site alteration*, or redevelopment of lands (both public and private) has the potential to adversely affect *cultural heritage resources* that are included in, or *adjacent* to *cultural heritage resources* included in, the City's Inventory of Buildings of Architectural or Historical Interest through displacement or disruption.
- c) Notwithstanding Policies 3.4.2.12 a) and b):

- i) Where site plan approval is required primarily for the purposes of natural heritage protection and site plan approval is the only Planning Act application, a *cultural heritage impact assessment* shall not be required.
  - ii) Where site plan approval is required for a minor development and the site plan approval is the only Planning Act application, a *cultural heritage impact assessment* may not be required at the discretion of the City.
- 3.4.2.13 *Cultural heritage impact assessments* shall be prepared in accordance with any applicable guidelines and Policy F.3.2.4 – Cultural Heritage Impact Assessments. The City shall develop guidelines for the preparation of *cultural heritage impact assessment*.
- 3.4.2.14 Where *cultural heritage resources* are to be affected, the City may impose conditions of approval on any planning application to ensure their continued protection. In the event that rehabilitation and reuse of the resource is not viable and this has been demonstrated by the proponent, the City may require that affected resources be thoroughly documented for archival purposes at the expense of the applicant prior to demolition.

### Public Awareness

- 3.4.2.15 Public awareness and enjoyment of the City of Hamilton's cultural heritage shall be promoted. To enhance opportunities for conserving *cultural heritage resources*, the City may:
- a) participate in cultural heritage programs, including management, planning, and funding programs, of other levels of government or any other agencies and groups, that are intended to conserve, restore, protect, interpret, or communicate or otherwise assist in the management of *cultural heritage resources*;
  - b) initiate or support public programmes or heritage interpretation activities intended to increase community awareness and appreciation of the City's heritage, including its recent history and distant past in order to represent either popular or under-represented stories, themes and histories of people or groups;
  - c) participate in public programmes or heritage interpretation activities of other levels of government or other agencies and groups;
  - d) encourage active citizen participation in cultural heritage conservation activities; and,
  - e) name roads, streets, water courses, and other public places and facilities to recognize all persons, groups, themes, activities, landscapes, or landmarks of interest in the City that have contributed to the cultural heritage and diversity of Hamilton's history.

### 3.4.4 Archaeology Policies

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

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

#### Archaeological Assessment Requirements

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

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

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

- a) shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act when they involve *soil disturbance* or *site alteration*: (OPA 42)
  - i) site plan applications; and,
  - ii) plans of condominium.
- b) may be required for the following planning matters under the Planning Act when they involve *soil disturbance* or *site alteration*:
  - i) minor variances; and,
  - ii) consents / severances.
- c) Shall only be required for the lands on which soil will be disturbed or *site alteration* will be conducted as a direct result of the proposal.

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

- 3.4.4.5 Prior to *site alteration* or *soil disturbance* relating to a Planning Act application, any required archaeological assessment must be approved, in writing by the City, indicating that there are no further archaeological concerns with the property or concurring with the final resource management strategy to be implemented. The City may require a higher standard of conservation, care and protection for *archaeological resources* based on prevailing conditions and circumstances within the City and the results of any dialogue with First Nations and their interests.
- 3.4.4.6 The City considers the following *archaeological resources* to be of particular interest, value and merit:
- a) spatially large, dense *lithic scatters* (peak levels of more than 99 artifacts per square-metre);
  - b) deeply buried or stratified archaeological sites;
  - c) undisturbed or rare *Native* archaeological sites;
  - d) sacred archaeological sites;
  - e) archaeological sites comprising human burials;
  - f) *Paleo-Indian* archaeological sites;
  - g) *early-Archaic* archaeological sites;
  - h) *woodland* period archaeological habitation sites;
  - i) *post-contact* archaeological sites predating 1830 AD;
  - j) post 1830 archaeological site(s) where background documentation or archaeological features indicate heritage value; and,
  - k) underwater archaeological sites.
- 3.4.4.7 To conserve these resources, avoidance and protection in situ shall be the preferred conservation management strategies. Where it has been demonstrated in an archaeological assessment by a licensed archaeologist that avoidance is not a viable option, alternative mitigation measures shall be agreed upon by the Province and the City and in accordance with the Archaeology Management Plan.
- 3.4.4.8 The City may use all relevant provisions of the Planning Act to prohibit the use of land and the placement of buildings and structures in order to protect and conserve sites or areas of *significant archaeological resources*.
- 3.4.4.9 Where a marked or unmarked cemetery or burial place is encountered during any archaeological assessment or excavation activity, the provisions of the Cemeteries Act and associated regulations, and the policies of this Plan shall apply.

