

CHAPTER B – COMMUNITIES

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

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

Strong communities are:

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| Complete | Opportunities to live, work, learn, shop, and play are provided and are accessible. |
| Healthy | Healthy and safe lifestyles are supported by quality built and natural environments. |
| Diverse | Neighbourhoods are unique in character and enable a variety of lifestyle choices and housing opportunities for all. |
| Vibrant | Interesting and creative streetscapes and human scale public places are created through quality design, pedestrian amenities, and attention to land use mix. |

B.1.0 INTRODUCTION

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

- A firm *urban boundary* defines the physical extent of our urban area. Policies direct where, when and how expansion of the *urban boundary* can and should occur.
- The local economy and a culture of creativity provide energy, vitality, prosperity and strength to our communities.
- Housing for people of all incomes and demographics in different housing types and tenures is critical to quality of life.
- The quality of the built environment shapes the urban experience. Urban design policies direct design in both the public and private realm to facilitate unique, diverse, innovative and creative urban places.
- Cultural heritage links communities to their roots and contributes to our image and cultural identity. Policies support the conservation of *cultural heritage resources*.
- *Community facilities/services* and *cultural facilities* are fundamental elements of communities. Policies ensure the provision and quality of these facilities and services, and their accessibility by all citizens.
- Health and safety in our communities is essential. Policies ensure that our communities are safe and healthy. A broad interpretation of health recognizes the inter-relationships between all aspects of our environment and the impacts on the health of citizens. Policies in this section enable healthy lifestyles, promote a healthy and safe community, and promote a high quality of life.

B.2.0 DEFINING OUR COMMUNITIES

2.1 Urban Boundary

2.1.1 The *urban boundary* defines the area where all urban development occurs. Lands within the *urban boundary* are already serviced or planned to be serviced with major roads, transit and full municipal services. The land within the *urban boundary* includes both the area within the *built-up area* and *greenfield area*. Lands within the *urban boundary* represent a 20 year supply of designated urban land and are intended to accommodate the majority of the City's projected growth.

2.2 Urban Boundary Expansions

2.2.1 Hamilton's Growth Strategy (GRIDS) identified the following two areas for future *urban boundary* expansion to accommodate the population and employment growth targets for 2031:

- a) Future Airport Employment Growth District, identified as Special Policy Area C in the Rural Hamilton Official Plan, is generally bounded by the existing *urban boundary* adjacent to Upper James Street to the east, White Church and Fiddler's Green Roads on the south, Garner Road on the west and Glancaster Road, and Twenty Road West on the north.
- b) Future Urban Growth District is generally bounded by Mud Street, Second Road and Hondershot Road on the east, Golf Club Road on the south, Trinity Church Road on the west, and the existing *urban boundary* (west side of Centennial Parkway) on the north. **Future Urban Growth District in the vicinity of Elfrida, located generally in the area of Upper Centennial Parkway, Rymal Road East, Highway 20 and Highway 56. [Mod 4(a)]**

2.2.22.2.1 The exact limits of the lands to be included as part of the *urban boundary* expansion shall be determined as part of a *municipally initiated comprehensive review* and secondary plan.

2.2.32.2.2 No *urban boundary* expansion shall occur until a *municipally initiated comprehensive review* and secondary plan have been completed.

2.2.42.2.3 Prior to the initiation of an *urban boundary* expansion, the City shall undertake a *municipally initiated comprehensive review* and secondary plan, in accordance with the policies of the Growth Plan for the Greater Golden Horseshoe. As part of these processes, the City shall complete background studies and conduct community planning and public consultation events including the establishment of a community liaison committee. The background studies and consultation processes shall assist in identifying the layout of future land uses, determining more precise needs, land supply and infrastructure requirements, and development of community growth management policies and designations. More specifically, a *municipally initiated comprehensive review* and secondary plan shall include the following elements:

- a) a comprehensive review and land budget analysis is required to determine the need for an *urban boundary* expansion, which includes an assessment of occupied and vacant urban land, brownfield availability, greenfield densities, and *intensification* targets to determine if sufficient opportunities to

accommodate forecasted growth contained in Policy A.2.3.1 and Policy A.2.3.2 are not available [Mod 4(b)];

