

CITY OF HAMILTON

OFFICIAL PLAN

PREPARED BY:

PLANNING AND DEVELOPMENT DEPARTMENT
CITY OF HAMILTON

AUGUST 2013

CITY OF HAMILTON

OFFICIAL PLAN

CONSOLIDATION

OFFICIAL PLAN CONSOLIDATION

This consolidation of the Official Plan of the former City of Hamilton has been prepared by staff of the Planning and Development Department for the purpose of convenience only. For accurate reference, the Official Plan and approved amendments, as lodged in the office of the City Clerk, should be consulted.

OFFICIAL PLAN APPROVAL

The Official Plan for the City of Hamilton was adopted by By-law 80-238, as amended by By-law 82-114, by the Hamilton City Council, and approved by the Minister of Municipal Affairs and Housing on June 1, 1982.

OFFICIAL PLAN AMENDMENTS

Since the approval of the Official Plan, City Council has adopted 208 amendments as of December, 2006, reflecting changes in policy direction or detailing certain aspects of the Plan. The Table of Amendments in this consolidation lists all 207 amendments by number, description and the specific policy(ies) and/or schedule(s) affected. It also states whether the amendments have received Ministerial approval. Further, it should be noted that as of November 3, 1986, the Minister's approval authority for local official plans and amendments was delegated to the Council of the Regional Municipality of Hamilton-Wentworth. All amendments, starting with O.P.A. 42 to O.P.A 168, have been submitted to the Region for approval. As of January 1, 2001 with the amalgamation of the former municipalities of Ancaster, Dundas, Flamborough, Glanbrook, Hamilton and Stoney Creek, the City Council of the City of Hamilton has been the approval authority for local official plans and amendments.

Only those Amendments which have been approved as of July 1, 2010 are contained in this Consolidation.

This Official Plan applies to the former City of Hamilton only. Please refer to the other area municipal official plans for Glanbrook, Flamborough, Stoney Creek, Ancaster, and Dundas for designations and policies outside the former City of Hamilton.

TABLE OF AMENDMENTS

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
1.	56 Frederick Ave. To permit limited commercial and office uses on land designated "Residential".	Schedule B Special Policy Area 16 A.2.9.3.14	Approved July 20, 1983
2.	587 James Street North To redesignate lands from "Residential" to "Commercial" to recognize the existing service station.	Schedule A	Approved July 20, 1983
3.	249 Stone Church Road To permit an existing electronic communications and contracting business on lands designated "Residential".	Schedule B SPA 17 A.2.9.3.15	Approved August 22, 1983
4.	Homeside Neighbourhood To incorporate proposed land use changes in accordance with the Homeside Neighbourhood Plan.	Schedules A & B SPA 18 A.2.9.3.16	Approved March 8, 1984
5.	First Annual Update To incorporate minor changes into the Plan.	Schedules "A" and "B" and various policy changes throughout the Plan.	Approved July 19, 1983
6.	638 to 672 Upper James Street To permit limited commercial uses on lands designated "Residential".	Schedules "A" and "B" SPA 19 Policy A.2.9.3.17	Approved August 11, 1983
7.	Commercial Design Standards To guide the Neighbourhood Planning process in the distribution of shopping centres on the south mountain.	Schedule "B-2" SPA 21, 22 and 23 Policy A.2.2.8 & D.2.5.	Approved April 15, 1985
8.	St. Elizabeth Retirement Village Rymal Road West To permit a banquet hall on land principally used for a retirement village.	Schedule "B" SPA 6 Policy A.2.9.3.4.	Approved December 13, 1984
9.	1099 – 1101 Cannon Street East To permit limited commercial uses on lands designated "Residential".	Schedule "B" SPA 20 Policy A.2.9.3.18	Approved Nov 23, 1983
10.	2 Guise Street East To redesignate lands from "Commercial" to "Residential" to permit a townhouse development.	Schedule "A"	Approved May 7, 1984
11.	Keith Neighbourhood To incorporate a "zoning buffer" in accordance with the Keith Neighbourhood Plan.	Schedule "B" SPA 24 Policy A.2.9.3.19	Denied June 5, 1986

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
12.	Normanhurst Neighbourhood To incorporate Policy and Schedule changes in accordance with the Normandhurst Neighbourhood Plan.	Schedule "A" Policy A.2.7.5	Approved Feb 4, 1994
13.	Lands located on the north side of Limeridge Road East To redesignate lands from "Residential" to "Commercial" to permit commercial facilities.	Schedule "A"	Approved Oct 15, 1984
14.	Energy Conservation Policies To incorporate policies which promote energy conservation throughout the City.	Policies B.3.1.19, C.8.2 and C.8.3	Approved Sept 13, 1984
15.	New Planning Act To incorporate polices regarding Alternate Notice Procedures; Community Improvement; Holding and Bonus By-laws and Site Plan Control.	Schedule "H" and various policy changes throughout the Plan	Approved Oct 26, 1984
16.	17-21 East Avenue South To permit a multiple residential building on lands designated "Commercial".	Schedule "B" SPA 25 Policy A.2.9.3.20	Approved Sept 25, 1984
17.	Lands located north of King Street East and east of Nash Road To redesignate lands from "Residential" to "Major Institutional" to permit an Ambulatory Care Facility.	Schedule "A"	Approved August 31, 1984
18.	220-230 Hempstead Drive To permit an auto repair garage on land designated "Industrial" in the East Mountain Industrial Park.	Schedule "B" SPA 26 Policy A.2.9.3.21	Approved October 15, 1984
19.	1117 Main Street West To permit vehicular parking on lands designated "Residential".	Schedule "B" SPA 27 Policy A.2.9.3.22	Approved October 3, 1984
20.	Lands located on the west side of Gray's Road north of the QEW To redesignate lands from "Open Space" to "Residential" to permit a residential development.	Schedule "A"	Approved October 15, 1984
21.	448 Barton Street East To permit the manufacturing of clothing on lands designated "Commerical".	Schedule "B-1" SPA 28 Policy A.2.9.3.23	Approved October 15, 1984
22.	Staging of Development To replace Staging of Development	Schedule "E" (deleted) and various policy	Approved Sept 12, 1985

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
	polices with Development and Servicing Extension policies in anticipation of demand for commercial development along Upper James Street.	changes throughout the Plan.	
23.	1053 Main Street West To Redesignate lands from "Open Space" to "Commercial" to permit commercial uses.	Schedule "A"	Approved July 5, 1985
24.	Northwest corner of Stone Church and Upper Gage To redesignate from "Residential" to "Commercial" to permit an automobile service station.	Schedule "A"	Approved Feb 14, 1985
25.	638 Upper James Street To permit the construction of an office building.	Schedule "B" SPA 29 Policy A.2.9.3.24	Approved March 12, 1985
26.	North-west corner of Rymal Road East and Nebo Road To permit limited number of commercial uses.	Schedule "B" SPA 30 Policy A.2.9.3.25	Approved April 29, 1985
27.	Second Annual Update To incorporate minor changes into the Plan.	Schedule "A" and "B" and various policy changes throughout.	Approved Sept 12, 1985
28.	Upper James Street Corridor To generally redesignate lands along Upper James Street from "Residential", "Major Institutional" and "Open Space" to "Commerical" to provide for a diversity of retail and service uses.	Schedule "A" and "B" SPA 31 Policy A.2.9.3.26	Approved August 14, 1986
29.	1188 – 1196 Rymal Road East To permit limited commercial uses.	Schedule "B" SPA 32 Policy A.2.9.3.27	Approved July 17, 1985
30.	201 to 205 and 209 Quigley Road To redesignate lands from "Commercial" to "Residential" to permit a townhouse development.	Schedule "A"	Approved April 1, 1986
31.	Upper Wentworth Street south of Mohawk Road To redesignate lands from "Residential" to "Commercial" to permit commercial uses.	Schedules "A" and "B" SPA 33 Policy A.2.9.3.28	Approved January 8, 1986
32.	New Planning Act To incorporate policies regarding future road widenings under Site Plan	Policy B.3.1.19	Approved March 3, 1986

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
	Control		
33.	22 Veevers Drive To redesignate from "Residential" to "Open Space" to permit a horticulture/historical resource center.	Schedule "A"	Approved April 16, 1986
34.	660 Upper James Street To permit a commercial use which is larger in external dimensions and floor area than the existing building.	Schedule "B" SPA 34 Policy A.2.9.3.29	Approved May 27, 1986
35.	Upper Gage Avenue north of Limeridge Road East To redesignate lands from "Residential" to "Commercial" to permit the expansion of an existing commercial plaza.	Schedule "A"	Approved June 30, 1986
36.	304-326 Victoria Avenue North – To redesignate lands from "Residential" to "Commercial".	Schedule "A"	Approved – July 8, 1986
37.	West of Anchor Road South of Stone Church Road East To establish a site specific policy to permit the establishment of an Observation and Detention Home.	Schedule "B" SPA 35 Policy A.2.9.3.30	Approved August 18, 1986
38.	King Street East, west of City Limits To redesignate lands from "Residential" to "Commercial"; "Open Space" to "Residential"; "Commercial" to "Residential"; and "Residential" to "Open Space", to permit a residential development.	Schedule "A"	Approved July 31, 1986
39.	Ryckmans Neighbourhood Plan To incorporate various land use changes in accordance with the Council adopted Neighbourhood Plan.	Schedule "A"	Approved Dec 18, 1986
40.	East side of Mall Road south of Mohawk Road To redesignate lands from "Major Institutional" to "Commercial".	Schedule "A"	Approved Feb 17, 1987
41.	122 and 132 Queen Street South To redesignate land from "Residential" to "Commercial" to permit the expansion of an existing grocery store.	Schedule "A"	Approved May 13, 1987
42.	101 Broadway Avenue To redesignate lands "Residential" and remove from Special Policy Area	Schedule "A" and "B" SPA 11 Policy A.2.9.3.9	Approved April 1, 1987

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
	11.		
43.	425 Melvin Avenue To redesignate lands from "Residential" to "Commercial".	Schedule "A"	Approved March 3, 1987
44.	638-672 Upper James Street To delete OPA 25 and amend OPA 6.	Schedule "B" SPA 29 Policy A.2.9.3.24 SPA 19 Policy A.2.9.3.17	Approved March 17, 1987
45.	West side of Upper Horning Road, south of Nellida Court To redesignate from "Commercial" to "Residential" and delete from "Special Policy Area 23"	Schedules "A" and "B- 2"	Approved March 3, 1987
46.	Third Annual Update To incorporate changes into the Plan as a result of third annual review.	Schedules "A", "B" and "F". Various policy changes.	Approved April 7, 1987
47.	South-west corner of Barton Street East and Bell Manor Street To establish "Special Policy Area" to permit commercial uses in "Residential" area.	Schedule "B" SPA 36 Policy A.2.9.3.31	Approved May 19, 1987
48.	131 Charles Street To establish "Special Policy Area" to permit office use.	Schedule "B" SPA 37 Policy A.2.9.3.32	Approved Nov 3, 1987
49.	678 Upper James Street To establish "Special Policy Area".	Schedule "B" SPA 38 Policy A.2.9.3.33	Approved Nov 3, 1987
50.	122-124 Young Street To establish "Special Policy Area" to permit office use.	Schedule "B-1" SPA 39 Policy A.2.9.3.34	Approved Feb 2, 1988
51.	1094 Upper Sherman Avenue To redesignate lands from "Residential" to "Commercial"	Schedule "A"	Rescinded by Council May 10, 1988
52.	North side fo Rymal Road between Upper James Street and West 5 th Street To redesignate lands from "Residential" to "Commercial" and delete them from "Special Policy Area 22".	Schedules "A" and "B- 2"	Approved Dec 19, 1988
53.	418 Limeridge Road East To establish "Special Policy Area" to permit office use.	Schedule "B" SPA 40 Policy A.2.9.3.35	Approved March 1, 1988
54.	West of Upper James Street, south of Stone Church Road	Schedules "A" and "B"	Approved Oct 17, 1989

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
	To redesignate lands from "Residential" to "Commercial" and to extend "Special Policy Area 31"		
55.	North of Clinton Avenue, east of Sherman Avenue North To redesignate lands from "Industrial" to "Open Space".	Schedule "A"	Approved June 29, 1988
56.	1489 – 1545 Upper James Street To redesignate lands from "Residential" to "Commercial" and extend "Special Policy Area 31".	Schedules "A" and "B"	Approved Nov 1, 1988
57.	849-853 Upper Wentworth Street To amend "Special Policy Area 33".	SPA 33 Policy A.2.9.3.28	Approved Dec 19, 1989
58.	South-west corner of Upper Sherman Avenue and Limeridge Road East To redesignate lands from "Residential" to "Commercial".	Schedule "A"	Approved May 29, 1990
59.	North-west corner of Rymal Road East and Upper Wentworth Street To redesignate lands from "Residential" to "Commercial" and establish "Special Policy Area".	Schedules "A" and "B" SPA 41 Policy A.2.9.3.36	Approved Dec 20, 1988
60.	1375-1417 Upper James Street To redesignate lands from "Residential" and "Open Space" to "Commercial" and extend "Special Policy Area 31".	Schedules "A" and "B"	Approved Feb 7, 1989
61.	467 Beach Boulevard To redesignate lands from "Open Space" to "Major Institutional" and to delete them from "Special Policy Area 10".	Schedules "A" and "B"	Approved Dec 20, 1988
62.	The Hamilton Beach and Confederation Park, located between Lake Ontario, the City of Stoney Creek, Grays Road, the Queen Elizabeth Way and the Burlington Canal To incorporate changes to Schedules, revise and add a new "Special Policy Area" and related policies.	Schedules "A" and "B" SPA 10 Policy A.2.9.3.8	Repealed July 28, 1992
63.	West side of Centennial Parkway North, between the Queen Elizabeth Way and Confederation Drive To redesignate lands from "Open Space" to "Commercial" and to delete	Schedule "A" and "B"	Approved March 7, 1989

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
	them from "Special Policy Area 10"		
64.	North of Rymal Road West, between Upper Wentworth Street and the Hydro R.O.W. To redesignate lands from "Residential" to "Commercial" and establish "Special Policy Area".	Schedules "A" and "B" SPA 42 Policy A.2.9.3.37	Approved Jan 17, 1988
65.	North of Stone Church Road East, between Upper Wentworth Street and Upper Sherman Avenue To redesignate lands from "Residential" to "Commercial".	Schedule "A"	Approved Feb 7, 1988
66.	Central Area Plan To incorporate the updated Central Area Plan into the Official Plan.	Schedules "A" and "B", various policy changes and new Subsection A4	Rescinded by Council April 9, 1996
67.	872-890 Upper Wentworth Street To redesignate lands from "Residential" to "Commercial" and to extend "Special Policy Area 33".	Schedules "A" and "B"	Approved Feb 7, 1988
68.	2783 King Street East To establish "Special Policy Area" to permit limited commercial uses.	Schedule "B" SPA 43 Policy A.2.9.3.38	Approved April 4, 1989
69.	191 Bay Street South To establish "Special Policy Area" to permit offices.	Schedule "B-1" SPA 44 Policy A.2.9.3.39	Denied May 15, 1991
70.	282, 284 and 288 Grays Road To redesignate the lands from "Utilities" to "Commercial".	Schedule "A"	Approved June 6, 1989
71.	1249 Stone Church Road East To establish a "Special Policy Area" to permit limited commercial uses.	SPA 45 Policy A.2.9.3.40	Approved Sept 19, 1989
72.	107 Mohawk Road East To redesignate the lands from "Utilities" to "Commercial".	Schedule "A"	Approved June 20, 1989
73.	South of Rymal Road West, west of Christie Street To redesignate the lands for "Major Institutional" and "Open Space" to "Residential".	Schedule "A"	Approved August 15, 1989
74.	968-998 Upper Wentworth Street To amend SPA 33 to permit a restaurant and tavern.	SPA 33 Policy A.2.9.3.28	Approved March 1, 1989
75.	Rear portion of 1170-1200 Upper James Street To redesignate the lands from	Schedules "A" and "B" SPA 31	Approved Oct 30, 1996

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
	"Residential" to "Commercial" and extend SPA 31.		
76.	South-west corner of Rymal Road East and Ryckman Street To redesignate from "Residential" to "Commercial" and establish "Special Policy Area".	Schedules "A" and "B" SPA 46 Policy A.2.9.3.41	Approved Nov 7, 1989
77.	South of Rymal Road East, east of Miles Road To incorporate four redesignations to Schedule "A".	Schedule "A"	Approved Nov 7, 1989
78.	South-west corner of King Street East and Greenhill Avenue To redesignate from "Residential" to "Commercial".	Schedule "A"	Approved Sept 18, 1990
79.	197 & 211 Stone Church Road East To redesignate from "Open Space" to "Major Institutional".	Schedule "A"	Approved Jan 16, 1990
80.	Incorporate changes as a result of the Official Plan Major (Five Year) Review.	Schedules "A","B" and "D", Subsections A.1, A.2.1, A.2.2, A.2.3, A.2.6, A.2.7, A.2.8, A.3.1, A.5, B.2.2, B.2.3, B.2.4, B.3.1, B.3.2, B.3.3, B.3.4, B.3.7, B.4, C.1.3, C.4, C.6, C.7, D.1, D.2 and D.3	Order issued at OMB Feb 20, 1998
81.	2846 King Street East To establish a Special Policy Area to permit limited commercial uses within the existing building.	Schedule "B" SPA 47 Policy A.2.9.3.42	Approved April 3, 1990
82.	North-west corner of Limeridge Road East and Upper Gage Avenue To redesignate from "Residential" to "Commercial".	Schedule "A"	Denied by OMB Jan 29, 1992
83.	South of the C.N.Railway and east of Centennial Parkway North To redesignate from "Industrial" to "Commercial" and establish a Special Policy Area to limit commercial uses.	Schedules "A" and "B" SPA 11 SPA 48 Policy A.2.9.3.43	Approved April 3, 1990
84.	820 Rymal Road East To redesignate from "Residential" to "Commercial".	Schedule "A"	Repealed March 29, 1994
85.	North of Rymal Road East between Upper Wentworth Street and Upper	Schedule "A"	Approved May 1, 1990

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
	Sherman Avenue To redesignate from "Utilities" to "Residential".		
86.	Centennial Parkway North, from the Q.E.W. to the City limits To incorporate changes as a result of the Gateway East study.	Schedules "A", "B" and "H" SPA 11 & 49 Policy A.9.3.44 & Policy B.3.5.3 to B.3.5.7	Approved June 5, 1990
87.	Lands designated "Utilities" in the Hamilton Harbour (Piers 10 to 14 and Piers 25 to 27) To clarify the intent of land use jurisdiction for lands designated "Utilites" in the Harbour.	Policy A.2.7.2	Pending
88.	West of Anchor Road, south of Stone Church Road East To establish SPA to permit limited commercial uses in the Industrial designation.	Schedule "B" SPA 50 Policy A.2.9.3.45	Approved Oct 16, 1990
89.	286 Sanford Avenue North To redesignate from "Industrial" to "Residential".	Schedules "A" and "B", SPA 11	Denied by OMB April 29, 1991
90.	26 Arrowsmith Road To establish SPA to permit general office uses in the Industrial designation.	Schedule "B" SPA 51 Policy A.2.9.3.46	Approved Oct 16, 1990
91.	1441 Upper James Street To redesignate from "Residential" to "Commercial".	Schedules "A" and "B"	Approved Oct 16, 1990
92.	East of Upper Ottawa Street, south of Stone Church Road East To establish a "Special Policy Area".	Schedule "B" SPA 52 Policy A.2.9.3.47	Approved Nov 5, 1991
93.	694-696 Upper James Street To redesignate from "Residential" to "Commercial".	Schedules "A" and "B" SPA 53 Policy A.2.9.3.48	Approved Feb 5, 1991
94.	710 Upper James Street To redesignate from "Residential" to "Commercial".	Schedules "A" and "B" SPA 54 Policy A.2.9.3.49	Approved Feb 5, 1991
95.	1280 Rymal Road East To establish SPA to permit limited commercial uses within the Industrial designation.	Schedule "B" SPA 55 Policy A.2.9.3.50	Approved Feb 19, 1991
96.	West side of Rice Avenue South of Chedmac Drive To redesignate from "Major	Schedule "A"	Approved March 3, 1992

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
	Institutional" to "Residential".		
97.	2289 Barton Street East To establish a SPA to permit limited commercial uses within the Industrial designation.	Schedule "B" SPA 56 Policy A.2.9.3.51	Approved May 7, 1991
98.	East side of Webster Road, north of the T.H.& B. Railway To establish the appropriate designations for the subject lands.	Schedules "A", "B", "C", "D", "F", "G" and "H", SPA 1b	Approved July 16, 1991
99.	45 Rifle Range Road To redesignate the subject lands from "Industrial" to "Residential" and "Major Institutional".	Schedules "A" and "B" SPA 11	Approved Sept 15, 1992
100.	Lands bounded by Rymal Road East to the north, the City Limits to the south, Upper James Street to the west and the Mount Hamilton Cemetery to the east within the Allison Neighbourhood To incorporate changes as a result of the Approved Allison Neighbourhood Plan.	Schedules "A" and "F",	Approved Dec 17, 1991 & July 21, 1992
101.	674 Upper James Street To redesignate the subject lands from "Residential" to "Commercial" to establish S.P.A. to limit the types of commercial uses permitted and to restrict commercial uses to the existing buildings.	Schedule "A" SPA 57 Policy A.2.9.3.52	Repealed Sept 29, 1992
102.	122-126 MacNab Street South and 109, 111 and 123 Charles Street To establish a S.P.A. for the subject lands to permit limited commercial uses, restricted to the existing buildings, within the "Residential" designation.	Schedule "B-1" SPA 58 Policy A.2.9.3.53	Approved May 20, 1992
103.	Lands located south of Strawberry Drive and east of Lake Avenue North (Rear of 921 Queenston Road East) To establish S.P.A. to allow the subject lands to be used for parking in conjunction with an adjacent commercial use.	Schedule "B" SPA 59 Policy A.2.9.3.54.	Repealed March 29, 1994
104.	623 Upper James Street To redesignate subject lands from "Commercial" to "Residential".	Schedule "A"	Approved June 2, 1992

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
105.	121 Augusta Street To establish S.P.A. within the "Residential" designation to permit general office uses within the existing structure.	Schedule "B-1" SPA. 60 Policy A.2.9.3.55.	Repealed March 29, 1994
106.	Lands located in the area north of Eastgate Court and west of Centennial Parkway North To establish a S.P.A. within the "Residential" designation to permit a parking area to be used in conjunction with commercial use.	Schedule "B" SPA 61 Policy A.2.3.56.	Approved Nov 19, 1997
107.	2371 Barton Street East To establish S.P.A. within the "Industrial" designation to permit a retail grocery store.	Schedule "B" SPA 62 Policy A.2.9.3.57	Approved Dec 1, 1992
108.	165 Burton Street To redesignate the subject lands from "Industrial" to "Residential" to permit a 24-unit stacked townhouse development.	Schedule "A"	Approved Dec 15, 1992
109.	Text changes to Subsection C.7 Residential Environment and Housing Policy and Subsection D.9 Notification and Public Participation Procedure.	Text changes in various parts.	Approved March 3, 1993
110.	Lands located on the west side of Bow Valley Drive and south of Highridge Avenue To redesignate from "Open Space" to "Residential" and to remove the subject lands designated as "Hazard Lands".	Schedules "A" and "C"	Approved Feb 8, 1993
111.	Lands located between Garth Street, Stone Church Road West, West Fifth Street and Rymal Road West, within the Sheldon and Mewburn West Neighbourhoods To incorporate changes as a result of the completion of the Sheldon/Mewburn West Neighbourhood Plan.	Schedule "A"	Approved Sept 15, 1992
112.	Lands located north and east of the Hamilton City Limits, south of Rymal Road West and west of the proposed Garth Street extension, within the	Schedule "A"	Approved Sept 15, 1992

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
	Carpenter Neighbourhood To incorporate changes as a result of the completion of the Carpenter Neighbourhood Plan.		
113.	Lands located between the Burlington Canal, Gray's Road, Lake Ontario and the Queen Elizabeth Way To incorporate changes required as a result of the completion of the Hamilton Beach Concept Plan, the Confederation Park Master Plan and the Hamilton Beach Neighbourhood Plan.	Schedule "A" and "B", SPA 10 and 10a, Policy A.2.9.3.8	Partially Approved Oct 13, 1993
114.	Lands located in the East Mountain Industrial-Business Park, located south of the East-West portion of the Red Hill Creek Expressway, east of Upper Ottawa Street and north and west of the Hamilton City Limits and 467 Charlton Avenue East.	Schedules "B" and "B-3", SPA 11 and 11a, Policy A.2.9.3.9.	Approved Dec 15, 1992
115.	674 to 712 Upper James Street To limit the types of commercial, public, residential and institutional uses permitted within existing buildings and to outline performance standards for existing and new buildings	Schedules "A" and "B", SPA 63, Policy A.2.9.3.58.	Approved Dec 15, 1992
116.	Lands located at the south-east corner of Stone Church Road East and Upper Wentworth Street To redesignate the subject lands from "Residential" to "Commercial".	Schedule "A"	Denied by OMB Feb 21, 1994
117.	1630 Upper Gage Avenue To redesignate the subject lands from "Residential" to "Commercial".	Schedule "A"	Approved Feb 8, 1992
118.	350 Centennial Parkway North, located south of the Canadian National Railway Tracks and east of Centennial Parkway North To establish SPA to limit the types of Commercial Uses.	Schedule "A", SPA 48 and 64, Policy A.2.9.3.43 and A.2.9.3.59.	Approved Dec 15, 1992
119.	113 Charles Street To establish SPA for the subject lands to permit limited commercial uses, within the "Residential"	Schedule "B-1", SPA 65, Policy A.2.9.3.60.	Approved Jan 19, 1993

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
	designation.		
120.	Lands located north of Rymal Road West and east of Garth Street To redesignate the subject lands from: "Open Space" and "Major Institutional" to "Residential"; and from "Residential" to "Major Institutional".	Schedule "A"	Approved April 26, 1993
121.	1010-1024 Upper Wentworth Street Modify SPA 33 to permit a restaurant.	SPA 33 Policy A.2.9.3.28	Approved July 30, 1993
122.	30 Wentworth Street North To redesignate from "Residential" and "Commercial" to "Major Institutional".	Delete SPA 15 Policy A.2.9.3.13 Schedule "A"	Approved Feb 14, 1994
123.	Niagara Escarpment Plan/Hamilton Official Plan Conformity Exercise	Order signed by Minister on November 16/93	By-law of Adoption March 29, 1994
124.	Northwest corner of Garth St./Rymal Rd. West Redesignate from "Residential" to "Commercial"	Schedule "A"	Approved March 6, 1996
125.	West of Pritchard Rd. between Stone Church Rd. East and Rymal Rd. East To redesignate from "Open Space" to "Industrial"; Add to S.P.A. 11a; delete Hazard Lands.	Schedule "A", "B-3", "C"	Approved July 6, 1994
126.	44 Greendale Establish S.P.A. to permit child care agency in Residential.	S.P.A.66/A.2.9.3.61	Approved by OMB April 6, 1995
127.	180 Walnut St./135 Forest To establish S.P.A. to permit restaurant in "Residential".	S.P.A.67/A.2.9.3.62	Denied by OMB August 14, 1996
128.	Housekeeping	Schedule "A", "B", "B- 3"	Approved Nov 16, 1994 & Dec 15, 1994
129.	852 Upper Wentworth Street To establish SPA to permit mixed commercial/residential in "Residential".	SPA 68 Policy A.2.9.3.63	Approved Dec 5, 1995
130.	Albion Falls Neighbourhood To redesignate from "Open Space" to "Residential".	Schedule "A"	Approved Jan 14, 1996
131.	121 Augusta Street New SPA to permit general offices.	SPA 69, Policy A.2.9.3.64	Approved July 29, 1995
132.	Northwest corner of Upper	Schedule "A"	Approved

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
	Wentworth and Emperor To redesignate from "Commercial" to "Residential"; remove from SPA 23		March 4, 1996
133.	775-779 Upper Wentworth To redesignate from "Major Institutional" to "Commercial"	Schedule "A"	Approved Oct 24, 1996
134.	412 Charlton West To redesignate from "Residential" to "Commercial"; new SPA	SPA 70 Policy A.2.9.3.65	Approved by OMB Dec 5, 1995
135.	Mountview Neighbourhood Plan To redesignate from "Major Institutional" to "Open Space" and "Residential"; new Secondary Plan	Policy A.2.6 Schedule "J-1"	Approved Jan 10, 1997
136.	Falkirk West Neighbourhood Plan To redesignate from "Major Institutional" and "Residential" to "Open Space"	Schedule "A"	Approved July 15, 1997
137.	Bayfront Industrial Area To redesignate parcels from "Open Water" to "Industrial"	Schedule "A"	Approved July 17, 1997
138.	30 Rymal Road East Amend SPA 46 to permit restaurant	SPA 46 Policy A.2.9.3.41	Approved by OMB June 5, 1997
139.	412 Aberdeen Avenue New SPA to permit book store in "Residential"	SPA 72 Policy A.2.9.3.67	Approved by OMB July 13, 1998
140.	1187 and 1193 West Fifth et al To redesignate from "Residential" to "Commercial"; Add lands to SPA 31 and 31B	Schedule "A" and "B"	Approved August 18, 1997
141.	Carpenter Neighbourhood Parks To redesignate from "Open Space" to "Residential" and "Residential" to "Open Space"	Schedule "A"	Approved Jan 12, 1998
142.	1289 Upper James Street To redesignate from "Residential" to "Commercial" and extend boundary of SPA 31	Schedule "A" and "B"	Approved Feb 10, 1998
143.	220 Dundurn Street South To redesignate from "Open Space" and "Major Institutional" to "Residential"; establish SPA to permit residential within 400m of "Industrial"	Schedule "A" SPA 74 Policy A.2.9.3.69	Approved April 18, 1998
144.	245 Mohawk Road West New SPA to permit physiotherapy clinic	SPA 73 Policy A.2.9.3.68	Approved Feb 23, 1998

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
145.	Former LAPP Insulator property at Beddoe and Studholme To redesignate from "Industrial" to "Residential" and new SPA	SPA 75 Policy A.2.9.3.70	Approved Dec 11, 1997
146.	75 Rymal Road East Redesignate from "Residential" to "Commercial"	Schedule "A"	Approved May 28, 1998
147.	Mohawk College New SPA to permit a private recreational facility	SPA 76 Policy A.2.9.3.71	Approved January 7, 1999
148.	1317 Upper James To redesignate from "Residential" to "Commercial" and to redesignate SPA 31a to SPA 31 to permit a commercial development.	Schedule "A" SPA.31	Approved June 20, 1998
149.	10 Dartnall New SPA. to permit a garden centre	SPA 77 Policy A.2.9.3.72	Approved July 22, 1998
150.	852 Upper Wentworth Street Modify S.P.A. 68	SPA 69 Policy A.2.9.3.63	Approved Dec 3, 1998
151.	Rental Housing Protection Condominium Conversions / Demolitions	C.7	Approved Sept 30, 1998
152.	2420-2434 Barton Street East Redesignate "Residential" to "Commercial"	Schedule "A"	Approved Jan. 12/99
153.	27 Dundurn Street North SPA to permit limited commercial uses	S.P.A. 78 A.2.9.3.73	Approved Dec 3 1998
154.	537 Queenston Road – S.P.A. to permit a naturopathic clinic	S.P.A. 79 A.2.9.3.74	Deleted by OPA 162 Dec 16, 1998
155.	New Planning Act Regulations	D.9.1	Approved Jan 5, 1999
156.	227-229 Maplewood Ave SPA to permit a parking lot	SPA 80 Policy A.2.9.3.75	Denied by OMB
157.	Windermere Basin Redesignate lands from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water"	SPA 4 Policy A.2.9.3.2	Repealed Dec 8, 1998
158.	723 Rymal Road West SPA to permit a medical centre	SPA 81 Policy A.2.9.3.76	Approved

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
159.	NW corner of Upper Wentworth & Rymal Road West To redesignate from "Residential" to "Major Institutional"	Schedule "A"	Approved July 27, 1999
160.	Heritage Impact Assessment To add new policies to C.6	Add to policies C.6	Approved July 12/99
161.	649 Pritchard Road Add S.P.A.		File Closed
162.	505-537 Queenston Road Add S.P.A. to permit limited commercial uses within existing buildings, landscaping provisions	S.P.A. 82 A.2.9.3.77 Delete S.P.A. 79 & Policy A.2.9.3.74	Approved Oct 21, 1999
163.	39-41 Devonport St S.P.A. to permit parking in residential designation	S.P.A. 83 A.2.9.3.78	Approved Oct 19, 1999
164.	Lands located on the south side Of Chedmac Drive To redesignate from "Residential" to "Major Institutional" ("A"); redesignated from "Medium Density II to "Institutional ("J-1); and revise Policy A.2.6	Schedule A Schedule J-1 Policy A.6.1	Approved Dec 24, 1999
165.	844 Upper Wentworth Street Add S.P.A to permit aesthetics and beauty salon within existing building	Schedule B SPA 84 A.2.9.3.79	Approved April 11, 2000 Regional Approval Pending
166.	South of Chedmac Drive, East of Magnolia Drive (Scenic South Subdivision) To permit various redesignations to permit a plan of subdivision	Schedule A Schedule J-1	Approved Oct 3, 2000
167.	Winderemere Basin	Schedule A Policy A.2.5 SPA 4/A.2.9.3.2	Approved Dec 5, 2000
168.	Lands located north of Lake Avenue, south of Strawberry Drive To redesignation from "Residential" to "Commercial" and add S.P.A to limit use to of site to a parking lot	Schedule A SPA 85 A.2.9.3.80	Approved Dec 8, 2000
169.	Establish consistent public notification procedures and time frames for Planning Act applications	Subsection D.9.1 i) & vi)	Approved April 9, 2001

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
170.	Re-designation from "Residential" to "Major Institutional"	Schedule "A"	Approved June 12, 2001
171.	Amend S.P.A. 81 to permit medical related commercial uses/ business offices in existing bldg.	Policy A.2.9.3.76	Approved Dec 11, 2002
172.	Downtown Secondary Plan Micron Properties Appeal	Various text and mapping changes	Approved July 10, 2001
173.	West of Upper James St. and north of Blossom Lane Redesignation from "Open Space" to "Commercial", and extension of S.P.A. 31 to permit a service hotel and coffee shop	Schedule "A", "B"	Approved August 22, 2001
174.	1037 Mohawk Road East re-designation from "Commercial" to "Residential"	Schedule "A"	Approved Feb 27, 2002
175.	130 York Boulevard Establish a S.P.A. to permit a utility plant	Schedule "L-9" Subsection 2.4.3.3 & 2.4.3.3.4	Approved April 10, 2002
176.	Lands on the south side of Southridge Drive To permit a cul-de-sac	Schedule "J-1" Chedmac Planning Area Secondary Plan	Approved June 12, 2002
177.	648 Kings Street West Re-designate from "Residential" to "Commercial" and add S.P.A. 86 to restrict commercial uses	Schedule "A", "B" Policy A.2.9.3.81	Approved July 10, 2002
178.	45 Rifle Range Road and 1581-1603 Main Street West Re-designation from "Industrial" and "Residential" to "Commercial" and to establish an S.P.A.	Schedule "A", "B" Policy A.2.9.3.82	Approved July 17, 2002
179.	1360 Upper Sherman Avenue Re-designation from "Residential" to "Major Institutional"	Schedule "A"	Approved July 10, 2002
180.	302 Cumberland Avenue Re-designation from "Industrial" to "Residential" and to remove lands from S.P.A. 11, to permit an 8 unit apartment	Schedule "A", "B"	Approved Sept 25, 2002
181.	29-37 Rosedale Avenue Re-designation from "Residential" to "Commercial", to permit extension of existing plaza on King St. East	Schedule "A"	Approved May 7, 2001

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
182.	Community Improvement Policies and Public Participation and Notification Policies	Delete Schedule "H" and Section D-10	Approved Feb 26, 2003
183.	Environmentally Significant Areas	Delete Schedule "D", Various Policies	Approved April 23, 2003
184.	Lands bound by Hunter St, Catharine St., Jackson St., and Walnut St Re-designation from "Low Density Residential", "Medium Density Residential" to "Mixed Use" and change in heights allowed from "4" to "6" stories.	Schedule "L-1", "L-3", and "L-8"	June 11, 2003
185.	270 Stone Church Road East Re-designate the subject lands from "Commercial" to "Residential".	Schedule "A"	Approved August 13, 2003
186.	Parkland Dedication Policies	Several policy changes	Approved July 9, 2003
187	398 King Street St. W Add Special Policy Area 88 to allow limited associated commercial uses	Policy A.2.9.3.83, Schedule "B1"	Approved by O.M.B. April 1, 2004
188	261 Dundurn St. S Redesignate from "Residential" to "Commercial" to allow mixed use building	Schedule "A"	Approved Sept 24, 2003
189	902 Mohawk Rd. E Redesignated from "Residential " to "Commercial" and add a Special Policy Area to restrict the commercial uses	Schedule "A" Schedule "B" Policy A.2.9.3.84	Referred to OMB Oct 31, 2003
190	1719-1755 Upper James Redesignate from "Residential" to "Commercial" and extend SPA 31 to include the subject lands and as site specific policies	Policy A.2.9.3.2.26(d) Schedule "A" Schedule "B"	Approved Oct 29, 2003
191	Site Plan Control Policies	Policy D.3, Policy D.3.6 – 3.9	Approved Oct 29, 2003
192	4 Westbourne Rd.	Policy 2.9.3.85 Schedule 'B'	Approved Oct 29, 2003
193	5 Hunt St.	Schedule "A", Schedule "B"	Approved - April 14, 2004

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
194	1057, 1067 Beach Blvd.	Schedule "A"	Approved Aug 12, 2004
195	74 Hughson St. S.	Schedule "L-1", Schedule "L-3", Schedule "L-8"	Approved Sept 15, 2004
196.	255 Pritchard Road	change site specific policies to allow professional offices within existing development	Waiting
197.	Administrative Amendment Numbering changes	Several policy changes, Schedule "L- 4"	Approved Nov 24, 2004
198.	West Harbour Secondary Plan		At OMB
199.	Environmentally Significant Areas Policy Repeal and Replace	Several policy changes, Schedule "D" deleted	Approved April 27, 2005
200.	Downtown Secondary Plan	Several policy changes, Schedule "L- 1", "L-5", "L-8"	Approved May 25, 2005
201.	Ainslie Wood Westdale Secondary Plans	Several policy changes, Schedule "B", "G", "N-1", "N-2"	Approved July 13, 2005
202.	488 Upper Wellington Street	Schedule "A"	Approved August 10, 2005
203.	52 Fraser Ave.	Schedule "A"	Approved Dec 14, 2005
204.	106 & 127 Burton Street	Schedule "A"	Approved March 22, 2006
205.	Parks and Open Space	Several Policy Changes in A.2.4 and C.1.1	Approved Oct 25, 2006
206.	1686 Main Street West (CNIB Site)	Schedule "A", "N-1"	Approved June 14, 2006
207.	281 Herkimer Street	Schedule "A"	OMB Decision Feb 6 2007
208.	237 Barton Street East	Schedule "A"	Oct 11, 2006

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
209.	444 Hughson Street North	Schedule B	Approved Nov 24, 2004
210.	West Hamilton Innovation District	Schedule "A"	Approved Oct 25, 2006
211.	460 Rymal Road West	Schedule A, J-1	Approved Aug 8, 2007
212.	Omnibus Amendment	A.2.9.3.81	Approved Oct 10, 2007
213.	Administrative Amendment	A.2.9.3.81	Approved Oct 10, 2007
214.	315,327,351 Beach Blvd. (former Dynes)	Schedule "A"	Approved Oct 15, 2008
215.	1081, 1091, 1097 and 1105 Beach Blvd.	Schedule "A"	Approved Dec 10, 2008
216.	Complete Application Policies	D.6.1.1 D.11	Approved Dec 10, 2008
217.	Parkland Dedication	D.8	Approved April 29, 2009
218.	Waste Management Facilities	Various Policies	Approved August 13 2009
219.	400-500 Centennial Parkway N 20 Warrington	Policy A.2.9.3.92 Schedule "A"	OMB Decision & Order Date March 11 2010
220.	New Urban Hamilton Official Plan	Entire Plan	Adopted July 9 2009 At OMB
221.	1151 Upper James Street & 291 Lorenzo Drive	re-designate from "Residential" to "Commercial"	Approved Sept 24 2009
222.	741 Rymal Road	A.2.3.93 Schedule A & B	Adopted Feb 24 2010
223.	Employment Designations	Policy A.2, A.2.3, A.2.3.24, A.9.3.9 ii) Schedules A, B, B-3	OMB Order & Issue Date:
224.	Trinity West Secondary Plan	Policy A.6.6	August 19 2010

AMEND. NO.	LOCATION AND NATURE	SCHEDULE/POLICY	DECISION AND DATE
225.	1510 Main Street West	Redesignate from “Major Institutional” to “Commercial” Schedule A	Adopted July 28 2010
226.	236 Pritchard Road	Redesignate SPA 11 to SPA 11a on Schedule B-3	Adopted November 17 2010
227.	848 Upper Wentworth Street		
228.	555 Sanatorium	Redesignate “Institutional” lands to residential land designations	February 22, 2012
229.	15 Emerson	add a Site-Specific Policy to the subject lands to permit only a parking lot accessory to the commercial use	February 22, 2012
230.	1620 Upper Wentworth Street and 401 Rymal Road East	Redesignate from “Residential” and “Commercial” to “Major Institutional”	Adopted April 11, 2012
231.	360 Beach Road	Redesignate from “Major Institutional” to “Commercial”	Adopted April 11, 2012
232.	Bowlands		

TABLE OF CONTENTS

PART ONE - INTRODUCTION

	PAGE
A Purpose of the Plan	xxx
B Basis of the Plan	xxxi
C Assumptions	xxxii
D Plan Preparation, Format and Interpretation	xxxiii

PART TWO - THE PLAN

Section A Land Use and Management Strategy

Subsection	A.1	ANTICIPATED GROWTH	A-2
	A.2	LAND USE CONCEPT	A-3
	A.2.1	Residential Uses	A-4
	A.2.2	Commercial Uses	A-7
		- Shopping Centres	A-9
		- Extended Commercial	A-11
		- Local Commercial	A-13
		- Other Commercial Uses	A-14
		- General Provisions	A-15
	A.2.3	Industrial Uses	A-17
		- Heavy Industrial	A-18
		- General Industrial	A-18
		- Light Industrial	A-19
		- General Provisions	A-20
	A.2.4	Open Space	A-22
	A.2.5	Open Water	A-23
	A.2.6	Major Institutional Uses	A-24
	A.2.7	Utility Uses	A-26
	A.2.8	Central Policy Area	A-27
	A.2.9	Special Policy Areas	A-32