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

### 3.4.5 Built Heritage Resource Policies

- 3.4.5.1 An inventory of *built heritage resources* shall be prepared by the City and, as appropriate, may be included in the Register of Property of Cultural Heritage Value or Interest. Registered properties containing *built heritage resources* may be considered for designation under the Ontario Heritage Act and shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.
- 3.4.5.2 The City shall encourage the retention and conservation of *significant built heritage resources* in their original locations. In considering planning applications under the Planning Act and heritage permit applications under the Ontario Heritage Act, there shall be a presumption in favour of retaining the *built heritage resource* in its original location.
- 3.4.5.3 Relocation of *built heritage resources* shall only be considered where it is demonstrated by a *cultural heritage impact assessment* that the following options, in order of priority, have been assessed:
- a) retention of the building in its original location and its original use; or,
  - b) retention of the building in its original location, but adaptively reused.
- 3.4.5.4 Where it has been demonstrated that retention of the *built heritage resource* in its original location is neither appropriate nor viable the following options, in order of priority, shall be considered:
- a) relocation of the building within the area of *development*; or,
  - b) relocation of the building to a sympathetic site.
- 3.4.5.5 Where a significant *built heritage resource* is to be unavoidably lost or demolished, the City shall ensure the proponent undertakes one or more of the following mitigation measures, in addition to a thorough inventory and documentation of the features that will be lost:
- a) preserving and displaying of fragments of the former buildings' features and landscaping;
  - b) marking the traces of former locations, shapes, and circulation lines;
  - c) displaying graphic and textual descriptions of the site's history and former use, buildings, and structures; and,
  - d) generally reflect the former architecture and use in the design of the new *development*, where appropriate.



### 3.4.6 Cultural Heritage Landscapes

- 3.4.6.1 A *cultural heritage landscape* is a defined geographical area characterized by human settlement activities that have resulted in changes and modifications to the environment, which is now considered to be of heritage value or interest. *Cultural heritage landscapes* may include distinctive rural roads, streetscapes and commercial mainstreets, rural and agricultural landscapes, designed landscapes such as parks, cemeteries and gardens, nineteenth and twentieth century residential neighbourhoods, as well as commercial areas and industrial complexes.
- 3.4.6.2 An inventory of *cultural heritage landscapes* shall be prepared by the City and may be included in the Register of Properties of Cultural Heritage Value or Interest. *Cultural heritage landscapes* may also be considered for designation under the Ontario Heritage Act and shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.

#### Heritage Conservation Districts

- 3.4.6.3 The City, in consultation with its Municipal Heritage Committee, may designate properties including *cultural heritage landscapes* as heritage conservation districts under the Ontario Heritage Act where it has been determined that the district possesses one or more of the following attributes:
- a) a group of buildings, features, and spaces that reflect an aspect of local history, through association with a person, group, or activity;
  - b) buildings and structures that are of architectural or vernacular value or interest; and,
  - c) important physical and aesthetic characteristics that provide an important context for *cultural heritage resources* or associations within the district, including features such as buildings, structures, landscapes, topography, natural heritage, and archaeological sites.
- 3.4.6.4 The City shall in accordance with the Ontario Heritage Act:
- a) define and examine study areas for future heritage conservation district designation;
  - b) prepare area studies of prospective heritage conservation districts; and,
  - c) prepare heritage conservation district plans.
- 3.4.6.5 The City may in accordance with the Ontario Heritage Act by by-law prohibit or set limitations with respect to property alteration, erection, demolition, or removal of buildings or structures, or classes of buildings or structures, within the heritage conservation district study area.