- b) a *sub-watershed plan* to address storm water infrastructure and natural heritage system impacts, in accordance with Section F.3.1.6 – Watershed and Sub-watershed Plans;
- c) Environmental Impact Statement(s) pertaining to the natural heritage system, as required by applicable Official Plan and provincial policies;
- d) ~~an assessment of agricultural capability which considers directing urban growth onto those lands which are or are not on lower priority lands, which are designated Agriculture in prime agricultural areas, the lands do not comprise specialty crop areas, there are no reasonable alternatives that avoid prime agricultural areas and there are no reasonable alternatives on lower priority agricultural lands [Mod 4(c)];~~
 - e) demonstrating that impacts from new or expanding *urban areas* on agricultural operations which are adjacent or close to the *urban areas* are mitigated to the extent feasible; and,
 - i) the designation of appropriate land uses and policies pertaining to the design and density of such uses;
 - ii) completion of Class Environmental Assessments for major urban servicing infrastructure deemed to be essential for commencement or completion of *development* of all or part of the lands; and,
 - iii) an *urban development* staging, phasing or implementation strategy in keeping with City-wide master plan priorities and secondary plan objectives.
 - iv) **the timing of the urban boundary expansion and the phasing of development within the greenfield areas shall not adversely affect the achievement of the *residential intensification* target and Greenfield density targets [Mod 4(d)].**
 - f) completion of a financing policy for urban services and other community infrastructure; and,
 - g) other studies and policies which the City deems necessary for the development of the future urban growth district as a sustainable transit oriented urban community.
 - h) **the *urban boundary* expansion makes available sufficient lands for a time horizon not exceeding 20 years, based on the analysis provided for in Policy ~~B.2.2.4 a) B.2.2.3 a)~~ [Mod 4 (e)]**

~~2.2.52.2.4~~ The City shall establish a comprehensive public participation process that will include a community liaison committee comprised of landowners, public agencies and appointed City Councillors to oversee the development of the secondary plan referred to in Policy ~~B.2.2.4. B.2.2.3.~~

2.3 ~~Future~~ Airport Employment Growth District [Mod 5(a)]

2.3.1 ~~The City shall undertake a municipally initiated comprehensive review and secondary plan for the lands identified in Policy B.2.2.1 a) above. The City shall undertake a municipally initiated comprehensive review and secondary plan for an Airport Employment Growth District, identified as Special Policy Area C in the Rural Hamilton Official Plan, generally bounded by the existing urban boundary adjacent to Upper James Street to the east, White Church and Fiddler's Green Roads on the south, Garner Road on the west and Glancaster Road, and Twenty Road West on the north [Mod 5(b)].~~

2.3.2 Upon completion of the secondary plan, including the phasing of *development* for the future Airport Employment Growth District, the City shall initiate an Official Plan amendment:

a) to include specific lands within the *urban boundary*,

b) to add new parent and secondary plan policies and mapping for the lands identified in Policy ~~B.2.2.1 a)~~ B.2.3.1 [Mod 5(c)]; and,

c) ~~to protect and reserve any additional lands deemed necessary for future employment growth. [Mod 5 (d)]~~

2.3.3 The City recognizes the long-term economic importance of the John C. Munro International Airport and associated highway infrastructure for its unique role as a catalyst for airport related and other employment uses. These future employment lands shall be subject to Policies B.2.2.1 to B.2.2.4 – Urban Boundary Expansions. Lands in the vicinity of the John C. Munro International Airport should be designated for employment purposes that rely on this infrastructure [Mod 5(d)].

2.4 Residential Intensification

Residential intensification is a key component of Hamilton's growth strategy and is essential to meet our growth and employment targets. *Intensification* ensures land, urban services and the transportation network are used more efficiently and sufficient population is maintained to support existing *community facilities*. Successfully accommodating more residents within the existing *built-up area* reduces the need for *development* of greenfield lands and *urban boundary* expansions.

Intensification contributes to creating and maintaining vibrant neighbourhoods, nodes and corridors and can provide a wider range of housing types to meet the housing needs of Hamilton's current and future population. This Plan supports the *intensification* of the existing *built-up area* of the City, with a focus on *intensification* of planned *Urban Nodes* and *Urban Corridors* described in Chapter E – Urban Systems and Designations.

While growth through *residential intensification* brings many benefits to communities and the City as a whole, it must be recognized that it also brings change in varying degrees across the City. In node and corridor areas targeted to receive intensification, greater changes in built form can be expected to occur.

Residential intensification is a key component in successfully developing and transforming targeted areas of the City. *Intensification* creates livable, vibrant,

compact communities; facilitates and enhance the node and corridor structure of the City, and makes efficient use of the City's public transit network and other infrastructure. For *intensification* to make a positive contribution to the City, careful consideration must be given to design and *compatibility* with existing uses, neighbourhood character, and cultural and natural heritage. *Intensification* must represent good planning and not cause unacceptable impacts.

2.4.1 General Residential Intensification Policies

2.4.1.1 *Residential intensification* shall be encouraged throughout the entire *built-up area*, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.

2.4.1.2 The City's primary *intensification areas* shall be the *Urban Nodes* and *Urban Corridors* as illustrated on Schedule E – Urban Structure and as further defined in secondary plans and corridor studies for these areas, included in Volume 2.

2.4.1.3 The *residential intensification* target specified in Policy A.2.3.3.4 shall generally be distributed through the *built-up area* as follows:

- a) The *Downtown Urban Growth Centre* shall be planned to accommodate approximately 20% of the intensification target.
- b) The *Urban Nodes* and *Urban Corridors* identified in Section E.2.0 - Urban Structure, excluding the *Downtown Urban Growth Centre*, shall be planned to accommodate approximately 40% of the *residential intensification* target.
- c) 40% of the *residential intensification* target is anticipated to occur within the Neighbourhoods as illustrated on Schedule E – Urban Structure.