A.2.9.1	Niagara Escarpment	A-32
A.2.9.2	Parkway Belt West	A-37
A.2.9.3	Other Policy Areas	A-38
A.2.11	Shipping and Navigation	A-66
A.3	ADDITIONAL PROVISIONS	
A.3.1	Hazard Lands	A-68
A.3.2	Environmentally Significant Areas	A-71
A.3.3	Non-Complying Uses	A-72
A.3.4	Division of Land	A-75
A.3.5	Landfill Constraint Areas	A-76
A.4	CENTRAL AREA PLAN (Deleted by O.P.A. No. 66)	A-77
A.5	GENERAL LAND USE PROVISIONS	A-78
A.6	SECONDARY PLANS	A-79
A.6.1	Chedmac Planning Area	A-79
A.6.2	Downtown Hamilton (see Downtown Hamilton Secondary Plan Document)	
A.6.3	West Harbour (see “Setting Sail” Secondary Plan Document) (O.P.A. 198)	
A.6.4	Ainslie Wood (see Westdale Secondary Plan Document) (O.P.A. 201)	
A.6.5	West Hamilton Innovation District Secondary Plan NOTE: (the following policies apply to 270 and 175 Longwood Road, all other properties within the WHID boundary are still under appeal)	A-84
A.6.6	Trinity West Secondary Plan (see Trinity West Secondary Plan Document) (OPA 224)	

Section B Servicing Strategy

Subsection	B.1	DEVELOPMENT AND SERVICING EXTENSIONS	B-2
------------	-----	--------------------------------------	-----

B.2	ENGINEERING SERVICES	B-3
B.2.1	Water Distribution	B-4
B.2.2	Sewage Disposal	B-5
B.2.3	Storm Drainage	B-6
B.2.4	Solid Waste Disposal	B-7
B.3	CIRCULATION AND MOVEMENT SYSTEM	B-8
B.3.1	Road Network	B-9
B.3.2	Public Transit	B-16
B.3.3	Public and Private Parking	B-18
B.3.4	Pedestrian and Bicycle Circulation	B-20
B.3.5	Rail Service	B-21
B.3.6	Marine Service	B-22
B.3.7	Air Service - Hamilton Airport	B-23
B.4	PUBLIC UTILITY SERVICES	B-24

Section C Amenity and Design Strategy

Subsection	C.1	COMMUNITY SERVICES	C-2
	C.1.1	Parklands	C-3
	C.1.2	Schools	C-8
	C.1.3	Library Services	C-10
	C.2	SAFETY AND CONVENIENCE	C-11
	C.3	TREE PLANTING AND LANDSCAPING	C-13
	C.4	POLLUTION	C-14
	C.5	PROPERTY MAINTENANCE & MUNICIPAL HOUSEKEEPING	C-17
	C.6	HISTORIC AND ARCHITECTURAL RESOURCES	C-18

C.7	RESIDENTIAL ENVIRONMENT AND HOUSING POLICY	C-21
C.8	ENERGY	C-26
C.9	NOISE AND VIBRATION	C-28

Section D Implementation

Subsection	D.1	REGIONAL OFFICIAL PLAN	D-2
	D.2	PLANNING UNITS AND NEIGHBOURHOOD PLANS	D-3
	D.3	ZONING BY-LAW AND SITE PLAN CONTROL	D-9
	D.4	FINANCIAL STABILITY	D-12
	D.5	MUNICIPAL LAND ACQUISITION	D-13
	D.6	OFFICIAL PLAN AMENDMENTS AND REVIEWS	D-17
	D.7	GOVERNMENTAL ASSISTANCE	D-19
	D.8	INTERPRETATION	D-20
	D.9	NOTIFICATION AND PUBLIC PARTICIPATION PROCEDURE	D-22
	D.10	COMMUNITY IMPROVEMENT (Deleted by O.P.A. No. 182)	D-4

LIST OF SCHEDULES

Schedule "A"	Land Use Concept
Schedule "B"	Special Policy Areas
Schedule "B-1"	Other Special Policy Areas
Schedule "B-2"	Other Special Policy Areas (O.P.A. No. 7)
Schedule "B-3"	Other Special Policy Areas (O.P.A. No. 114)
Schedule "C"	Hazard Lands
Schedule "D"	Environmentally Sensitive Areas (Deleted by O.P.A. No. 199)

Schedule "E"	Staging of Development (Deleted by O.P.A. No. 22)
Schedule "F"	Major Roads
Schedule "G"	Planning Units
Schedule "H"	Community Improvement Areas (O.P.A. No. 15) (Deleted by O.P.A. No. 182)
Schedule "I"	Landfill Constraint Areas (O.P.A. No. 80)
Schedule "J-1"	Chedmac Planning Area Secondary Plan (O.P.A. Nos. 135 & 164)
Schedule "K"	Local Housing Market Zones (O.P.A. No. 151)
Schedules "L1" through "L9"	Downtown Hamilton Secondary Plan (O.P.A. No. 172) (see Downtown Hamilton Secondary Plan Document)
Schedules "M1" through "M6"	West Harbour Secondary Plan (O.P.A. No. 198) (see "Setting Sail" West Harbour Secondary Plan Document)
Schedule "N1" through "N2"	Ainslie Wood Westdale Secondary Plan (O.P.A. 201) (see Ainslie Wood Westdale Secondary Plan Document)

PART ONE – INTRODUCTION

A – Purpose of the Plan

B – Basis of the Plan

C – Assumptions

D – Plan Preparation, Format and Interpretation

A – PURPOSE OF THE PLAN

The Official Plan for the City of Hamilton is a comprehensive guide to co-ordinate public and private actions in an orderly manner by defining future relationships among land uses and municipal services. In particular, the Official Plan:

- *Expresses long-term intentions on the nature and extent of growth and the protection of the natural and man-made resources through a land use and management strategy for Hamilton to the year 2001;*
- *Provides the terms of reference for public works and private initiatives, and functions as a standard against which the City evaluates the appropriateness of such initiatives in relation to the land use and management strategy;*
- *Functions as a intermediary between the broad concepts of the Regional Municipality of Hamilton-Wentworth Official Plan (hereinafter referred to as the “Regional Official Plan”), the intentions of the Niagara Escarpment Plan and the Parkway Belt West Plan, local conditions and municipal objectives; and,*
- *Defines the means for implementing municipal planning intentions by such measures as special studies, neighbourhood plans and zoning by-laws.*

B – BASIS OF THE PLAN

The basis for the preparation of this Official Plan for the City of Hamilton is founded in the following factors:

- *The original Official Plan was approved by the Minister of Planning and Development on June 12th, 1951. Given its relative simplicity, consisting of a land use map and an accompanying page of text, as well as the spatial growth of the City due to annexations, the Plan was subsequently amended over three hundred times. Except for the more recent major land use amendments, few of these amendments introduced policy applicable throughout the City. This has made the Plan complex and administratively difficult to interpret.*
- *Accordingly, a new Plan is required which establishes comprehensive policy directions applicable throughout the City and at a level of detail which would reduce the frequency of amendments experienced in the past. In addition, a framework is required which could be amended, when warranted, in a uniform manner without jeopardizing the general intentions of the Plan.*
- *Various changes to The Planning Act and the advent of other planning-related legislation in recent years requires a Plan which enables municipal decision makers to effectively utilize all planning powers bestowed to them in the growth and management of Hamilton.*
- *The regulations and policies of such supra-regional agencies as the Niagara Escarpment Commission, the Conservation Authorities, the Parkway Belt West Plan, and Federal and Provincial Ministries who have jurisdiction within the City, have necessitated a Plan which adapts their policies to local planning intentions.*
- *A number of planning related studies have been initiated on behalf of the City, whose findings have significant implications on the growth and management of Hamilton. This has necessitated a Plan which recognizes the recommendations of the various neighbourhood planning studies, the Central Area Plan, the Commercial Plan policies, the Transportation Plan policies, among others, within the general planning intentions of the City.*
- *Subsequent to the formation of the Regional Municipality of Hamilton-Wentworth in 1974 (hereinafter referred to as the “Region”), a Regional Official Plan has been prepared which provides broad policy and growth direction for the area municipalities. As such, a Plan for Hamilton is required which brings municipal policies into conformity with the intentions of the Regional Official Plan.*
- *The changing demographic trends witnessed in recent years (i.e., the aging of the post-war baby boom and growth in the prominence of non-family households) were not envisaged some thirty years ago in the preparation of the existing Official Plan. As a result, there is now a need to incorporate the implications of these changes in a new Plan for Hamilton.*

C – ASSUMPTIONS

The Official Plan for the City of Hamilton is based on a number of assumptions which set the framework for policy by defining the anticipated function and character of the City, as well as the rate and configuration of growth during the operation of the Plan. Specifically, the Plan is based on the following assumptions:

- *The City of Hamilton will continue as the major urban community within, and an integral component of, the Region. It is anticipated that the City will function as the primary centre for employment, shopping and residences serving the Region.*
- *The City will be able to accommodate a population of up to 386,000 persons by the year 2001.*
- *The majority of anticipated growth will occur on the Mountain, commensurate with the provisions of engineering and community services, although redevelopment will occur to some extent in the older lower portion of the City. It is anticipated that growth and redevelopment will be at a scale and density that is energy efficient and is sensitively integrated with the established urban pattern.*

D – PLAN PREPARTION, FORMAT AND INTERPRETATION

In 1975, a planning program was initiated to prepare a new Official Plan for the City of Hamilton. This program began by detailed analysis of various land uses and the formulation of appropriate policies consisting of the:

Open Space Plan (1977);

Industrial Plan (1978);

Residential Plan (1978);

Harbour Area Plan (1979);

Commercial Plan Study (1979); and,

Transportation Plan Study (1979).

The last phase in this program was to consolidate these elements, in addition to providing policy direction in other associated areas of concern such as general growth and management, engineering services, amenity and design, and implementation.

The end result of this exercise has been the preparation of a comprehensive Plan for the City of Hamilton.

The Official Plan is organized in the following manner:

- *Part One- ‘Introduction’ – details the basis and assumptions underlying the Plan and is intended for information purposes only..*
- *Part Two - ‘The Plan’ – is set out in four section. Each section is introduced by paragraphs of explanation in italics, followed by numbered Policy statements and related Schedules. The Policy statements and Schedules will govern through the authority of The Planning Act where it states that no public works shall be undertaken or no by-laws passed that do not conform to the Plan and, accordingly, will require the approval of the Minister of Municipal Affairs.*

The paragraphs of explanation are provided only to assist in the interpretation of the Policy statements and help to clarify the general intent of the Plan.

In the case of a discrepancy between the policy statements and related Schedules, the policies will supercede. A change to the policy statements will require an amendment to the Plan.

SECTION A - LAND USE AND MANAGEMENT STRATEGY

In keeping with the general intentions of the Regional Official Plan, and the findings of the various projections, background studies and analysis undertaken in the preparation of this Plan, a LAND USE AND MANAGEMENT STRATEGY has been devised to guide the nature and physical extent of anticipated growth in Hamilton to the year 2001. This STRATEGY:

- *expresses population and employment assumptions for growth; and,*
- *prescribes an attainable Land Use Concept.*

Subsection A.1 - Anticipated Growth

The Regional Official Plan anticipates that the Region may reach a population of approximately 550,000 persons by the year 2001, and has allocated a population figure of 386,000 to the City of Hamilton. It is the intent of this Plan that population be distributed equitably in relation to the established development pattern and the capacity of existing and future services.

It is also anticipated in the Regional Official Plan that in the future, a greater proportion of the City's population will be in the working age group (14 to 65). Indications are that there will also be more women in the work force. Given these two factors, it is anticipated that Hamilton may reach a work force of 233,500 by the year 2001. Accordingly, every measure is taken in the subsequent sections of this Plan to accommodate growth up to these figures.

- 1.1 Council will monitor, on a regular basis, population growth and related housing needs in order to identify required amendments to this Plan, or Neighbourhood Plans, and/or the Five-Year Capital Works Program.
- 1.2 In order to effectively accommodate ANTICIPATED GROWTH, Council will endeavour to ensure that:
 - i) The various School Boards are satisfied that adequate provision to accommodate any additional school children can be made;
 - ii) Sufficient community facilities such as parks, recreation facilities or libraries can be provided;
 - iii) Any increase in traffic may be accommodated by the road network without causing unacceptable congestion, accident hazard or nuisance to adjacent residential areas;
 - iv) Residential amenities are maintained; and,
 - v) Adequate engineering services such as sewage disposal facilities, water supply and storm drainage can be made available without undue additional cost.
- 1.3 Council will promote economic growth by co-operating with the Region and other agencies to attract industry and commerce to the City.

Subsection A.2 - Land Use Concept

The intent of this Official Plan is to define, through the LAND USE CONCEPT, the nature and extent of future growth, while promoting an orderly and attractive community. The pattern of LAND USE established on Schedule "A" and accompanying policies are intended to:

- ***maintain a desirable diversity of LAND USES within the City by designating areas to be utilized for Residential, Commercial, Industrial, Major Institutional, Open Space and other uses;***
- ***channel growth into groupings of complementary LAND USES to utilize conditions most suited to the requirements of each group;***
- ***establish a LAND USE pattern which ensures that services and utilities may be effectively used; major open spaces, conservation or environmentally sensitive areas are protected; and sufficient shopping, recreation and employment opportunities may be accommodated which are reasonably accessible from residential uses; and,***
- ***promote the central area as the major multi-use focus of community life and commerce for the City and Region, supplemented by two sub-regional centres having a similar commercial function, but smaller in scale, at other locations.***
- ***the Red Hill Business Park shall be a focus of clean, environmentally friendly and compatible uses in order to concentrate on promoting the Red Hill Business Park for strategic economic clusters such as the food and beverage processing industry.*** (OPA 223)

Subsection A.2.1 - Residential Uses

It is the intent of this Plan to ensure that the RESIDENTIAL USES of land is sufficient to accommodate anticipated population growth and changing demands for RESIDENTIAL development of varied styles and densities, while ensuring the maintenance of amenities for residents. As well, the Plan is intended to ensure that new RESIDENTIAL development or redevelopment is appropriately located; is compatible with surrounding development; is not subjected to noxious impacts; and achieves the conservation and efficient use of energy.

- 2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- 2.1.2 Lands designated for RESIDENTIAL USES within the Central Policy Area are not indicated on Schedule "A". In recognition of the multiplicity of land uses, policies will be identified in more detail in Subsection A.2.8, Central Policy Area.
- 2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and serving the needs of local residents will be permitted, including, but not limited to:
 - i) Public parks less than 0.4 hectare in size;
 - ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan;
 - iii) Individual retail or service stores in a multiple dwelling containing at least 100 dwelling units, expressly to serve the occupants therein; and,
 - iv) Limited individual or groups of commercial uses on sites not exceeding 0.4 hectare in area, excluding Automobile Service Centres, in accordance with the Commercial Policies as set out in Subsection A.2.2 of this Plan. (O.P.A. No. 128)
- 2.1.4 Home Occupation uses may be permitted subject to Council's satisfaction that the following provisions are, or will be, adequately met:
 - i) A Home Occupation will be carried on within a dwelling unit only by an owner occupying the dwelling, and employing only immediate family members that also occupy the dwelling;
 - ii) A Home Occupation will occupy only a limited floor area of the dwelling; and,
 - iii) The Home Occupation use will not detract from the RESIDENTIAL character of the area.

Further, a Home Occupation will not be deemed to be a mixed Commercial/Residential Use for the purposes of Subsection A.2.2 of this Plan.

2.1.5 Notwithstanding the above, a medical practitioner's office may be permitted without the necessity of an amendment to this Plan subject to the satisfaction of Council that the proposed office:

- i) Is situated on a major road;
- ii) Is appropriately located with respect to adjacent RESIDENTIAL USES;
- iii) Will provide an acceptable amount of on-site parking; and,
- iv) Will otherwise not detract from the character of the RESIDENTIAL area.

2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning By-law:

- i) Be required to be provided with adequate yards, off- street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
- ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent RESIDENTIAL USES.

2.1.7 In order to preserve and utilize older buildings no longer appropriate for RESIDENTIAL USE, and to provide a specialty type of Commercial service in proximity to the central area of the City, Council may permit the conversion of existing RESIDENTIAL buildings located in high-density RESIDENTIAL areas for Commercial Uses such as financial offices, as may be identified through the preparation of Neighbourhood Plans.

2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

2.1.9 Council will encourage the design of RESIDENTIAL areas which complement the natural features of the area and utilize energy saving measures such as, but not limited to:

- i) Reduced road lengths;
- ii) Building orientation;

- iii) Retention of existing trees and other vegetation;
 - iv) Clustering of units; and,
 - v) Such other matters as Council deems necessary; and which are in keeping with the provisions of Subsection C.8, Energy.
- 2.1.10 Subject to the Ontario Building Code, as amended from time to time, development and redevelopment designs which reflect improved energy efficiency and take into account innovations in building technology will be encouraged.
- 2.1.11 Subject to the policies of Subsection B.1, preference will be given to the complete development of RESIDENTIAL neighbourhoods.
- 2.1.12 The average population density for each undeveloped and developing Neighbourhood in the City will be approximately ninety (90) persons per gross hectare of land designated RESIDENTIAL on Schedule "A". (O.P.A. No. 27)
- 2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- 2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
 - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.
- 2.1.15 Prior to the approval of RESIDENTIAL development adjacent to railway rights of way, Council will have regard for the requirements of Subsections B.3.5, C.2 and C.9. (O.P.A. No. 128)
- 2.1.16 To enhance the quality of any high density RESIDENTIAL development, Council may, where deemed appropriate, permit additional density, where the proponent provides landscaped areas in excess of the Zoning By-law provisions in accordance with Subsection D.3 of this Plan. (O.P.A. No. 15)

Subsection A.2.2 - Commercial Uses

It is the general intent of this Plan that COMMERCIAL development occur in an orderly manner, consistent with the needs of the community. The Plan promotes a hierarchy of COMMERCIAL categories to best serve the residents of the City, and to recognize and accommodate the locational, trade area or special requirements of businesses of varying size and function.

The Plan promotes a high aesthetic quality in all COMMERCIAL areas and endeavours to minimize their impacts on adjacent land uses, most importantly, Residential uses. It is intended that all COMMERCIAL areas be readily and safely accessible and be provided with adequate parking and loading facilities.

The Central Policy Area is recognized as the highest level in the COMMERCIAL hierarchy and is promoted as the principal retail centre for both the City and the Region, offering the widest range of goods and services. Due to the diversity in land uses within the Central Policy Area, specific policies are articulated in Subsection A.2.8, Central Policy Area.

Further, the Plan promotes Shopping Centres of varying sizes, ranging from Sub-Regional Shopping Centres down to the smaller Neighbourhood Shopping Centres. It is intended that such Centres be distributed to provide sufficient business opportunity and consumer choice without undermining the primacy and viability of the Central Policy Area.

It is the intent of this Plan to recognize the value of existing Extended COMMERCIAL areas, their potential and special impacts. Within this category are:

- Ribbon COMMERCIAL areas, which are similar in function, but are generally smaller in scale and more reliant on pedestrian trade; and,***
- Highway COMMERCIAL areas primarily oriented to the travelling public and automobile borne traffic and thus dependent upon a location on a major road providing ready exposure and ease of access.***

The Plan promotes the infilling and consolidation of these areas so as to restrict unnecessary extension or enlargement.

Additionally, policy direction is provided regarding such matters as COMMERCIAL-related parking, mixed COMMERCIAL/Residential developments, Local Commercial, and Automobile Service Stations.

- 2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, where one exists: (O.P.A. 128)
- i) Residential uses subject to the following provisions:
 - a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated; (O.P.A. No. 27)
 - b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized; (O.P.A. No. 27)
 - c) in the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component and be physically separated from the COMMERCIAL component and associated customer parking areas; and, (O.P.A. No. 27)
 - d) satisfy the provisions of Subsections A.2.1 and C.7. (O.P.A. No. 27)
 - ii) Institutional Uses, regardless of site area and, in accordance with the provisions of Subsection A.2.6 of this Plan. (O.P.A. No. 27)
- 2.2.2 Council recognizes that the COMMERCIAL structure of the City operates within a hierarchy of categories ranging from the Central Policy Area (which, as defined by the Regional Official Plan, is intended to function as the "Regional Centre"), to Local Commercial Uses of a convenience type. Except for the Central Policy Area and Sub-Regional Centres, the hierarchy is not designated on Schedule "A" to this Plan. The location and distribution of such categories will be identified through Neighbourhood Plans as set out in Subsection D.2.
- 2.2.3 Further, it is intended that the policies for the various categories in the COMMERCIAL hierarchy will provide guidance to Council when considering amendments to this Plan or to the Zoning By-law.
- 2.2.4 The Central Policy Area will be promoted as the principal retail, business and service centre in the Region, and in the context of the overall COMMERCIAL structure of the City. Accordingly, the Central Policy Area will be considered to be the preferred location for the major concentration of COMMERCIAL USES in the City and in the Region. Policies for the Central Policy Area are detailed in Subsection A.2.8.

2.2.5 The two Sub-Regional Centres will be promoted as secondary retail, business and service centres in the Region, and in the context of the overall COMMERCIAL structure of the City. Accordingly, the Sub-Regional Centres will consist of lands in the vicinity of the intersection of Queenston Road and Centennial Parkway and, secondly, within Thorner Neighbourhood east of Upper Wentworth Street and north of the proposed East-West Arterial Road. Council will encourage the location in these centres of relevant district or branch services and offices of business and other levels of government having their main regional offices in the Central Policy Area, and Residential Uses. It is further intended that lands within the area designated in the Regional Official Plan as "Urban Policy Area" surrounding the Sub-Regional Centres will include the following uses complementary to those uses existing within these Centres:

- i) Residential Uses of higher densities;
- ii) Retail Uses, as well as some offices; and,
- iii) Major Institutional Uses, including social, community and health services.

Shopping Centres

2.2.6 The SHOPPING CENTRES category applies to groups of Commercial establishments planned and developed as a unit, and having no less than 1,400 square metres of gross floor area.

2.2.7 In addition to the primary permitted uses as set out in Policy A.2.2.1, the following ancillary uses may be permitted in SHOPPING CENTRES: malls and public concourses, landscaped garden areas, private and public washrooms, parking areas, truck loading and service areas, employee rest areas, as well as mechanical, electrical and maintenance areas. Residential uses may be permitted where they will not restrict or interfere with the function of the primary permitted uses, subject to the provisions of Policy 2.2.1 i) and any other related policies as set out in this Subsection.

2.2.8 Council recognizes SHOPPING CENTRES as appropriate forms of Commercial development necessary to the economic health of the City and the Region. In this regard, Council will utilize the following classifications of SHOPPING CENTRES, where applicable, in the preparation of Neighbourhood Plans:

- i) A Sub-Regional SHOPPING CENTRE will have a minimum of 37,000 square metres of gross floor area and function as the focus of a multi-use node as provided for in the Regional Official Plan;
- ii) A District SHOPPING CENTRE will have a gross floor area of 23,000 square metres to a maximum of 37,000 square metres;
- iii) A Community SHOPPING CENTRE will have a gross floor area of 14,000

square metres to a maximum of 23,000 square metres;

- iv) A Neighbourhood SHOPPING CENTRE will have a gross floor area of 2,000 square metres to a maximum of 14,000 square metres; and,
- v) A Convenience SHOPPING CENTRE will have a maximum gross floor area of 2,000 square metres. (O.P.A. No. 7)

2.2.9 It is the intent of Council that new, extended or enlarged SHOPPING CENTRES proposed on lands not designated Commercial in this or other plans of the City, will not jeopardize the viability of other existing or approved retail centres in the City. In this regard, where a proposal would result in a SHOPPING CENTRE larger than 14,000 square metres of gross floor area, Council will require the completion of a market study by the proponent which indicates that such viability is not endangered, prior to any approval. Such market studies will contain:

- i) An assessment of present and future population to be served by the proposed development, including a full explanation of the sources, techniques and assumptions used in arriving at any population forecast;
- ii) A full explanation as to any other forecasts or assumptions used in determining retail requirements within the City of Hamilton;
- iii) The amount, mix, location and phasing of proposed retail space;
- iv) An evaluation of the primary and secondary trade areas of the proposed development, including any assumptions used and an explanation of the characteristics of the population to be served, as may be relevant to the proposal;
- v) An assessment of the potential impacts on the trade areas of other retail centres, including an explanation of any methodology used; and,
- vi) Evidence that the proposal will not jeopardize the viability of the Central Policy Area in order that the intent to promote this as the principal retail centre in the Region will not be undermined.

2.2.10 Any proposal for a new SHOPPING CENTRE or expansion of an existing SHOPPING CENTRE resulting in a gross leasable retail/commercial floor space of greater than 23,000 square metres must receive approval by Regional Council.

2.2.11 Adjunct to such an analysis and prior to any consideration for approval, Council will be satisfied that the proponent has demonstrated that:

- i) Traffic volumes and movements can be safely handled by the existing or proposed Circulation and Movement System as set out in Subsection B.3;

- ii) Adequate provision can be made to accommodate access by public transit, in keeping with the provisions of Subsection B.3.2, Public Transit;
- iii) Existing or proposed utilities are adequate to serve the development; and,
- iv) Any deficiencies in the above can be adequately resolved by the proponent.

2.2.12 Council will not consider for approval any proposal for a SHOPPING CENTRE which is not situated on an Arterial Road.

2.2.13 Where feasible, Council will give preference to SHOPPING CENTRES proposed to be located in Extended Commercial areas where such CENTRES serve to infill or consolidate existing Commercial development.

Extended Commercial

2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,
- ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

2.2.15 Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility.

2.2.16 While it is intended that any Commercial use be permitted within the EXTENDED COMMERCIAL category, it is also intended that retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies, warehouse outlets, catalogue stores serving domestic consumers, automotive sales, or other uses whose special nature or requirements of size, site and/or buildings are not conducive to location within Ribbon Commercial areas or Shopping Centres, be located within areas of similar large scale Highway Commercial uses.

2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the provisions of Policy 2.2.1 i) and any other related policies as set out in this Subsection.

2.2.18 Limited Light Industrial uses may be permitted in association with, and on-site of, a

permitted Commercial use, subject to Council being satisfied that:

- i) The Commercial activity is the primary use;
- ii) The retail use caters to the general public and is not primarily reliant on other industrial or wholesale trade;
- iii) Adequate provisions are made for loading facilities, subject to the policies set out in Subsection B.3.3;
- iv) Adequate services are available to the site;
- v) The use is not noxious by virtue of noise, heat, glare, dust, vibration or other emissions; and,
- vi) The use does not interfere with the attractiveness or viability of the area for the primary permitted uses.

2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where: traffic and/or parking problems will not be created; and, on Arterial Roads identified on Schedule "F".

2.2.20 Council will encourage the Region to undertake such roadway improvements as street widenings, channelization, centre left-turn lanes, signalization or any other appropriate measures to improve traffic circulation in EXTENDED COMMERCIAL areas.

2.2.21 All outdoor storage areas will be fenced or suitably screened from adjacent Residential Uses. Council may permit the temporary storage of materials without screening for display or promotional purposes only, provided vehicular movement is not endangered, and that all parking requirements can be met.

2.2.22 Council will endeavour to maintain or improve the visual amenity and general attractiveness of EXTENDED COMMERCIAL areas, and, in so doing, will:

- i) Encourage the restoration, rehabilitation or repair of existing storefronts and facades to complement the scale, design and character of other Commercial developments in the area;
- ii) Encourage the relocation of non-Commercial uses which interrupt the continuity of business frontage, and their replacement with permitted Commercial Uses to maximize the retail concentration;
- iii) Regulate building setbacks to develop and maintain continuity and harmony with adjacent Commercial Uses;

- iv) Consider the increase in building setbacks where substantial redevelopment is proposed, to permit wider sidewalks, appropriate landscaping and street furniture to encourage pedestrian movement and improve the shopping environment;
- v) Ensure in the preparation of Neighbourhood Plans that provision is made for sufficient Residential development to sustain viable Ribbon Commercial areas; and,
- vi) Support the organization of local business interests to work toward achieving the policies of this Plan. Council may cooperate with business associations in carrying out special studies to examine land use problems and identify feasible solutions, as well as in any other manner which serves to implement the policies of this Plan.

2.2.23 Off-street parking and loading will be required within predominantly Highway Commercial areas, and will be provided by the developers or owners of Commercial development. Council may consider supplying municipal parking areas, if deemed to be required, where they will serve both EXTENDED COMMERCIAL development and other retail concentrations in close proximity to each other.

2.2.24 Council will encourage and, where feasible, assist in the provision of adequate off-street parking facilities in all other EXTENDED COMMERCIAL areas where existing parking problems are identified. Such parking facilities will be:

- i) Readily accessible from the main thoroughfare serving the EXTENDED COMMERCIAL area, including via side-streets off the main thoroughfare; and,
- ii) Preferably to the rear of the EXTENDED COMMERCIAL development where their use will not adversely impact the amenity of adjacent Residential areas, subject to the General Provisions herein.

Local Commercial

2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access. (O.P.A. No. 5)

2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services. (O.P.A. No. 46)

2.2.27 It is not the intent of Council that the LOCAL COMMERCIAL category be included

within the Commercial classification indicated on Schedule "A" to this Plan. Rather, it is the intent of Council that LOCAL COMMERCIAL uses may be permitted within the Residential designation of land use indicated on Schedule "A", subject to a specific application for an appropriate amendment to the Zoning By-law and without the necessity of amending this Plan. The location of LOCAL COMMERCIAL uses will be designated by Neighbourhood Plans.

2.2.28 Notwithstanding the above provisions, when considering new development in this category, Council will give preference to the grouping of individual LOCAL COMMERCIAL uses in suitable locations to prevent the scattering of such establishments throughout Residential areas.

Other Commercial Uses

2.2.29 Major structures containing both residences and COMMERCIAL Uses, including offices primarily intended to offer goods and services to persons other than the residential occupants thereof, will be deemed to be mixed COMMERCIAL/RESIDENTIAL. Such uses may be permitted in areas designated COMMERCIAL provided that they have been identified in the Neighbourhood Plan and satisfy the following provisions: (O.P.A. No. 27)

- i) Amenity spaces will be provided exclusively for the Residential component and will be functionally separated from public areas associated with the COMMERCIAL component;
- ii) Prior to any approval for proposed COMMERCIAL/RESIDENTIAL development, Council will be satisfied that any impacts emanating from the COMMERCIAL component which will detract from the amenity of the associated Residential Uses will be minimized;
- iii) Customer parking areas associated with the COMMERCIAL component will preferably be physically separated from such areas provided for the Residential Uses and, in any instance, their use will not interfere with the safe and efficient use of Residential parking areas; and,
- iv) Council will be satisfied that existing engineering services, school facilities, parks and similar community facilities are, or may feasibly be made to be, adequate to serve the residents of proposed COMMERCIAL/RESIDENTIAL development prior to any approval being given. (O.P.A. No. 46)

2.2.30 AUTOMOBILE SERVICE CENTRES will include land or buildings used for the purposes of selling motor vehicle fuels; carrying out automotive repairs and/or providing car washes. The preferred location for AUTOMOBILE SERVICE CENTRES will be adjacent to the intersection of major roads.

2.2.31 In considering proposals for new AUTOMOBILE SERVICE CENTRES, Council will require that the following provisions are complied with in all respects:

- i) Where AUTOMOBILE SERVICE CENTRES are located in a Shopping Centre, the structure(s) will be physically separated from the major activity areas and buildings of the Shopping Centre and be in close proximity to the major roads providing access; and,
- ii) AUTOMOBILE SERVICE CENTRES will only be permitted where the movement of traffic and/or pedestrians in the vicinity of the site will not be endangered or congestion increased by virtue of their location and operation.

2.2.32 Council will endeavour to minimize the impacts of AUTOMOBILE SERVICE STATIONS on adjacent land uses through measures such as, but not limited to, the following:

- i) The establishment of building separation distance and yard requirements;
- ii) The requirement of fencing and/or landscaped buffer strips to effectively screen the operation;
- iii) Paved surface requirements for all non-landscaped areas;
- iv) The restriction of outside storage, other than automobiles;
- v) The establishment of separation distance requirements from Residential or other land uses for all ingress or egress ramps; and,
- vi) The requirement that all lighting and illuminated signs be designed to be deflected or shielded from adjacent Residential Uses. (O.P.A. No. 46)

2.2.33 To enhance the quality of any COMMERCIAL/RESIDENTIAL development, Council may, where deemed appropriate, permit additional Residential density where the proponent provides landscaped areas in excess of the Zoning By-law provisions, in accordance with Subsection D.3 of this Plan. (O.P.A. No. 15 & 46)

General Provisions

2.2.34 COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses. (O.P.A. No. 46)

2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the

COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

(O.P.A. No. 46)

2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

(O.P.A. No. 46)

2.2.37 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

(O.P.A. No. 46)

2.2.38 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use.

(O.P.A. No. 46)

2.2.39 No parking facility serving a COMMERCIAL USE or group of uses will be permitted beyond a COMMERCIAL designation, nor will vehicular access to said COMMERCIAL USES be permitted over Residentially designated lands.

(O.P.A. No. 46)

2.2.40 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses.

(O.P.A. No. 46)

Subsection A.2.3 - Industrial Uses

It is the general intent of this Plan to ensure that Hamilton's position as a major INDUSTRIAL centre in the Region and in the Province is maintained and enhanced through the retention of existing industries and through the stimulation of new INDUSTRIAL growth.

Accordingly, the Plan recognizes the existing inventory of INDUSTRIAL USES and identifies a reserve of lands suitable for the expansion of existing industry and for the attraction of new firms. It is also the intent of this Plan to safeguard the integrity of land uses adjacent to INDUSTRIAL areas through appropriate measures.

Further, this Plan identifies a number of INDUSTRIAL categories. Existing Heavy INDUSTRIAL areas in the City, the impacts that they have, and the need to promote the improvement of the appearance and amenity of these areas, are recognized.

General INDUSTRIAL areas may contain a variety of INDUSTRIAL USES which do not inherently impact adjacent uses.

Further, the Plan promotes Light INDUSTRIAL areas and recognizes their benefits to the City in view of their minimal environmental impacts.

In addition, policy direction is provided regarding such matters as INDUSTRIAL related parking and mixed INDUSTRIAL/Residential development.

2.3.1 Uses permitted on lands designated Industrial on Schedule "A" shall include clusters of business and economic activities such as, manufacturing, research and development, transport terminal, building or contracting supply establishment, tradesperson's shop, warehousing, waste management facilities, private power generation, office, and accessory uses. Ancillary uses which primarily support business and employees within the Industrial area shall also be permitted.

(OPA 223)

2.3.2 The following uses shall be prohibited on lands designated Industrial on Schedule "A":

(OPA 223)

i) Major retail uses, where major retail is defined as those retail establishments that provide goods for sale to the public that are not ancillary to or associated with employment uses and are greater than 500 square metres in size; and,

ii) Residential uses.

2.3.3 Office uses shall be limited in function, scale and type and shall be limited in size through the Zoning By-law.

(OPA 223)

2.3.4 Council recognizes the varied nature of industry in the City. Therefore, the policies of this Plan are intended to apply to a hierarchy of INDUSTRIAL classifications. The hierarchy is not specifically designated on Schedule "A". However, an element of the hierarchy is shown in Schedule "B" and Schedule "B-3" as Special Policy Area 11 and 11a and as set out in Subsection A.2.9.3. (OPA 223)

2.3.5 Further, it is intended that the policies for the various classifications in the INDUSTRIAL hierarchy will provide guidance to Council when considering amendments to this Plan or to the Zoning By-law. (OPA 223)

General and Heavy Industrial Classification

2.3.6 The following uses shall be permitted on lands designated Industrial on Schedule "A": (OPA 223)

- i) a full range of manufacturing uses, warehousing, repair service, building or contracting supply establishments, transport terminals, research and development, communication establishment, private power generation, dry cleaning plants, salvage/storage yards, and motor vehicle repair and wrecking;
- ii) limited office uses;
- iii) ancillary uses which primarily support industry, businesses and employees within the industrial area, including hotels, fitness centres, financial establishments, restaurants, personal services, motor vehicle service stations, retail establishments, labour association halls, conference and convention centres, trade schools, commercial parking facilities, commercial motor vehicle and equipment sales and commercial rental establishments;
- iv) waste processing facilities and waste transfer facilities; and,
- v) accessory uses, such as limited retail and office.

2.3.7 Council will ensure that non-industrial land uses abutting the GENERAL AND HEAVY INDUSTRIAL CLASSIFICATION areas are protected from adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures. (OPA 223)

Light Industrial Classification

2.3.8 The LIGHT INDUSTRIAL CLASSIFICATION applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11 and 11a, and shown on Schedule "B-3" as the Red Hill Business Park (formerly East Mountain Industrial-Business Park). (OPA 223)

2.3.9 The following uses shall be permitted on lands in the LIGHT INDUSTRIAL

CLASSIFICATION:

(OPA 223)

- i) manufacturing, warehousing, repair service, building or contracting supply establishments, transportation terminals, research and development, office, communication establishment, and private power generation. Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited;
- ii) uses which primarily support industry, including labour association halls, conference and convention centres, trade schools, commercial motor vehicle and equipment sales, and commercial rental establishments;
- iii) ancillary uses which primarily support businesses and employees within the business parks, including hotels, fitness centres, financial establishments, restaurants, personal services, motor vehicle service stations and washing, retail establishments, and commercial parking facilities;
- iv) waste processing facilities and waste transfer facilities;
- v) accessory uses, such as limited retail and office.

2.3.10 Ancillary uses which serve the businesses and employees of the LIGHT INDUSTRIAL CLASSIFICATION as described in Policy 2.3.9 iii), shall be encouraged to locate fronting arterial roads or collector roads into the industrial area. Retail establishments shall be limited to 500 square metres of gross floor area. (OPA 223)

2.3.11 New developments in the LIGHT INDUSTRIAL CLASSIFICATION will be subject to site plan control as provided by the Planning Act. (OPA 223)

2.3.12 Council will encourage all new developments in the LIGHT INDUSTRIAL CLASSIFICATION to adhere to good architectural quality in building design. (OPA 223)

2.3.13 Council will ensure that non-industrial land uses abutting the LIGHT INDUSTRIAL CLASSIFICATION areas are protected from any adverse impacts through the provision of adequate separation, screening, barriers, fencing, and landscaping or other like measures. (OPA 223)

(NOTE: OPA 223 required that Policies 2.3.1 to 2.3.22 be deleted in their entirety and replaced with 2.3.1 to 2.3.13, leaving 2.3.23 to 2.3.39 out of numerical order)

General Provisions

2.3.23 New INDUSTRIAL USES may be permitted in areas designated INDUSTRIAL, provided that the proposed uses comply with all Provincial standards with respect to the emission of sounds and vibrations, permissible concentrations of air contaminants such as dust, smoke, fumes, odours and other particulates, water

quality control and waste control, including the quality of discharge and run-off.

- 2.3.24 Site Plan Control will be applied to any INDUSTRIAL development and for all INDUSTRIAL developments abutting lands designated Open Space and Hazard Lands unless Council is satisfied that the impacts on the adjacent land uses are minimal. (OPA 223)
- 2.3.25 Adequate vehicular access, off-street parking and loading facilities will be required in clearly-defined areas for all development and redevelopment within the INDUSTRIAL designation, subject to the appropriate policies of Subsection B.3.
- 2.3.26 INDUSTRIAL USES that are proposed to be developed adjacent to existing INDUSTRIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.
- 2.3.27 Traffic generated by INDUSTRIAL USES will be prohibited from penetrating designated Residential areas.
- 2.3.28 Signs in INDUSTRIAL areas will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.
- 2.3.29 In order to enhance the viability of INDUSTRIAL areas, Council, where feasible and deemed appropriate, may encourage and assist the appropriate authorities to establish and/or maintain the accessibility of INDUSTRIAL areas through the provision of highways, arterial roads, rail, and public transit services.
- 2.3.30 Council will encourage the Region to promote INDUSTRIAL areas in the City.
- 2.3.31 Council may encourage and, where feasible, assist in the relocation of uses not permitted in areas designated for INDUSTRY and in the relocation of existing industries located outside of INDUSTRIAL designated areas into such areas.
- 2.3.32 Council may encourage and, where feasible, assist in programs for the improvement of the appearance and amenity of INDUSTRIAL areas.
- 2.3.33 Where existing INDUSTRIAL and Residential Uses are located in close proximity to each other, Neighbourhood Plans may be prepared, as set out in Subsection D.2, to identify potentially viable Residential areas, INDUSTRIAL areas and areas where a mix of Residential and INDUSTRIAL USES may be tolerated in the short-term. Council's long term planning objective will be for the removal of Residential Uses from established INDUSTRIAL USE areas.
- 2.3.34 Where existing INDUSTRIAL and Residential Uses are located in close proximity to each other, new INDUSTRIAL buildings may be permitted if adequate separations between uses, buffering, barriers and special construction techniques are provided to minimize conflicts between the land uses to the satisfaction of Council. Further, within these areas, Council may permit the establishment of a

selective range of new INDUSTRIAL USES to be defined in the implementing Zoning By-law.

2.3.35 In areas where it is recognized that an existing mix of Residential and INDUSTRIAL USES may be tolerated, Council will permit:

- i) Only those INDUSTRIAL extensions or enlargements that do not generate adverse environmental impacts or traffic congestion;
- ii) Only those ancillary uses such as, but not limited to, retail uses that do not generate adverse environmental impacts or traffic congestion; and,
- iii) Outdoor storage, open space and off-street parking.

2.3.36 Existing buildings containing a mix of INDUSTRIAL, Residential and/or Commercial Uses may be recognized in the Zoning By-law, provided that Council is satisfied that:

- i) Employee and customer parking space for the INDUSTRIAL USE is physically separated from such space provided for a Residential Use;
- ii) Amenity spaces are provided exclusively for the Residential Use which are physically separated from public areas associated with the non-Residential component;
- iii) Existing engineering services and school facilities are, or may feasibly be made to be, adequate to serve any residents thereof; and,
- iv) Impacts emanating from the INDUSTRIAL USE which may detract from the amenity of the Residential and/or Commercial Uses have been minimized.