## Heritage Roads

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

### 3.5 Community Facilities/Services Policies (OPA 5)

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

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

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

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

#### 3.5.1 Policy Goals

- 3.5.1.1 Create a vibrant, active and supportive City by providing *community facilities/services* that support a high quality of life for all residents.
- 3.5.1.2 Provide *community facilities/services* in an efficient sustainable manner that optimizes their use, minimizes their environmental impacts, and promotes their flexibility to adapt to changing needs.

### 3.5.2 General Policies

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

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

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

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

- a) The campus or shared facility shall be integrated into adjacent areas and neighbourhoods through building placement such as peripheral buildings which address the public streets, built form, massing, design, landscaping, and attention to the intensity of uses.
- b) The design of individual buildings shall relate to one another.
- c) Care and attention shall be given to the pedestrian environment, with pedestrian linkages between buildings and pedestrian circulation plans.
- d) Cycling facilities, including cycling routes and bicycle parking, shall be integrated into the site.

- e) Wayfinding signage and pedestrian scale lighting sufficient for public safety shall be provided.
- f) Entryways and gateways shall be identified and marked with entryway features.
- g) Care and attention shall be given to traffic flow onto and within the site.

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

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

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

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

- a) Partnership and collaboration among providers and funders of *community facilities/services*, including the City, shall be strongly encouraged.
- b) The use of existing *community facilities/services* shall be optimized to serve the surrounding community, wherever feasible, before the *development* of new facilities is considered.
- c) Where *community facilities/services* are deemed to be surplus, other *community facility/service* uses shall be given first priority in disposal of the property.
- d) Shared use of sites and buildings, including clustering/co-locating of facilities into campus-like settings with shared parking facilities, shall be strongly encouraged.

3.5.2.6 Public buildings and public *community facilities/services* provide a focal point, image and sense of identity for communities. Clustering/co-locating of new facilities which support a range of services on a shared site or in a shared building optimizes efficiency and improves convenience and accessibility. Clustering also creates a major destination that facilitates service integration, and provides flexibility for program or use change as community needs change.

3.5.2.7 All new public buildings and public *community facilities/services* shall:

- a) be designed to reflect and enhance local community character, image, identity, and sense of place; and,

- b) be encouraged to include public art as part of overall site and/or building design.

3.5.2.8 Policies B.3.5.2.1 to B.3.5.2.3 inclusive, B.3.5.2.5, and B.3.5.2.6 shall not apply to the renovation, expansion, or *adaptive reuse* of existing buildings for *community facilities*.

### **3.5.3 Parkland Policies**

3.5.3.1 The uses permitted on lands designated as Open Space – Neighbourhood, Community, City-wide on Secondary Plans or Rural settlement Area Plans in Volume 2 of this Plan shall be parks for both active and passive recreational uses, community/recreational facilities, and other open space uses.

3.5.3.2 Notwithstanding Section C.3.3.2 a), ancillary commercial uses that are complimentary to Community and City-wide Parks and support the primary open space use such as, but not limited to food concessions, recreational equipment rentals, and water oriented recreational uses, may be permitted provided such uses do not interfere with or have *negative impacts* on the open space nature of the land.

3.5.3.3 Lands designated as Natural Open Space in the rural settlement area plans are generally part of a park or conservation area. They have environmental features and are intended to be preserved in their natural state. Where appropriate, limited recreational activities/uses may be permitted including trails, picnic areas, forest management, conservation management. (OPA 5)

3.5.3.4 The City shall establish a hierarchy of parks as follows which are applicable to park types in the Rural Area (OPA 5);

- a) Neighbourhood Parks primarily cater to the recreational needs and interests of the residents living within its general vicinity. Residents can easily walk or bike to these parks. Neighbourhood Parks are generally comprised of municipal parkland, containing a mixture of passive areas, sports facilities, informal and formal play areas, and may include natural areas. They serve a population of approximately 5,000 people and have a minimum size of approximately two hectares.
- b) Community Parks serve more than one urban neighbourhood and the rural area, but are not intended to serve the City as a whole. Community Parks have more intensive recreational facilities such as sports fields, recreational and community centres. These facilities shall have good transportation access along adjacent arterial and/or collector roadways and provide adequate parking to meet anticipated demand. They serve a population of approximately 20,000 people and have a minimum size of approximately seven hectares city wide. (OPA 5)
- c) City-wide Parks are municipally, regionally, provincially or nationally significant destinations that meet the needs of residents and are of interest to visitors. These facilities are often associated with major recreation, education or leisure activities and may have natural or unique features. They range greatly in size and type.