2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g), as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

2.4.2 Residential Intensification in the Neighbourhoods Designation

2.4.2.1 *Residential intensification* within lands designated Neighbourhoods identified on Schedule E-1 - Urban Land Use Designations shall comply with Section E.3.0 – Neighbourhoods Designation.

2.4.2.2 When considering an application for a residential intensification *development* within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) *compatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of *cultural heritage resources*; and,
- j) infrastructure and transportation capacity and impacts.

2.4.3 Residential Intensification and Cultural Heritage Resources

2.4.3.1 *Residential intensification* involving *cultural heritage resources* shall be in accordance with Section B.3.4 – Cultural Heritage Resources Policies.

2.4.3.2 *Residential intensification* in established historical neighbourhoods shall be in accordance with Policy B.3.4.3.6 and Policy B.3.4.3.7.

Facilitating Residential Intensification

2.4.4 The City, when reviewing or developing new secondary plans or corridor studies, shall identify opportunities for *residential intensification* to support the *intensification* targets and related policies.

2.4.5 The City shall establish zoning that permits *residential intensification* generally throughout the *built-up* area, in accordance with this Plan.

2.4.6 The City shall prepare detailed design guidelines for *residential intensification* projects in a variety of contexts.

- 2.4.7 The City shall consider the creation of new, or expansion of existing programs, including public transit, to encourage and/or facilitate *residential intensification*.
- 2.4.8 The City may facilitate the development of *residential intensification* projects in accordance with Section F.4.0 – Municipal Land and Building Acquisition.
- 2.4.9 The City shall consider the disposition of surplus City owned lands/buildings for the purposes of facilitating *residential intensification* projects where appropriate, with preference for *affordable* housing initiatives.
- 2.4.10 The City shall partner with the Hamilton-Halton Home Builders Association and other provincial, regional and community organizations to provide educational opportunities about *residential intensification* for the public and the building and development industry.

B.3.0 QUALITY OF LIFE AND COMPLETE COMMUNITIES

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

Complete communities provide convenient access to a mix of jobs, local services and shops, a full range of housing and community facilities such as schools, recreation facilities, open space, health care facilities, *cultural facilities*, and more. Complete communities enable residents to meet most of their daily needs within a short distance from their homes, facilitating ease of access and use of public transit and active modes of transportation.

Many planning factors contribute to quality of life and *complete communities*. The intent of this Section is to provide direction on a number of factors that are to be considered in municipal decision making; factors that when combined, work together to create exciting, diverse, effective and pleasing places to live, work, play, and learn. These aspects of quality of life include supporting and promoting a strong economy; providing for a range of housing opportunities for all segments of the population; protecting and enhancing our cultural heritage resources; providing and maintaining community and emergency facilities such as parks, libraries, schools, fire, emergency medical and police facilities, and health care facilities; ensuring public safety through policy direction for contaminated sites, hazard lands, water and air quality, and by-law enforcement and building inspection services; and, ensuring that our built environment is well-designed to create a high quality public realm. Policies protecting Hamilton's natural heritage and green spaces are also critical to quality of life and *complete communities*. These policies are found in Section C.2.0 – Natural Heritage System Policies.

Culture and arts, while not independent land uses to be specifically addressed in official plan policy, are vital to quality of life and completeness of communities. Culture makes each place unique; Hamilton's culture distinguishes it from every other place in the world. The arts are one way of expressing, sharing and participating in that culture, though the role of art in society is multi-faceted. Culture and arts are addressed in this Plan where possible through land use planning: permission of land uses, particularly a mix of uses; focus on urban design; provisions for public art; and, conservation of cultural and natural heritage resources. More detailed culture and arts policy direction beyond the scope of the Planning Act, R.S.O., 1990 c. P.13 will be provided in the forthcoming cultural plan.

3.1 Strong Economy

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

There are many sectors which shape the economy such as traditional manufacturing, research and technology, education, healthcare, agriculture, arts and culture, transportation, either individually or as part of an economic and goods movement gateway, retail, and office. The new and emerging

sectors enhance the attractiveness of the City and also provide for employment opportunities.

The creation of a strong economy is contingent upon several key interdependent factors including developing and retaining a skilled labour force which is adaptable to changing technologies; providing infrastructure; creating an environment of innovation; supporting and enhancing the arts and culture sector; reducing poverty by providing better access to education, social programs, improving quality of life indicators such as housing choices, and having abundant open spaces.

A strong economy stimulates housing demand and population growth. As the City thrives, the demand for residential options, including residential intensification, grows. The Downtown area in particular benefits from a strong economy and subsequent strength in the housing market.

The policies of this Plan are both directly and indirectly intended to strengthen Hamilton's economic competitiveness, prosperity and resilience as envisaged by Vision 2020, the City's Strategic Plan, the Economic Development Strategy and the Growth Plan for the Greater Golden Horseshoe.

Land Use and Infrastructure

3.1.1 The City shall strengthen its economy by:

- a) directing business activity to suitable locations as identified on Schedules E-Urban Structure and E-1 – Urban Land Use Designations;
- b) preparing a new comprehensive Zoning By-law to implement the policies of the Official Plan; and,
- c) encouraging improved urban design and quality architecture, as well as improving the urban design elements of the public realm.