2.3.37 Where practicable, Council will encourage the efficient use of INDUSTRIAL lands associated with the waterfront. In this regard, it is the intent of Council that any lands as may be created by landfill from Pier 17 to the western side of Pier 23 in Hamilton Harbour, which are exempted from Ontario Regulation 118/70, as amended, excluding Windermere Basin, be utilized for INDUSTRIAL purposes.

2.3.38 Notwithstanding the foregoing, Industrial Uses are not permitted on lands designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas and Schedule "B-3" - Other Special Policy Areas.
(O.P.A. No. 128)

Within this area, existing industrial uses are recognized. Minor expansions, as well as changes in the use and replacements, may be permitted where it can be demonstrated that the objectives of the applicable Niagara Escarpment Plan designation are met.
(O.P.A. No. 123)

2.3.39 Waste management facilities, including expansions, will be subject to the policies of the Regional Official Plan under Section 4.2.210 – Waste Management Facilities and Part D, Section 11 – Definitions. (OPA 218)

Subsection A.2.4 - Open Space

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

Open spaces are an essential part of the fabric of our City, providing common linkages between communities and complementing and enhancing our built environments. Planning Policies are needed to ensure that sufficient and viable open spaces are retained, enhanced, expanded and appropriately acquired. Such Policies are necessary to achieve the environmental, social, economic, health and aesthetic benefits that parklands and open space provide for our communities.

- 2.4.1 Lands designated as OPEN SPACE are greater than 0.4 ha in size, are public or private areas where the predominant use or function of the land is for recreational activities, conservation management and other open space uses. These uses include, but are not limited to, parks for both active and passive recreational activities, recreation/community centres, pedestrian pathways, trails, bikeways and walkways, seasonal campgrounds, marinas, woodlots, forestry and wildlife management areas, fishing reserves, hazard lands and cemeteries. Ancillary commercial uses may be permitted as defined by the open space and parkland policies of this Plan.
- 2.4.2 Where land designated OPEN SPACE is under private ownership, it is not intended that this land will necessarily remain so indefinitely, nor will the Plan be construed as implying that these areas are free and open to the general public or will be purchased by the City.
- 2.4.3 OPEN SPACE lands which are identified in the Niagara Escarpment Parks and Open Space System shall comply with the Policies of the Niagara Escarpment Plan.”

Subsection A.2.5 - Open Water

It is the intent of this Plan that existing water bodies within the City should be preserved in their natural state. These bodies, most significantly Cootes Paradise and Hamilton Harbour, perform, and should continue to perform, valuable aesthetic, ecological and economic functions. Hence, limitations on fill and alteration are required to ensure the protection and maintenance of these waters.

- 2.5.1 The primary uses permitted in areas designated on Schedule "A" as OPEN WATER will be for shipping, navigation and boating, subject to the applicable jurisdiction as exists with respect to fill in the area designated as OPEN WATER. It is the policy of Council that these areas will remain covered by water and will not be filled, reclaimed or otherwise altered. (Minister's Approval - July 24, 1995)
- 2.5.2 Notwithstanding the designation of parts of Cootes Paradise as OPEN WATER and subject to Policy A.2.9.2, Subsection A.3.2, of this Plan, and Subsection C.1.2 of the Regional Official Plan, the preferable uses of Cootes Paradise are for aesthetic, ecological, and scientific activities. (O.P.A. No. 199)
- 2.5.3 Notwithstanding the designation of Windermere Basin as OPEN WATER and subject to policy A.2.9.3.2, the preferable uses for Windermere Basin are for aesthetic, ecological and scientific activities. (O.P.A. No. 167)

Subsection A.2.6 - Major Institutional Uses

It is the intent of this Plan to recognize MAJOR INSTITUTIONAL USES under the jurisdiction of a local board or public and private agencies as valuable community assets.

Recognizing the difficulty of predicting the advent of new MAJOR INSTITUTIONAL USES, no attempt is made in this Plan to identify the future location of these uses, unless otherwise known. However, to enhance their value to the community, general policy direction is provided to guide local boards, and public and private agencies in the location of new establishments when specific proposals come forth. (O.P.A. No. 27)

- 2.6.1 The primary uses permitted in the areas exceeding 0.4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and accessory uses.

However, such uses less than 0.4 hectare in site area will be permitted in areas designated Residential, provided they satisfy the requirements of Policy A.2.1.3. Further, notwithstanding the above site area requirements, MAJOR INSTITUTIONAL uses will also be permitted in areas designated Commercial as set out in Policy A.2.2.1. (O.P.A. No. 27)

- 2.6.2 MAJOR INSTITUTIONAL USES may be located in Residential neighbourhoods and will be encouraged to locate where they will function as a focus for the neighbourhood and on sites adjacent to other Institutional Uses, or a Neighbourhood Commercial use to permit the sharing of parking and other facilities in accordance with the following provisions:

- i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;
- ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area;
- iii) Adequate provision has been made for access by the physically disabled and senior citizens; and,
- iv) The proposal satisfies the provisions of subsections C.2 and C.9. (O.P.A 128)

- 2.6.3 All MAJOR INSTITUTIONAL USES, except public and separate schools, will be permitted to locate in Commercial areas or may be permitted in an area where a proven need has been identified and where, to the satisfaction of Council, the location and integration of such a use with established or proposed development is acceptable.

- 2.6.4 Notwithstanding the policies set out above, the development of any new MAJOR INSTITUTIONAL USE on a site of 0.4 hectare or greater will only be permitted by means of an amendment to this Plan and to the implementing Zoning By-law, where applicable. (O.P.A. No. 128)
- 2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7 of this Plan. (O.P.A. No. 5)
- 2.6.6 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, recreational uses ancillary to the primary MAJOR INSTITUTIONAL use may be permitted provided that they are compatible with the surrounding area.
- 2.6.7 Council will encourage the establishment of Day Nurseries in areas designated MAJOR INSTITUTIONAL where:
- i) adequate on-site parking is available;
 - ii) a drop-off/pick-up area can be provided; and,
 - iii) noise and traffic problems are not created.
- 2.6.8 Notwithstanding Policy A.2.6.1, only small-scale institutional uses are permitted on lands designated INSTITUTIONAL on Schedule "A" which are designated Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1b" on Schedule "B" - Special Policy Areas. In this context, "small-scale" means a building having a floor area of not more than 460 m² (5,000 square feet). (O.P.A. No. 123 & 128)

Subsection A.2.7 - Utility Uses

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

- 2.7.1 The primary uses permitted in the areas designated on Schedule "A" as UTILITIES will be for passenger terminals; freight handling facilities and related storage; railway, warehousing and associated parking areas; electric power facilities; pipelines and natural gas lines; and major road facilities. Recognizing the difficulty of predicting the advent of new UTILITIES, only those facilities which are committed for development and/or are prioritized and where their location is known have been identified. (O.P.A. No. 46)
- 2.7.2 In accordance with the Regional Official Plan, Council will co-operate with the Region to ensure the provision of adequate access to all areas of the City and, in this regard, will be further guided by the Circulation and Movement policies set out in Subsection B.3.
- 2.7.3 UTILITIES will be developed to carefully integrate with the general character of the surrounding uses through the provision of landscaping, screening and buffering, siting of structures, height control, and any other measures as may be deemed to be appropriate by Council.
- 2.7.4 Notwithstanding the permitted uses in Policy A.2.7.1 above, additional uses may be permitted on Ontario Hydro lands and all other lands designated UTILITIES where deemed by Council to be compatible with adjacent land uses, by agreement of the land owner and subject to the preparation of a Neighbourhood Plan for the affected lands.
- 2.7.5 Notwithstanding the foregoing, within the Escarpment Natural Area, as identified by Special Policy Area "1a" on Schedule "B" - Special Policy Areas and Schedule "B-3" - Other Special Policy Areas, only essential utility facilities are permitted. Within the Niagara Escarpment Plan Area, "essential" means that which is deemed necessary to the public interest after all alternatives have been considered. (O.P.A. No. 123 & 128)

Subsection A.2.8 - Central Policy Area

In keeping with the intent of the Regional Official Plan, it is intended that the CENTRAL POLICY AREA function as the Regional Centre to serve the residents of Hamilton-Wentworth. Accordingly, it is the intent of the Plan that this unique AREA be promoted as a multi-use node with emphasis on the concentration of those uses of specialized and/or Region-wide appeal. To enhance the multi-use function of this AREA, the Plan promotes the creation of an attractive environment in which to live, work, do business, shop or visit. In so doing, the Plan identifies measures to achieve a desirable mix of land uses, a high order of amenity and design, the proper integration of a wide range of activities, and the effective and safe movement of vehicles and pedestrians. It is further intended that these measures will be amplified and detailed through a Neighbourhood Plan.

2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:

- i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan;
- ii) Residential Uses of various housing types, including, but not limited to, single-family detached, semi-detached, townhouses and apartments, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7 of this plan;
- iii) Light Industrial Uses such as warehousing, manufacturing, laboratories, research facilities, printing and communication facilities and related uses, in keeping with the Industrial policies set out in Subsection A.2.3 of this Plan and subject to the accompanying policies contained hereafter on compatibility;
- iv) Open Space Uses such as, but not limited to, parks, public or private recreational facilities, arena, stadia and pathways, and in keeping with the Open Space policies set out in Subsection A.2.4 of this Plan; and,
- v) Major Institutional Uses such as, but not limited to, cultural facilities, health, welfare, educational, religious and governmental activities and related uses, and in keeping with the Major Institutional policies set out in Subsection A.2.6 of this Plan.

2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan.

2.8.3 To strengthen the role of the CENTRAL POLICY AREA as the primary commercial centre in the Region, it is intended that:

- i) The CENTRAL POLICY AREA will be the preferred location for major Commercial establishments in the Region;
- ii) Subject to the Commercial policies set out in Subsection A.2.2 of this Plan, Council will give preference to proposals for Commercial development beyond the CENTRAL POLICY AREA which do not jeopardize the role of this AREA as the primary Commercial centre in the City and Region;
- iii) Major new retail and office uses will be promoted along King Street East in the vicinity of Catherine, Ferguson and Wellington Streets to create identifiable and varied Commercial concentrations; and,
- iv) Other new retail and office uses will be encouraged to locate within the existing Commercial areas along James Street North and South, King Street East, and within Hess Village and Jackson Square, to enhance the established retail character of these areas.

2.8.4 To create employment opportunities within the CENTRAL POLICY AREA, and to utilize various sites and buildings suitable for Light Industrial Use, while ensuring compatibility with adjacent uses, it is intended that:

- i) Council will, with the co-operation of the Region, establish parameters and/or performance standards to determine the compatibility of Industrial Uses, having regard for, but not being limited to, the following:
 - a) the intensity of the existing or proposed Industrial Use;
 - b) architectural and landscaping measures to ensure visual integration with adjacent uses;
 - c) abatement measures to mitigate impacts that may be generated by the Industrial Uses; and,
 - d) accessibility to the site, parking, loading and traffic generated by the use;
- ii) Where Council is satisfied that an Industrial Use is compatible, the use will be recognized accordingly by the implementing Zoning By-law;
- iii) Council will, with the co-operation of the Region, determine appropriate measures to attract suitable Industrial Uses in the CENTRAL POLICY AREA; and,
- iv) Those Industrial Uses which, by operation and/or site utilization, conflict with or disturb the surrounding uses will be encouraged to relocate to more appropriate

locations.

- 2.8.5 Council will promote the development and/or expansion of Open Spaces and recreation facilities which complement surrounding development to create a more attractive environment within the CENTRAL POLICY AREA. Council will give preference to the provisions of such amenities in those areas where deficiencies have been identified through the preparation of a detailed Neighbourhood Plan.
- 2.8.6 To enhance the role of the CENTRAL POLICY AREA as a focus for Major Institutional and cultural facilities, Council will co-operate with, and encourage, the appropriate operating agencies to:
- i) Locate new Major Institutional Uses on sites adjacent to existing Major Institutional or Commercial Uses where it is feasible to achieve the sharing of common facilities such as, but not limited to, parking;
 - ii) Locate, promote, and/or expand tourist facilities within the CENTRAL POLICY AREA; and,
 - iii) Establish, maintain, and/or expand such service facilities as, but not limited to, day-care or health centres to serve both the resident and employment populations.
- 2.8.7 To facilitate the function of and the primary permitted uses in the CENTRAL POLICY AREA, Council will investigate to determine the most effective means of accommodating pedestrian and vehicular circulation and general accessibility to and within the AREA. In this regard, Council may give preference to pedestrian movement over vehicular circulation in specific areas. Accordingly, the investigation will consider, but not be limited to, the following:
- i) The segregation of vehicular and pedestrian traffic by such means as grade separation of pedestrian and vehicular traffic along and across major roads;
 - ii) The feasibility of creating pedestrian malls and a network of walkways between and within Commercial areas or concentrations;
 - iii) Appropriate public transit routing and the integration of conventional and innovative transit facilities;
 - iv) The appropriate location of a terminus for local and inter-city transit service, which is properly integrated with major land uses in the AREA;
 - v) The re-routing of local and through traffic, including a facility to redirect truck traffic oriented to the Bayfront Industrial area;
 - vi) The designation of truck routes;

vii) The provision and location of appropriate parking facilities;

viii) The extension of truck loading facilities below grade, and the sharing of common loading facilities for various adjacent developments where loading at street level can be eliminated or limited; and,

ix) The operating hours of public and private enterprises in the CENTRAL POLICY AREA.

2.8.8 To encourage the use of Public Transit and reduce the potential use of private automobiles in the CENTRAL POLICY AREA, Council may discourage the use of public Parking facilities for long-term commuter Parking in the AREA.

2.8.9 It is the intent of Council that the character and function of the CENTRAL POLICY AREA be enhanced. Specifically, Council will:

i) Promote, where feasible, innovative building and layout, as well as the rehabilitation and preservation of buildings and areas of historic and/or architectural merit;

ii) Establish building envelopes consisting of setback, height and light angles adequate to ensure acceptable shadow cast to, and light access for, adjacent properties;

iii) Investigate and adopt measures to regulate building heights and/or institute any other appropriate measure to preserve views of the Escarpment from the CENTRAL POLICY AREA;

iv) Promote and co-operate with individual property owners to undertake improvements in conjunction with the Property and Maintenance provisions as set out in Subsection C.5 of this Plan, with specific attention to improvement to the rear yards of individual properties, especially loading bays, garbage storage, general clean-up and, where required, fencing; and improvements to the store fronts, with attention to the compatibility of signs;

v) Encourage proponents of development or redevelopment, including the infilling of vacant lots, to ensure sensitive integration of the proposal with the scale and character of adjacent structures. Accordingly, Council will encourage the compatibility of building height, setback, material and building lines with adjacent structures; and,

vi) Endeavour to improve the streetscape in the CENTRAL POLICY AREA and, accordingly, will consider such actions as, but not limited to, the following:

a) improvements to pedestrian and street lighting;

b) provisions and maintenance of street furniture, rest areas, kiosks,

information booths, landscaping and tree planting; and,

c) regulation of signage.

vii) Permit additional Residential density where the proponent provides landscaped areas in excess of the Zoning By-law provisions to enhance the quality of a high density Residential and Commercial/Residential development in the CENTRAL POLICY AREA, in accordance with Subsection D.3 of this Plan. (O.P.A. No. 15)

Subsection A.2.9 - Special Policy Areas

For a number of reasons, additional policies are required beyond, and, in some cases, notwithstanding, those articulated throughout Section "A" of the Plan. For example, it is necessary to recognize the paramountcy of Provincial policies affecting the Niagara Escarpment and the Parkway Belt West. In certain locations, notwithstanding the indicated land use designations and associated policies, various concerns of Council will be reflected through additional policy statements having only limited application within the City of Hamilton. All such SPECIAL POLICY AREAS are indicated on Schedules "B" and/or "B-1" and/or "B-2" and/or "B-3".

Subsection A.2.9.1 - Niagara Escarpment

It is the intent of this Plan to protect and preserve the valuable attributes of the NIAGARA ESCARPMENT throughout the City, to recognize the potential of so doing through the actions of the NIAGARA ESCARPMENT Commission, and to conform with the policies of the NIAGARA ESCARPMENT Plan.

2.9.1.1 The City of Hamilton Official Plan has been brought into conformity with the Niagara Escarpment Plan, as approved by Provincial Cabinet in June, 1985 and subsequent Amendments approved prior to January, 1992.

(O.P.A. No. 123)

2.9.1.2 The lands shown on Schedule "B" and Schedule "B-3" as SPECIAL POLICY AREA 1 are located within the Niagara Escarpment Plan. To implement the Niagara Escarpment Plan, SPECIAL POLICY AREA 1 is subdivided, as shown on Schedule "B" and Schedule "B-3", into Special Policy Areas "1a", "1b" and "1c".

(O.P.A. No. 128)

The outer boundary of the area covered by the Niagara Escarpment Plan is fixed and inflexible, and can be changed only by an Amendment to the Niagara Escarpment Plan. The internal boundaries between designations within the Niagara Escarpment Plan, however, are less definite except where they are formed by such facilities as roads, railways and electrical transmission lines. The exact delineation of designation boundaries on specific sites will be done by the implementing body through the application of the designation criteria contained in the Niagara Escarpment Plan utilizing the most detailed or up-to-date information available and site inspections. Such designation boundary interpretations will not require amendments to the Niagara Escarpment Plan.

(O.P.A. No. 123)

2.9.1.3 The following policies apply to the areas shown on Schedule "B" - Special Policy Areas and Schedule "B-3" - Other Special Policy Areas as Special Policy Areas "1a", "1b" and "1c":

(O.P.A. No. 128)

i) Special Policy Area "1a" - Escarpment Natural Area - is based on

maintaining the most natural Escarpment features, stream valleys, wetlands, related significant natural areas and associated cultural heritage features as well as maintaining and enhancing the landscape quality of Escarpment features. Compatible recreation and conservation activities will be encouraged. Accordingly, the permitted uses will include:

- existing uses;
- non-intensive recreation uses relating to nature viewing and trail activities (excluding the use of trail bikes or all-terrain vehicles);
- forest, wildlife and fisheries management;
- archaeological activities;
- essential transportation and utility facilities;
- essential watershed management and flood and erosion control projects;
- accessory buildings, structures and facilities (e.g., garage) to support the permitted uses as well as site modifications required to accommodate them; and,
- uses permitted in approved park master or management plans.

New lots may be permitted for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body.

- ii) Special Policy Area "1b" - Escarpment Protection Area - encompasses Escarpment features that have been significantly modified by land use activities such as agriculture or residential development, land needed to buffer prominent Escarpment Natural Areas, and natural areas of regional significance. In addition, the Escarpment Protection Area policies are directed at maintaining the remaining natural features and the open, rural heritage landscape character of the Escarpment and lands in its vicinity. Agriculture, forestry and recreation will be encouraged. Accordingly, the permitted uses will include:

- existing uses;
- recreational uses which are oriented to the land rather than requiring the building of major structures;
- forest, wildlife and fisheries management;
- archaeological activities;

- transportation and utility facilities;
- watershed management and flood and erosion control projects; and,
- accessory buildings, structures and facilities (e.g., garage) to support the permitted uses as well as site modifications required to accommodate them.

New lots may be created for the purpose of correcting conveyances, enlarging existing lots, or through acquisition by a public body (provided no new building lot is created).

iii) Special Policy Area "1c" - Urban Area - is based on minimizing the impact and further encroachment of urban growth on the Escarpment environment. Accordingly, the following development objectives are paramount:

- a) All development will be of an urban design compatible with the visual and natural environment of the Escarpment. Where appropriate, provision for adequate setbacks and screening should be required to minimize the visual impact of urban development on the Escarpment landscape.
- b) New development will not encroach into the Escarpment Natural or Escarpment Protection Areas.
- c) New lots will not be created to include the Escarpment Natural or Escarpment Protection Areas.
- d) Lots will not be enlarged to extend into the Escarpment Natural or Escarpment Protection Areas in order to provide for more development.
- e) New lots may include the Escarpment Natural or Escarpment Protection Area designation under the following circumstances:
 - (i) correcting conveyances;
 - (ii) where the land in the Escarpment Natural Area or Escarpment Protection Area is to be acquired by a public body; and,
 - (iii) enlarging existing lots provided no further fragmentation of the Escarpment Natural Area or Escarpment Protection Area would result and provided there is sufficient area in the Urban Area to accommodate the proposed development.
- f) Adequate public access to the Escarpment will be provided by such means as parking areas, walkways or pedestrian trails (e.g., Bruce

Trail).

- g) Development proposals will be compatible with and provide for the protection or restoration of historic features or areas, archaeological sites and structures of architectural significance.
- h) Growth will be compatible with and provide for the protection of unique ecologic areas, wildlife habitats, streams and water supplies and other environmentally significant areas both inside and adjacent to Urban Areas. (O.P.A. No. 123)

2.9.1.4 It is intended that Development within Special Policy Area "1c" - Urban Area - will be subject to Zoning and Site Plan Control. In the interim, a Development Permit will be required from the Niagara Escarpment Commission, as determined by Ontario Regulation 685/80 as amended, until such time as the City is delegated this responsibility. (O.P.A. No. 123)

2.9.1.5 Special Policy Area "1a" - Escarpment Natural - and Special Policy Area "1b" - Escarpment Protection - fall within the Development Control Area, regulated by the Niagara Escarpment Commission (N.E.C.) as defined by Ontario Regulation 685/80 as amended. Any change in use of any land, building or structure requires a Development Permit from the N.E.C., including the construction, alteration or demolition of a building or structure, unless specifically exempted by the regulations. (O.P.A. No. 123)

2.9.1.6 All proposals for development occurring in the Niagara Escarpment Plan Area (Special Policy Areas "1a", "1b" and "1c") will conform to the policies, permitted uses and Development Criteria outlined in the Niagara Escarpment Plan. (O.P.A. No. 123)

2.9.1.7 All proposals for development in the Niagara Escarpment Plan Area, will conform to the Official Plan of the City of Hamilton and the Official Plan of the Regional Municipality of Hamilton-Wentworth and requirements established by the Niagara Escarpment Plan. (O.P.A. No. 123)

2.9.1.8 Council will not support non-essential developments which will detract from the unique visual and scenic qualities of the brow face or base of the Niagara Escarpment or lands in the immediate vicinity. (O.P.A. No. 123)

2.9.1.9 Council will co-operate with the Ministry of Natural Resources to ensure the development and administration of the Niagara Escarpment Parks System, including the Mount Albion Conservation Area, fulfils the following objectives:

- i) to protect the most significant features of the natural and cultural landscape of the Niagara Escarpment area;
- ii) to provide a wide variety of Escarpment-related outdoor recreation

opportunities;

- iii) to provide opportunities for exploration and appreciation of the natural and cultural heritage of the Niagara Escarpment; and,
- iv) to support tourism by providing opportunities for discovery and enjoyment by Ontario's residents and visitors. (O.P.A. No. 123)

2.9.1.10 Council may investigate and support the provision of walkways along and across the Escarpment in order to permit pedestrian access between the Lower and Upper City. (O.P.A. No. 123)

2.9.1.11 Council will encourage the responsible authorities to undertake appropriate measures to preserve the integrity of the remaining natural areas of the Niagara Escarpment and lands in its vicinity. (O.P.A. No. 123)

2.9.1.12 Council recognizes the importance of the Bruce Trail as a way of exploring and appreciating the natural and cultural heritage of the Niagara Escarpment. (O.P.A. No. 123)

Subsection A.2.9.2 - Parkway Belt West

It is the intent of this Plan to protect, preserve and otherwise conform to Provincial policy for those lands within the PARKWAY BELT WEST.

2.9.2.1 Those lands shown on Schedule "B" as SPECIAL POLICY AREA 2 lie within the PARKWAY BELT WEST established by Ontario Regulation 472/73 as amended, and are subject to the PARKWAY BELT WEST Plan approved by Order-in-Council 2188/78.

2.9.2.2 To conform to the provisions of the PARKWAY BELT WEST Plan, it is the intent of the Plan that the Open Space and Open Water designations and related policies be utilized as indicated on Schedule "A". In addition, parts of the PARKWAY BELT WEST lie within the Hazard Lands shown on Schedule "C" and Environmentally Significant Areas shown on Map No. 4 of the Regional Official Plan. In case of any discrepancy between the PARKWAY BELT WEST Plan and the remainder of this Plan, the provisions of the PARKWAY BELT WEST Plan will prevail. (O.P.A. No. 199)

2.9.2.3 It is the intent of Council that complementary policies be provided in this Plan, related to the Open Waters of Cootes Paradise and Hamilton Harbour, to supplement the PARKWAY BELT WEST Plan.

2.9.2.4 Council will encourage and co-operate with the appropriate Authorities in the production and implementation of plans and/or programs to preserve, improve and stabilize the attributes of lands within this SPECIAL POLICY AREA.

Subsection A.2.9.3 - Other Policy Areas

Due to specific circumstances affecting certain areas throughout the City, it is deemed appropriate that more detailed policy guidance be provided for these cases above and beyond, or notwithstanding, the other land use provisions of this Plan. It is thus the intent of Council to identify SPECIAL POLICY AREAS, as indicated on Schedules "B" and "B-1", and to apply appropriate policies to these AREAS to recognize and accommodate these circumstances.

2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii); (O.P.A. No. 27)

- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
- ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;
- iii) Council will encourage the relocation of non-Residential uses from predominantly stable Residential areas where the impacts of such use(s) cannot be effectively mitigated by means of, but not limited to, landscaping and buffering, building orientation and alterations to traffic flows;
- iv) To create an attractive living environment close to downtown, Council will encourage the appropriate provision, location, scale and design of community and neighbourhood facilities, parks, health services, schools, day care and related uses to satisfy present, and anticipated future, requirements;
- v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;
- vi) Council will require, when considering a proposed high-density Residential development or redevelopment in this AREA, the provision of the maximum useable open space on-site;
- vii) Council will encourage high-density Residential developments or redevelopments which utilize innovative design alternatives to the "high-

rise" apartment structure, while maintaining desirable standards for bulk, setbacks and landscaping;

- viii) Council will encourage mixed Commercial/Residential developments or redevelopments within the Central Policy Area and Commercial areas of SPECIAL POLICY AREA 3, subject to the General Provisions of Subsection A.2.2; (O.P.A. No. 27)
- ix) It is the intent of Council to encourage property owners to rehabilitate deteriorating housing, where feasible, through the available provincial and federal assistance programs;
- x) To ensure protection of the Residential amenity and living environment, Council will endeavour to reroute through traffic away from Residential areas. Any efforts in this regard will be made in conjunction with any related traffic system investigations for the Central Policy Area;
- xi) Priority should be given to providing a network of parks and pathways, throughout this AREA and linking the Central Policy Area, to give pedestrians and cyclists a convenient way to move about; and,
- xii) To enhance the quality of a high density Residential and Commercial/Residential development, Council may, where deemed appropriate, permit additional Residential density where the proponent provides landscaped areas in excess of the Zoning By-law provisions, in accordance with Subsection D.3 of the Plan. (O.P.A. No. 15)
- xiii) Any development on lands within the Niagara Escarpment Plan must be in accordance with the permitted uses and Development Criteria outlined in the Niagara Escarpment Plan, in addition to the above policies. In this regard, proponents for development or redevelopment within these designated lands are encouraged to consult the Niagara Escarpment Commission in regard to suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan.

2.9.3.2 The following policies apply to the area designated as "Open Space" and "Open Water" on Schedule "A", and shown on Schedule "B" as SPECIAL POLICY AREA 4:

- i) In addition to the permitted uses set out in Subsection A.2.4 - Open Space Uses, a visitor centre, museum, trail centre and information centre uses will also be permitted;
- ii) It is recognized there is the potential for site contamination on the lands designated "Open Space" and accordingly, a Record of Site Condition will be required to be submitted to the Region and the Province prior to approval of any development;

- iii) An Environmental Impact Statement will be required prior to any development to evaluate the impacts of the proposal on the existing Environmentally Significant Areas and determine the impacts of encouraging habitat given present soil and water quality concerns; and,
- iv) Urban design guidelines for the area will be prepared based on the following basic principles:
 - a) Windermere Basin is a special area with wildlife and fish habitats. Accordingly, a minimum 9 m "landscape buffer" should be established around the entire edge Windermere Basin to enhance the wildlife and fish habitat and provide the potential for trails. The buffer could enhance the views of the area.
 - b) Structures should be designed with architectural interest and be enhanced by landscaping. Buildings should be sited to provide interesting views and, where possible, enhance vistas and focal points.
 - c) Street plantings and maintenance will add to the image of the area. (O.P.A. No. 167)

2.9.3.3 The following policies will apply within the area shown on Schedule "B" as SPECIAL POLICY AREA 5:

- i) In addition to the permitted uses for Open Space as set out in Subsection A.2.4, for those lands within SPECIAL POLICY AREA 5, the following water oriented uses will be permitted and encouraged: marinas; related clubhouses; maintenance, repair and storage facilities; commercial uses such as, but not limited to, seafood restaurants, cafes; selected goods shops or other small-scale Commercial uses that serve to architecturally enhance, and encourage public attraction to, the waterfront area;
- ii) Council may require from a developer who proposes development, in whole or part of the AREA, the submission of a Design Plan for the entire SPECIAL POLICY AREA which incorporates the uses permitted above. In addition, the said Design Plan will:
 - a) incorporate public space as an integral and major element in the overall layout of the AREA;
 - b) provide for a clearly articulated vehicular movement system;
 - c) provide for a continuous pedestrian circulation system which will link the various uses within and, where feasible, provide public access to the

shoreline;

- d) incorporate and protect the various natural features of the AREA; and,
 - e) maximize the privacy of residents in adjacent areas;
- iii) Where a Design Plan is required, Council will also require the developer to prepare and submit a Development Report, which will indicate:
- a) the reasoning behind the proposal;
 - b) the way in which the proponent's lands will be developed and how other lands in the AREA may be developed; and,
 - c) any other details that may be required to show that the proposal is feasible and desirable;
- iv) The developer will be required to submit a Site Plan of the specific development proposed which will indicate the height, bulk and shape of structures, and Open Spaces on-site; the alignment of vehicular and pedestrian pathway circulation systems; and any landscaping treatment that may be required to enhance the general appearance of the development;
- v) Council will regulate building heights within this AREA as may be necessary to protect existing views of Hamilton Harbour from adjacent residential properties;
- vi) The Design Plan for the AREA required in clause ii) above will be adopted by Council only after consultation with area property owners and may be revised from time to time if a development is proposed which does not comply with the latest Design Plan adopted, but is otherwise deemed satisfactory by Council after consultation with area property owners; and,
- vii) The Site Plan for the AREA identified in clause iv) above will be adopted by Council pursuant to the Planning Act only after a Design Plan has been adopted by Council pursuant to clause ii) above, and said Site Plan is deemed to conform with the Design Plan of the AREA.

2.9.3.4 Within SPECIAL POLICY AREA 6 indicated on Schedule "B", the development of a Retirement Village-Nursing Home Complex will be permitted, notwithstanding the policies of Subsection B.1. Local Commercial facilities to primarily serve the needs of the Retirement Village residents will also be permitted to a maximum area of .8 hectare, notwithstanding Policy A.2.1.3. In addition, a banquet hall to be used in conjunction with the retirement village, as well as for commercial purposes, will also be permitted. (O.P.A. No. 8 & 22)

2.9.3.5 Any multi-family Residential development considered for approval on the south

side of Cumberland Avenue west of Gage Avenue, indicated on Schedule "B" as SPECIAL POLICY AREA 7, will be required to be protected from the adverse impacts emanating from nearby Industry, in addition to the provisions of A.2.3 (General Provisions), by such measures as:

- i) The provision of sealed windows throughout;
- ii) The inclusion of sound attenuating design techniques and materials; and,
- iii) The provision of air intakes below the 27 metre level in any building on the subject lands.

Any development within this area must be in accordance with the permitted uses and Development Criteria outlined in the Niagara Escarpment Plan, in addition to the above policies. In this regard, proponents for development or redevelopment within these designated lands are encouraged to consult the Niagara Escarpment Commission in regard to suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan.

2.9.3.6 Within SPECIAL POLICY AREA 8 indicated on Schedule "B", where dwellings are permitted to front on Wentworth Street, or are adjacent to Industrially designated lands, with the exception of Light Industrial Uses, the following measures will be required to minimize the existing or potential impacts emanating from Industries or traffic:

- i) The use of sound attenuating construction techniques and materials;
- ii) The orientation of habitable rooms away from the source of the impacts;
- ii) The joining of dwelling units in a manner which best attenuates noise intrusion into the interior of the SPECIAL POLICY AREA; and,
- iv) The inclusion of air conditioning to avoid window openings and penetration of noise and polluted air.

2.9.3.7 Notwithstanding the permitted uses set out in Subsection A.2.3, for those lands within the area shown on Schedule "B" as SPECIAL POLICY AREA 9, the following policies will apply:

- i) No Industrial buildings or processes, but not including automobile parking associated with adjacent Industrial Uses, will be permitted within sixty (60) metres of any lands zoned for Residential purposes in the Zoning By-law; and,
- ii) Council may require, as a condition of approval for any Industrial development, the provision of a minimum 15-metre-wide bermed and

landscaped strip of adequate height and nature to protect adjacent Residential Uses from impacts emanating from the Industrial Use.

2.9.3.8 Within SPECIAL POLICY AREA 10 and 10a, identified on Schedule "B", the following policies will apply:

- i) Within SPECIAL POLICY AREA 10, Council will ensure that appropriate shoreline protection measures as may be prescribed by the Ministries of Natural Resources and Environment and Energy will be taken to mitigate flooding, erosion and pollution.
- ii) Within SPECIAL POLICY AREA 10a, which applies to those lands designated "Canal Recreation" by the approved Hamilton Beach Neighbourhood Plan, recreational-oriented and water-related commercial uses, such as theme parks, amusement parks, boating facilities, interpretive centres, craft centres, etc., will be permitted, in addition to those uses set out in Subsection A.2.4 - Open Space. This does not purport to prohibit or otherwise regulate the Hamilton Harbour Commissioners from using their lands for bona fide shipping and navigation purposes.

2.9.3.9 In keeping with the provisions of Subsection A.2.3, for those lands shown on Schedule "B" and "B-3" as SPECIAL POLICY AREA 11 and SPECIAL POLICY AREA 11a, light industrial uses will be permitted. Accordingly, all appropriate policy provisions in this Plan dealing with the light industrial land use category will apply. Notwithstanding the foregoing, for those lands which are:

- i) shown on Schedule "B" and Schedule "B-3" as SPECIAL POLICY AREA 11a, in addition to the light industrial uses, business and professional offices and home improvement uses will be permitted; and,
- ii) deleted by OPA 223

Any development on lands within the Niagara Escarpment Plan must be in accordance with the permitted uses and Development Criteria outlined in the Niagara Escarpment Plan, in addition to the above policies. In this regard, proponents for development or redevelopment within these designated lands are encouraged to consult the Niagara Escarpment Commission in regard to suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan.

2.9.3.10 Deleted July 10, 2001 by O.P.A. No. 172.

2.9.3.11 Notwithstanding the permitted uses set out in Subsection A.2.1, for those lands within the area shown on Schedule "B-1" as SPECIAL POLICY AREA 13, and known municipally as Nos. 221 and 223 Mary Street, restricted Industrial/Commercial Uses may be permitted.

- 2.9.3.12 Notwithstanding the permitted uses set out in Subsection A.2.1, for those lands within the area shown on Schedule "B-1" as SPECIAL POLICY AREA 14, and known municipally as Nos. 24 to 60 Sanford Avenue North, limited Light Industrial and Commercial Uses may be permitted.
- 2.9.3.13 Deleted February 14, 1994 by O.P.A. No. 122.
- 2.9.3.14 Notwithstanding the permitted uses, as set out in Subsection A.2.1 (Residential Uses) for those lands shown on Schedule "B" as SPECIAL POLICY AREA 16, and known municipally as 56 Frederick Avenue, limited neighbourhood commercial and professional offices may be permitted only on the ground floor of the existing building. (O.P.A. No. 1)
- 2.9.3.15 Deleted November 16, 1994 by O.P.A. No. 128.
- 2.9.3.16 Notwithstanding the permitted uses set out in Subsection A.2.2, for those lands within the area shown on Schedule "B" as SPECIAL POLICY AREA 18, being both sides of Kenilworth Avenue between Britannia Avenue and Barton Street, car lots, automobile service stations, and car repair garages are prohibited. Further, the maximum height of any building or structure is limited to four storeys. (O.P.A. No. 4)
- 2.9.3.17 Within SPECIAL POLICY AREA 19 indicated on Schedule "B" - Special Policy Areas and known municipally as 642 through 672 Upper James Street, excluding 660 Upper James Street, limited commercial uses shall be permitted within the existing buildings, and in the event that the existing buildings are destroyed, it shall be replaced only by buildings with the same external dimensions and floor area. (O.P.A. 6, 34 & 44)
- 2.9.3.18 Notwithstanding the permitted uses set out in Subsection A.2.1, RESIDENTIAL USES, for those lands within the area shown on Schedule "B" as SPECIAL POLICY AREA 20, and known municipally as Nos. 1099 and 1101 Cannon Street East, limited commercial uses and the associated manufacture of pasta products may be permitted. (O.P.A. No. 9)
- 2.9.3.19 SPECIAL POLICY AREA 24 - Keith Zoning Buffer denied by O.M.B. June 5, 1985.
- 2.9.3.20 Notwithstanding the permitted uses as set out in Subsection A.2.2, COMMERCIAL USES, for those lands shown on Schedule "B-1" as SPECIAL POLICY AREA 25, and known municipally as 17 to 21 East Avenue South, a seven storey, 30 unit multiple residential building may be permitted. (O.P.A. 16)
- 2.9.3.21 Notwithstanding the permitted uses set out in Subsection A.2.3 - INDUSTRIAL USES and Subsection A.2.9.3 - OTHER POLICY AREAS - Policy A.2.9.3.9, for those lands within the area shown on Schedule "B-3" as SPECIAL POLICY

AREA 26 and known municipally as Nos. 220 and 230 Hempstead Drive, auto repair garages will be permitted. (O.P.A. No. 18)

2.9.3.22 Notwithstanding the permitted uses as set out in Subsection A.2.1, RESIDENTIAL USES, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 27, and known municipally as 1117 Main Street West, an existing parking area and a pylon sign will be permitted. (O.P.A. No. 19)

2.9.3.23 Notwithstanding the permitted uses as set out in Subsection A.2.2. COMMERCIAL USES, for those lands shown on Schedule "B-1", as SPECIAL POLICY AREA 28, and known municipally as 448 Barton Street East, the manufacturing of clothing will be permitted. (O.P.A. No. 21)

2.9.3.24 Within SPECIAL POLICY AREA No. 29, shown on Schedule "B" - Special Policy Areas, and known municipally as 638 Upper James Street, limited commercial uses will be permitted in keeping with the external dimensions and floor area of the adjoining development to the south on Upper James Street. (O.P.A. No. 25)

2.9.3.25 Within SPECIAL POLICY AREA No. 30, shown on Schedule "B-3" - Other Special Policy Areas, and located at the north-west corner of Rymal Road East and Nebo Road, limited commercial uses will be permitted. (O.P.A. No. 26)

2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:

i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.

ii) In keeping with Clause i) above, three sub-areas are identified to provide the following uses within the SPECIAL POLICY AREA:

a) in AREA "31a" mixed Commercial/Residential uses will be permitted from south of Chipman Avenue/Blossom Lane to Stone Church Road (excluding the car dealership). Such uses will be developed at a height, scale and intensity compatible with the nature of the commercial development along Upper James Street and the existing and anticipated Residential uses in the interior of the Neighbourhoods. The provisions regarding amenity, parking and other similar criteria for mixed Commercial/Residential uses, as provided in Policy A.2.2.36 will apply in the development of these uses.

b) in AREA "31b", retail/warehouse uses will be permitted in keeping with

Policies A.2.2.16 and A.2.2.18; and,

- c) in AREAS "31c", neighbourhood-based retail and service uses catering to the adjacent Residential areas will be permitted. However, in the case of the Area identified as "31c", located mid-block between Stone Church Road and Rymal Road, in the vicinity of a mid-block collector (as may be determined through the Neighbourhood Plan), retail warehouse uses will also be permitted in addition to neighbourhood-based retail and service uses. Development of these Areas may take place east-west along the collector (as opposed to the Upper James Street frontage).
 - d) in AREA "31d", notwithstanding the permitted uses set out in Subsection A.2.2 – Commercial Uses, for those lands known municipally as 1719-1755 Upper James Street and shown on Schedule "B" as SPECIAL POLICY AREA 31d, restaurant uses and hotels will not be permitted. To minimize impacts of future commercial development on existing residential uses to the east of the subject lands, a 12 metre buffer area will be established along the eastern edge of the subject lands which will include berms and fencing. Vehicular access to the commercial properties from Bartlett Avenue will be prohibited. (O.P.A. No. 190)
- iii) In accordance with Subsection D.2., the preparation of Neighbourhood Plans in this AREA will consider the following:
- a) the location of a mid-block Collector Road between Stone Church Road and Rymal Road;
 - b) the extent of Commercial, mixed Commercial/Residential uses, retail/warehouse uses and neighbourhood-based retail and service uses;
 - c) lot depth, lot frontages and building setbacks to effectively accommodate the appropriate on-site parking, circulation and ingress and egress;
 - d) the location of access points between adjacent uses and to the road;
 - e) utilizing shared access and/or parking facilities with adjacent developments; and,
 - f) utilizing service roads, cul-de-sacs or other appropriate means to reduce the number of individual access points.
- iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:

- a) minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate buffer or transitional area which may include landscaping, berming and/or fencing;
 - b) providing guidelines to enhance the visual amenity of the Upper James Street frontage; and,
 - c) ensuring in AREAS 31c compatibility with adjacent Residential uses, pedestrian access to and from the abutting Neighbourhoods and, continuous pedestrian linkage between commercial developments.
- v) To ensure a coordinated approach in the development of SPECIAL POLICY AREAS 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property owners regarding such matters as, access, parking, architectural quality and design, and landscaping.
 - vi) In accordance with Policy D.2.2, Multi-Centre uses will be permitted in the vicinity of Upper James Street and Stone Church Road. Accordingly, Multi-Centre uses such as, Institutional, recreational and medium density Residential uses will also be permitted in addition to Commercial uses. (O.P.A. No. 28)

2.9.3.27 Within SPECIAL POLICY AREA 32, shown on Schedule "B-3" - Other Special Policy Areas, and located at 1188 and 1196 Rymal Road East (south-west corner of Rymal Road and Nebo Road), limited commercial uses will be permitted. (O.P.A. No. 29)