- d) Parkettes are small open spaces which have no or limited recreational facilities. (OPA 5)
- 3.5.3.5 In addition to the parks hierarchy outlined in Section B.3.5.1.4, there are two open space categories not considered as parks but which contribute to the City's Open Space and Parks System:
- a) General Open Space shall include golf courses, community gardens, pedestrian and bicycle trails, walkways, picnic areas, beaches, and remnant parcels of open space lands. These areas do not function as parks but are used for both active and passive recreational activities. (OPA 5)
  - b) Natural Open Space shall include lands with significant natural features and landscapes such as wetlands, woodland, *hazard lands*, forested slopes, creek/ravine corridors, the Niagara Escarpment, environmentally sensitive areas (of natural and scientific interest) and areas of wildlife habitat. These areas perform important biological and *ecological functions* and provide passive recreational opportunities.
- 3.5.3.6 In certain cases, single parks may have dual classifications, such as Natural Open Space and Community Park, which recognize that parks can have multiple functions.
- 3.5.3.7 Parks and natural areas shall be linked in a continuous public Open Space and Parks System, including those lands identified in the Niagara Escarpment Parks and Open Space System, wherever possible.
- 3.5.3.8 All Open Space and Parks shall be designated as Open Space on Schedule D – Rural Land Use Designations. The classification of parkland shall be identified or designated in Rural Settlement Area Plans. These classifications shall be used to determine parkland needs in accordance with Section B.3.5.3.9. (OPA 5)(OPA 23).
- 3.5.3.9 To ensure the provision of an adequate amount of parkland, the following standards shall be used in the determination of parkland needs:
- a) Rural Settlement Areas (as defined on Schedule D – Rural Land Use Designations, and Maps 1 to 19 in Volume 2 of this Plan)

Park Classification	Per 1,000 Population (Ratios)	Minimum Service Radius/ Walking Distance
Neighbourhood Parks	0.7 ha/1000	500 m (OPA 40)
Community Parks	0.7 ha/1000	n/a

- i) Any park with an equivalent function to a Neighbourhood Park, as described in Policy B.3.5.3.4 a) and as determined by the City, shall satisfy the 500 metre Minimum Service Radius / Walking Distance standard established in Policy B.3.5.3.9 a). (OPA 40)

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

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

(OPA 5)

- 3.5.3.10 Parkettes have no parkland standards because of their small size and limited recreational opportunities. The purchase of parkettes shall only be made in exceptional circumstances where no other parks or open spaces exist in the vicinity nor are there any other opportunities to purchase neighbourhood or community parks.
- 3.5.3.11 General Open Space and Natural Open Space Areas are not considered parkland. Therefore no standards are applied.
- 3.5.3.12 Where parkland standards may not be met in rural area, the City shall endeavour to increase the supply of parkland through bequests, donations, partnerships with other public agencies and other methods as set out in Section F.4 – Municipal Land Acquisition of this Plan. (OPA 5).
- 3.5.3.13 Notwithstanding Section B.3.5.3.9 of this plan, the City may consider a lower parkland standard, where a Neighbourhood and Community Park may be feasibly combined on the same site. (OPA 23)
- 3.5.3.14 Through the preparation of Rural Settlement Area Plans, the City shall determine the amount and type of park required based on the following considerations:
- a) The parkland standards in Section B.3.5.3.9;
  - b) Projected population;
  - c) The location of other parks in adjacent areas;
  - d) The feasibility of locating parks near schools and Natural Open Spaces; and
  - e) Site characteristics (slope, natural features, frontage in a public road) as defined by the Landscape Manual for Parks, adopted by Council. (OPA 5) (OPA 23); and,
  - f) Social equity factors such as the proportion of potential low-income households and consideration of the availability of private amenity space. (OPA 40)
- 3.5.3.15 Preference shall be given to locating Neighbourhood or Community Parks adjacent to school sites.
- 3.5.3.16 Where lands are deemed surplus by the City, a public agency or other land owner, the following criteria shall be used in the evaluation of parkland needs:

- a) The amount of parkland deficit/surplus based on the standards in Section B.3.5.3.9; (OPA 23)
  - b) The size, the location and site characteristics of the surplus land;
  - c) The size and location of other Neighbourhood, Community or City-wide Parks in the area; and
  - d) Available municipal funds.
- 3.5.3.17 Whenever land designated or used for Open Space and Parks purposes is acquired or used by a city department or other public agency for non-recreational public purposes, the City or public agency shall be required to compensate for the resulting loss of parkland by paying the full current market value of the parcel of land into the Parkland Reserve.

#### **3.5.4 Library Services**

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

- 3.5.4.1 New libraries shall be accessible and barrier free to all residents.
- 3.5.4.2 Where established library facilities are inadequate to serve area residents, the City shall encourage the Hamilton Public Library Board to provide alternative or additional branch libraries or services. To ensure the provision of suitable library sites, the City shall encourage the inclusion of the Library Board in the planning of other *community facilities/services*.
- 3.5.4.3 Every effort shall be made to co-locate new libraries with other *community facilities/services* and central to the area being served.
- 3.5.4.4 New libraries shall comply with Sections B.3.5 – Community Facilities/Services Policies, and B.3.3 – Design Policies.

#### **3.5.5 Educational Facilities**

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

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



- 3.5.5.2 Where existing schools are deemed surplus by school boards the City shall endeavour to collaborate with school boards regarding disposition of the land, in a manner that meets both school board and City requirements, needs, and objectives.
- 3.5.5.3 The City shall consider purchase and *adaptive reuse or redevelopment* of surplus school sites for public purposes where other *community facilities/services* do not meet established standards and resources are available.
- 3.5.5.4 The City shall, in the case of a proposed relocation of a designated or zoned school site at the subdivision approval stage, ensure that such changes are minor in nature or the shift is designed to improve the centrality of the school site relative to its intended service area or to improve its overall functionality.
- 3.5.5.5 *Redevelopment* of surplus school sites for residential and other uses shall be *compatible* with the surrounding neighbourhood and comply with the other policies of this Plan.
- 3.5.5.6 Schools shall provide landscaped open space for outdoor student activities and be designed and operated to limit noise, traffic, privacy impacts on neighbouring residents.
- 3.5.5.7 New educational facilities shall comply with Sections B.3.5 – Community Facilities/Services Policies, and B.3.3 – Design Policies.

### **3.5.6 Healthcare Facilities**

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

### **3.5.7 Emergency Medical, Fire, and Police Services**

- 3.5.7.1 Emergency services are comprised of emergency medical, fire, and police services and their associated stations. Design of communities and siting of emergency service stations can impact response times and efficiency of emergency medical, fire, and police services delivery.
- 3.5.7.2 The preferred location for emergency medical, fire, and police stations is fronting arterial or collector roads.
- 3.5.7.3 Safe, direct, and unobstructed access to roads shall be required for emergency services including the use of controlled intersections, lighting, and signage.

### **3.5.8 Cultural Facilities**

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

- 3.5.8.1 City-wide or regional scale *cultural facilities* contribute to Hamilton's image and identity. The prominence of a city-wide or regional *cultural facility* should be reflected in its design. New *cultural facilities* that serve the City or larger region and are not linked to an existing *cultural heritage resource*, shall be designed to reflect the character, identity, and image of Hamilton and the region served by the facility.
- 3.5.8.2 Design competitions or other mechanisms to stimulate innovative design shall be strongly encouraged for new *cultural facilities*.
- 3.5.8.3 *Adaptive reuse of a protected heritage property or cultural heritage landscape* for new *cultural facilities* shall be exempt from all locational and design requirements of this Plan provided the following conditions are met to the satisfaction of the City:
- a) The proposed use is permitted in the relevant designation;
  - b) The heritage attributes are *conserved*.
  - c) The heritage attributes are considered in the design of any new additions, features, related buildings or structures, or landscaping.
- 3.5.8.4 New *cultural facilities* shall comply with Sections B.3.5 – Community Facilities/Services Policies, B.3.3 – Design Policies and B.3.4 – Cultural Heritage Policies.