Employment Lands

3.1.2 The City shall:

- a) protect the supply of Employment Areas, as designated on Schedule E-1 – Urban Land Use Designations, for employment uses by minimizing the establishment of non-employment lands uses, in accordance with the policies of this Plan;
- b) increase the supply of shovel ready employment lands through various initiatives;
- c) complete the Airport Employment Growth District Secondary Plan, associated Class Environmental Assessments, financial analysis and any other required studies; and,
- d) endeavour to provide for and plan for a range of lot sizes throughout the designated employment lands.

3.1.3 Where necessary, the City shall prepare overall and site specific shovel ready Servicing Strategies for Employment Business Parks, including financing options, and necessary land acquisitions.

- 3.1.4** The City, in conjunction with other public agencies and private partnerships, shall support the *development* and *redevelopment* of the employment lands through:
- a) strategic investments in the construction and maintenance of infrastructure such as roads, water and wastewater, storm water, transportation corridors, and hubs and utilities such as natural gas, electricity, and telecommunications; and,
 - b) working jointly to resolve development issues for specific Employment Areas, such as the West Hamilton Innovation District, which are important to the local economy.

Brownfield Sites

- 3.1.5** There are many complex and interconnected reasons for promoting and implementing brownfield *redevelopment*. There are significant and immediate economic, environmental and social benefits from regenerating these "legacy" properties. The City, in addition to other economic development objectives, shall pursue the *redevelopment* of brownfield sites and promote opportunities for employment and *residential intensification* by:
- a) continuing to liaise with other levels of government, agencies, and the private sector to endorse and amend existing legislation, regulations and standards, including the addressing of liability issues for land owners;
 - b) undertaking studies to identify priority brownfield sites for *redevelopment*;
 - c) providing the necessary financial assistance to developers and landowners to make the *redevelopment* of brownfield sites a viable option; and,
 - d) ensure a wide variety of investment opportunities are available throughout the City and provide potential employment users with a range of alternative sites of various size in a variety of locations throughout the City.

Strategies and Supporting Plans

- 3.1.6** The City shall prepare a community based Economic Development Strategy that is adaptive and responsive to changing economic trends.
- 3.1.7** The City shall support and promote tourism as an integral part of Economic Development as part of the City's Corporate Strategic Plan and the Tourism Hamilton Strategic Plan. Tourism Hamilton Incorporated's mission is to be an innovative Destination Management Organization dedicated to significantly increasing new and return tourist visitation to Hamilton, in accordance with its Strategic Plan and annual Marketing Plan.

Tourism

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

- 3.1.9** Tourism is supported by having a healthy, liveable, and diverse community as well as vibrant downtowns, publicly accessible waterfronts, key infrastructure such as transportation systems, cultural facilities, and sport facilities.
- 3.1.10** The City's tourism product shall focus on outdoor, cultural, sport events as well as the meeting and convention business.

Arts and Culture

- 3.1.11** The City recognizes that arts and culture bring many benefits to the City of Hamilton. Arts and culture contribute to the City's economy, cultural landscape, quality of life, vibrancy, livability, *complete communities*, and sense of place and can play a significant role in the adaptive reuse of older buildings and the transformation of deteriorated neighbourhoods and commercial areas.
- 3.1.12** Arts and culture are supported by many policy directions of this Plan: compact urban development; mixed uses; appropriate flexibility in land use while ensuring *compatibility* with existing neighbourhoods; focus on urban design to create vibrant, attractive and interesting places; emphasis on *pedestrian focus streets* (OPA 69); conservation of *cultural heritage resources*; protection and enhancement of natural heritage resources; broad mix and range of housing forms and densities; and, creation of vibrant and well designed public spaces that include public art. Arts and culture can also be supported by program initiatives and the ongoing development of a culture plan for the City.
- 3.1.13** The City shall consider the preparation of a Community Improvement Project Area or *community strategy* to enhance and support the arts and culture sector.

Partnerships

- 3.1.14** The City shall partner with non-profit agencies, boards, hospitals, colleges, universities, senior levels of government, community groups, and employers to facilitate the following initiatives:
- a) the development and retention of a skilled labour force that is adaptable to changing economic trends and technologies;
 - b) research and development opportunities in manufacturing, biotechnology and other sectors;
 - c) arts and cultural initiatives; and,
 - d) the promotion of the City as an economic and goods movement gateway.
- 3.1.15** The City shall support and participate in multi-sectoral collaborations and initiatives that focus on improving Hamilton's economy.

3.2 Housing Policies

Housing is fundamental to the economic, social and physical well-being of Hamilton’s residents and communities. Housing is a basic human need and is the central place from which people build their lives, nurture their families and themselves, and engage in their communities. Housing needs to change and evolve as social, demographic, and economic conditions change. The long term sustainability of communities is based on building a diverse, flexible housing stock today to meet changing needs at both household and community levels. To ensure that housing is available for all residents with a wide variety of needs, there must be a sufficient supply of housing with a range of housing types, forms, tenures, densities, affordability levels, and housing with support services.