2.9.3.28 Notwithstanding the permitted uses set out in Subsection A.2.2 (Commercial Uses), for those lands shown on Schedule "B" as SPECIAL POLICY AREA 33, high traffic generating commercial and public uses, such as restaurants and other places of assembly, will be prohibited. Further, it is intended that the number of new vehicular accesses onto Upper Wentworth Street from the affected lands will be limited. (O.P.A. No. 31)

However, for those lands known municipally as 849 and 853 Upper Wentworth Street, an automotive centre and restaurant will be permitted. (O.P.A. No. 57)

Notwithstanding the provisions of Policy A.2.9.3.28, a restaurant and tavern shall be considered a permitted use on those lands described as 986-998 Upper Wentworth Street. (O.P.A. No. 74)

Notwithstanding the provisions of Policy A.2.9.3.28, a restaurant will be

- considered a permitted use on lands known municipally as 1010-1024 Upper Wentworth Street. (O.P.A. No. 121)
- 2.9.3.29 Within SPECIAL POLICY AREA 34 indicated on Schedule "B" - Special Policy Areas and municipally known as 660 Upper James Street, a mixed commercial/residential use having a maximum gross floor area of 118.5 m² will be permitted. (O.P.A. No. 34)
- 2.9.3.30 Notwithstanding the permitted uses set out in Subsection A.2.3 and Policy A.2.9.3.9, for those lands within the area shown on Schedule "B-3" as SPECIAL POLICY AREA 35, the establishment of an Observation and Detention Home will be permitted. (O.P.A. No. 37)
- 2.9.3.31 Notwithstanding the permitted uses set out in Subsection A.2.1, for those lands within the area shown on Schedule "B" as SPECIAL POLICY AREA 36, the establishment of an apartment building containing less than 100 units with a maximum of 929 m² of neighbourhood type commercial uses on the ground floor, will be permitted. (O.P.A. No. 47)
- 2.9.3.32 Notwithstanding Subsection A.2.1, Subsection A.2.2 and Policy A.2.9.3.1, for those lands within the area shown on Schedule "B" as SPECIAL POLICY AREA 37, and known municipally as 131 Charles Street, a lawyer's office within the existing residential building will be permitted. (O.P.A. No. 48)
- 2.9.3.33 Deleted December 15, 1992 by O.P.A. No. 115.
- 2.9.3.34 Notwithstanding the permitted uses set out in Subsection A.2.1 and Policy A.2.9.3.1, for those lands shown on Schedule "B-1" as SPECIAL POLICY AREA 39, and known municipally as 122-124 Young Street, professional offices within the existing building will be permitted. (O.P.A. No. 50)
- 2.9.3.35 Notwithstanding the permitted uses set out in Subsection A.2.1 for those lands shown on Schedule "B" as SPECIAL POLICY AREA 40, and known municipally as 418 Limeridge Road East, professional offices within the existing building will be permitted. (O.P.A. No. 51)
- 2.9.3.36 Notwithstanding Policy D.2.5 x), for those lands shown on Schedule "B" as SPECIAL POLICY AREA 41, a Convenience Shopping Centre will be permitted on the .77 ha site at the north-west corner of Rymal Road East and Upper Wentworth Street, in addition to the Convenience Shopping Centres identified on Schedule "B-2" as SPECIAL POLICY AREA 23. (O.P.A. No. 59)
- 2.9.3.37 Notwithstanding Policy D.2.5 x), for those lands shown on Schedule "B" as SPECIAL POLICY AREA 42, a Neighbourhood Shopping Centre will be permitted on the 4.8 ha site, located on the north side of Rymal Road East,

between Upper Wentworth Street and the Hydro Right-of-Way, in addition to the Neighbourhood Shopping Centres identified on Schedule "B-2" as SPECIAL POLICY AREA 22. (O.P.A. No. 64)

- 2.9.3.38 Notwithstanding Subsection A.2.1 - Residential Uses, and Policy A.2.2.25 regarding Local Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 43, and known municipally as 2783 King Street East, limited commercial uses, including business offices, within the existing building, will be permitted. (O.P.A. No. 68)
- 2.9.3.39 O.P.A. No. 69 - denied by O.M.B. May 15, 1991.
- 2.9.3.40 Notwithstanding the permitted uses set out in Subsection A.2.3 - Industrial Uses and Policy A.2.9.3.9, for those lands shown on Schedule "B-3" as SPECIAL POLICY AREA 45, and known municipally as 1249 Stone Church Road East, limited commercial uses will be permitted. (O.P.A. No. 71)
- 2.9.3.41 Notwithstanding the permitted uses set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule "B" - Special Policy Areas, as SPECIAL POLICY AREA 46, and located at the south-west corner of Rymal Road East and Ryckman Street, high traffic generating uses will be prohibited. Further, vehicular access onto Ryckman Street from the affected lands will be prohibited. (O.P.A. No. 76 & 138)
- 2.9.3.42 Notwithstanding the permitted uses set out in Subsection A.2.1 - Residential Uses and Policy A.2.2.25, regarding Local Commercial uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 47, and known municipally as 2846 King Street East, limited commercial uses will be permitted within the existing building. (O.P.A. No. 81)
- 2.9.3.43 Deleted December 15, 1992 by O.P.A. No. 118.
- 2.9.3.44 Notwithstanding the permitted uses as set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 49, and located on the east side of Centennial Parkway North, north of Barton Street East, only limited commercial uses which support tourism and cater to the travelling public, such as theatres, fitness clubs, car/truck rentals, restaurants, dinner clubs, and similar uses, will be permitted. (O.P.A. No. 86)
- 2.9.3.45 In addition to the permitted uses set out in Subsection A.2.3 - Industrial Uses and Policy A.2.9.3.9, for those lands shown as Schedule "B-3" as SPECIAL POLICY AREA 50, and located on the west side of Anchor Road, south of Stone Church Road East, limited commercial uses associated with a wedding

- centre will be permitted. (O.P.A. No. 88)
- 2.9.3.46 In addition to the permitted uses set out in Subsection A.2.3 - Industrial Uses and Policy A.2.9.3.9, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 51, and known municipally as 26 Arrowsmith Road, general office uses will be permitted. (O.P.A. No. 90)
- 2.9.3.47 In addition to the permitted uses set out in Subsection A.2.3 - Industrial Uses and Policy A.2.9.3.9, for those lands shown on Schedule "B-3" as SPECIAL POLICY AREA 52, and located east of Upper Ottawa Street, south of Stone Church Road East, limited commercial uses will be permitted. (O.P.A. No. 92)
- 2.9.3.48 Deleted December 15, 1992 by O.P.A. No. 115.
- 2.9.3.49 Deleted December 15, 1992 by O.P.A. No. 115.
- 2.9.3.50 In addition to the permitted uses set out in Subsection A.2.3 - Industrial Uses and Policy A.2.9.3.9, for those lands shown on Schedule "B-3" as SPECIAL POLICY AREA 55, and located at 1280 Rymal Road East, limited commercial uses will be permitted. (O.P.A. No. 95)
- 2.9.3.51 In addition to the permitted uses set out in Subsection A.2.3 - Industrial Uses and Policy A.2.9.3.9, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 56, and known municipally as 2289 Barton Street East, limited commercial uses will be permitted. (O.P.A. No. 97)
- 2.9.3.52.1 O.P.A. No. 101 - repealed on September 29, 1992.
- 2.9.3.53 In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B-1" as SPECIAL POLICY AREA 58, and known municipally as 122-126 MacNab Street South and 109, 111 and 123 Charles Street, limited commercial uses will be permitted within the existing buildings. (O.P.A. No. 102)
- 2.9.3.54 O.P.A. No. 103 - repealed on March 29, 1994.
- 2.9.3.55 O.P.A. No. 105 - repealed on March 29, 1994.
- 2.9.3.56 Notwithstanding the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 61, and located in the area north of Eastgate Court and West of Centennial Parkway North, a parking area used in conjunction with the commercial use located at Nos. 2444-2450 Barton Street East and No. 211 Centennial Parkway North, will be permitted.
- 2.9.3.57 Notwithstanding the permitted uses set out in Subsection A.2.3 - Industrial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 62

and located at 2371 Barton Street East, a retail grocery store will be permitted.
(O.P.A. No. 107)

2.9.3.58 Within SPECIAL POLICY AREA 63, identified on Schedule "B" - Special Policy Areas and located on the west side of Upper James Street between Wembley Road and South Bend Road and known municipally as Nos. 674 to 712 Upper James Street, the following development guidelines will apply:

- i) limited commercial, residential, public and institutional uses will be permitted in accordance with the Zoning By-Law;
- ii) non-residential uses will be restricted to the existing building, or where existing buildings are destroyed by fire or natural disaster or demolished or removed by order of any government authority, the floor area of the new buildings will not exceed that of the previous building;
- iii) proponents will be encouraged to retain a residential unit within the building, preferably above the commercial use on the ground floor;
- iv) development of vacant lots will be permitted provided the building height, coverage and setbacks are consistent with the existing development in the area;
- v) rear yard parking is preferred to front yard parking which is consistent with the existing streetscape; and,
- vi) a landscaped buffer strip be provided where commercial, public or institutional uses are located adjacent to residential uses.

2.9.3.59 Notwithstanding the permitted uses set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 64, and known municipally as 350 Centennial Parkway North, only limited commercial uses will be permitted, as provided for by the implementing Zoning By-Law amendment.

2.9.3.60 In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B-1" as SPECIAL POLICY AREA 65, and known municipally as 113 Charles Street, limited commercial uses will be permitted provided the building height, coverage and setbacks are consistent with the existing development in the area.

2.9.3.61 In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 66, and known municipally as 44 Greendale Drive, an office for a child care agency will be permitted.
(O.P.A. No. 126)

2.9.3.62 O.P.A. No. 127 - Denied August 14, 1996.

- 2.9.3.63 In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 68, and located at 852 Upper Wentworth Street, only limited commercial uses within the existing building will be permitted. (O.P.A. No. 150)
- 2.9.3.64 In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B-1" as SPECIAL POLICY AREA 69, and located at 121 Augusta Street, general office uses only within the existing building will be permitted.
- 2.9.3.65 Notwithstanding the permitted uses set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule "B-1" as SPECIAL POLICY AREA 70 and located at No. 412 Charlton Avenue West, only a parking lot in conjunction with the adjacent commercial use will be permitted.
- 2.9.3.66 Reserved for OMB Order dated February 20, 1998 (Re: O.P.A. No. 80)
- 2.9.3.67 In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B-1" as SPECIAL POLICY AREA 72, and located at 412 Aberdeen Avenue, the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books in a limited area on the ground floor will be permitted. (O.P.A. No. 139)
- 2.9.3.68 In addition to the permitted uses set out in Subsection A.2.1 – Residential Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 73, and located at 245 Mohawk Road West, a physiotherapy clinic will be permitted within the existing building and minor additions thereto. (O.P.A. No. 144)
- 2.9.3.69 That notwithstanding Policy A.2.3.7, Residential uses shall be permitted within 400 metres of a heavy industrial area. (O.P.A. No. 143), (shown on Schedule "B" as SPECIAL POLICY AREA 74, and known municipally as 220 Dundurn Street South)
- 2.9.3.70 In addition to the policies set out in the Official Plan, for those lands shown on Schedule "B" - Special Policy Areas, as SPECIAL POLICY AREA 75, and located south of Studholme Road and west of Beddoe Drive, the following will apply: (O.P.A. No. 145)
- i) the maximum number of townhouse units will be 172 comprised of 24 townhouse units in the woodlot, 72 units in the perimeter "U" shaped building and 76 interior townhouse units;
 - ii) the maximum height for the townhouse units will not exceed 12.5 m and the turret feature on the community building will not exceed 15 m;
 - iii) in accordance with Section A.2.1.3 iii), retail stores and services that serve

the daily needs of the residents will be permitted within the perimeter building only;

iv) the lands will be subject to site plan control.

2.9.3.71 In addition to the permitted uses set out in Subsection A.2.6 - Major Institutional Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 76, and located on lands municipally known as 135 Fennell Avenue West (Mohawk College), a private recreational facility shall be permitted on a portion of the lands of Mohawk College. (O.P.A. No. 147)

2.9.3.72 Notwithstanding the permitted uses set out in Subsection A.2.3 – INDUSTRIAL USES and Subsection A.2.9.3.9 – OTHER POLICY AREAS, for those lands within the area shown on Schedule "B-3" and as SPECIAL POLICY AREA 77 and known municipally as No. 10 Dartnall Road, a garden centre related uses shall be permitted. (O.P.A. No. 149)

2.9.3.73 In addition to the permitted uses set out in Subsection A.2.1 – Residential Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 78, and located at 27 Dundurn Street North, limited commercial uses will be permitted within the existing building. (O.P.A. No. 153)

2.9.3.74 Deleted by OPA 162 - (505-537 Queenston Road)

2.9.3.75 O.P.A. No. 156 – Pending Approval.

2.9.3.76 Notwithstanding the permitted uses set out in Subsection A.2.1 – Residential Uses, for the front portion of the lands known municipally as 723 Rymal Road West, shown on Schedule "B" as SPECIAL POLICY AREA 81, a community/residential care access centre including limited associated commercial uses will also be permitted provided that:

i) The commercial uses will be restricted to:

a) A restaurant, **medical related commercial uses, and/or business and professional offices** within the existing heritage dwelling only. There will be no drive through component and the restaurant will not consist entirely of a take out space. (O.P.A. No. 171)

b) Medical related commercial and medical offices, within the community and residential care access centre, having a maximum floor area of 1350 m².

ii) The external appearance and character of the existing heritage dwelling will be maintained."

2.9.3.77 "In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses,

for the lands known municipally as Nos. 505 to 537 Queenston Road, within the Kentley Neighbourhood, shown on Schedule "B" as SPECIAL POLICY AREA 82, limited commercial uses will be permitted within the existing buildings, provided the following criteria are met.

- i) Commercial uses will be restricted to low impact type uses, such as offices, service uses and small scale retail uses. High traffic generating uses and highway type commercial uses, such as restaurants, billiard halls, automotive uses, and service stations, will not be permitted.
- ii) Appropriate buffering will be provided between commercial uses and adjacent residential uses to mitigate potential adverse impacts, such as negative visual impacts, reduced privacy, increased noise, and light from parking areas. In this regard, measures such as setbacks, landscape strips and visual barriers may be used.
- iii) The low profile character of the area will be maintained. Accordingly, streetscape features and enhancements consistent with the residential character of the area will be provided, including the provision of landscaping along Queenston Road and Woodman Drive, and the preservation of existing vegetation. Also, alterations to building facades will be limited and business identification will be restricted.
- iv) Enlargements or additions to the existing buildings may be permitted only if they are in keeping with the established built form and residential character of the area.
- v) Sufficient parking and manoeuvring spaces are to be provided on-site for commercial and residential components. (O.P.A. No. 162)

2.9.3.78 In addition to the permitted uses set out in Subsection A.2.1 – Residential Uses, for those lands shown on Schedule “B” as SPECIAL POLICY AREA 83, and located at 39 – 41 Devonport Street, a parking lot will be permitted, notwithstanding Policy A.2.2.38 of the Official Plan.” (O.P.A. No. 163)

2.9.3.79 Pending.

2.9.3.80 Notwithstanding the permitted uses set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 85, and located east of Lake Avenue North and south of Strawberry Drive, only a parking lot in conjunction with a commercial use located on the adjoining lands at 917-931 Queenston Road in the City of Stoney Creek shall be permitted. (O.P.A. No. 168)

2.9.3.81 Notwithstanding the permitted uses set out in Subsection A.2.2 – Commercial Uses, for those lands shown on Schedule “B” as SPECIAL POLICY AREA 86, and located north of King Street West and west of Dundurn Street North,

limited commercial uses shall be permitted. A manual, automatic or coin-operated car wash shall not be permitted. (O.P.A. 177 updated by O.P.A. 213)

2.9.3.82 Notwithstanding Policy A.2.9.3.82 for the lands known municipally as 1581-1603 Main Street West and 45 Rifle Range Road and, shown on Schedule B as SPECIAL POLICY AREA 87, commercial uses will be permitted provided the following criteria are met: (O.P.A. No. 178)

(i) the realignment of Rifle Range Road and the Rifle Range Road – Main Street West intersection has been approved and implemented;

(ii) provision for an off-street multi-use path system shall be incorporated into the development; and,

(iii) appropriate buffering will be provided between commercial uses and adjacent residential and institutional uses to mitigate potential adverse impacts, such as negative visual impacts, reduced privacy, increased noise and light from parking areas. In this regard, measures such as setbacks, landscape strips and visual and acoustical barriers may be used.

2.9.3.83 In addition to the permitted uses set out in Subsection A.2.6 – Major Institutional, for the front portion of the lands known municipally as 398 King Street West, shown on Schedule “B-1” as SPECIAL POLICY AREA 88, a wellness centre including limited associated commercial uses will also be permitted provided that the wellness centre is located on the first and second storeys of a mixed-use commercial/residential building. In a surface parking lot on the rear portion of the lands, a maximum of 8 of the required parking spaces may be used for public parking. (OPA 187)

2.9.3.84 Notwithstanding the permitted uses set out in Subsection A.2.2 – Commercial Uses, for those lands known municipally as 902 Mohawk Road East, shown on Schedule ‘B’ as SPECIAL POLICY AREA 89, restaurant uses shall not be permitted. (O.P.A. No. 189)

2.9.3.85 In addition to the permitted uses set out in Subsection A.2.1 – Residential Uses, for those lands shown on Schedule “B” as SPECIAL POLICY AREA 90, and located at 4 Westbourne Road, an administrative office for the adjacent medical practitioner’s office at 1612 Main Street West will be permitted within the existing building. (O.P.A. No. 192)

2.9.3.86 In addition to the permitted uses set out in Subsection A.2.6 – Major Institutional Uses, for those lands known municipally as 444 Hughson Street North and shown on Schedule “B” as SPECIAL POLICY AREA 93, a medical clinic will be permitted. (O.P.A. No. 209)

2.9.3.87 For the lands known municipally as 239 Lottridge Street, 227 Brant Street, and 52 Imperial Street, shown on Schedule “B” as SPECIAL POLICY AREA 94,

and the lands known municipally as 1650 Upper Ottawa Street, shown on Schedule “B-3” as SPECIAL POLICY AREA 94, the existing hazardous waste management facility will be permitted. (OPA 218)

2.9.3.88 For the lands known municipally as 480 Kenilworth Avenue North and 560 Ottawa Street North, shown on Schedule “B” as SPECIAL POLICY AREA 95, the existing waste processing facility will be permitted. (OPA 218)

2.9.3.89 For the lands known municipally as 217-223 Lottridge Street and 103 Clinton Street, shown on Schedule “B” as SPECIAL POLICY AREA 96, a waste transfer facility will be permitted. (OPA 218)

2.9.3.90 For the lands known municipally as 460 Kenora Avenue, shown on Schedule “B” as SPECIAL POLICY AREA 105, and the lands known municipally as 37 Kilbride Road, shown on Schedule “B-3” as SPECIAL POLICY AREA 97, the existing waste management facility will be permitted. (OPA 218)

2.9.3.91 For lands known municipally as 70 Brant Street and 6 Hillyard Street, shown on Schedule “B” as SPECIAL POLICY AREA 98, a waste processing facility will be permitted. (OPA 218)

2.9.3.92 In addition to Subsection A.2.2 – Commercial Uses and Subsection A.2.3 – Industrial Uses, for those lands located at 480 and 500 Centennial Parkway North and 20 Warrington Street, designated “Commercial” and “Industrial” on Schedule “A” and shown on Schedule “B” as Special Policy Area 99, the following policies will apply: (OPA 219)

i) The portion of the Centennial Parkway North site designated “Commercial” on Schedule “A” – Land Use Concept will be recognized as a SHOPPING CENTRE, which comprises a mix of retail and non-retail uses, and serves as a mixed use gateway into the City of Hamilton along a major highway (Queen Elizabeth Way) and at the head of a major arterial street (Centennial Parkway North).

a. Notwithstanding Section A.2.2.8 to A.2.2.10, Shopping Centres of this Plan, the maximum floor area for a single retail store will be 18,581 square metres.

ii) In addition to Section A.2.3.1, the following uses will be permitted on lands designated Industrial on Schedule “A” – Land Use Concept:

a. Hotel; and

b. Offices including limited ancillary uses and convenience retail, as defined in the Zoning By-law, shall be permitted on the ground floor of an office building with a minimum gross floor area of 2,000 square metres and a maximum gross floor area of 9,999 square metres.

iii) Notwithstanding Subsections A.2.2.8 to A.2.2.10, Shopping Centres and A.2.3 – Industrial of this Plan, the following provisions will apply to the lands designated Commercial and Industrial on Schedule “A” – Land Use Concept and shown as Special Policy Area 99 on Schedule “B” – Special Policy Areas:

- a. A maximum total floor area of 45,058 square metres will be permitted of which, a maximum floor area devoted to retail and service uses will be 23,226 square metres on lands designated Commercial
- b. An additional 1 square metre of retail and service uses will be permitted on lands designated Commercial for every 1 square metre of non-retail and service uses located on lands designated Commercial or Industrial, as identified in the Zoning By-law, for which construction has substantially commenced on the site.

Urban Design Guidelines

iv) Prior to development of 480 and 500 Centennial Parkway North and 20 Warrington Street, shown as Special Policy Area 99, the proponent will complete urban design guidelines for the development of the site, to the satisfaction of the City. Urban design guidelines will be in accordance with the Urban Design Principles and Policies in Policies A.2.9.3.92 v) and vi).

v) Urban Design Principles

The Centennial Parkway North site is a gateway location in the City of Hamilton, arriving from the Queen Elizabeth Way along Centennial Parkway North. The site will evolve as a mixed-use area with a physical form that is human-scaled, pedestrian-friendly, and transit-supportive. The following urban design principles will direct the development of the site:

1. The site will:

- a) Have a high quality form of urban design including streetscapes, views and vistas, gateways, walkways and amenity spaces;
- b) Be a “gateway” location into the City that promotes a sense of arrival;
- c) Be a mixed-use area with a range of commercial uses, employment uses, and amenity spaces;

- d) Have a concentration and arrangement of uses and buildings that encourages comfortable pedestrian activity on and surrounding the site, and which facilitates public transit ridership;
- e) Have connected circulation system internally that comfortably and efficiently links all buildings, transit facilities, parking areas, and amenity spaces to the bounding public streets;
- f) Have a prominent multi-storey building, or buildings, of high quality architectural design at the intersection of Centennial Parkway North and the South Service Road;
- g) Have a strong edge and frame facing the bounding public streets, including the placement and design of buildings and high quality landscaping;
- h) Have an incorporation of framing views and vistas within the site by aligning buildings and building elements to create terminus views; and,
- i) Have an appropriate transition to surrounding properties in terms of buffering and screening.

vi) Design Policies

The Centennial Parkway North site will be developed in accordance with the following urban design principles. In the event that conditions and/or restrictions arise as a result of the Record of Site Condition, specific design solutions will be incorporated in consultation with the City through the Site Plan approval process.

1. Entrance Gateways

Entrance Gateways are access points to a site, and provide a sense of arrival to a development. Two types of Entrance Gateways will be provided at the site: Primary Entrance Gateways, and Secondary Entrance Gateways.

- a) Primary Entrance Gateways identify the principle vehicular and pedestrian entry point to the site, and may include information signage for traffic circulation through the site. There should be one Primary Entrance Gateway to the

site, from Centennial Parkway North.

- b) Secondary Entrance Gateways serve as secondary vehicular and pedestrian entry points to the site. There could be multiple Secondary Entrance Gateways to the site, from South Service Road and Warrington Street.
- c) All Entrance Gateways should be given special built form and landscape treatment, including the consideration of appropriate positioning of buildings, adequate sight lines, and the inclusion of both vertical and horizontal elements, including signage and landscape features. Given their principle function, the Primary Entrance Gateways should be more visually prominent than the Secondary Entrance Gateway(s) in terms of scale and design.

2. Built Form

- a) For all buildings on the site, the following policies apply:
 - i. Buildings will be sited and designed to enhance the public nature of streets, amenity spaces, and pedestrian routes.
 - ii. Buildings should be generally sited parallel to the public street.
 - iii. The principle building façade will be the building wall containing the primary building entrance. The principle building façade will be varied and articulated, through the use of elements such as bay projections, canopies and/or varied roof lines, in order to provide visual interest and to break up long walls to create the impression of smaller building units.
 - iv. Principal building entrances will be located at grade, and will be easily accessed from the public sidewalk on the bounding public streets and the pedestrian walkways internal to the site.

- v. Principal building entrances will be emphasized on the building's façade through architectural treatments.
 - vi. Other building facades will be designed in a similar fashion to the principal building façade, in regards to colour, material, and articulation.
 - vii. All building signage will be designed in a manner integral with the building design in terms of size, form, material, and colour.
 - viii. Roof-top mechanical equipment will be enclosed or screened, particularly in a manner integral with the overall building design in terms of form, material, and colour.
 - ix. Canopies over doorways, arcades and other treatments are encouraged in the design of a building façade, particularly along pedestrian routes, to provide a comfortable pedestrian environment for walking.
 - x. Stacking lanes and order stations for drive-through facilities will not be located between a building wall and the road allowance of a bounding public street.
- b) For buildings that are located abutting Centennial Parkway North and South Service Road, the following additional policies apply:
- i. Buildings along Centennial Parkway North will be located close to the edge of the respective road allowance so as to frame the streetscape.
 - ii. Buildings along the South Service Road may be located further from the street edge with landscape treatment to define the street edge, which may contain a tiered design of lawn, low hedges, trees, masonry, and decorative metal fences

and gates culminating in taller plantings.

- iii. The streetscape will create a positive community image, which may include the coordinated use of high quality paving materials, wide sidewalks, street furniture, pedestrian-scale lighting and signage, and enhanced landscaping.

c) For buildings abutting Warrington Street, the rail line, and the hydro corridor, the following additional policies apply:

- i. Loading and service areas will be adequately screened with the use of a landscaped buffer, which may contain landscape berms, evergreen and deciduous trees and shrubs, and fencing.
- ii. Facades that face a loading area or service area will be finished with material and architectural features consistent with the principal façade of the building.

d) For the prominent buildings at the Centennial Parkway North and South Service Road intersection, the following policies will apply:

- i. Buildings will be placed so the tallest buildings are at the corner of Centennial Parkway North and the South Service Road.
- ii. Buildings will have a distinct architectural appearance, including a high level of architectural detailing, given their prominence on the site. Detailing may include varied rooflines, canopies, decorative architectural details, and projecting bays. Large blank walls and a continuous, repetitive façade will not be permitted.
- iii. Buildings will have articulated facades facing both the bounding public streets and the interior of the site.

- iv. A high quality of landscape design along the edges of the property and within the interior will provide a setting that is pedestrian-friendly and visually attractive.
- v. Design of the buildings will complement the landscape design between the building wall and the road allowances at the corner, in order to promote a sense of entry into the site and into the City from the Queen Elizabeth Way.
- vi. Loading areas and service areas will not be located between a building's wall and the road allowance of Centennial Parkway North or South Service Road.
- vii. Buildings and their landscape features are encouraged to have feature lighting to signify and highlight these buildings during night-time.

3. Pedestrian Realm

- a) Pedestrian routes that connect to buildings, transit stops or facilities, and pedestrian routes in the surrounding community will be provided. Internal walkways and linkages will be designed as a condition of Site Plan Approval.
- b) Pedestrian walkways that connect parking areas to building entrances will be provided. These walkways will be designed to contribute to the safety and visual continuity of the entire pedestrian system, and may include such elements as special paving materials, trees, and lighting.
- c) Barrier-free design of buildings, streets, and publicly accessible exterior spaces will be implemented.
- d) Crosswalks and differentiated paving materials and patterns will be constructed at primary crossings of principal internal streets to provide connectivity between the site's different areas.

- e) Parking areas, service lanes, utility and mechanical equipment, and drop off and loading zones will be designed and located in a manner that has minimal impact on public sidewalks and accessible exterior spaces. Shared driveways and service lanes at the side and rear of buildings are to be provided for these functions.

4. Landscaped Areas

- a) Landscaping will be used to enhance the overall esthetic qualities of the development with a high quality design. This design may include a range of different hard and soft landscape elements and features to create pedestrian comfort, soften the site's edges, highlight Entrance Gateways, prominent buildings, screen loading and service areas, and buffer the site from neighbouring uses, as necessary.
- b) Landscaped areas will be provided as a screen or buffer to address the interface with the publicly accessible or visual areas of the site.
- c) Landscaped buffers and/or visual barriers will be provided to screen loading and service areas from users using the bounding public streets or internal drive aisles.
- d) Landscaped islands will be provided throughout parking lots to identify, reinforce and connect pedestrian routes, separate roads from parking areas, define edges, and to visually and physically divide large parking areas into smaller sections.

5. Parking Entrances, Loading Zones and Service Lanes

- a) The location of entrances to parking areas, loading zones, and service lanes will be coordinated with the location of pedestrian routes to limit vehicular and pedestrian movement conflicts on the site.
- b) A landscaped strip will be provided between any surface parking area that abuts a public street to define the street edge and screen the parking

area. The minimum width of the landscaped strip will be set out in the implementing Zoning By-law.

- c) All loading zones and service lanes will be screened and landscaped. Screens will be designed to complement the materials and details of the associated building facades.
- d) Wherever possible, on-site loading zones and service lanes will be consolidated and shared at the rear or side of buildings.
- e) On-street parking along internal drive aisles is encouraged to provide the 'look and feel' of a public street.

6. Vehicular Access

- a) The number and location of vehicular access points will be limited so as to minimize disruption to traffic flow and to minimize the impact on local streets.

2.9.3.93 Lands located on the north side of Rymal Road East, west of Eva Street, known municipally as 741 Rymal Road East, bring Lot 1 and Part of Lot 2 of Plan 1007, former City of Hamilton. (OPA 222)

Notwithstanding the forms of development and uses permitted in Section A.2.2 Commercial Uses, for the lands known municipally as 741 Rymal Road East and identified as SPECIAL POLICY AREA 100 – on Schedule B, the form of development shall be limited to a mixed-use building with a minimum height of two storeys. Permitted Uses are limited as follows:

- a) For the ground floor, permitted uses are limited to commercial uses, as set out in Subsection A.2.2.1. Residential uses are prohibited.
- b) For the second storey, permitted uses shall be limited to residential uses, and are subject to the provisions as set out in Subsection A.2.2.1 i).

2.9.3.97 For the lands known municipally as 360 Beach Road, shown on Schedule "B" as Special Policy Area 104, permitted uses shall be located only within the existing building. Also, notwithstanding Policy A.2.2.19, redevelopment shall be permitted notwithstanding that 360 Beach Road is not on an Arterial Road identified on Schedule "F". (OPA 231)

Subsection A.2.8 - Mixed Use

O.P.A. No. 66 rescinded by City Council on April 16, 1996.

Subsection A.2.9 - Downtown Core

O.P.A. No. 66 rescinded by City Council on April 16, 1996.

Subsection A.2.10 - Special Policy Areas

O.P.A. No. 66 rescinded by City Council on April 16, 1996.

Subsection A.2.11 - Shipping and Navigation Uses

Council recognizes that the Port and harbour are integral and important elements of the social and economic fabric of the City of Hamilton and surrounding region and accordingly, it is the general intent of this Plan to recognize the role of the Port in this respect and in particular the activities of the Hamilton Harbour Commissioners in carrying out its mandate of shipping and navigation.

2.11.1 The primary uses permitted on lands designated Shipping and Navigation Uses or Special Shipping and Navigation Uses on lands owned by the Hamilton Harbour Commissioners and for so long as they are owned by the Hamilton Harbour Commissioners on Piers 5 to 15 inclusive and Piers 23 to 27 inclusive plus the canal reserve lands south of the Burlington Ship Canal, excluding Windermere Basin Special Policy Area, all as shown on Schedule "A" of this Plan, shall include, but are not limited to those uses which relate to the movement, management, safety and convenience of ships; uses involving the carriage of goods or passengers to other modes of transportation; related storage and processing; vessel and barge docks; industry and commerce related to, or incidental to or necessary to the port; recreational boat facilities; and, the provision of services such as security, employment, immigration, labour, administration, technical, food, fuel and maintenance.

2.11.2 Council shall ensure that other land uses which are proposed and which abut the areas designated on Schedule "A" as Shipping and Navigation Uses or Special Shipping and Navigation Uses are compatible with those uses set out in Policy 2.11.1 and will protect the uses set out in Policy 2.11.1 from other uses or adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures.

2.11.3 In order to enhance the viability of the Shipping and Navigation Uses or Special Shipping and Navigation Uses designation, Council, where feasible and deemed appropriate, shall encourage and assist in the establishment and/or maintenance of the Port through the provision of highways, arterial roads, rail and public transit services.

2.11.4 The Hamilton Harbour Commissioners commit to develop Piers 25 to Pier 27 in an aesthetically pleasing manner.

2.11.5 Notwithstanding the foregoing and with respect to the area designated Special Shipping and Navigation Uses:

- i) On Pier 8, it is the intent of this Plan that heavy industry and open bulk storage will be prohibited and the focus will be on uses that are not incompatible with the uses on Piers 5, 6 and 7;
- ii) Upon agreement between the City of Hamilton and the Hamilton Harbour Commissioners that Special Shipping and Navigation Uses have ceased

then the designation on Pier 8 is Open Space. If no agreement is reached this paragraph does not affect the right of the City of Hamilton to redesignate Pier 8;

- iii) It is recognized that lands known as Pier 8 serve as an area of transition between the recreational and open space uses of the west harbour and the intense Shipping and Navigation Uses in the central and east harbour. On this basis, the implementing zoning by-law for Pier 8 permits, in addition to Special Shipping and Navigation Uses and limited commercial uses, water oriented commercial activities.

2.11.6 The City of Hamilton agrees to prior consultation with the Hamilton Harbour Commissioners prior to any future official plan amendments or rezonings within this designation.

Subsection A.3.1 - Hazard Lands

HAZARD LANDS are lands which, if developed upon, have inherent environmental hazards such as flood susceptibility, erosion susceptibility, instability, or any other physical conditions which are severe enough to pose a risk to occupants, loss of life, property damage and social disruption.

For the most part, the boundaries of these lands are defined on mapping in the possession of the Hamilton Region Conservation Authority, pursuant to Ontario Regulation 118/70, and the Niagara Peninsula Conservation Authority, pursuant to Ontario Regulation 220/81, all as amended, under the Conservation Authorities Act. Supplementary mapping is available through the Ontario Ministry of Natural Resources.

It is intended that all HAZARD LANDS will be conserved and that uses or activities which could be adversely affected by, or could increase, the inherent hazards will be prohibited in and adjacent to them.

3.1.1 Certain areas within the City of Hamilton which form a part of the Open Space designation on Schedule "A" are recognized as having inherent environmental hazards such as flood and erosion susceptibility. These areas are only schematically shown as HAZARD LANDS on Schedule "C" to this Plan. Accordingly, it is intended that a proponent for redevelopment or development purposes abutting on, or within, HAZARD LANDS make reference to the "flood-line" and "fill-line" mapping approved by the appropriate Conservation Authority for precise delineation.

3.1.2 The general intent of this Plan is that there should be no encroachment of development or major landscape alterations of these HAZARD LANDS and accordingly, the following policies will apply:

- i) No buildings, structures or fill will be permitted in these areas, except where buildings and structures are intended for flood or erosion control, or are normally associated with the flood plain or landscape stabilization, or are required essential utilities, and are approved by Council, the Region and the Conservation Authority having jurisdiction. Further, no placing or removal of fill of any kind, whether originating on the site or elsewhere, will be permitted in these areas unless such is approved by Council and the Conservation Authority having jurisdiction;
- ii) Whenever any flood control or other remedial works are undertaken which result in changes to the area of land subject to hazardous conditions, Council may consider amendment to this Plan for redesignation, if deemed to be necessary;
- iii) Where new development is proposed on a site, part of which lies within the HAZARD LANDS shown on Schedule "C", the provision of Subsection D.5

regarding Parkland dedication will apply;

- iv) No portion of a building, structure or tile field will encroach into a setback from a stream, natural watercourse or pond, or from valley "fill lines" or "top-of-bank" lines as determined by the Conservation Authority having jurisdiction;
- v) HAZARD LANDS will be zoned in a separate classification in the implementing Zoning By-law;
- vi) Notwithstanding the Non-Complying Uses policies as set out in Subsection A.3.3 of this Plan, Council and the Committee of Adjustment will discourage the expansion of existing Non-Complying Uses within HAZARD LANDS; and,
- vii) Where an existing building or structure lying within all or part of the HAZARD LANDS is destroyed in manner not related to the inherent environmental hazards of the land, Council may permit the building or structure to be re-built provided that:
 - a) Council and the Conservation Authority having jurisdiction over the land are satisfied that it will not be endangered by the environmental hazard specific to the site.

3.1.3 Notwithstanding the foregoing, any amendment for redesignation of HAZARD LANDS as shown on Schedule "C" for other purposes may be considered by Council after taking into account:

- i) The existing environmental hazards;
- ii) The potential impacts of these hazards;
- iii) The proposed methods by which these impacts may be mitigated in a manner consistent with accepted engineering techniques and resource management practices;
- iv) The costs and benefits in monetary, social and biological value in terms of any engineering works and/or resource management practices needed to overcome these impacts; and,
- v) The Parkway Belt West Plan, where applicable.

3.1.4 Certain lands within the City of Hamilton which form SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas and Schedule "B-3" - Other Special Policy Areas are recognized as having inherent environmental hazards such as flood and erosion susceptibility. These areas are schematically shown as HAZARD LANDS on Schedule "C" to this Plan. In this regard, any development must be in accordance with the permitted uses and the Development Criteria outlined in the Niagara Escarpment Plan, in addition to the above policies.

Proponents for development or redevelopment within these designated lands are encouraged to consult the Niagara Escarpment Commission in regard to suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan. (O.P.A. No. 123 & 128)

Subsection A.3.2 - Environmentally Significant Areas

(O.P.A. No. 199)

The Regional Official Plan assumes the responsibility of identifying, establishing and amending new Environmentally Significant Areas, and provides the policy framework for conservation, protection and enhancement of the environment.

- 3.2.1 Notwithstanding the land use designations shown on Schedule “A” and the accompanying policies, those lands identified on Map No. 4 of the Regional Official Plan, as ENVIRONMENTALLY SIGNIFICANT AREAS will be preserved in a natural or undisturbed state, unless a study is carried out to determine the feasibility of development in these AREAS as required in Section C.1.2 of the Regional Official Plan. In accordance with the Regional Official Plan, if it is proven that these ENVIRONMENTALLY SIGNIFICANT AREAS can be developed, then the appropriate land use designation and policies will apply. The primary uses permitted will be for open spaces, undeveloped parks, public or private recreation uses, conservation uses and those uses existing at the time of the approval of the 1995 Regional Official Plan, as amended from time to time.
- 3.2.2 Land abutting ENVIRONMENTALLY SIGNIFICANT AREAS will be developed in a manner to protect and complement the adjacent hazard and/or natural attributes.

Subsection A.3.3 - Non-Complying Uses

The land use policies of this Plan and the designations detailed on Schedule "A" represent a strategy which will be followed over the next two decades. However, it is recognized that there exist in the City some land uses that do not presently comply with the strategy set out in this Plan and that this situation is likely to persist for some time. As well, many of these uses have been established for a considerable number of years and, frequently, a large degree of tolerance has resulted between them and their neighbours. While a sound planning program would not deliberately seek to foster a mix of land uses that would be detrimental to each other, it must be recognized that situations exist that can be tolerated in the interim without adverse results.

The Plan, therefore, while endeavouring to achieve a high degree of land use compatibility for new development, intends that there be a degree of leeway in land use for existing areas where time and custom have achieved an acceptable level of tolerance. Nevertheless, there are still some existing uses that not only do not comply, but are also incompatible, and for which specific policy remedy is required.

- 3.3.1 It is the intent of Council that any existing land use which does not comply with the land use designations shown on Schedule "A" or their related policies should cease to exist over time. Accordingly, such uses will be deemed to be NON-COMPLYING and will be, or remain, zoned for the intended use so that the affected lands may convert to the use intended by this Plan.
- 3.3.2 In certain instances, Council may deem it to be desirable to permit the extension beyond the boundaries of the site, or redevelopment, of a NON-COMPLYING USE to avoid unnecessary hardship. Such proposed extension or enlargement will be dealt with in the following manner:
- i) Council will determine the feasibility of acquiring and of holding, selling, leasing or redeveloping the property concerned in accordance with the provisions of The Planning Act. Council will further examine the merits and potential for the relocation of the use to an area in compliance with this Plan;
 - ii) If acquisition by the City is not feasible, Council may encourage the Region to consider acquisition. Where no municipal acquisition is possible and/or the special merits of the individual case make it desirable to grant permission for the extension or redevelopment of the NON-COMPLYING USE, Council may consider the passing of an enabling Zoning By-law pursuant to The Planning Act; and,
 - iii) Council, before passing such a By-law, will be satisfied that the following requirements are, or will be, fulfilled to ensure the protection of the wider interests of the general public:

- a) that the proposed extension or enlargement of the established NON-COMPLYING USE will not unduly aggravate the situation created by the existence of the uses, especially in regard to the land use designation of this Plan and the requirements of the Zoning By-law applying to the area;
- b) that the proposed extension or enlargement will be in an appropriate proportion to the size of the NON-COMPLYING USE established prior to the passing of the original Zoning By-law;
- c) that an application which would affect the boundary between areas of different land use designations in this Plan, will, only be processed under these policies, if it can be considered as a minor adjustment. Major intrusions will require an amendment to this Plan;
- d) the characteristics of the existing NON-COMPLYING USE and the proposed extension or enlargement will be examined with regard to noise, vibrations, fumes, smoke, dust, odours, lighting and traffic generation. No amendment to the By-law will be made if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area;
- e) that the neighbouring complying uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening; appropriate setbacks for buildings and structures; devices and measures to reduce nuisances; and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising, signs, etc.;
- f) such provisions and regulations will be applied to the proposed extension or enlargement and, wherever feasible, be also extended to the established use in order to improve its compatibility with the neighbourhood;
- g) that traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of access and egress points to and from the site, and improvement of sight conditions, especially in proximity to intersections;
- h) that adequate provisions have been, or will be, made for off-street parking and loading facilities; and,
- i) that municipal services such as water, sanitary and storm sewers, roads, etc., are adequate, or can be made adequate.

3.3.3 Where an established NON-COMPLYING USE seriously affects the general amenity of the surrounding area, consideration will be given to the possibility of ameliorating such conditions, especially when public health and welfare are directly affected.