### **3.6 Health and Public Safety Policies (OPA 5)**

#### **3.6.1 Contaminated Sites Policies**

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

- 3.6.1.1 The City shall require proponents of *development* or *redevelopment* proposals to document previous uses of the property(s) affected by the proposal for lands currently or previously used for:
- a) employment (industrial), commercial, community, transportation, or utility purposes;
  - b) activities involving the elimination or disposal of waste and other residues, including landfill sites or waste disposal facilities;
  - c) any activities involving the storage or use of hazardous substances, including fuels, oils, chemicals, paints, or solvents; and,

- d) any use with the potential for site contamination, such as dry cleaning facilities, and gas stations.
- 3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more *sensitive land use* is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial regulations. The Record of Site Condition shall be submitted by the proponent to the Province and a copy of the notice of acknowledgement shall be submitted to the City. The Record of Site Condition shall be to the satisfaction of the City.
- 3.6.1.3 The City shall continue to identify other circumstances pertaining to specific *development or redevelopment* proposals where the filing of a Record of Site Condition may be required beyond those circumstances contemplated in Policy B.6.1.2. These circumstances may include the age of a building proposed for *redevelopment*, historic land use, and potential off-site sources of contamination.
- 3.6.1.4 Where there is potential for site contamination due to a previous use or uses on lands subject to *development or redevelopment* proposals, and a mandatory filing of a Record of Site Condition is triggered, the City shall:
- a) withhold final approval of an application until acceptance of a Record of Site Condition. In the interim, conditional approval may be considered; or,
  - b) defer or establish conditions of approval for applications involving official plan amendments, zoning by-law amendments, plans of subdivision, and site plan approvals where a Record of Site Condition is necessary.
- 3.6.1.5 Application submissions involving land use changes on or within 200 metres, or greater distance as required by the City or province, of lands identified on Appendix E – Rural Municipal Landfill Sites, may not be considered complete unless accompanied by written permission for *redevelopment*, proof that remediation is complete from the appropriate authority, or a landfill impact assessment, according to all applicable provincial guidelines and requirements.
- 3.6.1.6 In approving applications involving land use changes on or near former landfill sites, the City may require a higher standard of remediation or safety than the Province.
- 3.6.1.7 As a condition of approval of applications involving land use changes within 200 metres of lands identified on Appendix E – Rural Municipal Landfill Sites, future purchasers and tenants shall be advised of existing and potential impacts of the former landfill. Such a warning provision shall be included as a clause in a lease or rental agreement, agreement of purchase and sale, and development agreement where applicable, and registered on title where possible.
- 3.6.1.8 No activity associated with the proposed use shall be permitted on a contaminated site or potentially contaminated site until any required Record of Site Condition has been filed and it has been demonstrated to the satisfaction of the City that there will be no *adverse effects*.

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

### 3.6.2 Air Quality and Climate Change

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

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

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

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

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

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

#### Partnerships

- 3.6.2.1 The City shall partner with community groups, such as Clean Air Hamilton, to develop actions to reduce air pollutants and improve air quality.
- 3.6.2.2 The City shall partner and work with other levels of governments, other municipalities, academics, community groups, and local industries to develop:

- a) actions that reduce air pollutants and greenhouse gases, improve air quality, reduce and respond to the impacts of climate change in the City; and,
  - b) a Hamilton Air Quality and Climate Change Plan.
- 3.6.2.3 The City shall promote and support public and private education and awareness of air quality and climate change, associated health impacts, and linkages to transportation and land use *development* in the City.

### Monitoring

- 3.6.2.4 The City shall undertake an air pollutant and greenhouse gas emissions inventory and assess the conditions of Hamilton's local air quality and climate to inform actions to reduce emissions of air pollutants and greenhouse gases generated in the City.
- 3.6.2.5 The City may partner with other organizations to monitor, track, and assess the conditions of Hamilton's local air quality and climate to identify local emission sources and take action to reduce air pollutant and greenhouse gas emissions at these sources.
- 3.6.2.6 The City shall monitor and reduce air pollutants and greenhouse gases generated by the City's corporate activities and services to achieve the targets set out in the Corporate Air Quality and Climate Change Strategic Plan.
- 3.6.2.7 The City shall prepare an annual Air Quality and Climate Change report to monitor the City's progress toward its goals and to increase awareness of air quality and climate change.