3.2.1 Urban Housing Goals

The following goals shall apply in the *urban area*:

- 3.2.1.1 Provide for a range of housing types, forms, and densities to meet the social, health and well-being requirements of all current and future residents.
- 3.2.1.2 Provide housing within *complete communities*.
- 3.2.1.3 Increase Hamilton’s stock of *affordable* housing of all types, particularly in areas of the City with low levels of *affordable* housing.
- 3.2.1.4 Increase Hamilton’s stock of housing for those whose needs are inadequately met by existing housing forms or tenure, affordability or support options.
- 3.2.1.5 Maintain a balance of *primary rental* and ownership housing stock as outlined in the Affordable Housing Strategy.
- 3.2.1.6 Increase the mix and range of housing types, forms, tenures, densities, affordability levels, and *housing with supports* throughout the *urban area* of the City.

3.2.2 Housing Targets

The housing targets in Tables B.3.2.1 – Housing Targets – Ownership and B.3.2.2 – Housing Targets – Rental are based on future population growth forecasts to the year 2031 and future housing need. Targets for *affordable* rental housing are divided into housing *affordable* for *low and moderate income households*. Meeting the housing targets for housing *affordable* for *low and moderate income households* will require sustainable and predictable funding from senior levels of government.

- 3.2.2.1 In addition to projected housing needs based on population forecasts in Table B.3.2.1 – Housing Targets – Ownership, the City has a substantial existing shortage of *affordable* rental housing. In particular, 12,650 renter households (1 in 5) are currently paying more than 50% of their income on rent (2006 Census) and are at risk of homelessness. This need shall be addressed through a target of 1,265 new annual rent supplements/housing allowances, over a period of ten years (2006 to 2016), in addition to the targets for future new rental housing shown in Table B.3.2.2 – Housing Targets – Rental. This need will require sustainable and predictable funding from senior levels of government to be met.

3.2.2.2 The City shall monitor the policies of Sections B.3.2 – Housing and B.2.4 – Residential Intensification, for progress in achieving the housing targets of Policy B.3.2.2.1 and Tables B.3.2.1 and B.3.2.2 – Housing Targets. (OPA 128)

Table B.3.2.1 – Housing Targets – Ownership

Target Type	Target # of Units Annually	% of Total Annual Target by Tenure	Product to Achieve Target	Methods to Achieve Target
New Ownership Housing (not affordable)	948	42.3%	New and resale homes	Housing market
New Ownership Housing <i>Affordable to Low & Moderate Income Households</i> (includes housing with supports)	1291	57.7%	New and resale homes	Housing market, low-down payment options, first-time buyer programs, support services
Total New Ownership Housing	2239	100%		

Table B.3.2.2 – Housing Targets – Rental

Target Type	Target # of Units Annually	% of Total Annual Target by Tenure	Product to Achieve Target	Methods to Achieve Target
New Rental Housing (not affordable)	252	40%	New rental housing, both <i>primary</i> and secondary market (rented condos, second dwelling units)	<i>Primary rental housing development</i> , conversion to rental residential, secondary rental market (rented condos, second dwelling units)
New Rental Housing <i>Affordable to Moderate Income Households</i> (includes housing with supports)	125	20%	New rental housing, both <i>primary</i> and secondary market (rented condos, second dwelling units) between average market rent and 20% below average market rent	Same as above but requires capital assistance program (e.g. COAHP) and/or other assistance to lower <i>development cost</i> , as well as support services
New Rental Housing <i>Affordable to Low Income Households</i> (includes housing with supports)	252	40%	New <i>primary rental housing</i> , more than 20% below average market rent	Same as above but requires <i>rent-geared-to-income housing</i> assistance (e.g. rent supplement, housing allowance), as well as support services
Total New Rental	629	100%		

3.2.3 Affordable Housing Policies

Many households in Hamilton cannot obtain housing that is *affordable* or appropriate to their needs. Households and individuals may be at risk of homelessness because of economic and/or personal circumstances where a level of support is required to live independently. Hamilton's aging and diversifying population has new and unique housing needs that cannot solely be met through current housing options. The City recognizes the importance of *affordable* housing and *housing with supports* in meeting the housing needs of those without the resources to participate in the private housing market.

- 3.2.3.1 The City shall endeavour to provide a facilitative land use planning process for development applications for *affordable* housing and *housing with supports*.
- 3.2.3.2 Where appropriate, assistance shall be provided, either by the City and/or by senior governments, to encourage the *development* of *affordable* housing, with priority given to projects in areas of the City that are lacking in *affordable* housing. City assistance may include selling or leasing of surplus City land or financial assistance.
- 3.2.3.3 In accordance with the City's 'Housing First' policy, all City-owned land that is surplus to the City's needs and appropriate for residential development shall be given priority for sale or lease for the *development* of *affordable* housing by CityHousing Hamilton Corporation, or coordinated by CityHousing Hamilton Corporation or the City of Hamilton Housing Division for *development* by other housing stakeholders.
- 3.2.3.4 The City shall identify, promote and, where appropriate, participate in *affordable* housing opportunities funded by senior levels of government.
- 3.2.3.5 The City shall encourage senior levels of government to adopt a 'Housing First' policy whereby *affordable* housing uses are given priority in the disposition of surplus government owned land.
- 3.2.3.6 Investment in new *affordable* housing shall be encouraged by a coordinated effort from all levels of government through implementation of a range of strategies, including effective taxation, regulatory and administrative policies and incentives.