3.3.4 Notwithstanding Policies A.3.3.1 and A.3.3.2 above, and Subsection D.3, where an existing use of land does not comply with the land use designations shown on Schedule "A" or their related policies, Council may recognize this use or other NON-COMPLYING USE in the Zoning By-law, provided that:

- i) It does not aggravate any situation detrimental to adjacent complying uses;
- ii) It does not constitute a danger to surrounding uses and persons by virtue of a hazardous nature, the traffic generated, or other nuisance; and,
- iii) It does not interfere with desirable development in adjacent areas that are in conformity with this Plan.

3.3.5 Notwithstanding the foregoing, those uses within the area of the Niagara Escarpment Plan, as shown as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas and Schedule "B-3" - Other Special Policy Areas, which do not conform to the permitted uses contained in the Niagara Escarpment Plan shall be recognized as "existing uses". In addition to Policy A.3.3.1, an existing use may expand, change its use or be replaced, when it can be demonstrated that the objectives of the applicable designation of the Niagara Escarpment Plan are met.

(O.P.A. No. 123 & 128)

Subsection A.3.4 - Division of Land

It is the general intent of this Plan that the further DIVISION OF LAND in the City will be primarily where the lots to be created are within a registered plan of subdivision approved by the Region.

3.4.1 In accordance with the intent of the Regional Official Plan, consents to sever individual parcels of land within the City will generally be discouraged and limited in accordance with the following provisions:

- i) Severances to create new lots where adequate municipal sewer and water services are not available will be discouraged; (O.P.A. No. 5)
- ii) Severances will be discouraged which do not comply with the Development and Servicing Extension policies of Subsection B.1 and the severance policies of the Regional Official Plan; and, (O.P.A. No. 22)
- iii) Severances will be discouraged where such severance would make it difficult to assemble adequate parcels of land which would permit planned development.

3.4.2 Any Division of Land within the Niagara Escarpment Plan, as shown as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") on Schedule "B" - Special Policy Areas and Schedule "B-3" - Other Special Policy Areas, must conform to New Lots Policies of the relevant Niagara Escarpment Plan designation contained in Policy A.2.9.1.3 of this Plan, as well as the Development Criteria contained in the Niagara Escarpment Plan. (O.P.A. No. 123 & 128)

Subsection A.3.5 - Landfill Constraint Areas

Landfill Constraint Areas are those lands which are known former municipal or industrial waste disposal sites. If effective control measures have not been implemented at the site, then methane gas and leachate can migrate laterally from the perimeter of the site. Methane gas and leachate can be generated in quantities and concentrations which can pose a risk to property and human health and safety. It is therefore appropriate to include policies to ensure due caution is exercised in the development/redevelopment of affected lands. Further, the Environmental Protection Act requires that approval for any use of a waste disposal site within 25 years of its closure be obtained in writing from the Minister of Environment and Energy.

3.5.1 Where development is proposed within 500 metres of lands shown as "Landfill Constraint Areas" on Schedule "I":

- (a) the City, the Region and the Ministry of Environment and Energy will be consulted regarding actions necessary to identify and mitigate any potential adverse environmental effects;
- (b) to facilitate a recommendation by the Ministry of Environment and Energy to the approving authority, evidence, will be provided to the City and to the Ministry that such development, including the construction of buildings, structures, and underground utilities and services, as well as hard surface paving, can safely take place; and,
- (c) notwithstanding clauses (a) and (b) above, areas 6 and 7 as shown on Schedule "I" are recognized as suspected or possible Landfill Constraint Areas and accordingly, may not be subject to the above noted provisions.

3.5.2 No uses, except those approved by the City, and in writing by the Minister of Environment and Energy pursuant to the Environmental Protection Act, as amended, will be permitted on lands used for waste disposal within 25 years of termination of such use.

Subsection A.4 - Central Area Plan

O.P.A. No. 66 rescinded by City Council on April 16, 1996.

Subsection A.5 - General Land Use Provisions

It is the general intent of this Official Plan that all planning and development both public and private, within the City of Hamilton will be undertaken in compliance with the policies of this Plan. However, there are exceptions, where the operation of government, associated public bodies, and institutions that are permitted "as-of-right", or without locational restrictions throughout the City, with the exception of lands designated Escarpment Natural Area or Escarpment Protection Area as shown on Schedule "B" as Special Policy Area "1A" and "1B" wherein such uses must be in accordance with the Permitted Uses as set out in Section A.2.9.1 and the Development Criteria of the Niagara Escarpment Plan. In addition, there are certain uses which are not acceptable within the City due to the danger they may pose to persons and/or property and therefore should be prohibited throughout the City.

- 5.1 Notwithstanding SECTIONS A, B, and C of this Plan, the following uses will be permitted within all land use designations provided that land use compatibility is generally maintained and it is keeping with the intent of development standards set out in this Plan:
- i) any operation of the Government of Canada, Government of Ontario, Regional Municipality of Hamilton-Wentworth, City of Hamilton, or any public agency, board or commission including Ontario Hydro and Hamilton Hydro Electric Commission, except for their maintenance and storage facilities;
 - ii) places of worship, publicly owned airfields, publicly owned parks and open spaces; and,
 - iii) Uses regulated for the purpose of Shipping and Navigation or uses incidental thereto, authorized by the Hamilton Harbour Commissioners Act or any by-law, regulation or other provision adopted pursuant to the Hamilton Harbour Commissioners Act or other federal legislation, in accordance with subsection D.8
- 5.2 Notwithstanding SECTIONS A, B, and C of this Plan any maintenance and storage facilities operated by the various levels of government, public agency, board or commission as identified in Policy A.5.1 i), existing prior to the approval of Subsection A.5 of this Plan will be permitted within all land use designations. Any facility established after this time will be permitted in all land use designations but will be discouraged in RESIDENTIAL designations.
- 5.3 Those uses which create a danger to health from fire and explosion, as defined in the Zoning By-Law, will be prohibited within the City of Hamilton.

Subsection A.6 - Secondary Plans

It is intended that, where appropriate, Council will adopt Secondary Plans to this Official Plan that provide specific details with respect to the type and density of development, road patterns, and servicing. The Secondary Plans are attached as Schedule "J" (and its components to this plan); specific policies are detailed in this Subsection.

6.1 Chedmac Planning Area

For those lands shown on Schedule "J-1" - Chedmac Planning Area Secondary Plan, generally located north of Mohawk Road West and west of Upper Paradise, the following objectives and policies shall apply.

6.1.1 Objectives

The following Objectives constitute the fundamental guidelines which shall direct the development of the *Chedmac Planning Area*:

- i) To create residential areas consisting of a range of housing types and densities to satisfy a range of housing needs;
- ii) To provide a variety of housing at a range of prices including affordable residential units;
- iii) To ensure future residential and institutional development considers and is sensitive to surrounding existing residential development;
- iv) To integrate the residential areas with parkland in order to provide a convenient, safe and visually pleasing living environment;
- v) To recognize and support Chedoke-McMaster Hospitals as a Community and Regional health facility;
- vi) To establish a focus within the interior of the *Chedmac Planning Area* consisting of recreational and health service facilities;
- vii) To encourage the concentration of existing and future Chedoke-McMaster health service facilities in a comprehensive "campus-like" setting;
- viii) To provide sufficient lands for the future needs of Chedoke-McMaster Hospitals to satisfy the changing health needs of the Community and Region;
- ix) To provide additional parkland for existing and future Mountview Neighbourhood residents;

- x) To ensure an open space linkage is provided from the existing residential development to the *Chedmac Planning Area* interior focus, and from existing residential development to new residential development;
- xi) To develop an efficient, practical and safe road system to accommodate the movement of people within the *Chedmac Planning Area* and the surrounding Mountview Neighbourhood;
- xii) To minimize traffic through existing residential development;
- xiii) To provide for the extension of Chedmac Drive as the principal collector road within the *Chedmac Planning Area* including the redesign of the pertinent intersections;
- xiv) To minimize through traffic through the Chedoke-McMaster Hospital lands;
- xv) To ensure that no direct road access (either private or public) is permitted to Magnolia Drive from Chedmac Drive;
- xvi) To ensure that Miller Avenue and Beamis Avenue are not extended into the *Chedmac Planning Area*;
- xvii) To provide sufficient off-street parking facilities for multiple residential development; and,
- xviii) To provide Chedoke-McMaster Hospitals and new development with adequate full municipal services including sanitary sewers, watermains, stormwater drainage facilities and utilities, in a coordinated, comprehensive and environmentally sound manner.

6.1.2 Policies

i) *Residential*

The majority of the vacant lands within the *Chedmac Planning Area* shall be developed for low and medium density residential purposes. Lands designated RESIDENTIAL within the *Chedmac Planning Area* shall be developed in accordance with the attached Schedule "J-1" - Chedmac Planning Area Secondary Plan, Subsection A.2.1 - Residential Uses and C.7 - RESIDENTIAL ENVIRONMENT AND HOUSING POLICY of this Plan, and the following specific policies:

- a) The housing types and density of development shall be in accordance with the following:
 - (1) Within each residential density designation, the Zoning By-law will restrict the use of any site to the dwelling unit types permitted

within that designation. Such restrictions will be implemented to preserve the character of the neighbourhood and compatibility of dwelling unit types with surrounding existing and proposed land uses.

- (2) *Low Density Residential* development shall consist of single detached units at a maximum gross residential density of 18 units per gross hectare (7.2 units per gross acre). Low density residential development shall be located adjacent to existing low density residential development situated in the most northern portion of the *Chedmac Planning Area* and adjacent to Magnolia Drive.
- (3) *Medium Density Residential* development shall be comprised of a variety of multiple dwelling unit types including townhouse dwellings, stacked townhouse dwellings and apartment dwelling units. The density range for medium density residential development shall be 30 to 100 units per gross hectare (12 to 40 units per gross acre). Medium Density residential development shall be defined as either *Medium Density I* or *Medium Density II*. All medium density residential development shall be subject to site plan control.
- (4) *Medium Density I* residential development shall consist of townhouse dwelling units at a gross residential density of 30 units per gross hectare (12 units per gross acre).

- b) The lands designated *Low Density Residential* abutting existing residential development at the northern limit of *Chedmac Planning Area* shall not exceed a maximum density of 14 units per gross hectare (5.5 units per gross acre). The minimum lot frontage for these lands shall not be less than 15 metres. It is intended that no direct vehicular access from these lands to the abutting residential development fronting San Pedro Drive will be provided.
- c) Residential development shall be located to ensure a gradation of residential densities.
- d) Residential development adjacent to existing MAJOR INSTITUTIONAL facilities may be subject to a noise study.

ii) *Major Institutional*

It is intended that Chedoke-McMaster Hospitals be recognized as a valuable Community and Regional Health facility. In addition, other institutional uses, including the Twin Pad Arena and the nursing home located on the south side of Chedmac Drive, provide community services

to the Neighbourhood and Community. Lands designated "Institutional" shall be developed in accordance with the attached Schedule "J-1" – Chedmac Planning Area Secondary Plan, Subsection A.2.6 – Major Institutional Uses of this Plan, and the following policies:

- a) New Major Institutional health related facilities shall be designed to facilitate a comprehensive campus-like setting.
- b) New Major Institutional recreational facilities shall be designed in a comprehensive manner with existing recreations facilities.
- c) The development of any new institutional facilities, including those associated with Chedoke-McMaster Hospitals, shall be designed to mitigate any negative impact on adjacent residential development.
- d) A nursing home located on the south side of Chedmac Drive shall have a maximum capacity of 160 residents. (O.P.A. No. 164)

iii) *Parkland*

- a) The existing municipal parklands adjacent to the *Chedmac Planning Area* situated within the Mountview Neighbourhood shall be expanded to include the lands designated Parkland on the attached Schedule "J-1" - Chedmac Planning Area Secondary Plan, to satisfy the parklands needs of the *Chedmac Planning Area* and the Mountview Neighbourhood.
- b) The expanded parkland shall provide an open space linkage from the existing neighbourhood to the recreational facilities located within the *Chedmac Planning Area*.

iv) *Transportation*

It is intended that a safe and efficient road network be established in the *Chedmac Planning Area* in accordance with the attached Schedule "J-1" - Chedmac Planning Area Secondary Plan, Subsection B.3 - CIRCULATION AND MOVEMENT SYSTEM of this Plan and the following policies:

- a) The public road system will provide an efficient, practical and safe pattern to accommodate the movement of people within the *Chedmac Planning Area*.
- b) It is intended that the design of the internal public road system in the *Chedmac Planning Area*, as shown on the attached Schedule "J-1" - Chedmac Planning Area Secondary Plan shall be used as a guideline, and as such, some flexibility regarding the final alignment of the internal public roads is permitted.

- c) It is intended that Chedmac Drive be established as the collector road to access existing and new development within the *Chedmac Planning Area*.
 - d) It is intended that Chedmac Drive will function as a road around those lands designated MAJOR INSTITUTIONAL connecting Rice Avenue to Scenic Drive and facilitating the function and operation of the Chedoke-McMaster Hospitals as a separate and distinct facility.
 - e) It is intended that Rice Avenue and Chedmac Drive will be designed to provide a more efficient and desirable transportation system, pursuant to Schedule "J-1" - Chedmac Planning Area Secondary Plan.
 - f) No direct vehicular access will be permitted from block townhouse development to Chedmac Drive. Access will be provided via a local road as shown on Schedule "J-1" - Chedmac Planning Area Secondary Plan. (OPA 164)
 - g) The intersections of Rice Avenue and Chedmac Drive, and Chedmac Drive and Sanatorium Road shall be redesigned to provide a more efficient and safe access to Chedmac Drive, while discouraging through traffic from Scenic Drive and Sanatorium Road.
 - h) No direct road access from Chedmac Drive to Magnolia Drive shall be permitted.
 - i) The extension of Miller Avenue and Beamis Avenue through to the *Chedmac Planning Area* shall not be permitted.
 - j) Development may be subject to traffic studies, as required.
- v) *Engineering Services*

Engineering Services within the *Chedmac Planning Area* shall be provided in accordance with Subsection B.2 - ENGINEERING SERVICES of this Plan and the following specific policies:

- a) Design for stormwater management will ensure that the stability of the Escarpment Brow and Escarpment slopes and the quality and quantity of Escarpment streams and water supplies are not endangered.
- b) Stormwater detention ponds shall be designed as off-stream devices, to operate under major storm conditions as part of a stormwater management plan. The stormwater management plan will include remedial works to stabilize the existing radial right-of-way culvert.

- c) Development within the *Chedmac Planning Area* shall not proceed until such time as an overall stormwater management report has been prepared to the satisfaction of the appropriate agencies.
- d) A storm water detention pond shall be established in the *Chedmac Planning Area* in accordance with the attached Schedule "J-1" - Chedmac Planning Area Secondary Plan. Lands required for the storm water detention pond shall be dedicated to the City of Hamilton by the developer.

Notwithstanding Subsection A.2.1, the area west of the Stormwater Detention Pond as shown on Schedule "J-1", approximately 1.5 hectares in size, will only be used for residential purposes in accordance with Policy A.6.1.2i)a)ii) upon being deemed, by the Regional Municipality of Hamilton-Wentworth, not necessary for inclusion within the Stormwater Detention Pond.

6.2 Downtown Hamilton Secondary Plan (Separate Document)

6.3 West Harbour (Setting Sail) Secondary Plan (Separate Document)

6.4 Ainslie Wood Westdale Secondary Plan (Separate Document)

6.5 West Hamilton Innovation District Secondary Plan

NOTE: (the following policies apply to 270 and 175 Longwood Road, all other properties within the WHID boundary are still under appeal)

6.5.1 Vision

The West Hamilton Innovation District Secondary Plan Area will function as a centre of innovation for corporate, academic and government research in science and technology and will be recognized as a major entry point into the City. This prestige employment community will establish architectural presence along Highway 403 and a street-oriented design along the interior public roads. The development of knowledge-based activities will allow for the eventual production of goods and materials enabling companies to remain and grow within the Innovation District.

The establishment of partnerships between education, the City, other levels of government and the business community will spark the development of a dynamic community and create synergies that will encourage innovation, economic growth and new business opportunities. The Innovation District will be enhanced by supportive commercial, educational and residential uses which will contribute to the transformation of the area into an integrated first rate research community. Pedestrian activity and interaction will be encouraged through the creation of attractive streetscapes, innovative building design and the provision of publicly accessible spaces. The improvement and development of existing and

new linkages will enhance access to accommodate motorists, pedestrians, cyclists, public transit and goods movement within, through and around the Innovation District.

6.5.2 Objectives

The following objectives constitute the fundamental guidelines which will direct the development of the West Hamilton Innovation District:

- i) To encourage the redevelopment of brownfield lands to a prestige research district comprised mainly of uses related to research, science and technology which are remediated to a high standard to ensure public health and safety.
- ii) To encourage the development of the McMaster Innovation Park generally identified on Schedule “O-2”, Design Elements as an integrated and comprehensive research community and employment area in a campus-like setting.
- iii) To support and recognize the benefits of partnerships between McMaster University, various levels of government and the business community in the creation of synergies and economic development opportunities in the development of the Innovation District.
- iv) To enhance linkages and connections between West Hamilton Innovation District and McMaster University, the adjacent residential neighbourhoods and the Hamilton Trail System.
- v) To recognize and encourage the transition of existing uses to research, science and technology uses over time.
- vi) To promote compatible development adjacent to existing residential uses.
- vii) To recognize the continued importance of the Canadian Pacific Railway to existing and future uses within the West Hamilton Innovation District as a provider of the regional transportation of goods and materials.
- viii) To promote supportive commercial, education and residential activities to serve the needs of the Innovation District.
- ix) To foster the economic growth of biosciences, advanced manufacturing and other research sectors consistent with the City’s Economic Development Strategy.

6.5.3 Development Policies

6.5.3.1 New Development

Lands designated *Research District* on Schedule “O-1”, Land Use Plan, will be oriented to activities associated with the research and development sector. The following uses will be permitted:

- i) Research, science and innovation facilities and knowledge intensive uses;
- ii) Computer, electronic, data processing and printing establishments;
- iii) Offices;
- iv) Pharmaceutical and medical industries;
- v) Hotel and conference facilities;
- vi) Limited manufacturing and warehousing accessory to the uses described in i) through iv), above;
- vii) Existing railway uses requiring direct railway access located on lands abutting the railway right-of-way; and,
- vii) Limited supportive commercial uses to serve the needs of the employment community.

6.5.3.2 McMaster Innovation Park

In addition to the policies of Section 6.5.3.1, the following policies will apply to the lands shown as *McMaster Innovation Park* on Schedule “O-2”, Design Elements:

- i) Educational, residential and commercial uses permitted ancillary to McMaster Innovation Park will be developed in accordance with the long-term vision to create a dynamic, integrated state of-the-art research community that will foster innovation, entrepreneurialism and creativity.
- ii) Limited accommodations for visiting scholars, professors and/or professionals will be permitted.

6.5.3.3 Transitional Uses

Warehousing, light manufacturing and service and repair uses will be permitted as principle uses within existing buildings until such time as

redevelopment occurs.

6.5.3.4 Extended Commercial

Lands designated *Extended Commercial* on Schedule “O-1”, Land Use Plan, will be subject to the *Extended Commercial* Policies A.2.2.14 to A.2.2.24 and all other applicable commercial policies of Section A.2.2 of the Official Plan.

6.5.3.5 General Development Policies

- i) Loading and servicing areas will be encouraged to locate indoors or at the rear or side of main buildings, and will be kept clean and screened from view of public streets or highways.
- ii) Development will be in accordance with the applicable Urban Design policies of Section 6.5.5 of this Plan.
- iii) Development adjacent or proximate to Highway 403 will be subject to the setback requirements of the Ministry of Transportation.
- iv) Telecommunication and other utilities will be located in common trenches, within public road allowances or within appropriate easements, wherever possible, to avoid over-digging and disruption of municipal rights-of-way.
- v) Free-standing office buildings will have less than 10,000 square metres of gross floor area.
- vi) Supportive commercial uses will be permitted only on the ground floor of a multi-storey building with individual retail establishments also restricted in size.
- vii) New buildings requiring underground parking facilities will be subject to the requirements of the Ministry of the Environment with respect to site remediation.

6.5.4 Heritage

6.5.4.1 Heritage resources associated with the original Westinghouse Company Limited Complex, which include the former Office Building and the Boiler/Power House, as identified as “A” and “B” on Schedule “O-2”, Design Elements, will be conserved and incorporated into future development proposals. A museum of industrial and scientific technology will also be permitted in the Boiler/Power House.

6.5.4.2 New development adjacent to the heritage resources identified on

Schedule “O-2, Design Elements, will complement the character, scale and materials of these buildings.

6.5.5 Urban Design

The urban design policies for the West Hamilton Innovation District are based on an integrated approach which considers built form, views and vistas and connections and linkages, as identified on Schedule “O-2”, Design Elements, to create a well designed and attractive employment area providing pedestrian linkages to adjacent residential neighbourhoods.

6.5.5.1 Objectives

The following objectives constitute the fundamental guidelines which will direct the design of the West Hamilton Innovation District:

- i) To create a safe and accessible environment with linkages for pedestrians and cyclists.
- ii) To encourage a unique sense of place and identity by promoting excellence in building construction and design, attractive streetscaping, public art and the integration of publicly accessible open space areas.
- iii) To establish architectural presence along Highway 403 complemented by the views and natural amenities of the Escarpment as a backdrop.
- iv) To encourage innovation in the development of open spaces, storm water management, building design and parking accommodation that will promote environmental sustainability.

6.5.5.2 Built Form

Built form refers to the architectural design and massing of buildings to establish the character and identity of the area.

6.5.5.2.1 Development will have a street orientation that will allow for the creation of a pedestrian-friendly environment.

6.5.5.2.2 The following urban design policies will apply to development within the *Research District* land use designation on Schedule “O-1”, Land Use Plan:

- i) A high standard of architectural and site design will be encouraged for properties along Longwood Road South through the appropriate use of architectural features, massing and scale;

- ii) Maximum building height will be 10 storeys;
- iii) Buildings will front onto the street with accessible, at-grade entrances. Multi-storey buildings are encouraged to be stepped back above the ground floor to reduce the scale of the buildings as perceived by pedestrians;
- iv) Building elements such as lighting, signage, awnings and plantings will be provided to reinforce a high quality employment environment;
- v) Extensive use of clear glazing in windows, exterior wall panels, and entrance openings at the ground floor level of buildings containing retail, restaurant or hotel uses is encouraged to allow for open views at the street level and to promote public activity and interest;
- vi) New development will have regard for the light, views and privacy enjoyed by adjacent residential development;
- vii) Wherever possible, loading and service areas will be screened from view of Highway 403 and public streets, and will be located at the side or rear yards of main buildings;
- viii) Rooftop mechanical equipment will not be visible from abutting public streets, Highway 403 or public amenity areas;
- ix) Buildings visible from Highway 403 will have prominent elevations addressing the highway, and elevations fronting on any other principle street will be designed to address the public street through appropriate use of architectural features, massing, and scale; and,
- x) Above-ground public utility infrastructure such as transformers will be located and designed to be compatible with the environment. Innovative methods of containing the above-ground infrastructure will be encouraged. The clustering or grouping of above-ground infrastructure, will be considered where possible, to minimize visual impacts.

6.5.5.2.3 The following urban design policies will apply to development within the *Extended Commercial* land use designation on Schedule “O-1”, Land Use Plan:

- i) Buildings will be constructed at the street-line, where possible, to establish a defined street edge;
- ii) The development of a landmark mid-rise building on the north-west corner of Chatham Street and Dundurn Street South will be

encouraged as an eastern gateway into the District;

- iii) Parking areas will be located in the side or rear yards; and,
- iv) Buildings will be well-designed and will be a maximum of 6 storeys in height.

6.5.5.3 Views and Vistas

Existing significant views and vistas contribute to the unique identity and character of the Innovation District. They will be protected by careful placement of building mass within a well integrated network of open spaces which is sensitive to the context and natural amenities of the surrounding area.

6.5.5.3.1 The following significant view corridors, as identified on Schedule “O-2”, Design Elements, will be maintained and enhanced, where possible:

- i) The view corridor to the Niagara Escarpment south from Longwood Road South;
- ii) The view corridor south through the Chedoke Creek Valley towards the Escarpment; and,
- iii) The view corridor southeast from Longwood Road South to the Escarpment.

6.5.5.3.2 The design of buildings will be encouraged to maintain the view toward the Escarpment, and buildings will be appropriately scaled in relation to the adjacent built form.

6.5.5.3.3 A landscaped buffer will be provided adjacent to the Canadian Pacific Railway to buffer and filter views of development within the Innovation District from local residential streets.

6.5.5.4 Connections and Linkages

Connections and linkages will contribute to the development of a pedestrian, bicycle and transit friendly environment within the Innovation District and provide improved access to surrounding neighbourhoods and the Hamilton Nature Trail System.

6.5.5.4.1 Public street improvements to enhance pedestrian movement will be in accordance with recommendations provided in the approved Kirkendall Neighbourhood Traffic Management Study and an approved Streetscape Master Plan, and may include the following elements:

- i) A continuous public sidewalk network, including Urban Braille for high pedestrian traffic areas adjacent to roadways;
- ii) Landscaped boulevards and street trees;
- iii) Enhanced pedestrian crossings and control at intersections and abutting publicly accessible space areas;
- iv) Pedestrian-scale lighting and other street furniture;
- v) Transit shelters and street furniture; and,
- vi) Installation of public art.

6.5.5.4.2 Entrance features will be addressed through Site Plan Approval in accordance with an approved Streetscape Master Plan and will be located at the following key intersections as identified on Schedule “O-2”, Design Elements:

- i) Longwood Road South at Aberdeen Avenue, including any future traffic roundabout;
- ii) Lands adjacent to the south side of the Longwood Road Bridge;
- iii) Chatham Street at Dundurn Street South; and,
- iv) Frid Street at Main Street West.

6.5.5.4.3 Entrance features may consist of publicly accessible open space areas with street furniture, distinctive signage, public art installations such as statues or sculptures, and landscaping or a combination of these elements to develop the area’s visual identity and a unique sense of place. The use of public art will be encouraged and will be administered by the City’s Public Art Coordinator.

6.5.5.4.4 The provision of landscaped publicly accessible spaces for passive recreation, storm water management purposes, and in conjunction with entrance features will be encouraged at appropriate locations as generally identified on Schedule “O-2”, Design Elements and will be addressed through the Site Plan Approval process.

6.5.5.4.5 Landscaped publicly accessible spaces for passive recreation and enjoyment will be encouraged to locate adjacent to buildings in which there are ground floor supportive commercial uses.

6.5.6 Transportation

- 6.5.6.1 The Transportation System will include public and private roads, a bicycle network, the City's public transit system, and sidewalks.
- 6.5.6.2 Longwood Road South, Chatham Street and Frid Street will function as the principle transportation routes for the Innovation District. These routes will be developed with high quality streetscaping in accordance with the Kirkendall Neighbourhood Traffic Management Study and an approved Streetscape Master Plan. In accordance with the Study and Plan mentioned above, the following elements may be included:
- i) Wide sidewalks with decorative banding; street furniture and lighting;
 - ii) Tree planting to create a landscaped canopy along the boulevards;
 - iii) Bicycle lanes;
 - iv) Pedestrian crossings to access publicly accessible amenity spaces;
 - v) Identifiable entrance features south of the Longwood Road Bridge and at Aberdeen Avenue; and,
 - vi) Transit features.
- 6.5.6.3 The redevelopment of property located at 606 Aberdeen Avenue (Samee/Hamilton Metals) will require a traffic study to review the adequacy of vehicular access to and from Aberdeen Avenue.
- 6.5.6.4 The provision of connecting publicly accessible amenity areas east and west of Longwood Avenue South as identified on Schedule "O-2", Design Elements will be considered prior to the planned improvements of Longwood Road south.
- 6.5.6.5 All transportation improvements will be in accordance with the recommendations of the Kirkendall Neighbourhood Traffic Management Study except for the Frid Street extension. The Frid Street Extension will be subject further study

Frid Street

- 6.5.6.6 The east and west sides of the West Hamilton Innovation District will be connected by a future road from Longwood Road South to the intersection of Frid Street and Chatham Street.
- 6.5.6.7 The right-of-way width for the Frid Street Extension will not exceed 23 metres.

Bicycle Network

- 6.5.6.8 A bicycle network will be established by the City as a future capital project to incorporate public streets in accordance with the West Hamilton Bicycle Network Review and the City approved Kirkendall Neighbourhood Traffic Management Study.

Public Transit

- 6.5.6.9 New local public transit services will be consistent with the Council-approved Transit Ridership Growth Plan and will be determined by the Transit Division, in consultation with relevant stakeholders within the District and adjacent neighbourhoods.
- 6.5.6.10 Street furniture and transit shelters to encourage transit ridership will be provided at appropriate locations along future transit routes.
- 6.5.6.11 Connecting walkways and building entrances should be coordinated with the sidewalk network to minimize walking distances to transit stops.

Future Public Streets

- 6.5.6.12 Future public streets will be developed through the development approval process and will be designed to accommodate two lanes of traffic, an on-street bicycle network, on-street parking along one or both sides of the street and pedestrian sidewalks on both sides of the street with an ultimate right-of-width of 20-23 metres.

Aberdeen/Longwood Intersection

- 6.5.6.13 A potential traffic roundabout at the intersection of Aberdeen Avenue and Longwood Road South will be investigated by the City of Hamilton in consultation with adjacent landowners, applicable agencies and the Ministry of Transportation.

6.5.7 Servicing

- 6.5.7.1 The servicing of lands west of Chedoke Creek will proceed in accordance with an Area Specific Master Servicing Plan, approved by the City.
- 6.5.7.2 Any sewer construction that is required to service the lands west of Chedoke Creek will consist of a separate sanitary sewer and storm sewer system for construction within the City-owned road allowance. New combined sewers will not be permitted. Easements will be dedicated to the City, if required, to facilitate trunk works to provide adequate services in this area.

6.5.7.3 Innovative servicing technologies to improve storm water management such as green roofs, gray water recycling in accordance with the Waterworks By-law for cross connections and bio-retention facilities will be encouraged in building design, where practical, and in accordance with an approved Area Specific Master Servicing Plan and Ministry of the Environment guidelines. Any external wastewater to be conveyed through the area will be reviewed through the Area Specific Master Servicing Plan.

6.5.7.4 Storm water ponds which can be integrated into the design of publicly accessible open space areas will be encouraged, where appropriate.

6.5.8 Hazard and Conservation Regulated Lands

6.5.8.1 The Hamilton Conservation Authority (HCA) regulates the Chedoke Creek, the adjacent valley slopes and setbacks from the top of bank, as identified on Schedule "O-1", Land Use Plan and Schedule "O-2", Design Elements. Any development which includes construction, fill placement and removal, and/or re-contouring and re-grading for lands located within the HCA regulated area identified on Schedule "O-1", Land Use Plan will be subject to the requirements of the Hamilton Conservation Authority.

6.5.8.2 Development on lands adjacent to Chedoke Creek will be subject to storm water quality and quantity controls in accordance with the Ministry of Environment's requirements and enhanced landscaping using native species, where required, to the satisfaction of the City of Hamilton and the Hamilton Conservation Authority.

6.5.9 Implementation

6.5.9.1 Contaminated sites will require a Record of Site Condition as a requirement of development approval, prior to building permit issuance in accordance with Ministry of the Environment Guidelines in order to permit sensitive uses as regulated by the Ministry of the Environment.

6.5.9.2 The City will prepare an enhancement to the ERASE (Environmental Remediation and Site Enhancement) Community Improvement Plan (CIP) and the development of an Implementation Strategy specifically for the West Hamilton Innovation District that will encourage the redevelopment of this area. Additional financial incentives for initiatives such as LEED (Leadership in Energy and Environmental Design) certification will complement the existing incentives for brownfield remediation and serve as a catalyst for the transformation of the West Hamilton Innovation District to an economic hub of research and development activity.

6.5.9.3 The City will prepare a 10 year Capital Budget Improvement Plan to identify, rank and co-ordinate the public improvements required for the West Hamilton Innovation District which may include associated

Environmental Assessment works, enhanced pedestrian walkways, gateway features, public art and similar improvements, through the following:

- i) Short, medium and long-term capital projects arising from this plan;
- ii) Cost estimates for the capital projects identified above; and,
- iii) Special studies and projects arising from this plan, including timing for their completion and their estimated cost.

- 6.5.9.4 The City will incorporate capital projects and additional studies arising from this Plan into the municipal budgeting process.
- 6.5.9.5 The City will prepare a Streetscape Master Plan for Longwood Road, Frid Street and Chatham Street west of Dundurn Street South and Aberdeen Avenue west of Studholm Drive, in consultation with the public.
- 6.5.9.6 The City will undertake a comprehensive traffic study to review the function, capacity, and alignment of the intersections of Main Street West with Frid Street, Highway 403 ramp and Dundurn Street South.
- 6.5.9.7 The City will provide new Zoning By-law regulations to implement the aforementioned Official Plan policies for the West Hamilton Innovation District.”

6.6 Trinity West Secondary Plan (Separate Document)

SECTION B - SERVICING STRATEGY

The Land Use and Management Strategy detailed in Section A of this Plan defines the nature and physical extent of growth anticipated to the year 2001. However, this strategy is predicated on the efficient and economic deployment of necessary services and support in the existing and proposed complement of land uses, and to ensure the safety, health and well-being of the residents of the City.

Accordingly, it is the intent of this Plan to detail a SERVICING STRATEGY to ensure that the responsible jurisdictions, public agencies and authorities coordinate the provision of appropriate levels of services to be commensurate with the rate and extent of anticipated growth. The STRATEGY identifies:

- *requirements for the Development and Servicing Extensions; (O.P.A. No. 22)*
- *provisions for the extension of Engineering Services;*
- *improvements to Circulation and Movement; and,*
- *provision for Utility Services.*

Subsection B.1 - Development and Servicing Extensions

It is the intent of this Plan that DEVELOPMENT in the underdeveloped areas of the City take place in a manner that results in the orderly and economic EXTENSION of all municipal works and services. It is essential that new DEVELOPMENT will not proceed in advance of the construction of municipal sewerage and water distribution services.

The actual EXTENSION of municipal services will be dependent on anticipated population growth and the financial capabilities of the City and/or Region to undertake the necessary expenditures. (O.P.A. No. 22)

- 1.1 The EXTENSION of municipal services will be consistent with the financial capability of the City and/or Region to meet the costs of such EXTENSIONS and under the following circumstances:
 - i) where it is a logical EXTENSION of existing DEVELOPMENT;
 - ii) where the infilling and completion of partially developed Neighbourhoods will be achieved; or,
 - iii) where required in developed areas which are presently unserved or partially serviced. (O.P.A. No. 22)
- 1.2 When judging the adequacy of municipal works and services, the needs of an entire Neighbourhood will be considered foremost. However, Council may consider a DEVELOPMENT proposal in a Neighbourhood where such works and services are inadequate, provided that the needs of the Neighbourhood can be met when further DEVELOPMENT occurs. (O.P.A. No. 22)
- 1.3 Where there is considerable DEVELOPMENT which has already taken place without Engineering Services, Council may permit further minor infilling and rounding out of such DEVELOPMENT. (O.P.A. No. 22)

Subsection B.2 - Engineering Services

The intent of the policies set out in this Plan is to ensure that improvements to, and the required complement of, ENGINEERING SERVICES (Water Distribution, Sewage Disposal, Storm Drainage and Solid Waste Disposal) are commensurate with the requirements of anticipated growth in the City. Accordingly, it is intended that only those sectors of the City designated for growth by the Land Use Concept be provided with necessary SERVICES.

Subsection B.2.1 - Water Distribution

It is intended that all existing and future development within the City will be effectively serviced by the WATER DISTRIBUTION System in order to mitigate or prevent environmental and health problems or other hardships. This Plan will also encourage that all existing development, in time, be connected to the System in order to mitigate potential adverse environmental effects from development currently not connected to the System.

- 2.1.1 In accordance with the intent of the Regional Official Plan, Council will encourage the Region to maintain and, where necessary, improve water supply in the City. New development and/or redevelopment will only be permitted where the water supply is deemed to be adequate by the Region.
- 2.1.2 No extension of the WATER DISTRIBUTION System will be made into undeveloped areas of the City, except where the Region is satisfied that a proven need exists. In this regard, Council will encourage the Region to ensure that the following conditions have been identified:
 - i) Existing or potential health hazards;
 - ii) Environmental degradation; and,
 - iii) Undue hardship imposed on residents as a result of inadequate water supplies.
- 2.1.3 Council will co-operate with the Region to ensure that the staging, construction or expansion of the WATER DISTRIBUTION System is carried out in conjunction with the Development and Servicing Extension policies outlined in Subsection B.1 of this Plan. (O.P.A. No. 22)
- 2.1.4 Council will encourage the Region to maintain and improve the WATER DISTRIBUTION System throughout the City. In so doing, additional storage capacity will be provided in reservoirs and sufficient water pressure maintained in the distribution system to adequately confront fire and other types of emergencies.
- 2.1.5 Notwithstanding Policy B.2.1.2 above, where there is considerable development which has already taken place without connection to the WATER DISTRIBUTION System, Council may permit further infilling and rounding out of such development, provided that they can be connected to the WATER DISTRIBUTION System when the System is extended to the area and that the following are met:
 - i) The site proposed for development has adequate quality and quantity of ground water; and,
 - ii) The proposed development will not create potential health hazards to the area residents.

Subsection B.2.2 - Sewage Disposal

It is intended that all new development or redevelopment within the City will be effectively serviced by the SEWAGE DISPOSAL System, and that improvements or extensions will be made to this system where necessary. It is recognized that growth in the City is subject to SEWAGE treatment capacities and, accordingly, the quality of effluent discharged into the environment. In this regard, the Plan will encourage the appropriate agencies to introduce adequate measures to provide for future improvements to the SEWAGE DISPOSAL System.

- 2.2.1 Council will encourage the Region to ensure that all new development in the City be effectively serviced by the SEWAGE DISPOSAL System. In this regard, Council will encourage the appropriate agencies to ensure that necessary improvements to, or extension of, the SEWAGE DISPOSAL System, expansions to the capacity of the Woodward Avenue Sewage Treatment Plant, and the monitoring of effluents discharged are undertaken.
- 2.2.2 In accordance with the intent of the Regional Official Plan, Council will encourage the Region to investigate and implement methods for treating storm run-off and overflow from combined sewers in the City.
- 2.2.3 Council will co-operate with the Region to ensure that the staging, construction or expansion of the SEWAGE DISPOSAL System is carried out in conjunction with the Development and Servicing Extension policies outlined in Subsection B.1 of this Plan. (O.P.A. No. 22)
- 2.2.4 Notwithstanding Policy B.2.2.1 above, where there is considerable development which has already taken place in an area without a SEWAGE DISPOSAL System, Council may permit further infilling and rounding out of such development on temporary individual SEWAGE DISPOSAL systems approved by the Medical Officer of Health, provided that they can be connected to the SEWAGE DISPOSAL System when the System is extended to the area.

Subsection B.2.3 - Storm Drainage

It is intended that adequate measures be required or undertaken to ensure that STORM water run-off within the City is safely and effectively managed. Accordingly, this Plan promotes the linkage of all new development to appropriate STORM DRAINAGE facilities to minimize any adverse effects created by development on the natural environment.

- 2.3.1 Council will require that all development and/or redevelopment be connected to, and serviced by, a STORM DRAINAGE System or other appropriate system such as ditches, 'zero run-off', and any other technique acceptable to Council and the Conservation Authorities. Council will ensure that the extension of the STORM Sewer System is at a sufficient capacity to support future anticipated growth in the City. In this regard, Council will co-operate with the appropriate Conservation Authorities in any flood management studies or engineering works that may be undertaken from time to time to improve or maintain the DRAINAGE capacity of natural watercourses flowing through the City.
- 2.3.2 Council will co-operate with the Region to ensure that all STORM DRAINAGE facilities are constructed completely separate from Sanitary Sewer facilities and encourage, where feasible, the separation of existing combined systems when appropriate opportunities arise.
- 2.3.3 Council will not permit any new development or redevelopment where it would interfere with, or reduce, the DRAINAGE capacity of any natural watercourse or result in any pollution and DRAINAGE problems along watercourses and their tributaries. In addition, Council will co-operate with all Federal and Provincial agencies having statutes, regulations, or policies applying to watercourses and to STORM DRAINAGE.
- 2.3.4 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region and appropriate Provincial agencies in any study or program to investigate and implement suitable and economical methods of increasing water infiltration to the ground; of reducing residual urban STORM water run-off; and of watershed management.

Subsection B.2.4 - Solid Waste Disposal

It is intended that the City co-operate with the Region to ensure effective SOLID WASTE DISPOSAL service for all land uses. Accordingly, it is intended that all land uses be served by a regularly-scheduled DISPOSAL service.

- 2.4.1 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to provide a co-ordinated System for the collection and haulage of SOLID WASTE to Regional DISPOSAL facilities.
- 2.4.2 Council will encourage the Region to establish transfer facilities within Industrially designated areas well removed from Residential Uses, and other WASTE DISPOSAL services, to efficiently serve the City in the most economical and environmentally-acceptable means available.
- 2.4.3 In accordance with the intent of the Regional Official Plan, Council will encourage, and co-operate with, the Region in developing a program for resource recovery and recycling of SOLID WASTE materials.
- 2.4.4 Council will co-operate with the Region to monitor the leachate seepage and methane gas conditions of all sanitary landfill sites in the City and, in so doing, take every measure to protect the surrounding area and prevent adverse environmental effects that may be associated with the sanitary landfill sites.
- 2.4.5 All uses in the City will be served by a regularly-scheduled SOLID WASTE collection through the municipal DISPOSAL service, or, in the case of certain uses, through individually-contracted collection service.
- 2.4.6 Council will not permit the final DISPOSAL of SOLID WASTE within the City except at approved DISPOSAL facilities to protect the environment and the public health.
- 2.4.7 Council will encourage the Region to co-operate with senior levels of government to develop programs which may reduce the quantities of SOLID WASTE generated within the City.
- 2.4.8 Council will encourage the Region to utilize innovative SOLID WASTE DISPOSAL Systems (e.g., SWARU) that recover and recycle SOLID WASTE.
- 2.4.9 Council may pass By-laws to require and control the location of WASTE storage areas and containers in Industrial and Commercial areas and to regulate the temporary storage of WASTE material on street boulevards.
- 2.4.10 Council will only permit waste management facilities, including expansions, on lands designated Industrial by this Plan, subject to the policies of Section 4.2.2.10 – Waste Management Facilities and Part D, Section 11 – Definitions of the Regional Official Plan.
(OPA 218)

Subsection B.3 - Circulation and Movement System

The general intent of this Plan is to ensure the development and maintenance of an effective CIRCULATION AND MOVEMENT SYSTEM that will maximize accessibility in all parts of the City and reduce conflicts between pedestrian and vehicular circulation. The CIRCULATION AND MOVEMENT SYSTEM will consist of a Road Network, Public Transit, Parking, Pedestrian and Bicycle Circulation, and Rail, Marine and Air Services which will link the various land use designations in the Plan.