### 3.6.3 Noise, Vibration, and Other Emissions

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

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

### General Policies for Noise and Vibration Emissions

- 3.6.3.2 *Development of noise sensitive land uses*, in the vicinity of provincial highways, parkways, arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.
- 3.6.3.3 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration

measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.

- 3.6.3.4 Where feasible and in compliance with other policies, the City shall ensure that land use arrangements which minimize the impact of noise and vibration be considered in the formulation of plans of subdivision and condominium, official plan amendments, consents, and zoning by-law amendments. (OPA 34)
- 3.6.3.5 Where noise or vibration attenuation measures are required, these measures, for both outdoor and indoor space, may include the following:
  - a) sound-proofing measures, construction techniques, and materials;
  - b) layout and design of the structure or outdoor living areas;
  - c) spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers;
  - d) building setbacks; and,
  - e) acoustical barriers such as berms, noise walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies. (OPA 23)
- 3.6.3.6 Acoustical barriers shall generally be located on private property.
- 3.6.3.7 New technologies may offer opportunities for innovative noise and vibration abatement techniques not yet contemplated. The development and use of such techniques shall be encouraged.

#### Airport Noise and Vibration

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

#### Road and Railway Traffic Noise and Vibration

- 3.6.3.9 A *noise feasibility study* and *detailed noise study*, shall be required as determined by the City prior to or at the time of application submission, for *development* of residential or other *noise sensitive land uses* on lands in the following locations: (OPA 42)
  - a) 400 metres of an arterial road, as identified on Schedule C– Rural Functional Road Classification;
  - b) 400 metres of a truck route, as identified in the Truck Route Master Plan;
  - c) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Rural Functional Road Classification; and,
  - d) 500 metres of a railway line.

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

- a) *Development* applications shall include evidence that provincial outdoor sound level criteria shall be met.
  - i) If predicted noise levels in outdoor living areas exceed 55 dBA, but are less than or equal to 60 dBA, the noise study shall indicate and discuss the noise mitigation measures which would reduce noise levels to as close to 55 dBA as is feasible.
  - ii) The City shall determine if noise mitigation is required and the appropriate noise mitigation measure to be implemented. If predicted noise levels in outdoor living areas exceed 60 dBA, noise mitigation shall be required.
- b) *Development* applications shall include evidence that provincial indoor sound level criteria are met. If sound levels exceed provincial guidelines for either daytime or nighttime hours:
  - i) appropriate mitigation measures shall be incorporated into the *development*, according to provincial guidelines; and,
  - ii) appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within development agreements.

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

3.6.3.12 A vibration study shall be required to be submitted prior to or at the time of application submission for development on lands located within 75 metres of a railway line or railway yard, unless otherwise determined through the formal consultation process. Vibration studies may be reviewed by the appropriate railway company. (OPA 42)

### Design of Mitigation Measures Adjacent to Roads

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

- a) The use of noise barriers (walls and berms) should be avoided, wherever possible.
- b) The use of noise barriers shall only be considered if it can be demonstrated to the satisfaction of the City that no other noise mitigation measures are practical or feasible and their long term maintenance and replacement has been addressed.

- c) Noise mitigation measures shall comply with all design policies of this Plan unless it is determined in the *detailed noise study*, to the satisfaction of the City, that compliance with the design policies is not practical or feasible.