3.2.4 General Policies for Urban Housing

- 3.2.4.1 The *development* of a full range of housing forms, types, and densities shall be provided for and promoted throughout the City of Hamilton through *residential intensification* and new *development*. A full range of housing forms, types, and densities means the full spectrum of physical housing types including single detached dwellings, semi-detached dwellings, duplexes, townhouses of various types (street, block, stacked), apartments and other forms of *multiple dwellings*, and lodging houses, built at a range of densities.
- 3.2.4.2 The *development* of housing with a full range of tenure, affordability, and support services shall be provided for and promoted throughout the City. Where there are documented unmet needs for housing tenure, affordability levels or support services, priority shall be given to *development* applications that help meet those needs. Housing with a full range of tenure, affordability and support services in a full range of built housing forms means both ownership and *primary rental housing* with a full range of affordability, *social housing*, rent-geared-to-

income housing, lodging houses, shared and/or congregate-living housing arrangements, *housing with supports*, emergency and transitional housing, and housing that meets all needs.

3.2.4.3 *Housing with supports*, including residential care facilities, shall be permitted in the Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, and shall be subject to zoning regulations where applicable.

3.2.4.4 A *secondary dwelling unit* shall be permitted on a single, semi-detached or townhouse lot in all Institutional, Neighbourhoods, Commercial and Mixed Use designations, as shown on Schedule E-1 – Urban Land Use Designations, provided it complies with all applicable policies and Zoning By-law regulations. (OPA 142)

3.2.4.5 The existing stock of housing shall be retained wherever possible and kept in a safe and adequate condition through use of the City's Demolition Control by-law, Property Standards by-law, and incentive programs financed by the City or by senior levels of government. (OPA 142)

3.2.4.6 Deleted by OPA 142

3.2.5 Rental Housing Protection Policies

It is important to maintain a balance of *primary rental* and ownership housing stock. *Primary rental housing* stock lost to condominium conversion or demolition is not being replaced through the building of new units, but condominium conversion and *redevelopment* can meet other City goals such as *affordable* home ownership, neighbourhood revitalization, replacement of aging housing stock and *residential intensification*. The intent of the policies in Section 3.2.5 is to minimize the loss of *primary rental housing*, particularly *affordable* rental housing, while permitting opportunities for neighbourhood revitalization, *residential intensification*, and *affordable* home ownership when the rental housing market is strong.

Condominium Conversion of Rental Housing Units

3.2.5.1 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment or townhouse buildings or groups of buildings comprised of six or more units shall be permitted if any one of three general criteria are met, outlined as a), b) and c) below:

a) all the following criteria are met:

- i) the rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone, as identified on Schedule G – Local Housing Market Zones and based on CMHC data, has been at or above 2.0% for the preceding twenty-four months; and,
- ii) the proposed conversion shall not reduce the rental vacancy rate by dwelling unit and structure type to below 2.0% for the City and the respective local housing market zone; and,
- iii) the existing market rent levels for the units proposed to be converted are not significantly (approximately 10%) below the average market

rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; and,

iv) for vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be converted were not significantly (approximately 10%) below the average market rent levels at the time for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; or,

b) at least 75% of the current tenants support the conversion to condominium, as demonstrated to the satisfaction of the City; or,

c) the subject building or group of buildings is a *protected heritage property* on the date of application.

3.2.5.2 In considering a request for extension of an approval for conversion to condominium of rental housing, the City shall apply Policy B.3.2.5.1.

3.2.5.3 Notwithstanding Policy B.3.2.5.1, the City may approve an application to convert rental housing to condominium tenure, where it is demonstrated to the satisfaction of the City that:

a) repair or retrofitting is immediately required to meet health and safety standards; and,

b) income received from rent and available from government funding programs, including rent increases permitted under provincial legislation, is not capable of supporting the work required.

3.2.5.4 The City may require applicants to submit certified financial statements in support of an application under Policy B.3.2.5.3.

3.2.5.5 A complete application for conversion to condominium of rental apartment or townhouse buildings or groups of buildings comprised of six or more rental units shall include, in a manner acceptable to the City, proof of tenant notification of the conversion proposal and proof of notification of the rights of tenants under provincial residential tenancy legislation.