Subsection B.3.1 - Road Network

It is the intent of this Plan that the ROAD NETWORK consisting of Regional and Municipal roads will accommodate anticipated future traffic volumes at a reasonably high level of service. Accordingly, this NETWORK is classified by function to identify and differentiate the various types of roads that are required for local and through traffic. This will also facilitate the planning and implementation of ROAD improvements, operation and maintenance.

3.1.1 In accordance with the provisions of the Regional Official Plan, Council will integrate the planning of the ROAD NETWORK under its jurisdiction with the Regional Road System.

3.1.2 In accordance with the intent of the Regional Official Plan, the ROAD NETWORK will be composed of Inter-Regional Highways, Arterials (which are Regional Roads), Collectors and Local Roads. All Inter-Regional Highways and Arterials are shown on Schedule "F"; in addition, right-of-way requirements are identified for certain Arterials and other roads.

3.1.3 The planning and implementation of the ROAD NETWORK will be subject to the following functional road classifications:

- i) INTER-REGIONAL HIGHWAYS provide strategic links in the ROAD NETWORK. Their primary function is to carry traffic into, through and out of the City and the Region. INTER-REGIONAL HIGHWAYS such as Queen Elizabeth Way, Highway 403, Centennial Parkway and Rymal Road will have full or partially-controlled access to abutting lands;
- ii) ARTERIAL ROADS will function as strategic links in the overall ROAD NETWORK. These Regional Roads will carry relatively large volumes of short and long-distance traffic in and through the City. ARTERIAL ROADS provide some access to abutting properties;
- iii) COLLECTOR ROADS will function as connecting road links between Arterial and Local Roads. They generally carry lower traffic volumes than Arterial Roads and may provide direct access to abutting properties; and,
- iv) LOCAL ROADS will provide direct access to abutting properties and carry traffic predominantly of local nature.

3.1.4 Where feasible, the planning and implementation of the ROAD NETWORK for each functional classification as described above will generally be based on certain standard right-of-way widths, current design practices, and in accordance with the Regional Official Plan. Notwithstanding the above, where existing roads in developed areas are designed at a lesser standard, consideration may be given for their improvement. The general road right-of-way widths will be based on the following standards and kept free of development:

- i) INTER-REGIONAL HIGHWAYS will have right-of-way widths and design standards adequate to accommodate long-distance traffic; the right-of-way widths and design standards of highways under the jurisdiction of the Province are determined by the Ministry of Transportation;
 - ii) ARTERIAL ROAD right-of-way widths will be 60 metres when there is complete control of access to abutting land use, and 26 to 36 metres in areas where there is only partial or no control of access to abutting land use;
 - iii) COLLECTOR ROAD right-of-way widths will range from 20 to 26 metres; and,
 - iv) LOCAL ROAD right-of-way widths will be up to 20 metres.
- 3.1.5 No development and/or redevelopment will be permitted which does not front on a public ROAD of an acceptable standard of construction. Further, Council will require, as a condition of approval, that sufficient lands are conveyed to provide for a Road right-of-way in accordance with the designated widths as set out in Policy B.3.1.4 above. Accordingly, Council may protect the specified right-of-way widths through the adoption of appropriate by-laws.
- 3.1.6 In accordance with the intent of the Regional Official Plan, where a significant portion of development has taken place along a Major Road and the Road rights-of-way are not specified on Schedule "F", Council will require special studies to be undertaken to determine a practical right-of-way along such ROADS to serve traffic requirements while minimizing the negative impacts on development. Accordingly, the exact rights-of-way to be protected for such ROADS will be specified by Council after these studies are completed by way of an amendment to this Plan.
- 3.1.7 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to protect lands for purposes of future controlled access interchanges to the proposed east-west transportation facility in the vicinity of:
- i) Garth Street;
 - ii) Upper James Street;
 - ii) Upper Wentworth Street;
 - iv) Upper Gage Avenue; and,
 - v) The northern extension of Dartnall Road.

The exact boundaries of the lands required for these interchanges will be determined through detailed study and will be designated in Neighbourhood Plans.

- 3.1.8 In addition to Policy B.3.1.9 below, Council will, where deemed necessary and with

the co-operation of the Region, initiate construction and maintenance programs to improve the safety and operation of the ROAD NETWORK.

3.1.9 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to improve and overcome deficiencies on Arterial Roads by providing for the possible future location or the improvement of the following:

- i) A new road linking Burlington Street West to Highway 403 as shown on Schedule "F";
- ii) A new east-west and north-south transportation facility that will link Highway 403 on the Mountain with Queen Elizabeth Way as shown on Schedule "F";
- iii) Additional east-west road capacity on existing Arterial Roads or a new road connection between the downtown area and the junction of Main Street and Cootes Drive; and,
- iv) Additional east-west road capacity on existing Arterial Roads or a new road connection between the downtown area and the junction of King Street and Lawrence Road.

Further, these new links will be assessed in reference to their effects on adjacent land uses through the preparation of detailed policies in Neighbourhood Plans. Accordingly, such Plans will promote, where necessary, appropriate setback, buffering, screening and landscaping to alleviate environmental, social and economic consequences resulting from the possible new location of such roads and will be in keeping with the intent of The Environmental Assessment Act.

3.1.10 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to improve, when necessary, the Mountain access approaches between Beckett Drive and Sherman Access. Accordingly, Council will assist the Region in reviewing the pattern of vehicular movement and take necessary measures to maintain the free flow of traffic and minimize impacts on adjacent neighbourhoods.

3.1.11 In accordance with the intent of the Regional Official Plan, and where feasible, direct access to Arterial Roads from individual properties will be limited by special restrictions to enhance the free flow of traffic and minimize the impacts on abutting properties and pedestrian movement. Accordingly, the following general principles will be used to implement this policy through Neighbourhood Plans:

- i) The location and design of Collector Roads to discourage through-vehicular traffic within Residential areas;
- ii) The spacing between Arterial and Collector Road intersections will be appropriate to accommodate traffic control devices operated in a safe and efficient manner to enhance the flow of traffic along Arterial Roads and

minimize the number of stops for vehicular traffic;

- iii) The spacing and possible reduction of driveways on Arterial Roads by means of proper site planning techniques such as controlled access and common off-street parking facilities;
- iv) Where feasible, the elimination of on-street parking on Arterial Roads by providing suitable off-street parking facilities;
- v) An adequate buffer or intervening landscaping and screening; and,
- vi) The provisions set out in Subsection D.2 of this Plan.

3.1.12 Further, where reverse frontage lots for Residential development are required adjacent to Arterial Roads (i.e., the east-west and north-south transportation facility), additional measures to attenuate the effects of noise and visual intrusion, such as, but not limited to, additional yard or lot requirements, double-glazing of windows, use of construction materials having sound-proofing qualities, and the reserve of easements for the effective placement of noise berms, will be investigated and implemented, where required, to meet the acoustical standards of the Ministry of Environment and Energy and as further set out in Subsection C.7.

3.1.13 Council will co-operate with the Region in the designation and development of scenic drives and their integration with major Open Spaces, recreational areas and pedestrian and bicycle paths.

3.1.14 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to designate, maintain, monitor and improve truck routes to accommodate the safe and efficient movement of truck traffic, while prohibiting the penetration of non-essential trucking into Residential areas.

3.1.15 In addition to Policy B.3.1.14 above, Council may require appropriate building setbacks, screening and buffering requirements along designated truck routes to alleviate excessive noise impacts on adjacent land uses.

3.1.16 Neighbourhood Plans will identify appropriate abatement measures to mitigate the impact of rail and vehicular noise on existing and proposed Residential developments, and will be in accordance with the provisions of Subsection C.7.

3.1.17 Council, in reviewing new subdivision plans, development and/or redevelopment proposals, will require, as a general standard, that sidewalks be provided within the development.

3.1.18 It is the intent of Council to permit temporary licensed wayside pits and quarries for the construction and maintenance of public roads, without amendment to this Plan. However, they will not be permitted in areas designated for Residential purposes or in areas where environmental disruption may occur. Further, Council will

request the Ministry of Natural Resources to refer all applications for a permit to open, establish or operate a temporary wayside pit or quarry to the City prior to issuing such a permit. In this regard, Council may make recommendations to the Ministry regarding the method of operation and rehabilitation.

Notwithstanding the foregoing, temporary licensed wayside pits or quarries for the construction and maintenance of public roads are not permitted on lands designated Escarpment Natural Area and Escarpment Protection Area in the Niagara Escarpment Plan, as identified by Special Policy Area "1a" and "1b" on Schedule "B" - Special Policy Areas and Schedule "B-3" - Other Special Policy Areas. (O.P.A. No. 123 & 128)

3.1.19 In accordance with the Planning Act, where a property is located in a Proposed Site Plan control area, as defined in Subsection D.3, the following provisions will apply:

- i) Further to Policy B.3.1.2 above, Council will require as a condition of Site Plan approval, the dedication of property abutting ROADS with future rights-of-way widths in the south mountain and east end areas of the City, as specified on Schedule "F". In addition, the dedication of property abutting certain ROADS with future rights-of-way widths as defined below will also be required.

<u>Road</u>	<u>From</u>	<u>To</u>	Future Rights-of-Way Width (metres)
Bay Street	Perimeter Industrial Road	Main Street	26
Centennial Parkway	Queen Elizabeth Way	Barton Street	36
Cannon Street	Caroline Street	Victoria Avenue	26
King Street	Highway No. 403	Bay Street	26
King Street	Wellington Street	Victoria Avenue	26
Limeridge Road	150 metres east of West 5th Street	150 metres west of West 5th Street	26
Limeridge Road	150 metres west of Upper James Street	Ridge Street	26
Limeridge Road	150 metres west of Upper Wellington	150 metres east of Upper Sherman	26
Limeridge Road	150 metres west of Upper Ottawa	Mountain Brow Boulevard	26
Main Street	Highway No. 403	Bay Street	26
Queen Street	Main Street	York Boulevard	26
Wellington Street	Claremount Access	Perimeter Industrial Road	26
Wilson Street	James Street	Victoria Avenue	26
York Boulevard	MacNab Street	James Street	26

- ii) The future rights-of-way widths identified in i) above are based on the converted metric equivalent from the imperial measurement standard as follows:

Imperial Measurement	Exact metric equivalent	Rounded metric Equivalent
66 feet	20.117 metres	20 metres
80 feet	24.384 metres	24 metres
86 feet	26.213 metres	26 metres
100 feet	30.480 metres	30 metres
120 feet	36.576 metres	36 metres

Accordingly, the extent of the proposed widening on new ROADS or sections of existing ROADS which have not been previously widened will be calculated based on the rounded metric equivalent. However, on all existing ROADS where previous widenings have occurred, the proposed widening will be based on the exact metric equivalent;

- iii) Where feasible, Council will acquire land through dedication, equally from both sides of the ROAD. However, in the developed areas of the City, it may be necessary to acquire more than half of the total dedication from one side of the ROAD. In such cases, the amount of land to be dedicated from each side of the ROAD, will not exceed one-half of the total proposed widening;
- iv) Notwithstanding the policies of Section B.3.1.19 iii), Council will require, as a condition of Site Plan approval, the dedication of additional property for daylighting triangles at Road intersections. In this regard, the maximum amount of land to be dedicated will not exceed 72 square metres;
- v) Notwithstanding the policies of Section B.3.1.19 iii), in certain cases and where deemed necessary Council may require ROAD widenings in addition to the rights-of-way widths specified in i) above, to provide auxiliary turning lanes, or to provide appropriate access to a specific site, such as but not limited to alleyways, laybys, or where cut and fill requirements cannot be achieved within the specified rights-of-way to accommodate the necessary side slopes and/or retaining walls; and, (O.P.A. No. 32 & 128)
- vi) It is the intent of Council to ensure the minimum roadway width is 15m. In this regard, as a condition of Site Plan approval, the dedication of ROAD widenings will be required to establish a ROAD allowance width a minimum of 15m, and daylight triangles to accommodate ROAD facilities. (O.P.A. No. 128)

3.1.20 It is the intent of Council to improve the operation of Roads by accommodating traffic control devices, which would enhance the free flow of vehicular traffic and improve their energy efficiency. (O.P.A. No. 14 - B.3.1.19 changed to B.3.1.20, as concurred by the Ministry of Municipal Affairs)

3.1.21 Notwithstanding the foregoing policies of this Subsection, only essential

transportation facilities will be permitted within the Escarpment Natural Area, as identified by Special Policy Area "1a" on Schedule "B" - Special Policy Areas and Schedule "B-3" - Other Special Policy Areas. In addition, all transportation facilities proposed within the area of the Niagara Escarpment Plan must conform to the policies of that Plan.

(O.P.A. No. 123 & 128)

Subsection B.3.2 - Public Transit

It is the intent of this Plan to provide for an efficient PUBLIC TRANSIT System that will meet the future needs of people in the City, and will attract sufficient levels of ridership.

3.2.1 In accordance with the intent of the Regional Official Plan, Council will encourage the Regional Transportation Department to maintain a level of PUBLIC TRANSIT service that reflects and meets the needs of the commuting public. Accordingly, Council will support the Region in promoting TRANSIT ridership throughout the City, extending and integrating the PUBLIC TRANSIT service with other land uses.

3.2.2 Council will encourage the Regional transportation Department to ensure:

- i) The safe and efficient movement of the commuting public;
- ii) The continued development of the TRANSIT System in the Central Policy Area as a primary focal point of the System to provide a high degree of accessibility and reduce dependency on private automobiles;
- iii) An optimum number and distribution of TRANSIT routes throughout the City; and,
- iv) A high degree of accessibility to the PUBLIC TRANSIT System in all areas.

3.2.3 Council will promote Sub-Regional Centres as secondary focal points for local TRANSIT service and, further, will co-operate with other levels of government in any investigation to increase TRANSIT capacity linking the Central Policy Area and the Sub-Regional Centres to other land uses.

3.2.4 Council will investigate with the appropriate Regional and Provincial authorities the feasibility of a multi-mode transportation terminal in the Central Policy Area for inter-urban and intra-urban TRANSIT services. Accordingly, Council will encourage the consideration of the following criteria:

- i) Proximity to other forms of PUBLIC TRANSIT;
- ii) Proximity to pedestrian routes;
- iii) Proximity to existing and proposed employment/retail centres;
- iv) Proximity to parking facilities; and,
- v) Ease of access for TRANSIT vehicles.

3.2.5 In the planning of TRANSIT services, and in accordance with the Regional Official Plan, Council will encourage the appropriate authorities to consider the location of

the following:

- i) Major employment and retail concentrations and schools;
- ii) Concentrations of high-density Residential developments;
- iii) Terminals of inter-city transportation systems;
- iv) Major medical and social service centres;
- v) Housing developments for the elderly and/or the handicapped; and,
- vi) Parks, theatres and museums.

- 3.2.6 Council will encourage and co-operate with the appropriate authorities to ensure that all Shopping Centres and Extended Commercial areas are provided with an acceptable level of TRANSIT service.
- 3.2.7 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to establish ancillary public parking to promote and facilitate the use of PUBLIC TRANSIT.
- 3.2.8 In the preparation of Neighbourhood Plans, Council will encourage and co-operate with the Region's Transportation Department to locate TRANSIT stops in accordance with the policies established by the Region. Where possible and feasible, transit stops will be located in close proximity to passenger generators. Furthermore, Council will support, where practicable, the integration of those stops with pedestrian crosswalks.
- 3.2.9 In keeping with the intent of Policy B.3.2.8 above, Council will co-operate and encourage the Region to promote, where necessary and feasible, the provision of special bus lanes and bus-bays for routes carrying high volumes of TRANSIT vehicles.
- 3.2.10 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region and the appropriate Provincial agencies to provide and maintain an inter-regional TRANSIT System which increases accessibility between Hamilton and municipalities beyond the Region.
- 3.2.11 Council will co-operate with the Regional and Provincial Governments to improve commuter rail services (GO Transit) connecting downtown Hamilton with other centres.
- 3.2.12 To ensure an integrated TRANSIT system, the proposed GO terminal at the C.P. Rail railway station (former T.H.&B. station) be developed as an inter-modal TRANSIT facility providing services such as, but not limited to, Kiss-n-Ride and intercity bus links.

Subsection B.3.3 - Public and Private Parking

The Plan recognizes the importance of PUBLIC AND PRIVATE PARKING facilities. In this regard, it is intended that adequate PUBLIC AND PRIVATE PARKING facilities are available and will continue to serve the City without interfering with the efficient flow of traffic movement.

- 3.3.1 Council will maintain and enhance the supply of short-term PARKING in the City through the operation of the Municipal Parking Authority and requirements for the provisions of PRIVATE PARKING.
- 3.3.2 In keeping with the intent of Policy B.3.3.1 above, Council will regularly review its PARKING policies and relevant By-laws to ensure the safe and efficient operation of PARKING facilities.
- 3.3.3 Council will discourage, where appropriate, the provision of on-street PARKING on Arterial Roads to facilitate the free flow of traffic movement and, accordingly, will encourage replacement with sufficient off-street and/or on-site PARKING facilities.
- 3.3.4 Council will require that, in all normal circumstances, a high standard will be maintained in accordance with current design practices for PARKING and loading facilities.
- 3.3.5 Council will require, as a condition of development or redevelopment, that ingress and egress points of PARKING areas will be limited in number and designed to acceptable standards for traffic safety. Council will further encourage the sharing of access points by similar adjoining land uses, where practicable, to minimize traffic hazards on Major Roads.
- 3.3.6 Where necessary and feasible, off-street PARKING, driveways and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All PARKING areas will be suitably surfaced to resist degradation from the elements or use and, where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby.
- 3.3.7 Where severe PARKING and/or loading problems are encountered in developed areas and where the PARKING and/or loading of vehicles on streets or adjacent lands constitutes a nuisance, or is seriously affecting the amenity and maintenance of the area, Council may consider the acquisition of lands in appropriate locations for PARKING purposes pursuant to The Municipal Act. Preference will be given to those locations where the problems are most severe and/or where the greatest number of land uses may benefit.
- 3.3.8 Council may, at its discretion and subject to the Planning Act, provide developers with the option of making a cash payment to the City in lieu of all or part of the Zoning By-law PARKING requirements. Such funds will be used for the

acquisition of lands and/or the provision of off-street PARKING through the City where deemed appropriate by Council. (O.P.A. No. 46)

3.3.9 In accordance with The Planning Act, and Subsection D.3 of this Plan, those lands that are vacant and which may be advantageously utilized to relieve PARKING difficulties in the City may be authorized by Council to be used as "temporary" PARKING lots, notwithstanding their designations on Schedule "A", subject to the following:

- i) Temporary PARKING areas will not unduly impede pedestrian movement, or the use of Residential, Open Space or other public lands;
- ii) Temporary PARKING areas will be sited and designed to reflect the best interests of the local area;
- iii) The use of such vacant lands for temporary PARKING will not exceed three (3) years; and,
- iv) Notwithstanding the above, Council may extend approval for temporary PARKING for additional periods as provided for in clause iii) above, upon termination of the approval period where specific application to Council for such extended approval is made. (O.P.A. No. 15)

Subsection B.3.4 - Pedestrian and Bicycle Circulation

This Plan promotes a safe PEDESTRIAN AND BICYCLE CIRCULATION System that "links" the various activity nodes throughout the City. The System will also complement, and provide an alternative to, vehicular circulation in the Central Policy Area.

- 3.4.1 Council will promote the development of a "link-node" system which will link major PEDESTRIAN destinations such as Schools, Parks and Commercial areas (e.g., the Central Policy Area) by PEDESTRIAN paths, sidewalks along certain roads, or BICYCLE routes. The location of bikeways, and pedestrian paths may be detailed through the preparation of Neighbourhood Plans. Further, where feasible, Council will continue to implement a "link-node" system.
- 3.4.2 Where feasible, a continuous "link-node" system will be co-ordinated with the development and/or redevelopment of Residential and other areas throughout the City. Accordingly, Council will have regard for the following provisions:
- i) The system will be designed such that it will intersect with major roads at specified points to ensure the safety of pedestrians and cyclists;
 - ii) Where appropriate, the system will be integrated with natural amenity areas such as Open Space, valleys and parks; and,
 - iii) When development and/or redevelopment proposals are submitted for approval and, where such proposals are on land that may affect the continuous nature of the "link-node" system, every effort will be made to ensure that such proposals are integrated with the system through land dedication or land acquisition.

Subsection B.3.5 - Rail Service

It is the intent of this Plan to recognize a RAIL SERVICE System that will meet the existing and future requirements of residents, business and industries. Moreover, the System will supplement road transport for commodity movements. It is also intended to minimize inherent conflicts between rail, vehicular and pedestrian circulation.

- 3.5.1 In accordance with the Regional Official Plan, Council will encourage railway companies to provide safe and efficient service for both the residents and industries of the City. In this regard, Council will promote RAIL SERVICE to improve the inter-city commuter facilities and provide sufficient RAIL SERVICE for Industrial establishments.
- 3.5.2 Council recognizes the concerns of the railway companies with regards to the potential impacts on their property by major residential and institutional developments and redevelopments adjacent to RAILWAY rights of way. In this regard, such development will be subject to the provisions of Subsections A.2.1 and C.9. (O.P.A. No. 128)
- 3.5.3 Council, in co-operation with the Region and the appropriate authorities, will review the conflicts between RAIL and vehicular or pedestrian movements, and adjacent land uses, to ascertain the measures to:
- i) Provide appropriate level crossing control devices;
 - ii) Accommodate grade separations where hazardous conditions prevail with the financial assistance of the Federal Government; and,
 - iii) Provide and maintain fences and/or other appropriate measures along RAIL lines and RAIL yards so as to minimize impacts of the RAIL operations on surrounding Residential Uses.
- 3.5.4 In accordance with the intent of the Regional Official Plan, Council will co-operate with the Region to ensure the integration of existing or planned railway yards and stations within the context of the overall Circulation and Movement System.
- 3.5.5 Council will co-operate with the appropriate agencies to investigate the long-term intended use of existing and abandoned railway lines throughout the City.
- 3.5.6 Further to Policy B.3.5.4 above, Council will co-operate with the Region and the appropriate Authority to initiate a detailed investigation into the possibility of relocating the Stuart Street Marshalling Yards to another suitable location.

Subsection B.3.6 - Marine Service

It is recognized in this Plan that the City of Hamilton has exclusive jurisdiction under The Planning Act with respect to land use control, except where the Hamilton Harbour Commissioners undertake development of land for bona fide shipping and navigation purposes. The authority of the Hamilton Harbour Commissioners with respect to uses of land for bona fide shipping and navigation is, therefore, recognized in this Plan.

- 3.6.1 Council will encourage and support the Hamilton Harbour Commissioners in the development of land for bona fide shipping and navigation purposes in a manner consistent with the economic and environmental goals of the City.

Subsection B.3.7 - Air Service - Hamilton Airport

It is the general intent of this Plan to recognize the importance of the Hamilton Airport to the City and the Region. Accordingly, the City will co-operate with all levels of government and private agencies to provide safe and efficient AIR SERVICE.

3.7.1 Council recognizes the importance of the HAMILTON AIRPORT for the growth and development of the City and the Region. In this regard, Council will encourage all other agencies of government and private authorities to enhance AIR SERVICE to meet future travel needs by means of:

- i) Modernization and expansion of existing facilities;
- ii) Construction of new runways; and,
- iii) Improving ancillary uses associated with the operation of the AIRPORT such as access and Engineering Services.

3.7.2 The provisions of Subsection C.9 will apply to future residential development that is affected by a Noise Exposure Contour of 28 or greater. (O.P.A. No. 128)

Subsection B.4 - Public Utility Services

The general intent of the policies set out in this Plan is to ensure that the various agencies responsible for UTILITY SERVICES provide the necessary services that are associated with and support existing and proposed development. Accordingly, these SERVICES will have a minimum of impact on the built and natural environments.

- 4.1 Council will encourage and, where necessary, participate with the various public or private UTILITY agencies to ensure that UTILITY SERVICES such as electric power, pipelines and natural gas lines are readily available to all development at levels necessary to ensure the safety and convenience of the community.
- 4.2 Council will encourage and co-operate with the various public and private agencies in the planning of future transmission routes, easements and facilities for UTILITY SERVICES. Such SERVICES will be provided in a manner which can be integrated with the established and/or anticipated pattern of development.
- 4.3 Council will encourage the appropriate public or private agencies to place electric power, telephone lines, multi-use cables and other such UTILITY SERVICES underground and in accordance with the following provisions:
 - i) In areas where new developments occur, this will be encouraged prior to the actual construction of buildings;
 - ii) In areas where redevelopments occur, this will be required only when and if it is reasonable and economical, having regard to the size of the redevelopment and the extent of work involved; and,
 - iii) In areas where development is likely to remain stable and overhead wires exist, this will be encouraged, where feasible and practicable, when major street improvements are undertaken.

SECTION C - AMENITY AND DESIGN STRATEGY

The on-going interplay of prominent natural resources and man-made attributes constitutes a significant factor in defining the visual character and quality of life in the City of Hamilton. In order to ensure that these amenities are maintained and enhanced in the realization of the Land Use and Management Strategy, complementing policy direction is required.

While many aspects of AMENITY AND DESIGN are rather subjective, it is the intent of this Plan to detail a strategy premised on accepted fundamental considerations, with sufficient policy direction to enable Council to proceed further in maintaining a quality environment. Accordingly, it is intended that the STRATEGY provide:

- *guidelines for the provisions of Community Services;*
- *measures to encourage Safety to persons and property;*
- *policies for the provision and preservation of vegetation;*
- *guidelines for Pollution control and abatement;*
- *measures for the Maintenance of public and private properties;*
- *policies to enhance the Residential Environment and to ensure that an appropriate supply of Housing may be provided to meet the changing requirements of the community; and*
- *provisions to preserve and utilize the Architectural and Historic resources of Hamilton to enhance the visual character of the City.*

Subsection C.1 - Community Services

The provision of adequate COMMUNITY SERVICES at a rate commensurate with anticipated growth is essential to enhance the quality of life enjoyed by the residents of the City of Hamilton. This will depend, in great measure, on the degree to which COMMUNITY SERVICES such as Parklands and recreation, Schools and Libraries are provided to satisfy the needs of the various segments of the population. Accordingly, where appropriate, the adequacy and required levels of these SERVICES will be determined by relating the design population of Planning Units (Neighbourhoods) to recognized standards.

- 1.1 It is the intent of Council to ensure that adequate levels of suitably distributed COMMUNITY SERVICES be provided to satisfy the changing requirements of Hamilton residents. In the provision of SERVICES such as Parklands, Schools and Libraries, Council will, in addition to the provisions herein, be guided by the appropriate policies set out in Subsections A.2.4, A.2.6, B.3.4 and D.2 of this Plan.

Subsection C.1.1 – Parkland Policies

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

Permitted Uses

- 1.1.1 The uses permitted on lands designated as Open Space and Parks – Neighbourhood, Community, City Wide - on Appendix “1”, Parks Classification Map and Secondary Plans shall be for both active and passive recreational uses, community/recreational facilities, and other open space uses.**
- 1.1.2 Ancillary commercial uses which 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.**
- 1.1.3 The lands designated as Natural Open Space on Appendix “1” – Parks Classification Map and on Secondary Plans, are generally part of a park area or conservation area. They have environmental features and are intended to be preserved in their natural state. Where appropriate, passive recreational activities/uses may be permitted including trails, picnic areas, forest management, conservation management.**

Hierarchy

- 1.1.4. The City shall establish a hierarchy of parks as follows which are applicable to park types in the urban area;**
 - i) Neighbourhood Parks primarily cater to the recreational needs and interests of the residents living within their 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 2 hectares.

- ii) **Community Parks** serve more than one neighbourhood, 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 will have good transportation access along adjacent arterial and/or collector roadways and provide adequate parking to meet anticipated demand. Community Parks in urban areas should appropriately located along transit routes. They serve a population of approximately 20,000 people and have a minimum size of approximately 7 hectares.
- iii) **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 of features.
- iv) **Parkettes** are small open spaces which have no or limited recreational facilities. They are generally located in the older urban areas where they serve an important function in the provision of open space opportunities.

1.1.5 In addition to the parks hierarchy outlined in 1.1.4, there are two Open Space categories not considered as Parks but which contribute to the City's Open Space System:

- i) **General Open Space** shall include golf courses, community gardens, pedestrian and bicycle trails, walkways, picnic areas, beaches, remnant parcels of open space lands and urban plazas, squares and core spaces. These areas do not function as parks but are used for both active and passive recreational activities.
- ii) **Natural Open Space** will include lands with significant natural features and landscapes such as woodlots, hazard lands, forested slopes, creek/ravine corridors, City-owned lands on the Niagara Escarpment, Lake Ontario shoreline, environmentally sensitive Areas (of natural and scientific interest) and areas of wildlife habitat. These areas perform important biological and ecological functions and provide non-intensive recreational opportunities.

1.1.6 In certain cases, single parks may have dual classifications, such as natural/community, which recognize that parks can have multiple functions.

1.1.7 Parks and Natural Open Spaces shall be linked in a continuous public Open

Space System, including those lands identified in the Niagara Escarpment Parks and Open Space System, wherever possible.

- 1.1.8 All Open Space and Parks in the Urban Area are designated as Open Space on Schedule A, Land Use Concept. The classification of parkland will be identified in Secondary Plans. Where no Secondary Plans exist, Appendix “1” to the Official Plan will be used to refer to the classifications of City-owned or managed open spaces. These classifications will be used to determine parkland needs in accordance with Policy 1.1.9.

Appendix 1 has been included for information purposes only. Changes or additions to the classifications shown shall not require an amendment to this Plan.

Parkland Standards

- 1.1.9 To ensure the provision of an adequate amount of parkland, the following standards will be used in the determination of parkland needs.

- i) Urban Area (as defined on Schedule “A” of this Plan)

<i>Park Classification</i>	<i>Per 1,000 Population (Ratios)</i>	<i>Minimum Service Radius/ Walking Distance</i>
Neighbourhood Parks	0.7 ha/1000	800 m
Community Parks	0.7 ha/1000	2 km

- ii) Rural and Urban Areas in all areas of the city
[Calculation requires City Wide parks to be evaluated in all the former municipalities]

<i>Park Classification</i>	<i>Per 1,000 Population (Ratios)</i>	<i>Minimum Service Radius/Walking Distance</i>
City Wide Parks	0.7 ha/1000	n/a

- 1.1.10 Parkettes have no parkland standards because of their small size and limited recreational opportunities. The purchase of parkettes will only be made in exceptional circumstances where no other parks or open spaces exist in the vicinity or where there are no other opportunities to purchase a neighbourhood or community park.

- 1.1.11 General Open Space and Natural Open Space Areas are not considered parkland. Therefore no standards are applied.

1.1.12 Where parkland standards may not be met in existing built up areas, the City will endeavour to increase the supply of parkland through bequests, donations, partnerships with other public agencies and other methods as set out in Policy 1.1.20.

1.1.13 Notwithstanding Policy 1.1.9, the City may consider a lower parkland standard in those neighbourhoods where a Neighbourhood and Community Park may be feasibly combined on the same site.

1.1.14 Through the preparation of Secondary Plans/Neighbourhood Plans, the City will determine the amount and type of park required based on the following considerations:

- i) the parkland standards in Policy 1.1.9;**
- ii) projected population;**
- iii) the location of other parks in adjacent areas;**
- iv) feasibility of locating near schools and Natural Open Spaces; and,**
- v) site characteristics (slope, natural features, frontage in a public road) as defined by the Landscape manual for parks, adopted by City Council.**

1.1.15 Preference will be given to locating Neighbourhood or Community Parks adjacent to school sites.

1.1.16 Where lands are deemed surplus by the City, public agency or other land owner, the following criteria will be used in the evaluation of parkland needs;

- i) the amount of parkland deficit/surplus based on the standards in Policy 1.1.9;**
- ii) the size, the location and site characteristics of the surplus land;**
- ii) the size and location of other Neighbourhood, Community or City Wide parks in the area; and,**
- iv) available municipal funds.**

1.1.17 Whenever land designated or used for Open Space and Parks is acquired or used by a City department or other public agency for non-recreational public purposes, the City or public agency will 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.

Subsection C.1.2 - Schools

Recognizing that the responsibility for SCHOOLS is vested with the Hamilton Board of Education and the Hamilton-Wentworth Roman Catholic Separate School Board, it is the general intent of this Plan to provide information on which decision for provision of SCHOOLS may be based. It is intended that SCHOOLS be located so that they are accessible to all students with a minimum exposure to traffic hazards. Where feasible in the newly-developing areas of the City, it is intended that SCHOOL facilities be integrated into the general design of the neighbourhood and be developed in conjunction with a Park so that they may operate together as a unit to maximize the use of the facilities by residents in the immediate area.

1.2.1 It is the intent of Council to co-operate with the School Boards where new SCHOOL facilities may be contemplated and encourage the Boards to consider the following site factors where feasible:

- i) A location close to the centre of the Neighbourhood or the area to be served, but reasonable variations may be made in locations to permit integration with Parks or other public facilities;**
- ii) A site of sufficient size to accommodate educational requirements and reasonable future expansion of the facility when warranted, based on the following objectives:**

SCHOOL TYPE	SCHOOL SITE OBJECTIVE PER 1,000 POPULATION SERVED (HECTARES)
Separate or Public Elementary Schools	Not less than 0.5
Junior High or High Schools	Not less than 0.25

- iii) Where new Public and Separate SCHOOLS are required to serve a particular area, consideration should be given to locating these in such a manner that the sharing of facilities can be achieved in a campus-like setting to optimize the use of a common site, parking and playground and to take advantage of economies in construction and maintenance that may be gained thereby.**

1.2.2 Where a SCHOOL site is not adjacent to an existing or proposed Neighbourhood or Community Park, Council may encourage increasing the desired SCHOOL site area set out in Policy C.1.2.1 above by up to 25 percent.

1.2.3 In developed Neighbourhoods, where an older School is to be replaced or relocated, the appropriate School Board will be encouraged to improve the level of service in the area by means such as, but not limited to, modification of SCHOOL district boundaries or expansion of existing SCHOOLS nearby to

improve accessibility by the student population.

Subsection C.1.3 - Library Services

While it is intended that the existing inventory of LIBRARY SERVICES will continue to serve City residents, auxiliary facilities may be required when both population growth and user demands warrant. Since it is difficult to anticipate this demand by identifying the number and location of auxiliary LIBRARY SERVICES, it is the intent of this Plan to provide policy direction to assist decision-making for this eventuality to optimize their distribution and accessibility relative to users.

1.3.1 Should established public LIBRARY facilities become functionally and locationally inadequate to serve area residents due to population growth and user demands, Council will encourage the Hamilton Public Library Board to provide alternative or additional branch LIBRARIES. To ensure the provision of suitable LIBRARY sites, Council will encourage the inclusion of the Library Board in the planning of civic developments. The Hamilton Public Library Board should consider new locations in accordance with the following provisions:

- i) A location in a Multi-Centre of the area to be served and/or in conjunction with other Community Services and readily accessible by pedestrian and vehicular modes of transport will be preferred; and,**
- ii) Where a Multi-Centre is to be developed in an older neighbourhood, or is to be improved by the addition of Community Services, the provision of LIBRARY facilities will be encouraged by the inclusion of the Library Board in planning discussions.**

1.3.2 The Hamilton Public Library Board should be encouraged to continue to co-operate with the Ontario Library Service South in order to maximize and enhance the level of service to City residents.

1.3.3 Where feasible and in co-operation with the appropriate School Board, the public use of existing Secondary Schools' LIBRARY facilities after regular School hours will be encouraged, provided that the School serves as part of a Multi-Centre, and that the location meets the requirements of C.1.3.1 i) above.

Subsection C.2 - Safety and Convenience

In achieving the Land Use and Management Strategy set out in this Plan, Council recognizes the necessity of achieving SAFETY AND CONVENIENCE for all residents of the City. Accordingly, policies are provided which may directly benefit the community, and which are intended to complement the normal functions of local protective service agencies.

- 2.1 Council will encourage co-operation amongst public agencies, private landowners and municipal protective services to ensure the provision and maintenance of adequate access to facilitate effective emergency service.**
- 2.2 Council will consider appropriate by-laws, encouragement or other actions which may be deemed to have potential in maintaining security to persons or property. In this regard, consideration may be given to such matters as, but not limited to, the following:**
 - i) Review and/or establishment of adequate illumination standards in parking garages, alleyways or other high-risk areas;**
 - ii) The use of light-coloured building materials and finishes along alleyways to facilitate nighttime surveillance;**
 - iii) The use of glass doors in such low-visibility areas as stairways, parking garages, elevator foyers, etc.;**
 - iv) The location of cashier counters and limitations on the obscuring of windows by promotional material in stores licensed for late operation; and,**
 - v) Ensuring that low-traffic areas in Shopping Centres such as washrooms, stairwells, elevators, telephone locations and hallways are designed to be in close proximity to the general activity areas of the development.**
- 2.3 Council recognizes the concept of barrier free design as an important component of new development and/or redevelopment which may be realized through measures such as, but not limited to:**
 - i) The ramping of sidewalks;**
 - ii) The requirement of appropriate access ramps, elevator or other means to all publicly accessible buildings and open spaces;**
 - iii) The reservation of conveniently located and appropriately designed parking spaces for all public and private buildings for the use by the**

- physically disabled;**
- iv) Co-operation with the appropriate public agencies to investigate and implement appropriate public transportation opportunities for the physically disabled; and,**
 - v) Co-operation with the appropriate government, public or private agencies, organizations, or committees dealing with issues related to disabilities.**
(O.P.A. No. 128)
- 2.4 All proposed development adjacent to the railways will ensure that appropriate safety measures such as setbacks, berms and security fencing are provided to the satisfaction of the City, in consultation with the appropriate railway.**
(O.P.A. No. 128)

Subsection C.3 - Tree Planting and Landscaping

It is the intent of this Plan that the streetscape be enhanced by the retention of existing vegetation, the promotion of the widespread growth of TREES and the provision of LANDSCAPING. In general, a program of PLANTING, preservation and LANDSCAPING will be encouraged to enhance the amenity and appearance of the City.

- 3.1 In all public works, no TREES will be removed unnecessarily and TREES that must be removed for the purpose of public works installations will, where desirable and practicable, be replaced as soon as possible to enhance the final appearance of these installations.**
- 3.2 When considering a plan of subdivision or any other development proposal, Council may require that the owner enter into an agreement whereby:**
 - i) Only such TREES that would directly impede the construction of buildings and services may be removed and, if so, the developer will replace them in reasonable time by TREES of similar species and of sufficient maturity to enhance the appearance of the subdivision when completed;**
 - ii) A reasonable minimum number of TREES and/or other suitable vegetation per lot may be required of the developer regardless of the state of the area prior to being subdivided or developed;**
 - iii) Existing TREES which are not removed will be adequately protected during the construction process, and the roots protected to ensure continued growth; and,**
 - iv) Where parking lots and other large open spaces are provided, and in open areas around Commercial and Major Institutional Uses and large buildings, Council will encourage, and may require as a condition of development or redevelopment, the provision of LANDSCAPING AND TREE PLANTING sufficient to enhance the physical appearance of the site and surrounding lands.**

Subsection C.4 - Pollution

It is the intent of Council that POLLUTION of the air, water and land in its many forms be prevented, mitigated or otherwise controlled.

- 4.1 Council will encourage appropriate Provincial and Federal agencies, including the International Joint Commission, to achieve a continuing reduction in levels of POLLUTION originating beyond the Region.**
- 4.2 Council will control domestic, commercial, industrial and other sources of POLLUTION by appropriate by-laws or other means as may be provided for in Provincial Statutes.**
- 4.3 No development will be permitted unless it is of a standard that will conform with the current policies of the Provincial Government regarding air, noise and water POLLUTION.**
- 4.4 Council will encourage and cooperate with all relevant agencies to reduce levels of POLLUTION in Lake Ontario, Hamilton Harbour, Cootes Paradise and watercourses within the City. Further, Council will co-operate with the Region to ensure that all effluent discharged into these waters by industry, storm sewers, the municipal sewage treatment plant or from other municipal sources will be of sufficient quality to satisfy the minimum standards established by the Ministry of Environment and Energy for recreational use of these waters.**
- 4.5 Council will encourage the appropriate agencies to ensure that landfill sites which are exposed to the erosional forces of wind and/or wave action and surface water drainage are adequately secured according to established engineering practice and landscaped to the satisfaction of the Ministry of Environment and Energy, Ministry of Natural Resources and Conservation Authorities having jurisdiction.**
- 4.6 Council will require, as a condition of development or redevelopment, measures to mitigate generation of POLLUTION, such as, but not limited to:**
 - i) Daily removal of tracked debris from roads serving a construction site;**
 - ii) A reasonable guarantee for the completion of resodding, paving or other measures to stabilize exposed soils; and,**
 - iii) The expeditious removal of demolished buildings and structures.**
- 4.7 To reduce levels and sources of wind-borne dust in the City, Council may require that all permanent Parking areas be hard-surfaced with a suitable**

dust-free material. Council may alternatively permit temporary or other Parking areas which are regularly treated with appropriate dust controlling agents to be gravelled.

- 4.8 Council will minimize the re-entrainment of dust from municipal roads, and will encourage the Region to do the same for roads under its jurisdiction, by means such as, but not limited to:

- i) Regular and frequent cleaning of roads and sidewalks;
- ii) Minimizing speed limits on unpaved roads; and,
- iii) Application of dust control agents on unpaved roads.

- 4.9 Council recognizes the Ministry of Environment and Energy's concerns regarding the potential for contamination of soils and supports its efforts for the decommissioning of such sites. Accordingly, where the development/redevelopment is proposed for lands currently or previously known to be used for industrial, transportation or utility purposes Council will, in the consideration of an amendment application to this Plan and/or the implementing zoning by-law:

- i) require the proponents to submit to the Ministry of Environment and Energy, in accordance with that Ministry's requirements, a professional analysis of soils on the site determining the presence, type(s) and concentration of contaminants which may be hazardous to the environment and/or to human health as a prerequisite of development or redevelopment. Determination of contaminants for which analysis will be conducted will be based upon all present and previous uses of the site.