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

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

#### Railway Corridors and Yards General Policies

- 3.6.3.15 As determined by the City, a *noise feasibility study*, or *detailed noise study*, or both, shall be submitted prior to or at the time of application submission, for *development* of residential or other noise sensitive *land uses* on lands within 500 metres of a rail yard.
- 3.6.3.16 The City shall consult with the appropriate railway company in the review of any noise or vibration study required as a consequence of proximity to railway lines or yards. All noise and vibration studies and associated applications required as a consequence of proximity to railway lines or railway yards shall be circulated to the appropriate railway company for comment.
- 3.6.3.17 All proposed *development* adjacent to railways or railway yard shall ensure that appropriate safety measures such as setbacks, berms, and security fencing are provided to the satisfaction of the City and in consultation with the appropriate railway company.
- 3.6.3.18 As a condition of approval of *development* applications where noise or vibration studies are required as a consequence of proximity to railway lines or railway yards, appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within development agreements.

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

- 3.6.3.19 The City shall ensure that all *development* or *redevelopment* with the potential to create conflicts between *sensitive land uses* and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines. The City shall require proponents of such proposals to submit studies prior to or at the time of application submission, unless otherwise determined through the formal consultation process, including the following: *noise feasibility study*; *detailed noise study*; air quality study; odour impact assessment; dust impact analysis; light impact assessment; and any other information and materials identified in Section F.1.9 – Complete Application Requirements and Formal Consultation. (OPA 42)



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

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

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

### 3.6.4 Water Quality

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

### 3.6.5 Hazard Lands

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

*Hazard lands* are lands that have an inherent risk to life or property due to a variety of natural hazards such as flooding, erosion, or unexpected collapse of land. *Hazard lands* are areas susceptible to flooding, erosion, slope failure, or other physical conditions which are severe enough to pose a risk to residents, loss of life, property damage, and social disruption either at a specific location or to upstream or downstream lands within the watershed, if these lands were to be developed. In many places, *hazard lands* coincide with the lands of the

Natural Heritage System; however, this is not always the case. In many situations, the natural heritage system extends beyond the limits of *hazard lands*.

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

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

#### Policy Goal

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

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

#### Policies

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

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

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

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

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

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

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

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

- a) where a Special Policy Area, under Section 3.1.3 a) of the Provincial Policy Statement has been approved by the Province. Such special policy areas permitting *development* and *site alteration* on *hazard lands* shall be included as Area Specific Policies in Volume 3;
  - b) where the *development* is limited to uses which by their nature must locate within the *floodway* such as flood or erosion control works;
  - c) where *development* is a minor addition or a passive non-structural use which does not affect flood flows to the satisfaction of the applicable Conservation Authority;
  - d) where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards as determined by the applicable Conservation Authority.
- 3.6.5.10 *Development* and *site alteration* permitted through Policy B.3.6.5.9 above shall comply with Section C.2.0 – Natural Heritage System.
- 3.6.5.11 Development approvals shall not be granted within *hazard lands* or on lands adjacent to *hazard lands* that are regulated by a Conservation Authority until written consent is obtained from the applicable Conservation Authority.
- 3.6.5.12 The City shall discourage the expansion of *existing* legal non-complying uses within *hazard lands*.
- 3.6.5.13 Where an existing legal non-conforming or non-complying building or structure lying within all or part of *hazard lands* is destroyed in a manner not related to the inherent environmental hazards of the land, the City shall permit the building or structure to be rebuilt only if the Conservation Authority having jurisdiction permits the reconstruction.
- 3.6.5.14 Where lands with inherent hazards exist that are not regulated by the Province or a provincial body, such as steep slopes not associated with a watercourse or shoreline, the City shall as part of applications for development under the Planning Act, require the preparation of appropriate studies to:
- a) map the hazard;
  - b) assess the existing and future stability of the hazard;
  - c) identify appropriate setbacks from the hazard; and,
  - d) identify other mitigation measures necessary to protect the site, the hazard, *adjacent lands*, and public safety.
- 3.6.5.15 Hazards identified under Policy B.3.6.5.14 shall be zoned in the same manner as *hazard lands*.

### 3.7 Energy and Environmental Design

Energy efficiency, environmental design, and increasing the supply of energy through *renewable energy systems* and *alternative energy systems*, benefits human and environmental health, protects the global climate, and reduces the demand for energy resources and the infrastructure needed for its production and distribution.

#### Energy Efficiency

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

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

**3.7.2** Corporately, the City shall support energy efficiency by:

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

Increased Energy Supply

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

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

Renewable Energy and Alternative Energy System Locations

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

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