Demolition/Redevelopment of Rental Housing Units

3.2.5.6 To protect the adequate provision of a full range of housing, *development* or *redevelopment* that would have the effect of removing all or part of rental apartment or townhouse buildings or groups of buildings comprised of six or more units, and would result in the loss of six or more rental housing units shall be permitted if any one of two general criteria are met, outlined as a) and b) below:

a) all of the following criteria are met:

i) the rental vacancy rate by dwelling unit and structure type for the City and the respective local housing market zone, as identified on Schedule G – Local Housing Market Zones and based on CMHC data, has been at or above 2.0% for the preceding twenty-four months; and,

- ii) the proposed removal shall not reduce the rental vacancy rate by dwelling unit and structure type to below 2.0% for the City and the respective local housing market zone; and,
 - iii) the existing market rent levels for the units proposed to be removed are not significantly (approximately 10%) below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; and,
 - iv) for vacant rental units, the last market rent levels charged prior to vacancy for the units proposed to be removed were not significantly (approximately 10%) below the average market rent levels at the time for the City and the respective local housing market zone for rental units of a similar dwelling unit and structure type and size; or,
- b) the building (or buildings) is determined to be structurally unsound, confirmed by the submission of a structural audit, prepared by a qualified professional with the conclusions of such audit deemed acceptable by the City.
- 3.2.5.7 Notwithstanding Policy B.3.2.5.6, renovations to an existing building which reduces the number of dwelling units by six or more units, but does not reduce the area of living space, may be permitted provided Policy B.3.2.5.6, clauses a) i) and ii) are satisfied.

Social Housing

- 3.2.5.8 The City recognizes the necessary role of *social housing* in meeting the housing needs of residents without the resources to participate in the private housing market. Notwithstanding Policy B.3.2.5.1 – Condominium Conversion of Rental Housing Units, and Policy B.3.2.5.6 – Demolition/Redevelopment of Rental Housing Units, conversion to condominium and/or demolition/*redevelopment* of *social housing* units shall be permitted provided the following criteria are satisfied:
- a) full replacement of all rent-geared-to-income units;
 - b) a tenant relocation and assistance plan addressing the provision of alternative accommodation for tenants at similar rents, including rent-geared-to-income subsidies, right-of-first-refusal to occupy one of the replacement subsidized units, and other assistance to mitigate the potential for hardship; and,
 - c) conversion shall be consistent with pertinent provincial legislation.

3.3 Urban Design Policies

Urban design is directly concerned with shaping the physical form of the urban areas of the City and plays a vital role in upgrading and maintaining a city's civic image, economic potential, and quality of life. Good planning practice recognizes the important role of urban design in providing value and identity to a community. The design and placement of buildings, infrastructure, open spaces, landscaping and other community amenities, as well as how these features are connected and work together, affects how people live and interact with each other. Attention to physical design creates attractive, lively and safe communities where people want to live and visit and where businesses want to establish and grow. A city that values good urban design is a city that is successful socially, economically, and environmentally.

The intent of this Plan is to create compact and interconnected, pedestrian-oriented, and transit-supportive communities within which all people can attain a high quality of life. Achieving this vision requires careful attention to urban design in both the public and private realms with attention to how those realms work together. The public realm is associated with planning and design issues in areas such as roads, sidewalks, plazas, parks, and open space, owned by the City and other public agencies. The private realm includes areas within private property boundaries, which may or may not be open to the public but are physically and visibly connected to the public realm. The policies of this section direct design in both the public and private realms.

The overall future growth and land use vision for the City is based on the development of a nodes and corridors system and is described in Chapter E – Urban Systems and Designations. The transformation of identified node and corridor areas into higher density, mixed use nodes and corridors with enhanced pedestrian environments supported by transit represents a departure from the existing character of some of these areas. In other places, the development of a node or corridor requires protecting existing built form character. Therefore, the following policies must be read in context with the function, scale, and design intent described in the policies of Chapter E – Urban Systems and Designations and other policies of this Plan.

3.3.1 Urban Design Goals

The following goals shall apply in the *urban area*:

- 3.3.1.1 Enhance the sense of community pride and identification by creating and maintaining unique places.
- 3.3.1.2 Provide and create quality spaces in all public and private *development*.
- 3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.
- 3.3.1.4 Create communities that are transit-supportive and promote *active transportation*.
- 3.3.1.5 Ensure that new *development* is *compatible* with and enhances the character of the existing environment and locale.
- 3.3.1.6 Create places that are adaptable and flexible to accommodate future demographic and environmental changes.

- 3.3.1.7 Promote *development* and spaces that respect natural processes and features and contribute to environmental sustainability.
- 3.3.1.8 Promote *intensification* that makes appropriate and innovative use of buildings and sites and is *compatible* in form and function to the character of existing communities and neighbourhoods.
- 3.3.1.9 Encourage innovative community design and technologies.
- 3.3.1.10 Create urban places and spaces that improve air quality and are resistant to the impacts of climate change.

3.3.2 General Policies and Principles

This subsection contains policies describing general design principles and directions that contribute to the achievement of the goals stated in Section B.3.3.1. The successful integration of new *development* and *redevelopment* of in the *urban area* and its integration with surrounding neighbourhoods requires the form of development to follow appropriate urban design principles. Every design direction will not apply in all situations.