If the analysis identifies the presence of contaminants at concentrations above background levels, the Ministry will require the proponent to formulate and implement a remedial action plan in accordance with the Ministry's Guidelines for the Decommissioning and Clean-Up of Sites in Ontario, (as may be amended). This plan will be submitted to the Ministry for approval;

- ii) ensure that, where remedial action plans are required by the Ministry of Environment and Energy, no development will take place until notification is received from the Ministry that the decommissioning process has been satisfactorily completed. In this regard, Council will utilize means such as Site Plan Approval, the "H" (Holding zone provision), etc., as a means to prohibit development; and,
- iii) require, in accordance with Ministry requirements, the proponent to

submit documentation on previous uses of the property with the application for development/redevelopment to the City for circulation to the Ministry.

Subsection C.5 - Property Maintenance and Municipal Housekeeping

It is the intent of Council to encourage the development and maintenance of an efficient and pleasing environment for living, working and the pursuit of all other activities. In order to do so, this Plan attempts to maintain existing development in good repair, improve the quality of development that has deteriorated, replace development that has declined to the point where it cannot be satisfactorily and economically rehabilitated, and to control the quality of new development.

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

5.2 Council will enforce By-laws pursuant to The Planning Act:

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

5.3 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.

5.4 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.

Subsection C.6 – Historic and Architectural Resources

The intent of this Plan is to sensitively manage the wealth of local heritage resources. It is intended that those resources of historic, architectural, archaeological and aesthetic merit will be preserved where feasible, to retain the City's distinctive character. It is further intended that the appropriate measures be established to meld preservation with rehabilitation to ensure that these resources will be recycled for active use.

- 6.1** It is the intent of Council to encourage the preservation, maintenance, reconstruction, restoration, and management of property that is considered to have historic, architectural, archaeological or aesthetic value.
- 6.2** In accordance with the intent of the Regional Official Plan, Council will consult with the Local Architectural Conservation Advisory Committee to advise in matters relating to ARCHITECTURAL conservation. In particular, this Committee may be required to identify and catalogue buildings of ARCHITECTURAL AND HISTORIC significance that are worthy of preservation through individual designation as Buildings of Historic or Architectural Value under the provisions of The Ontario Heritage Act.
- 6.3** In accordance with the intent of the Regional Official Plan, Council, in consultation with the Local Architectural Conservation Advisory Committee, may designate a Heritage Conservation District under the provisions of The Ontario Heritage Act where it has been determined that some or all of the following characteristics have been identified:
 - i)** The majority of the buildings reflect an aspect of local history by nature and historic significance of setting;
 - ii)** The majority of the buildings are of a style or method of construction which has historic or architectural significance to the City, Region or Province;
 - iii)** The District contains other important physical, environmental or aesthetic characteristics that, in themselves, are not sufficient for designation, but which lend support in evaluating the criteria for designation; and,
 - iv)** The District is in an area of special association that is distinctive within the City and, as a result, contributes to the character of the entire community.
- 6.4** Prior to the designation of a Heritage Conservation District, Council will meet the following provisions:

- i) Pass a by-law of intent to define and investigate an area;
 - ii) Prepare and adopt a Heritage Conservation District Plan which will encourage conservation through controls and incentives, and establish criteria for controlling demolition and regulating design; and,
 - iii) Pass a by-law designating the area as a Heritage Conservation District, subject to Ontario Municipal Board approval which will permit the City to regulate ARCHITECTURAL design within the District.
- 6.5 In accordance with the intent of the Regional Official Plan, Council will fully co-operate with the Region and/or any Regional Heritage Foundation that may be established in the management of regional historic resources.
- 6.6 Major development or redevelopment will not take place within, or in close proximity to, Residential areas having historic or ARCHITECTURAL merit, where Council determines that such development or redevelopment will detract from, or indirectly impair, the character, quality, amenities, or stability of the Residential areas.
- 6.7 Encouragement may be given to Commercial development schemes, in appropriate locations, proposed to incorporate a building, or group of buildings, with HISTORIC character or ARCHITECTURAL value, and to proposals which utilize buildings or lands serving obsolete functions and which are, therefore, underutilized or vacant.
- 6.8 Council recognizes that there are sites with archaeological significance within the City that are worthy of conservation. Accordingly, where there is a reasonable expectation that archaeological potential exists, Council will consult with the Ministry of Culture and Recreation for advice concerning the conservation and protection of such sites.
- 6.9 A Heritage Impact Assessment may be required by the City for any development or redevelopment, both public and private initiatives, that proposes to erect, demolish or alter buildings or structures on or adjacent to properties that meet one or more of the following criteria: (O.P.A. No. 160)
 - i) The properties are designated under the Ontario Heritage Act or are adjacent to buildings/structures that are designated under the Ontario Heritage Act;
 - ii) The buildings/structures are listed on the City's Inventory of Buildings of Architectural and/or Historical Interest or are adjacent to buildings/structures on the City's Inventory of Buildings of Architectural

and/or Historical Interest;

iii) The site has or is adjacent to a site that has open spaces, vistas or cultural heritage landscapes that are listed on the Cultural Landscape Resources Inventory approved by the Local Architectural Conservation Advisory Committee (LACAC); or,

iv) The properties are within or adjacent to a Heritage Conservation District.

6.10 The Heritage Impact Assessment will be processed simultaneously with the development or building permit applications when submitted to the City. The Heritage Impact Assessment will be reviewed by the Local Architectural Conservation Advisory Committee (LACAC) and any decisions will be delayed until such time as the review is completed by LACAC.

(O.P.A. No. 160)

6.11 The Heritage Impact Assessment will contain the information detailed in the Heritage Impact Assessment Guidelines. These guidelines will be approved by City Council and any amendments to the Guidelines will require Council approval.

(O.P.A. No. 160)

6.12 Where an environmental assessment for a proposal is processed under federal or provincial environmental assessment regulations, that assessment will be considered as fulfilling the Heritage Impact Assessment under policy 6.9, provided a professional assessment of the architectural, historical, archaeological and/or landscape value is included.

(O.P.A. No. 160)

Subsection C.7 - Residential Environment and Housing Policy

It is the general intent of this Plan to promote a high standard of RESIDENTIAL and urban amenity and the provision of an ample and varied supply of dwelling types to cater to the needs of all income groups. While it is expected that single-family housing will continue to be the dominant housing requirement, a latent demand for multiple-family housing is recognized. In providing for these demands, an amenable mixture of densities and an arrangement that will minimize conflicts between different forms of housing is desired.

7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;**
- ii) Alteration of traffic flows;**
- iii) Improvement and maintenance of street landscaping;**
- iv) Acquisition, removal or improvement of buildings or uses incompatible with a zoning district;**
- v) Provision of advice and assistance in the improvement and maintenance of private dwellings;**
- vi) Investigation into, and application of, other methods of encouraging the maintenance and improvements of buildings in RESIDENTIAL areas;**
- vii) The maintenance of adequate separation distances and the placement of buffering features between RESIDENTIAL and Industrial Uses; and,**
- viii) Other similar actions or matters as Council may deem appropriate.**

7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- i) Encourage the maintenance, renovation and rehabilitation of**

RESIDENTIAL properties, subject to the provisions of Subsection C.5;

- ii) Promote the restoration and/or rehabilitation of housing structures exhibiting Architectural or Historical merit, subject to the provisions of Subsection C.6;**
- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
(O.P.A. No. 128)**
- iv) Support RESIDENTIAL conversion of underutilized commercial space to residential which does not undermine the primary commercial use/function of the neighbourhood, subject to the provisions of Subsection A.2.2;
(O.P.A. No. 128)**
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;**
- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;**
- vii) Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
(O.P.A. No. 128)**
- viii) Support the concept of accessory apartments as-of-right in all areas of the City as regulated by the Zoning By-Law;**
- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;**
- x) Encourage the development of a range of RESIDENTIAL care and short-term care facilities in all areas of the City through appropriate recognition**

in the Zoning By-law;

x i) Encourage the rehabilitation and renovation of dwellings as an alternative to demolition in appropriate locations and circumstances, having regard to the preservation and maintenance of the amenity of the RESIDENTIAL area;

x ii) Encourage development at densities conducive to the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient; and,

x iii) Support residential and neighbourhood development that respects safety concerns. (O.P.A. No. 109)

7.4 When reviewing proposed plans of subdivision and Neighbourhood Plans, Council will consider:

i) The existing supply of land designated for RESIDENTIAL use remaining undeveloped throughout the City in light of the Development and Servicing Extension policies of Subsection B.1; and, (O.P.A. No. 22)

ii) The housing targets established by Council.

7.5 Council will on an annual basis monitor and review housing market trends, the types and prices of new housing production, the supply of designated residential land by planning status, levels of housing affordability and the range of anticipated asking prices and/or rents of individual residential development applications with a view to revising priorities and/or identifying policy and program changes in order to better achieve housing production targets. (O.P.A. No. 109)

7.6 Council will encourage at least 25 percent of new RESIDENTIAL development in the City to be "affordable", consistent with Provincial Government definitions of housing affordability. This is to be achieved on a municipality-wide basis and reflected in the Neighbourhood Planning process. Accordingly, the range and type of new RESIDENTIAL development will be evaluated annually to determine consistency with Provincial Government criteria for "affordable" housing. (O.P.A. No. 109)

7.7 Council recognizes the importance of ensuring a sufficient supply of land for a range of residential uses. Accordingly, Council will ensure a minimum ten-year supply of residential land is maintained at all times as well as a continuous three-year supply of a combination of draft approved and/or registered lots and blocks on plans of subdivision. (O.P.A. No. 109)

- 7.8 Council recognizes the effective functioning of the planning approvals process as an important component to reduce housing cost. Accordingly, Council will, on a bi-annual basis, review the various development application processes in consultation with interested agencies and associations to identify potential constraints and undertake appropriate actions to ensure the identified constraints are addressed. (O.P.A. No. 109)**
- 7.9 To accommodate changing housing market demands, Council, when considering the changes described in Policy C.7.5 above, may also:**
- i) Revise current, or prescribe new, practices and procedures for the detailed pre-design of Planning Units by Neighbourhood Plans;**
 - ii) Initiate amendments to the Zoning By-law; and,**
 - iii) Establish, as a density standard for the preparation of Neighbourhood Plans, "dwelling units per net Residential hectare".**
- 7.10 For the purposes of making the changes in Policy C.7.9, Council will include the following:**
- i) The extent to which overall higher densities of RESIDENTIAL dwellings have been achieved in developing Neighbourhoods;**
 - ii) The trends in persons per unit based on the type of dwelling unit; and,**
 - iii) The number of dwelling units required to accommodate approximately ninety (90) persons per gross hectare of Residentially designated land.**
(O.P.A. No. 27)
- 7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:**
(O.P.A. No. 151)
- i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;**
 - ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone;**

- iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type.
- 7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:**
(O.P.A. No. 151)
- i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,
 - ii) the criteria as set out in Policy C.7.11.
- 7.13 i) For the purposes of policies C.7.11 and C.7.12, the statistical data used for vacancy rates, rent charges, dwelling/structure types will be determined by the Canada Mortgage and Housing Corporation (CMHC).**
(O.P.A. No. 151)
- ii) Schedule "K" identifies the following local housing market zones for purposes of analyzing the Hamilton housing market:
 - a) Downtown/Central Hamilton
 - b) Central East Hamilton
 - c) East Hamilton
 - d) West Hamilton
 - e) Hamilton Mountain

Subsection C.8 - Energy

It is the intent of this Plan to promote ENERGY conservation in all areas of the City. Accordingly, development will be encouraged which minimizes ENERGY consumption and emphasizes the use of renewable ENERGY sources. Further, it is the intent of this Plan to encourage employment opportunities in developing and undeveloped Planning Units to reduce the work-to-home journeys. (O.P.A. No. 14)

8.1 To promote ENERGY efficiency in the growth and management of the City, Council will endeavour to achieve the following:

- i) Investigate and evaluate existing development practices and identify where new and innovative ENERGY efficiency measures, such as the use of the sun as an ENERGY source, can be introduced by the development industry;**
- ii) Encourage proponents of future development and/or redevelopment to adopt, and incorporate in their proposals, ENERGY saving measures to optimize the use of ENERGY sources;**
- iii) Seek legislative powers to require design criteria in development and redevelopments that ensure ENERGY conservation;**
- iv) Formulate ENERGY-oriented planning policies, with particular emphasis on mixed use, compact and higher density development and any other ENERGY efficient development forms;**
- v) Co-operate with the appropriate public and private agencies to inform the public of ENERGY concerns and promote ENERGY conservation;**
- vi) Co-operate with other levels of government and private industry to assess the merit of new and innovative ENERGY conserving measures applicable to the City;**
- vii) Promote the reduction of ENERGY consumption and dependency on non-renewable ENERGY sources, particularly in all City owned, maintained, and/or operated facilities;**
- viii) Encourage greater use of Public Transit facilities as a means of conserving ENERGY; and,**
- ix) Co-operate with the Region to develop an efficient waste recycling program to protect and conserve the supply of natural resources and ENERGY.**

(O.P.A. No. 14)

8.2 Council will require that new residential areas of the City be planned in an ENERGY efficient manner. Accordingly, it is intended in the preparation of Neighbourhood Plans, the following criteria be utilized to establish an ENERGY efficient land use pattern:

- i) Define the energy characteristics of the environment and land form including surface feature and drainage patterns by:**
 - a) utilizing climatic data, such as, but not limited to, air quality, temperature fluctuations, hours of sunlight, heating and cooling degree days, precipitation and wind speed frequency/direction;**
 - b) constructing a topographic profile including slope gradient and orientation; and,**
 - c) evaluating all natural and man made features;**
- ii) Design a street pattern by:**
 - a) aligning Local Roads in a direction that maximizes the use of solar ENERGY;**
 - b) minimizing the length of Local Roads and reducing pavement widths; and,**
 - c) limiting the number of access points from Collector Roads to Arterial Roads; and,**
- iii) Distribute housing types in a manner that would maximize ENERGY conservation.** (O.P.A. No. 14)

8.3 Council will require that in the design of any development and or redevelopment proposals, the following features be incorporated, where possible:

- i) The orientation of buildings in a manner that maximizes the use of direct solar ENERGY;**
- ii) The elimination or reduction of shadow casting onto adjacent existing and approved buildings; and,**
- iii) The utilization of proper siting of plant material, having regards to their shadow casting and windbreaking abilities.** (O.P.A. No. 14)

It is the general intent of this Plan to minimize the effect of noise and vibration sources from the airport, inter-regional highways and railways for all City residents. In this regard, the City will co-operate with appropriate agencies to determine acceptable levels of noise and vibration emissions as well as develop design measures to mitigate potential impacts.

- 9.1 In accordance with the Regional Official Plan, Council may, when considering development and/or redevelopment that is subject to noise exposure forecast contours (Federal Department of Transport) in the area around the Hamilton Civic Airport, require the appropriate Federal and Provincial land use guidelines and noise abatement measures.
- 9.2 Further to Policy C.9.1, prior to approving future residential development affected by a noise exposure forecast contour of 28 or greater, Council will require the proponent of such development to undertake any or all of the following:
- i) Submit a detailed noise study prepared by a qualified expert outlining the required noise insulation features in the design of the buildings;
 - ii) Satisfy Council that appropriate noise insulation features have been provided in the construction of building in accordance with Provincial standards; and,
 - iii) Inform prospective tenants or purchasers of residential units that aircraft noise may interfere with certain activities. Such a warning provision will be required to be included as a clause in a development agreement and subdivision agreement.
- 9.3 Council may require appropriate measures to moderate the effects of noise, visual intrusion or other undesirable impacts on new residential and institutional development adjacent to inter-regional highways and railway rights-of-way.
- 9.4 The appropriate railway company and the Ministry of the Environment and Energy will determine the necessity of a noise and/or vibration study for new residential and institutional development that is proposed adjacent to the railway right-of-ways (including rail lines and railway yards). Any noise and/or vibration study that is undertaken will be to the satisfaction of the City and the Ministry of Environment and Energy, in consultation with the appropriate railway. The City will require appropriate measures to mitigate any identified adverse effects from noise.

- 9.5 Any proposed residential and institutional development adjacent to inter-regional highways or a heavy industrial use may be required to undertake a detailed noise study to the satisfaction of the City and the Ministry of the Environment and Energy.**
- 9.6 Council will co-operate with and encourage the Ministry of Transportation to achieve the objective of 55 dBA where an inter-regional highway is proposed to be built or expanded through, or adjacent to, a designated residential area.**
- 9.7 Council will require developers of proposed residential developments adjacent to the Redhill Creek Expressway to provide evidence that noise levels in outdoor recreation spaces meet the objective of 55 dBA. Residential and institutional development will only be permitted where attenuated noise levels in outdoor recreational space do not exceed 60 dBA. Council will not require the incorporation of noise mitigation measures where noise levels are predicted to be, at or below 55 dBA.**
- 9.8 Council will endeavour to minimize impacts on outdoor recreational space of new residential and institutional development from noise in excess of 55 dBA generated by adjacent inter-regional highways or railway lines.**
- 9.9 Council will ensure that noise impacts from medium and heavy industrial uses, as identified by the Ministry of Environment and Energy Guidelines, and railway yards on new residential and institutional development satisfy the Ministry of the Environment and Energy's Stationary Noise criteria.**
- 9.10 Where noise levels for the Redhill Creek Expressway, rail lines and inter-regional highways are expected to exceed 55 dBA in outdoor recreational spaces after the implementation of sound attenuation measures, Council will require, as a condition of approval of proposed residential development, that future tenants, purchasers are advised that, despite the inclusion of noise control measures, noise levels may become of concern, occasionally interfering with some activities of the occupants. Such a warning provision will be required to be included as a clause in a lease or rental agreement; agreement of purchase and sale; development agreement; and subdivision agreement.**
- 9.11 Where noise attenuation measures are required, these measures, for both outdoor and indoor space, may include, but not be limited to, the following:**
- i) Sound-proofing measures and construction techniques, general layout and design of the structure or outdoor recreational space with respect to noise sources;**

ii) Spatial separation from the source, including the insertion of permitted sound-insensitive uses between source and receivers;

iii) Building setbacks;

iv) Acoustical barriers such as berms, walls, favourable topographic features or other intervening structures; and,

v) The use of suitably designed higher density Residential structures.

9.12 Where new residential and institutional development for which noise control measures will be required precedes the construction of an Inter-Regional Highway or Railway line, Council may require, as a condition of approval, that:

i) Sufficient lands be conveyed at no cost for the erection of a noise barrier; and,

ii) A pro-rated cost contribution be made by the proponent prior to final approval for construction of a noise barrier, where deemed appropriate by Council.

SECTION D – IMPLEMENTATION

The procedure for the IMPLEMENTATION of the policies set out in this Plan will generally be through successively more detailed steps in the planning process, particularly Neighbourhood Plans and Zoning By-laws. Neighbourhood Plans may be undertaken following adoption of this Official Plan in which the general policies set out here are refined and amplified. More specific procedures will be followed through powers given to the City through The Planning Act, The Municipal Act and other applicable statutes.

The prime effect of this Plan will be on public works, whose conformance with it is mandatory, and on land use and development which will be regulated through a Zoning By-law. To be fully and properly effective, the policies will require the full co-operation of the Municipal, Regional and Provincial governments. The policies have been predicated on this assumption and the formal process of adoption by Council and approval by the Region and the Minister of Municipal Affairs and Housing will be taken as evidence of commitment to the objectives and policies herein. In order that it may be kept up to date and the need for additional studies determined, the Plan will be subject to a comprehensive review at not longer than five-year intervals.

Subsection D.1 - Regional Official Plan

In keeping with the requirements of Bill 155, An Act to Establish the Regional Municipality of Hamilton-Wentworth, it is intended that this Plan and subsequent implementing procedures conform with the REGIONAL OFFICIAL PLAN.

- 1.1 It is the objective of Council that this Plan, subsequent amendments, Neighbourhood Plans and by-laws conform with the REGIONAL OFFICIAL PLAN.
- 1.2 Council will not adopt amendments to this Plan, Neighbourhood Plans or by-laws which do not conform with the REGIONAL OFFICIAL PLAN, but may request initiation of amendments to the REGIONAL OFFICIAL PLAN when warranted.
- 1.3 Proposed amendments to this Plan, Neighbourhood Plans and revisions thereto, and implementing by-laws will be circulated to the Region of Hamilton-Wentworth for its consideration and for certification of compliance to the REGIONAL OFFICIAL PLAN.

Subsection D.2 - Planning Units and Neighbourhood Plans

To provide a geographical basis for the more detailed planning of Hamilton, the City is divided into a system of PLANNING UNITS. This system is designed to provide a framework for the administration of this Official Plan and for the successive stages in its Implementation. It also forms a basis for the maintenance of statistical and other support data, and for co-ordinating the provision of services and community facilities with anticipated population growth.

The make-up of the PLANNING UNITS is designed to reflect the existing development pattern, as well as major physical features and land use concentrations. It is the general intent of the Plan that the identity of the PLANNING UNITS will be enhanced and that all development will be planned in ways which will improve this identity.

PLANNING UNITS will contain a mixture of low, medium and, in some areas, higher density dwelling types. The range of densities will be determined in accordance with the needs of the population identified from time to time, and at an overall density standard which takes into account the availability of existing or planned commercial and community facilities, capacity of Schools, public services, and the adequacy of public open space to serve anticipated residents of the Neighbourhood.

- 2.1 It is intended that the implementation of this Plan will be carried out through the preparation of new or the revision of existing NEIGHBOURHOOD PLANS for each PLANNING UNIT as identified on Schedule "G". The PLANNING UNITS average 80 hectares in size and are generally defined by the grid-iron pattern of major roads, by natural features, and/or by the municipal boundary. (O.P.A. No. 27)
- 2.2 The detailed planning for the distribution and location of various land uses in each PLANNING UNIT will be determined or reviewed through the preparation of NEIGHBOURHOOD PLANS. In this regard, Council will ensure that all new development and/or redevelopment complies with the provisions of this Plan and the NEIGHBOURHOOD PLAN. However, Council may permit a minor extension to or the intensification of an existing use or a use that is deemed temporary which does not meet the intent of the NEIGHBOURHOOD PLAN, provided that such a use is appropriately regulated in the Zoning By-law. (O.P.A. No. 27)
- 2.3 Developing or undeveloped PLANNING UNITS will be grouped to form "Communities", consisting of up to four (4) predominantly Residential Neighbourhoods and a "Multi-Centre", as indicated on Schedule "G". It is intended that the Multi-Centres will contain a variety of land uses, combining to create a vibrant and functional focus for community life. In this regard, within the Multi-Centre, Council will:

- i) Provide for sufficient Shopping Centre Commercial development to serve the community, subject to the policies set out in Subsection A.2.2;
- ii) Ensure the integration of related community facilities, such as Libraries, Secondary Schools, Parks, churches or community centres, as well as multi-family residential development;
- iii) Encourage the development of land uses providing employment opportunities for residents of the community;
- iv) Promote designs which are oriented to the pedestrian, and to increased energy efficiency;
- v) Detail the distribution of land uses through NEIGHBOURHOOD PLANS, subject to necessary amendments to this Plan; and, (O.P.A. No. 27)
- vi) Notwithstanding the above, amendments to this Plan, necessary to implement Multi-Centres, will not take place until the time of rezoning.

2.4 It is intended that each PLANNING UNIT which is substantially designated for Residential purposes on Schedule "A" will be developed with a focus which may consist primarily of a School and/or Park in the interior of the Neighbourhood, as well as an adequate complement of appropriate Institutional and Commercial facilities, and a variety of dwelling types. (O.P.A. No. 27)

2.5 NEIGHBOURHOOD PLANS for the PLANNING UNITS will indicate the location of proposed Arterial, Collector and Local roads; the location of community facilities such as Park areas, open spaces and School sites; the location and extent of lands set aside for Commercial or Institutional purposes; the distribution and mix of housing of varying densities; and the location and basic design of major Engineering Services and public utilities. When preparing NEIGHBOURHOOD PLANS, Council will consider the following:

- i) The preferred location for new Residential development or redevelopment will be:
 - a) for multiple dwellings and high traffic generating uses beyond the Central Policy Area, at nodes created by the intersection of Arterial and Collector roads, with preference given to access by these roads; and,
 - b) for low-density uses on Local and Collector roads, with preference given to access by these roads only;
- ii) That Residential development or redevelopment will be properly protected from conditions which Council determines may directly or indirectly have a

noxious or otherwise detrimental effect on the health, safety or welfare of the residents;

- iii) That all buildings, structures, facilities, services and any thing or matter that may cause the conditions referred to in Policy D.2.5 ii) above will be designed in such a manner as to be in keeping with the character of the Residential development or redevelopment;
- iv) Encouragement for the provision and maintenance of multi-level parking facilities, preferably underground, for high-density Residential development which may serve to provide increased on-site open space and buffering for adjacent uses. Such facilities will be designed in a manner satisfactory to Council that provides adequate precautions for the safety of users;
- v) In the design of developing Residential Neighbourhoods, the street pattern and subdivision layout will be to the satisfaction of Council, Energy efficient, provide access to all areas, and will:
 - a) discourage through-traffic internally;
 - b) discourage direct access off major roads to Neighbourhood Parks and Schools;
 - c) where appropriate, identify measures to mitigate the impact of rail and vehicular noise on existing and proposed Residential development; and,
 - d) be sensitive to the protection and utilization of natural or man-made features having cultural, aesthetic or other value;
- vi) The establishment of pedestrian access from Residential development to:
 - a) neighbourhood Parks and Schools internally within the Neighbourhood; and,
 - b) public Transit routes, commercial nodes, churches or similar land uses;
- vii) No new Residential development or redevelopment will be located so as to be subjected to the impacts of through-industrial traffic or any other heavy traffic flows unless it is suitably protected by buffers, setbacks, or other such measures to the satisfaction of Council;
- viii) The preferred location and development of Residential dwellings will be in proximity to, or will be coincidental with, the planning for the provision of the following to accommodate the probable requirements of prospective

residents:

- a) public open space;
 - b) recreation and community facilities;
 - c) educational facilities;
 - d) commercial services;
 - e) engineering services; and,
 - f) other like facilities for which Council is responsible, which are required to be provided or contributed to by a development or redevelopment, or which Council otherwise deems to be necessary;
- ix) The preferred location for Residential redevelopment within developed Residential Neighbourhoods will be where the redevelopment does not, in the opinion of Council, impose an undue load to such existing or planned facilities mentioned above; and,
- x) In the preparation of NEIGHBOURHOOD PLANS, the following design standards will be used for the Special Policy Areas identified on Schedule "B-2" to determine the site area requirement of a Shopping Centre; in particular:
- a) 1,400 square metres/1,000 persons in site area requirement (0.14 hectares/1,000 persons) will be used in Special Policy Area 21 for a Community Shopping Centre;
 - b) 2,100 square metres/1,000 persons in site area requirement (0.21 hectares/1,000 persons) will be used in Special Policy Area 22 for a Neighbourhood Shopping Centre; and,
 - c) 1,000 square metres/1,000 persons in site area requirement (0.10 hectares/1,000 persons) will be used in Special Policy Area 23 for a Convenience Shopping Centre.

The preferred locations of each type of Shopping Centre will be in accordance with Schedule "B-2" of this Plan. However, given that the viability of these Centres is predicated on how they interact with each other, Council may vary the location for the Centres identified on Schedule "B-2", without an Amendment to this Plan, provided that the total number of Centres in each classification is not increased and that such Centres:

- a) comply with the above standards;

- b) locate on Arterial Roads;
 - c) maintain adequate separation distances to ensure their equitable distribution;
 - d) complement other Centres already existing and/or approved; and,
 - e) satisfy the requirement of Policies A.2.2.9 and A.2.2.11 in this Plan.
- (O.P.A. No. 7)

- 2.6 A NEIGHBOURHOOD PLAN will be required to be prepared prior to the development of undeveloped Neighbourhoods, the undertaking of any major redevelopment, or where any major proposal will have the potential effect of substantially altering the pattern of land use in the PLANNING UNIT affected, subject to the policies herein. However, such a Plan will not be required in an undeveloped Neighbourhood where development would be in the form of infill.
- 2.7 During the preparation of a NEIGHBOURHOOD PLAN, Council will, in accordance with its established practice, solicit the participation of Neighbourhood residents, property owners and other interested groups in order to obtain their views on the development and/or redevelopment of the PLANNING UNIT under consideration.
- 2.8 NEIGHBOURHOOD PLANS will be adopted by resolution of Council, and may be revised from time to time. Accordingly, no formal amendment will be required to this Plan unless the NEIGHBOURHOOD PLAN does not conform to the general intent of the Official Plan.
- 2.9 When considering development proposals, subdivisions, street works, other public works and any other municipal actions or approvals, Council will refer to, and be guided by, adopted NEIGHBOURHOOD PLANS.
- 2.10 In the formulation of NEIGHBOURHOOD PLANS, the Region, all affected local boards, authorities, or other bodies having an interest in the PLANNING UNIT through their mandate will be invited to make known their requirements to Council for any PLANNING UNIT in which they expect to be engaged in public works. In addition:
- i) When these requirements have been established as far as possible, every effort will be made to co-ordinate those works that may form a focus or centre for the respective PLANNING UNIT; and,
 - ii) The requirements of the authorities involved will be co-ordinated so that a high standard of civic design may be achieved through appropriate landscaping between any conflicting functions and through economies in the

use of land, parking and facilities.

- 2.11 NEIGHBOURHOOD PLANS which have been adopted by Council prior to the approval of this Plan, will remain in effect until otherwise revised provided they comply with the provisions of this Plan. (O.P.A. No. 27)
- 2.12 Where Council deems appropriate, Secondary Plans to this Official Plan may be established for planning units. Secondary Plans will be incorporated into Section A.6 of this Plan. (O.P.A. No. 135)

Subsection D.3 - Zoning By-law and Site Plan Control

*It is intended that the principal means of implementing this Plan and regulating land use will be by **ZONING BY-LAW** and **SITE PLAN CONTROL**. Accordingly, Amendments to the **ZONING BY-LAW** will be introduced for the purposes of conformity.*

***SITE PLAN CONTROL** will be used, as a condition of approval for development proposals, to achieve the following planning objectives:*

- i) Promote pedestrian scale development and land use compatibility.*
- ii) Enhance the public realm and create a functional and distinctive streetscape through high quality building design.*
- iii) Preserve and enhance community character by integrating heritage features and important views in site designs.*
- iv) Integrate ecologically important features into site designs to protect and enhance their function.*
- v) Ensure accessibility for people with a range of abilities through safe and efficient pedestrian and vehicular circulation.*

*It is intended that land not be pre-zoned in order that the **SITE PLAN** and other details will be previewed prior to development going ahead. In this matter, amenity and design, population density, public works' requirements, environmental concerns, and all other related policies of this Plan of any Neighbourhood Plan, may be reviewed and appropriate **ZONING** regulations applied.* (O.P.A. No. 191)

3.1 In general, it is intended that this Plan will be implemented by the ZONING BY-LAW. Accordingly, development proposals will be required to comply with this Plan or any affected Neighbourhood Plan; and, where necessary, will require an amendment to the ZONING BY-LAW to ensure conformity. (O.P.A. No. 15)

3.2 Special ZONING provisions may be established where road widening, access, parking, amenity provisions, design characteristics, public works and other related matters are required or need to be maintained. Further:

- i) Agreements will be entered into between the City and the developer, and enforced to ensure that the policies applicable to these matters in this Plan are implemented; and,*
- ii) The issuance of building permits may be prohibited until the above agreements have been entered into and it is established that the policies in this Plan have been complied with.*

- 3.3 Council, where deemed appropriate, will apply the holding provision of the ZONING BY-LAW, pursuant to The Planning Act, to specify the ultimate use of those lands which are contemplated for development or redevelopment at some time in the future. Thereby, Council will be able to preview proposals prior to development or redevelopment to ensure that it is compatible with surrounding land uses. The holding provision of the ZONING BY-LAW will be identified by the symbol "H" in the ZONING BY-LAW and applied under one or more of the following circumstances:
- i) When land assembly is required to permit orderly development or redevelopment;
 - ii) If the level of Engineering and/or Community Services is not adequate to support the ultimate use;
 - iii) Where it is necessary to control the phasing of development;
 - iv) Where environmental constraints currently preclude development or redevelopment without appropriate mitigative measures; and,
 - v) Where an area must undergo further study, or where a detailed design plan or site plan approval is required, as designated in this Plan, or as will be determined by an Amendment to this Plan from time to time. (O.P.A. No. 15)
- 3.4 Further to Policy D.3.3 above, Council will enact a ZONING BY-LAW to control the use of land within, and abutting, Environmentally Significant Areas as shown on Map No. 4 of the Regional Official Plan, to the existing use. Further:
- i) Prior to a change in the ZONING BY-LAW, Council will be satisfied that the proposed change is compatible with the preservation of the Environmentally Significant Area. For this purpose, Council may further require a Environmental Impact Statement in keeping with the special provisions for Environmentally Significant Areas detailed in Section C.1.2 of the Regional Official Plan; and,
 - ii) Prior to granting any change, Council may consider entering into agreement with the owner to preserve all or part of the Environmentally Significant Area in a natural or undisturbed state. (O.P.A. No. 199)
- 3.5 In accordance with Subsections A.2.1, A.2.2, A.2.8.9, and A.2.9.3, Council may, where deemed appropriate, permit bonuses to increase the height and/or density of development or redevelopment than otherwise permitted in the ZONING BY-LAW, where the proponent of such an undertaking provides such facilities,

services, and other matters as may be set out in the ZONING BY-LAW.

(O.P.A. No. 15)

- 3.6 Council will use the powers of SITE PLAN CONTROL, pursuant to the Planning Act, to implement certain aspects of this Plan. Accordingly, the entire area within the City of Hamilton Planning Area will be established as a proposed Site Plan Control Area. (O.P.A. No. 191)
- 3.7 Although the entire area within the City is a proposed Site Plan Control Area, it is recognized that it is necessary to avoid undue restrictions. Therefore, certain classes of development will be exempt. (O.P.A. No. 191)
- 3.8 Council may establish the classes of development that are subject to Site Plan Control, and those which are exempt, in a by-law passed pursuant to the Planning Act. (O.P.A. No. 191)
- 3.9 Council may require, as a condition of site plan approval, the deeding of land for road widening purposes in accordance with the provisions of Subsection B.3.1 – Road Network. (O.P.A. No. 191)
- 3.10 In accordance with The Planning Act, Interim Control By-laws may be used to limit the use of lands or buildings where Council has directed a study of land use planning policies in a defined area of the City. The provision of The Planning Act regarding timing, notice, and appeals of these By-laws will apply. (O.P.A. No. 15)
- 3.11 In accordance with The Planning Act, Temporary Use By-laws may be used to permit the use of lands, buildings, or structures, on a temporary basis, for any purpose as may be specified in the said By-law. The provisions of The Planning Act regarding timing and extensions to such By-laws will apply. (O.P.A. No. 15)

Subsection D.4 - Financial Stability

In implementing this Plan, it is essential that the municipal tax base be protected and that sufficient funds are generated to maintain and improve the levels of public works. Accordingly, further developments may be scrutinized for their financial impact. Developments that are shown to have adverse implications for the financial health of the City will be considered contrary to the intent of this Plan.

- 4.1 If residential developments or redevelopments are proposed in areas where Neighbourhood Plans do not exist, Council, as a pre-condition for development approval and amendment to this Plan, may require a financial impact statement that will show the effects on:
 - i) The net long-term debt liabilities and the annual charges for these;
 - ii) The assessment ratio and per capita assessment;
 - iii) The costs for social services; and,
 - iv) The existing mill rates and taxation levels.
- 4.2 Where a major development proposal is made in an area where a Neighbourhood Plan does not exist, and which is considered to have a potentially adverse effect on the costs of the provision of municipal services, Council may require the developer to:
 - i) Secure appropriate non-residential developments that will offset the adverse effects; or,
 - ii) Agree, by way of a subdivision agreement, to the payment of a levy which, in the opinion of the City, will offset the adverse effects.
- 4.3 If an agreement with the developer cannot be reached in accordance with the previous policy, the developer will be required to:
 - i) Modify the proposal so as to mitigate or eliminate the adverse effects; or,
 - ii) Defer implementation of the proposal until the financial circumstances of the City improve to the extent that the proposed development will not adversely affect the City in respect of the matters set out in this Subsection.

Subsection D.5 - Municipal Land Acquisition

In certain circumstances, it may be expedient for Council to acquire land and, subsequently, to hold, sell, or lease the land for the purpose of developing particular features or implementing particular policies of this Plan.

- 5.1 Council may acquire land from time to time in order to implement appropriate features of this Plan. In general, this will be done pursuant to the provisions of The Planning Act, which permits acquisition of land for this purpose, except where more specific legislation may also serve. Thus the City may acquire land pursuant to:
- i) The Housing Development Act to promote an orderly housing market and to facilitate housing projects and home ownership;
 - ii) The Planning Act for redevelopment purposes which will include the relocation of Non-Conforming Uses;
 - iii) The Ontario Heritage Act for the preservation of Historically or Architecturally significant buildings;
 - iv) The Municipal Act for the purpose of providing off-street automobile Parking lots and Highway land acquisition; and,
 - v) The Planning Act for the purpose of providing Park space.
- 5.2 All lands dedicated for Parks purposes and any other dedication of land to the City will be adequately drained and transferred to the City in an acceptable condition. In this regard, existing vegetation will be in an undisturbed condition and the site will be free of debris with top soil intact. Further: (O.P.A. No. 186)
- i) No person will deposit, place, or store upon these lands any stone, brick, sand, concrete, equipment, soil, or other materials which may impede the free passage of water, air and nutrients to the roots of any vegetation growing thereon without a written permit from the appropriate Municipal Department; and,
 - ii) Lands acquired for Park purposes may retain their existing land use until Council is able to proceed with the comprehensive development of consolidated Park sites.
- 5.3 Priorities for Parkland acquisition will be based on:
- i) Existing and proposed population densities;

- ii) Existing facilities and their accessibility to the Neighbourhood residents;
 - iii) The availability of funds for acquisition;
 - iv) The availability of land on the open market; and,
 - v) The necessity to expropriate based on time limitations to available acquisition funding.
- 5.4 Where feasible and deemed appropriate, Council will acquire Parklands or established recreational rights-of-way along water courses.
- 5.5 Municipal Parks and passive Open Spaces will generally be acquired as far ahead of development as possible, provided that the design of the surrounding area ensures the integration of Park or Open Space with other Community Services associated with the Neighbourhood.
- 5.6 Where feasible, new Parkland will be acquired in concert with the acquisition programs of the School Boards so that a complementary integration of facilities may be attained.
- 5.7 The detailed design of Neighbourhood Parks will be prepared after the boundaries of the lands dedicated are known so that any landscaping and grade modifications may be coordinated to the advantage of both the City and the developer.
- 5.8 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. (O.P.A. No. 186 replaced by O.P.A. No. 217)
- i) 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:

- a) For land designated to permit residential development or redevelopment with a density less than 20 units per hectare, dedication of land in the amount of 5% of the net land areas to be developed;

- b) 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 1.0 hectare for each 300 dwelling units proposed;
 - c) 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;
 - d) 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;
 - e) Notwithstanding clause b), regardless of the density of development, a maximum land dedication of 5% of the net land area will apply to developments of single or semi-detached lots, duplexes, and a maximum of 2 apartment dwellings above commercial use;
 - f) 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 0.40 hectare (1 acre) lot. This policy is not applicable to designated Rural Settlement Areas; and,
 - g) Notwithstanding Policy D.5.8.i), Council may consider reducing the residential parkland dedication rate for dwellings within specific geographic areas of the City and for certain types of charitable and/or social housing, as provided for in the Parkland Dedication By-law;”
- ii) Council shall require a parkland dedication in an amount not exceeding 2% for commercial proposals, including a golf course or driving range, except as exempted in the Parkland Dedication By-law.
- iii) 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, subject to any exemption as set out in the Parkland Dedication By-law.
- iv) 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.

- v) Council shall require a combination of dedication rates as defined in policy D.5.8 applicable to specific use and/or density for any development including a subdivision containing lands proposed of a variety of land uses and/or at a variety of residential densities.

5.9 Notwithstanding Policy D.5.8 iii), Council shall not require the 2% parkland dedication or cash-in-lieu, as a condition of the approval of industrial development/redevelopment proposals.

(O.P.A. No. 186 replaced by O.P.A. No. 217)

5.10 i) Storm water management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas and major utility corridors and easements shall not be considered as part of the parkland dedication.

- ii) For the purpose of calculating the land area subject to the parkland dedication, stormwater management facilities, valley lands, hazard lands, woodlots, Environmentally Significant Areas and major utility corridors and easements shall be excluded except where the lands listed above contain water services, wastewater services, private roads, public roads and/or parking lots."

(O.P.A. No. 186 replaced by O.P.A. No. 217)

5.11 In addition to the parkland dedication policies referred to in policy D.5.8, City Council may acquire lands through:

(O.P.A. No. 186)

- i) Donations, gifts, bequests from individuals or corporations; and,
- ii) Monies allocated in the Municipal Budget.

Subsection D.6 - Official Plan Amendments and Reviews

While it is not the intent to amend this Plan frequently, it is recognized that some circumstances will require this and, in any case, it must be REVIEWED on a regular and on-going basis. A major revision at five-year intervals will be carried out, supplemented by an annual update of information on certain elements of this Plan. As well, it is the intent of this Plan to ensure that those affected by any proposed AMENDMENTS or changes to this Plan are made aware of the proposals and are provided with the opportunity to express their views.

6.1 This PLAN has been formulated so as to require REVIEW at regular intervals as follows:

- i) A major REVIEW will be carried out at five-year intervals;
- ii) An annual REVIEW will be made to incorporate new information as it becomes available and minor changes not requiring AMENDMENT or permitted through the Interpretation clause will be consolidated in the PLAN at that time;
- iii) AMENDMENTS will be required when a major change in land use designation or a major public work is proposed that does not comply with the policies herein or any other major change that is proposed to the policies of this PLAN. AMENDMENTS will also be required where Council intends to approve a Neighbourhood Plan which affects the intensity of any land use, changes the intended use of any lands, or otherwise does not comply with the policies herein; and,
- iv) For the purposes of maintaining conformity, AMENDMENTS will be required when major revisions are made to the Regional Official Plan which have a direct bearing on the planning of Hamilton.

6.1.1 Council or its delegate in issuing Site Plan control approval will:

- (i) Consider matters relating to exterior design, including but not limited to the character, scale, material, and appearance, including fenestration, colour and shape and design features of buildings;
- (ii) 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; and,
- (iii) Require facilities designed to have regard for accessibility for persons with disabilities.

(O.P.A. No. 216)

- 6.2 Council will promote the active participation of the citizens of the City of Hamilton in the implementation of the policies of this Plan and any subsequent AMENDMENTS, and will provide opportunities for such participation.

Subsection D.7 - Governmental Assistance

Implementation of the general intent and objectives of this Plan will, in part, be dependent upon the availability and application by both public and private enterprise, of the various GOVERNMENTAL and funding opportunities available.

- 7.1 Council, in co-operation with local agencies, will investigate the availability of Provincial and Federal ASSISTANCE and funding programs which may, from time to time, be instituted which will assist in the realization of any aspect of this Plan. Where appropriate, Council may make, and/or will encourage private enterprise to make, application for relevant funding under such programs.
- 7.2 Where difficulty is experienced by a developer in assembling land for a development or redevelopment which is encouraged in, or would further the intent of, this Plan, Council may, if requested, offer its ASSISTANCE and:
- i) May act as an intermediary through the use of its good offices to secure the voluntary co-operation of all parties necessary to bring the proposed development, or redevelopment, to fruition;
 - ii) Where redevelopment is clearly in the best interests of the citizens of Hamilton, but would otherwise fail to materialize, Council may designate the area as a redevelopment area as provided by The Planning Act and may assemble the necessary land or carry out such other action as may be necessary to bring the proposed development to fruition; and,
 - iii) Where such a development is clearly in the interest of all citizens of Hamilton but would otherwise fail to materialize, Council may request the ASSISTANCE and co-operation of other levels of GOVERNMENT in any action that may be necessary to bring the proposed development to fruition.

(O.P.A. M

Subsection D.8 - Interpretation

For the administration and implementation of this Plan, the activities of the City, the Region and the Province of Ontario and all other affected public agencies should be co-ordinated and, unless special circumstances prevail which would make alternative arrangements expedient, the Planning and Development Committee and Council will be the co-ordinating agency.

- 8.1 Adoption of this Plan will be evidence that Council has undertaken to abide by the Plan and implement its provisions. More particularly:
- i) No public works will be undertaken that do not conform with the intent of this Plan;
 - ii) No by-laws or other regulations will be adopted or imposed that are contrary to the intent of this Plan; and,
 - iii) The Municipal Budget and Five-Year Capital Budget forecast will be drawn up to recognize the provisions of this Plan.
- 8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "B-3", "C", "F", "G", "H", and "J-1" are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning By-law without the necessity of further amending this Official Plan, so long as such By-laws conform to the general intent and purpose of this Plan.
(O.P.A. No. 22; O.P.A. No. 135; O.P.A. No. 199)
- 8.3 Council will give careful attention to proposed developments in adjacent municipalities and will object to any that would appear to prejudice the sound planning of the City as set out in this Plan.
- 8.4 This Plan does not prohibit or otherwise attempt to regulate the use of land or Hamilton Harbour by the Hamilton Harbour Commissioners in respect of Uses regulated for the purpose of Shipping and Navigation or uses incidental thereto, authorized by the Hamilton Harbour Commissioners Act or any by-law, regulation or other provision adopted pursuant to the Hamilton Harbour Commissioners Act or other federal legislation.
- 8.5 Any Zoning By-laws implementing this Plan will contain a provision that exempts the development of land for shipping and navigation purposes by the Hamilton Harbour Commissioners, or for electric power facilities by Ontario Hydro, or any other essential operations of government and utilities, from the policies of this Plan

and by-law.

- 8.6 Nothing in this Plan shall be interpreted to mean that an undertaking which is subject to the Environmental Assessment Act may proceed except in compliance with that Act. The City will not give any licence, permit or approval that may lead to the commencement of any such undertaking until it has been approved or exempted under the Environmental Assessment Act.
- 8.7 The lands shown on Schedule "B" and Schedule "B-3" as SPECIAL POLICY AREA 1 ("1a", "1b" and "1c") are located within the Niagara Escarpment Plan. Any development within this area must be in accordance with the permitted uses and development criteria outlined in the Niagara Escarpment Plan. In this regard, proponents for development or redevelopment within these designated lands are encouraged to consult the Niagara Escarpment Commission in regard to suitability and compatibility with the objectives, permitted uses and development criteria of the Niagara Escarpment Plan. (O.P.A. No. 123)

Subsection D.9 - Notification and Public Participation Procedure

It is intended that all proposed Amendments to this Plan and the Zoning By-law will be subject to a formal NOTIFICATION AND PUBLIC PARTICIPATION PROCEDURE. Further, in the preparation of Community Improvement Plans and Amendments thereto, the same PROCEDURE will be followed.

Accordingly, such a PROCEDURE will define the method of informing and obtaining public input to ensure that any proposed Amendment is responsive to municipal and public concerns.

It is intended that the PROCEDURE established in this Subsection of the Plan will replace all relevant sections of The Planning Act, and its implementing regulations, as they apply to public notice and input. The requirements of The Planning Act for amendments to the Official Plan, the Zoning By-law and Community Improvement Plans and Amendments thereto, will apply unless the PROCEDURES herein are met. The City of Hamilton is exercising the opportunity afforded by The Planning Act to establish an alternative PROCEDURE.

9.1 In considering the merits of any proposed Amendment to this Plan or Zoning By-law and Plan of Subdivision, as a result of a specific application or special study, and in the preparation of a Community Improvement Plan and Amendments, Council shall notify, inform and seek the input of all interested citizens. Accordingly, Council shall be guided by the following notification and public participation procedures:

- i) To inform and secure input from the public on the particulars of a proposal, Council shall hold one or more public meeting(s). Further, depending on the nature and extent of a proposal, Council may also choose to:
 - a) convene open house(s);
 - b) have public displays;
 - c) hold workshops or seminars; or,
 - d) use other means considered appropriate to inform and secure public input.

In all cases, the appropriate staff shall be available to assist and receive comments from the public during normal business hours on any matter where public notice has been given. (O.P.A. No. 169)

- ii) Notification of public meeting(s) for the adoption of the Official Plan and Amendments, changes to the Zoning By-law, Plans of Subdivision and Community Improvement Plans will be given to the public at least 17 days prior

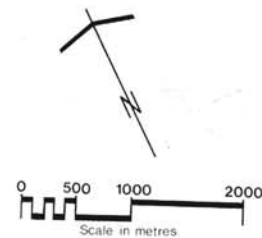
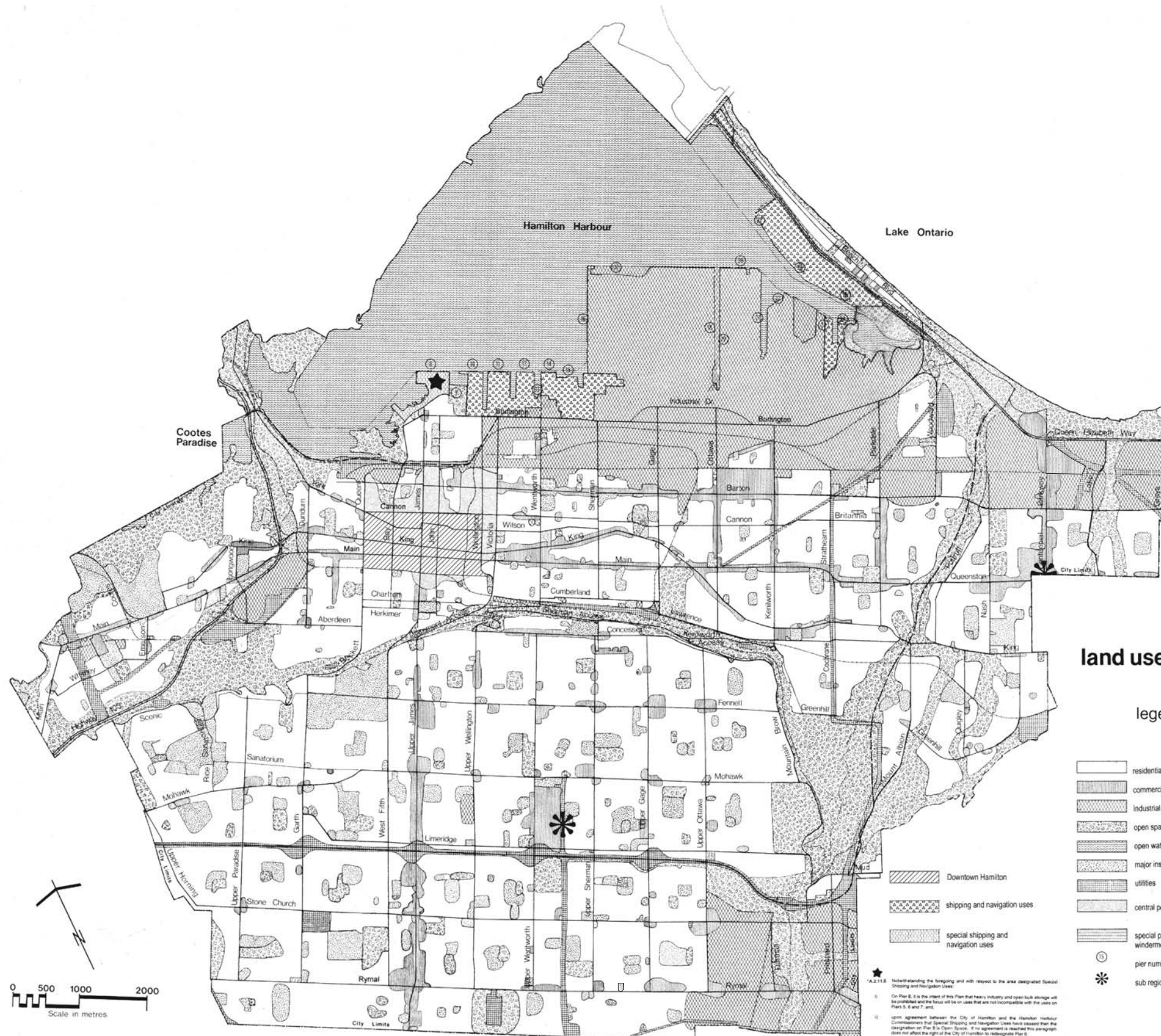
- to the date of the meeting (s) and the notice will be given in accordance with the applicable requirements of the Planning Act regulations
- iii) Council decisions will take place a minimum of 17 days from the time the first notification is given, for Planning Act applications/procedures identified in Policy D.9.1. ii).
 - iv) Where a notice of public meeting or written notice of an application is required for Planning Act application, other than those identified in Policy D.9.1.ii), notice will be given in accordance with the applicable requirements of the Planning Act
 - v) Notice of the intention of the passing of an amending by-law to remove a holding symbol will be given in accordance with the applicable requirements of the Planning Act. (O.P.A. No. 155)
 - vi) Notice of the passing of an Interim Control By-Law shall be given in accordance with the applicable requirements of the Planning Act. (O.P.A. No. 169)
- 9.2 Amendments proposed to this Plan and/or Zoning By-law and Community Improvement Plans and Amendments, due to the Neighbourhood Plan process, as set out in Subsection D.2 (Planning Units and Neighbourhood Plans) will be subject to public review concurrently with the Neighbourhood Plan. Accordingly, the public meeting(s) for the Neighbourhood Plan will be used to inform and seek public input on any associated Amendment(s). In this regard, the NOTIFICATION PROCEDURE, detailed in Policy 9.1 above, will be followed for such Neighbourhood Plan meetings.
- 9.3 Notwithstanding Policy D.9.1 above, a public meeting will not be held where any Amendment is considered minor in nature. Minor Amendments will be for format changes, typographical errors, grammatical errors, or where a by-law amends a by-law to express a word, term, or measurement in the by-law in a unit of measurement in accordance with the Weights and Measures Act. (O.P.A. No. 15)

Subsection D.10 - Community Improvement

Section Deleted by O.P.A. No. 182.

Subsection D.11 - Complete Application Requirements and Formal Consultation

- 11.1 Policies D.7A through D.7A.9, inclusive, of the Regional Municipality of Hamilton-Wentworth Official Plan shall apply. (O.P.A. No. 216)



*A.2.11.8 Notwithstanding the foregoing and with respect to the area designated Special Shipping and Navigation Uses:












1. On Plan 6, it is the intent of this Plan that heavy industry and open bulk storage will be prohibited and the focus will be on uses that are not incompatible with the uses on Plans 6, 6 and 7 and;

2. upon agreement between the City of Hamilton and the Hamilton Harbour Commissioners that Special Shipping and Navigation Uses have ceased their designation on Plan 6 in Open Space. If no agreement is reached this paragraph does not affect the right of the City of Hamilton to redesignate Plan 6;

3. It is recognized that lands known as Plan 6 serve as an area of transition between the recreational and open space uses of the west harbour and the intensive industrial, shipping and navigation uses in the central and east harbour. On this basis, the implementing zoning to use for Plan 6 permits, in addition to Special Shipping and Navigation Uses and related commercial uses, water oriented commercial activities.

other special
policy areas

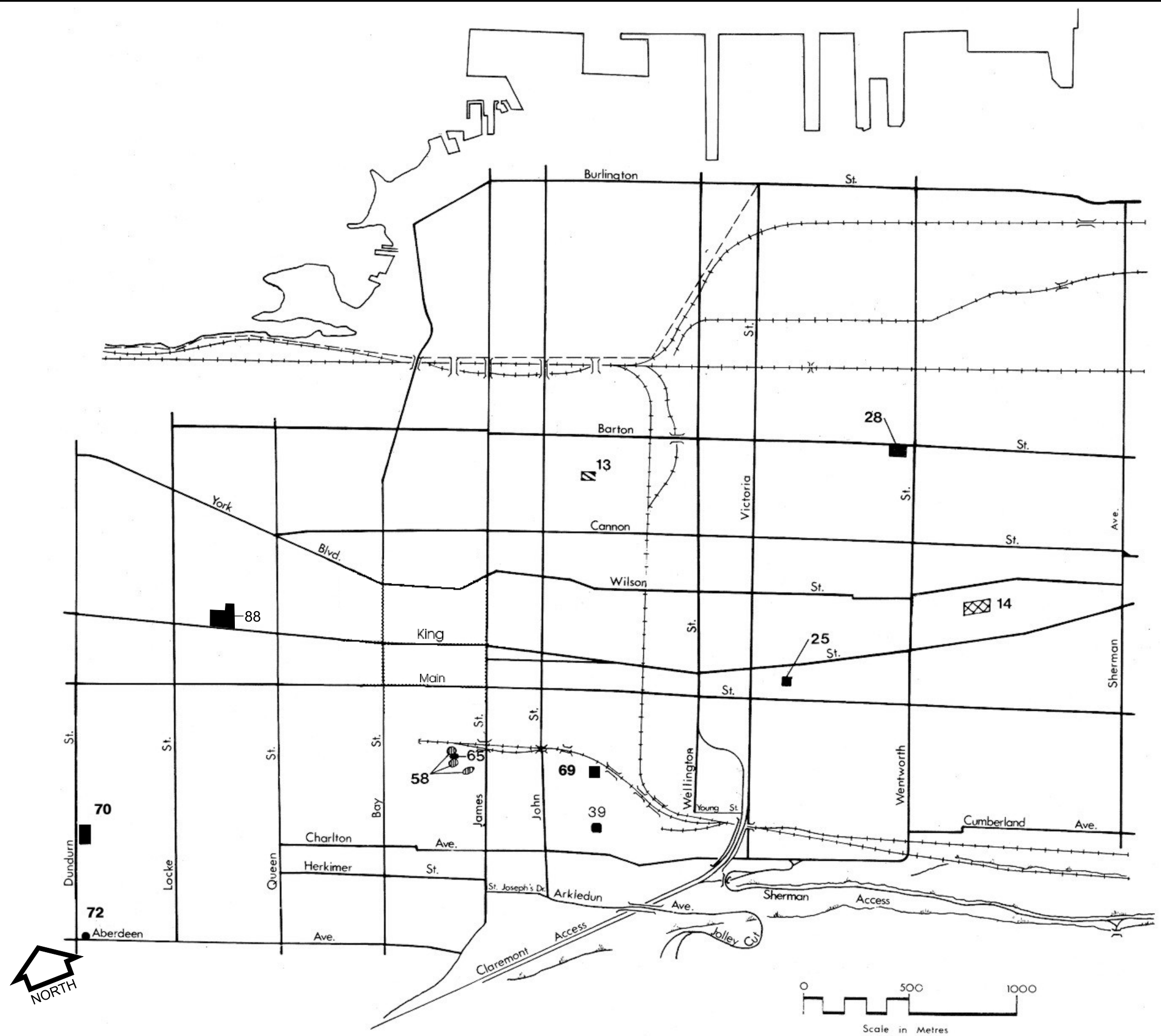
legend

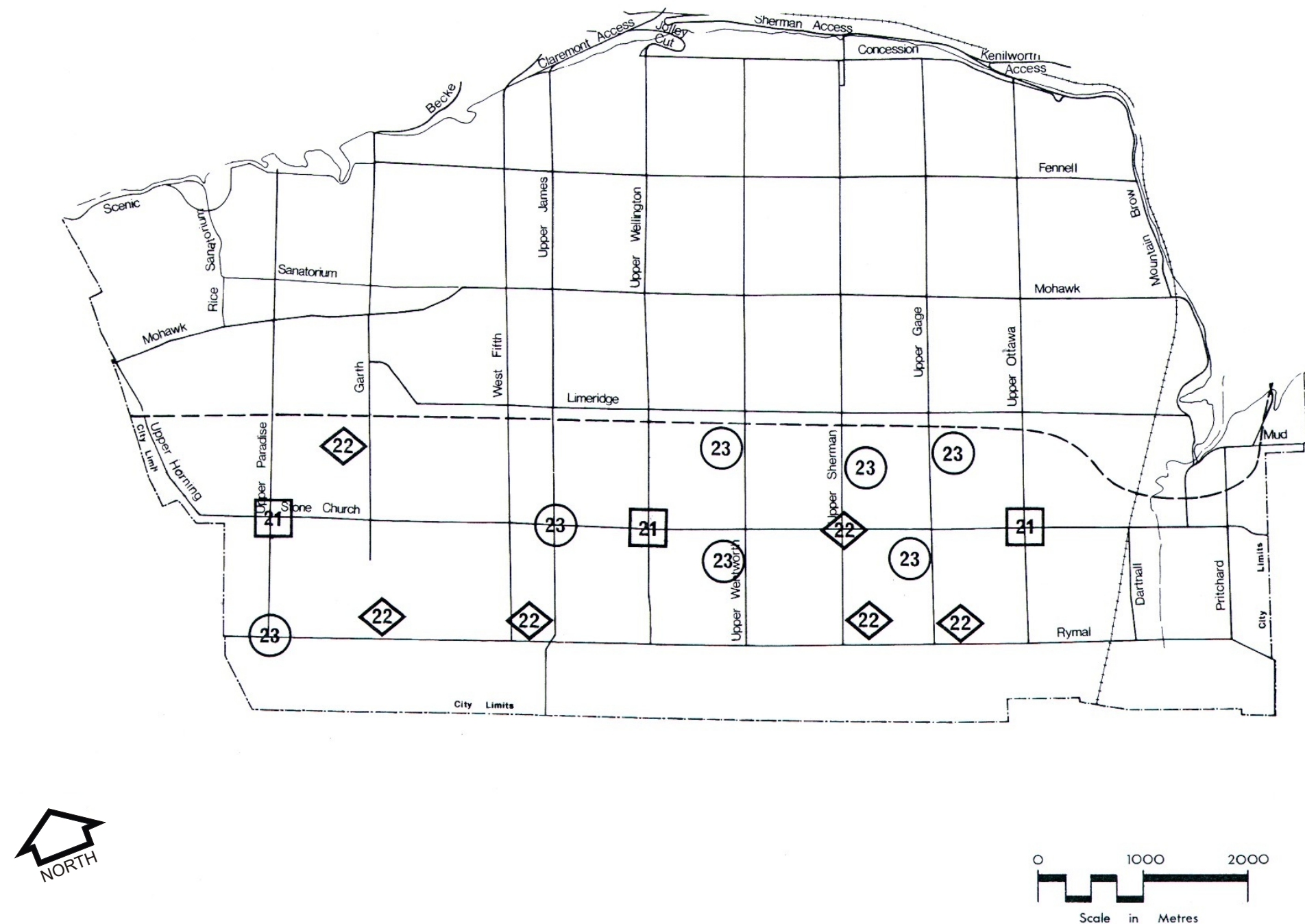
-  Refer to policy A.2.9.3.11
-  Refer to policy A.2.9.3.12
-  Refer to policy A.2.9.3.20
-  Refer to policy A.2.9.3.23
-  Refer to policy A.2.9.3.34
-  Refer to policy A.2.9.3.53
-  Refer to policy A.2.9.3.60
-  Refer to policy A.2.9.3.64
-  Refer to policy A.2.9.3.65
-  Refer to policy A.2.9.3.67
-  Refer to policy A.2.9.3.83

schedule B-1

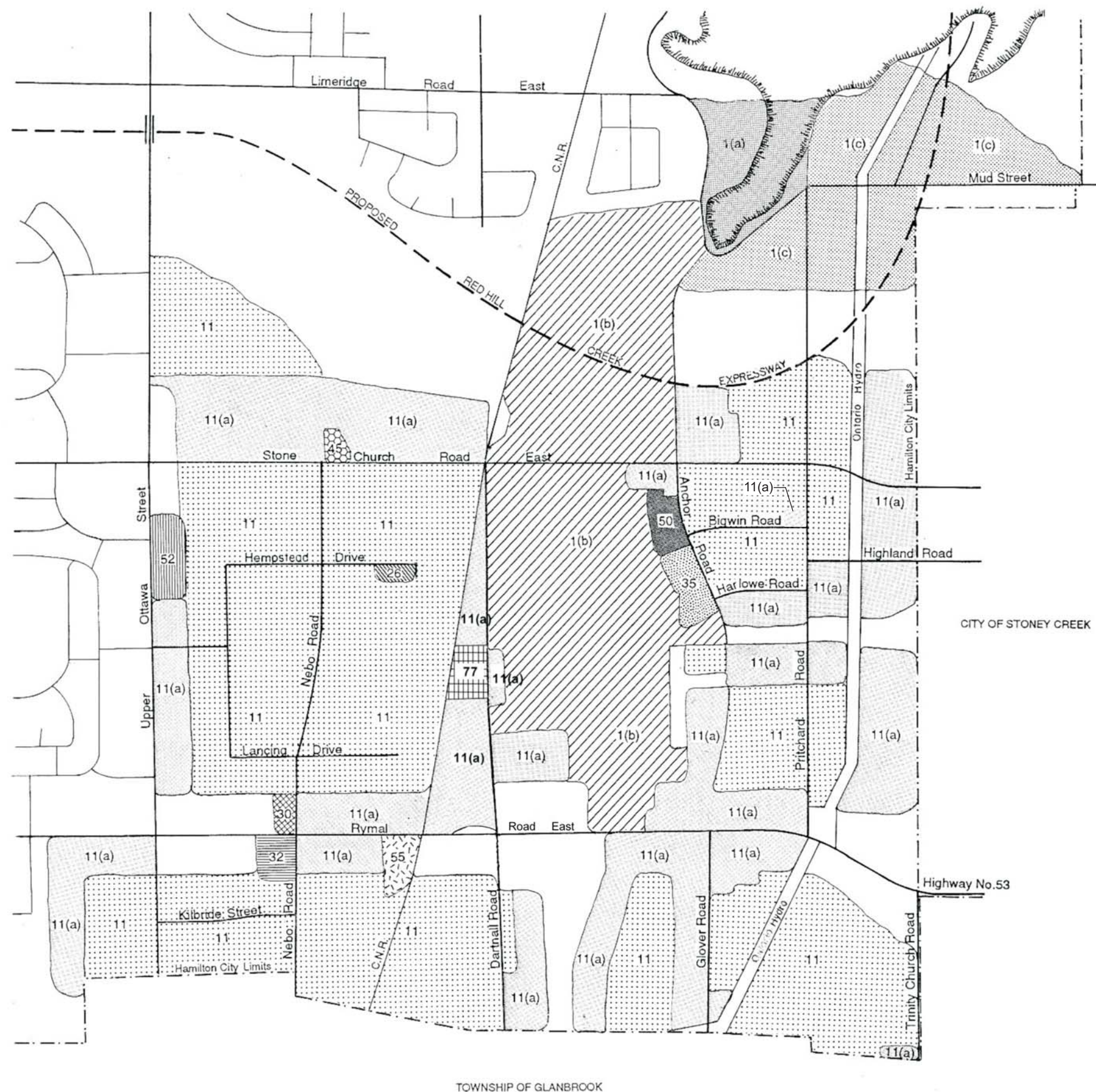
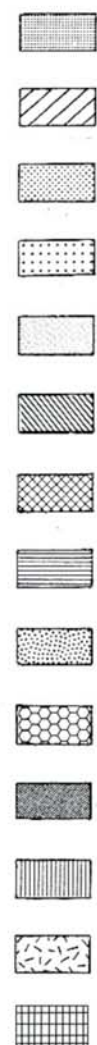
to the official plan
for
the City of Hamilton

February 2006





other Special Policy Areas



other special policy areas

(East Mountain Industrial-Business Park)

AREA	REFER TO POLICY
------	-----------------

Area 1(a)	A.2.9.1
Area 1(b)	A.2.9.1
Area 1(c)	A.2.9.1
Area 11	A.2.9.3.9
Area 11(a)	A.2.9.3.9
Area 26	A.2.9.3.21
Area 30	A.2.9.3.25
Area 32	A.2.9.3.27
Area 35	A.2.9.3.30
Area 45	A.2.9.3.40
Area 50	A.2.9.3.45
Area 52	A.2.9.3.47
Area 55	A.2.9.3.50
Area 77	A.2.9.3.72

schedule B-3

to the official plan
for
the City of Hamilton

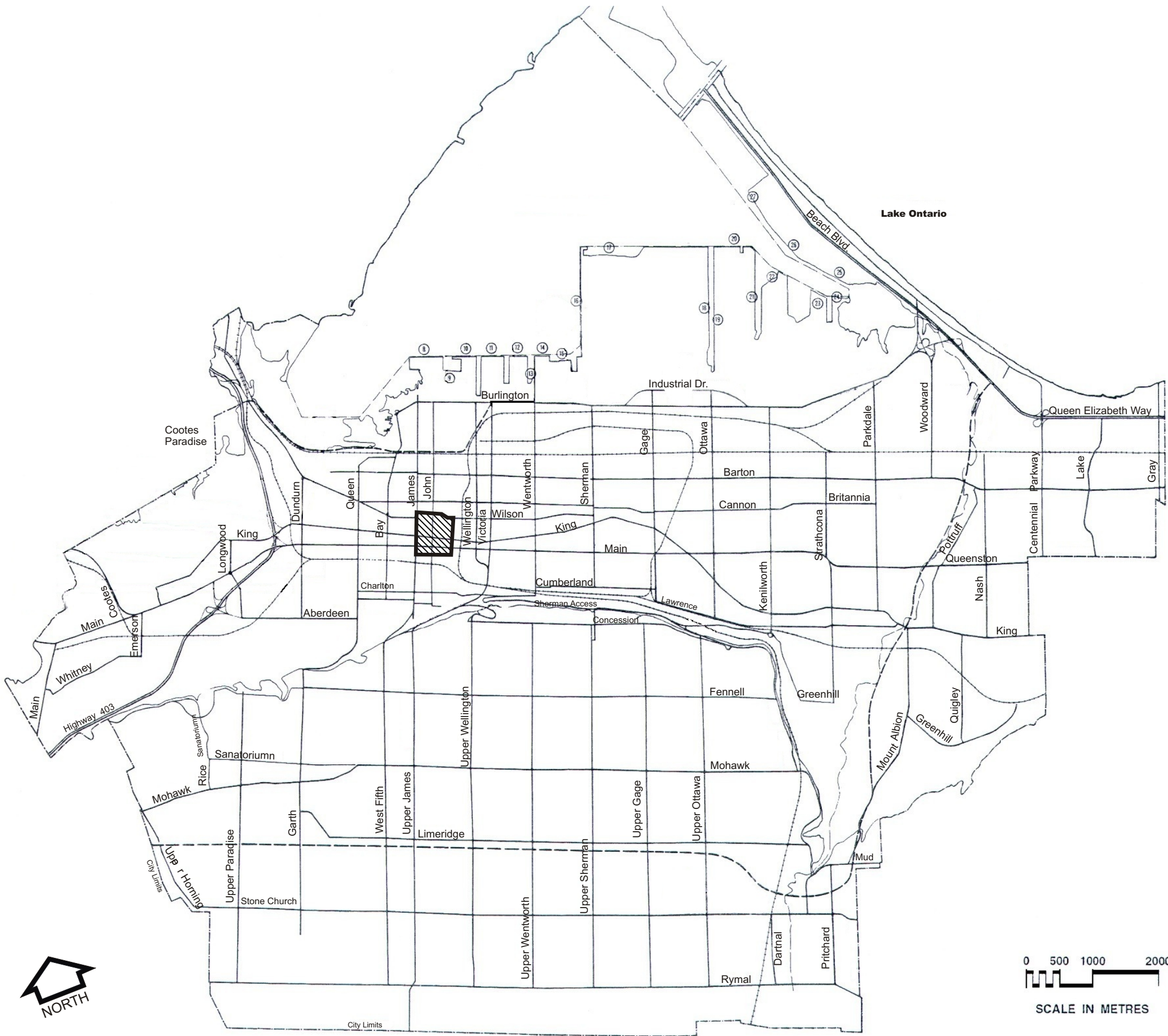
November 2010

Development Permit Areas

Legend



DOWNTOWN
(See schedule "L-4"
for exact units)



schedule B-4

to the official plan
for
the City of Hamilton

legend

(for more precise delineation of hazard lands refer to the flood and fill line mapping approved by the appropriate conservation authority)



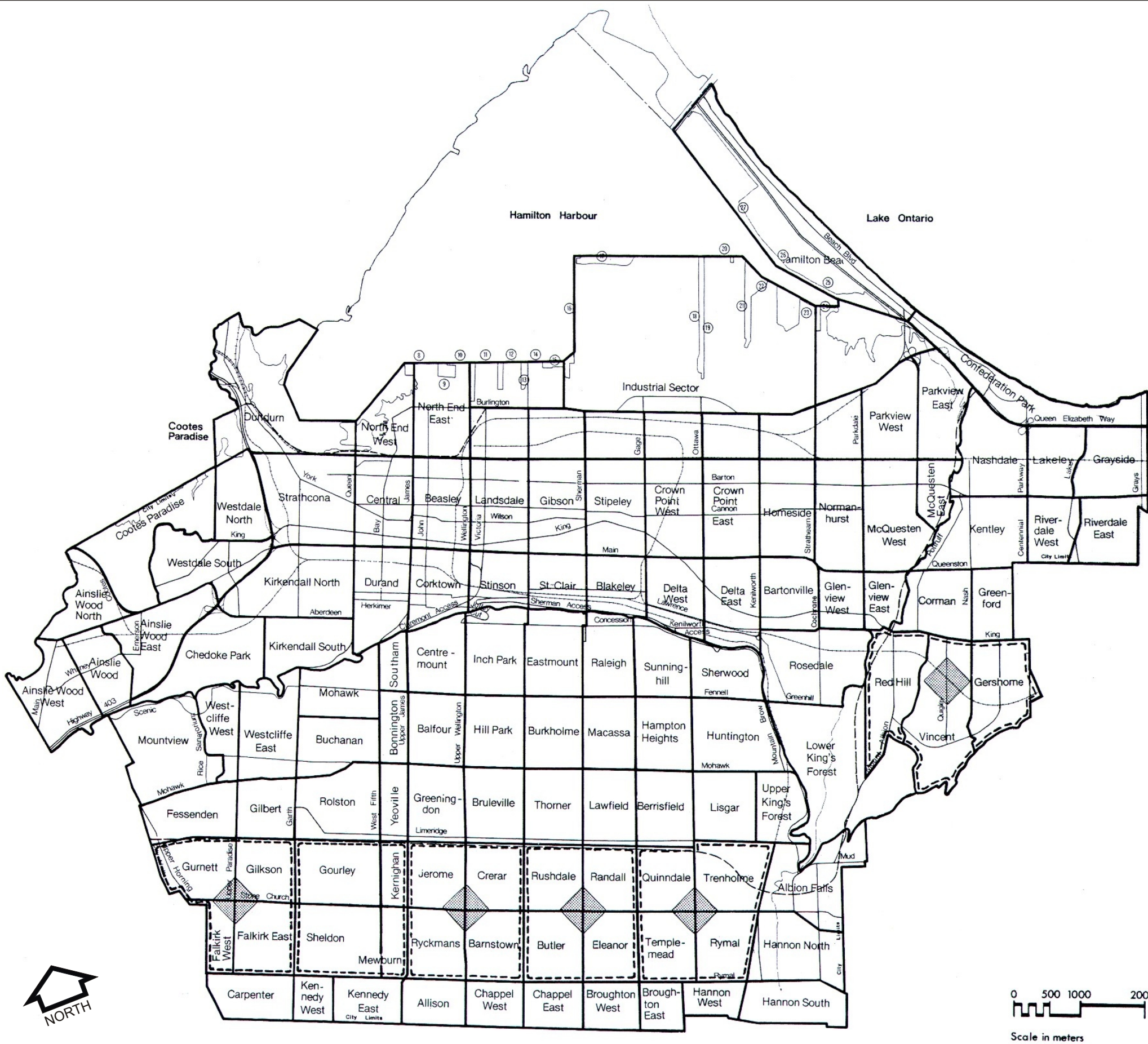
to the official plan
for
the City of Hamilton

August 1999

planning units

legend

- neighbourhood names & boundary
- community boundary
- multi-centre

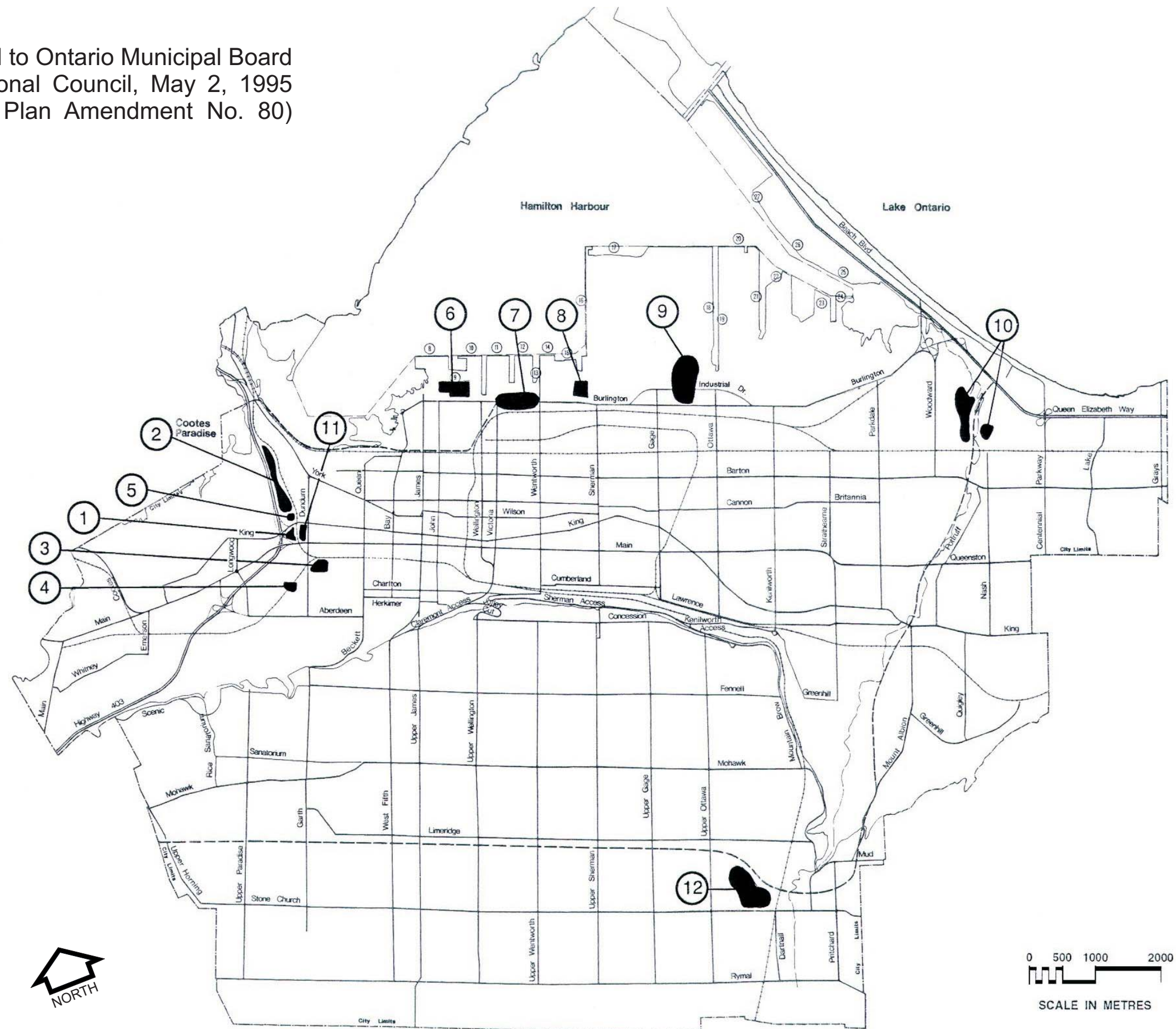


schedule G

to the official plan
for
the City of Hamilton

June 1990

N.B
Referred to Ontario Municipal Board
by Regional Council, May 2, 1995
(Official Plan Amendment No. 80)



landfill constraint areas

legend

- 1 King St./Basilica
- 2 Kay Dradge Park
- 3 Hill Street Yard
- 4 Chatham/Frid
- 5 King/CP
- 6 Eastwood Park
- 7 Burlington/Victoria/Wentworth
- 8 Burlington/Birch
- 9 Burlington/Depew
- 10 Brampton/Wentworth
- 11 Main/Dundurn
- 12 Upper Ottawa Landfill Site

schedule I

to the official plan
for
the City of Hamilton

May 1995

Chedmac Planning
Area Secondary Plan

AREA	REFER TO POLICY
Area 1	A.6.1.2(v)
Area 2	A.6.1.2(i)
Area 3	A.6.1.2(i)
Area 4	A.6.1.2(iii)
Area 5	A.6.1.2(i)
Area 6	Deleted (OPA 164)
Area 7	A.6.1.2(ii)

Legend

Land Use Designations

- Low Density Residential
- Medium Density Residential I
- Medium Density Residential II
- Neighbourhood Park
- Stormwater Pond
- Institutional
- Community Park
- General Open Space
- Secondary Plan Boundary

schedule J-1

to the official plan
for
the City of Hamilton

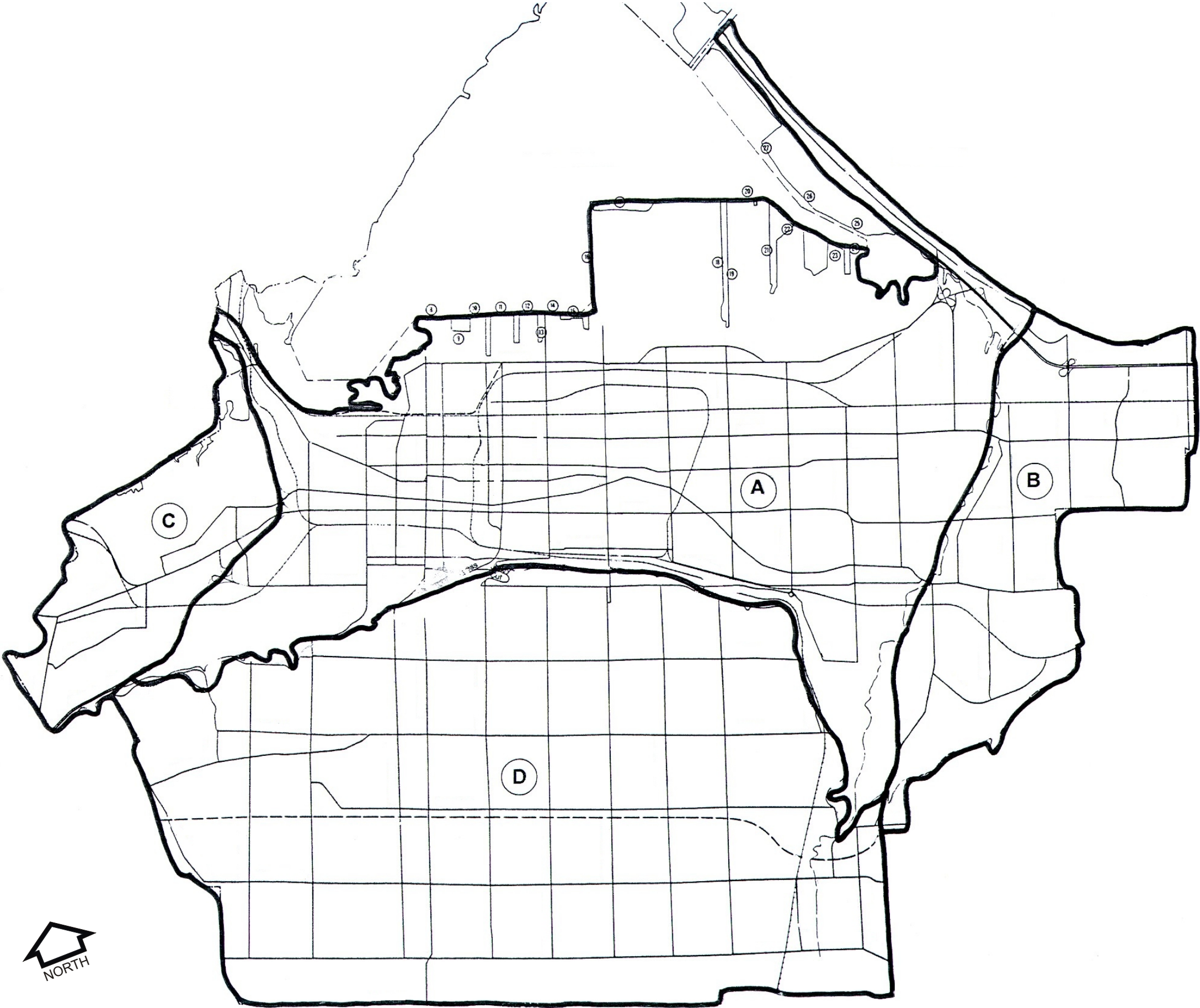
NOVEMBER 2007



local housing
market zones

legend

- A CENTRAL HAMILTON
- B EAST HAMILTON
- C WEST HAMILTON
- D HAMILTON MOUNTAIN



schedule K

to the official plan
for
the City of Hamilton

June 1998