- 3.3.2.1 The physical design of a site shall:
 - a) relate to its role in the overall urban structure of the City;
 - b) enhance the function of the applicable urban structure element described in Section E.2.0 – Urban Structure; and,
 - c) be in accordance with the applicable policies of Chapter E – Urban Systems and Designations, secondary plans, specific design studies and other plans or studies that make specific design recommendations.
- 3.3.2.2 The principles in Policies B.3.3.2.3 through B.3.3.2.10 inclusive, shall apply to all *development* and *redevelopment*, where applicable.

Principles

- 3.3.2.3 Urban design should foster a sense of community pride and identity by:
 - a) respecting existing character, development patterns, built form, and landscape;
 - b) promoting quality design consistent with the locale and surrounding environment;
 - c) recognizing and protecting the cultural history of the City and its communities;
 - d) conserving and respecting the existing built heritage features of the City and its communities;
 - e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;

- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
- h) respecting prominent sites, views, and vistas in the City; and,
- i) incorporating public art installations as an integral part of urban design.

3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private *development* and *redevelopment* should create quality spaces by:

- a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
- b) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
- c) using materials that are consistent and compatible with the surrounding context in the design of new buildings;
- d) creating streets as public spaces that are accessible to all;
- e) creating a continuous animated street edge in urban environments;
- f) including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs;
- g) creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing;
- h) creating, reinforcing, and emphasizing important public vistas and view corridors; and,
- i) minimizing excessive street noise and stationary noise source levels through the design, placement, and construction of buildings and landscaping.

3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:

- a) connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways;
- b) providing connections and access to all buildings and places for all users, regardless of age and physical ability;
- c) ensuring building entrances are visible from the street and promoting shelter at entrance ways;

- d) integrating conveniently located public transit and cycling infrastructure with existing and new development;
- e) providing appropriate way-finding signage considering size, placement, and material that clearly identifies landmarks, pathways, intersections, cycling and transit routes, and significant natural and cultural heritage features;
- f) providing pedestrian-scale lighting;
- g) designing streets and promoting development that provides real and perceived safety for all users of the road network;
- h) including *urban braille* components in streetscape improvements;
- i) considering traffic calming techniques in *redevelopment* projects and secondary planning; and,
- j) creating places and spaces which are publicly visible and safe.

3.3.2.6 Where it has been determined through the policies of this Plan that *compatibility* with the surrounding areas is desirable, new *development* and *redevelopment* should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and *compatible* approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

3.3.2.7 Places that are adaptable in accommodating future change are desirable and should be created by:

- a) designing buildings, sites, and public spaces that can be used for a variety of uses in the future in response to changing social, economic, and technological conditions;
- b) encouraging design that accommodates the changing physical needs of people and their lifestyles through all stages of their lives; and,
- c) encouraging innovative design of built forms and public spaces.

3.3.2.8 Urban design should promote environmental sustainability by:

- a) achieving compact *development* and resulting built forms;
- b) integrating, protecting, and enhancing environmental features and landscapes, including existing topography, forest and vegetative cover, green spaces and corridors through building and site design;
- c) encouraging on-site storm water management and infiltration through the use of techniques and technologies, including storm water management ponds, green roofs, and vegetated swales;
- d) encouraging the use of Leadership in Energy and Environmental Design (LEED) or other environmental building rating tools for buildings and infrastructure for all *development* and *redevelopment*;
- e) encouraging the reduction of resource consumption in building and site development and avoiding the release of contaminants into the environment; and,
- f) encouraging energy efficiency in neighbourhood design and *development* as set out in Section B.3.7.1.

3.3.2.9 Urban design plays a significant role in the physical and mental health of our citizens. Community health and well-being shall be enhanced and supported through the following actions, where appropriate:

- a) creating high quality, safe streetscapes, parks, and open spaces that encourage physical activity and *active transportation*;
- b) ensuring an equitable distribution of accessible and stimulating amenity areas, including the development of places for active and *passive recreation uses*; (OPA 142)
- c) encouraging *development* of complete and compact communities or neighbourhoods that contain a variety of land uses, transportation, recreational, and open space uses; and,
- d) reducing air, noise, and water pollution through the following:
 - i) facilitating and promoting the use of *active transportation* modes through building and site design;
 - ii) providing adequate green space, landscaped buffering, and storm water management facilities;
 - iii) using appropriate pavement treatments;
 - iv) promoting energy efficient design of sites and buildings; and,
 - v) promoting innovative construction materials and techniques.

3.3.2.10 Streets shall be designed not only as a transportation network but also as important public spaces and shall include, where appropriate:

- a) adequate and accessible space for pedestrians, bicycles as well as transit, other vehicles, and utilities;
- b) continuous sidewalks;
- c) landscaping such as street trees and landscaped boulevards;
- d) pedestrian amenities such as lighting, seating, way-finding signage, and *urban braille*;
- e) on-street parking;
- f) public art; and,
- g) amenities and spaces that encourage pedestrian activity and animate the streetscape such as public gathering places, patios and sidewalk cafés.

3.3.3 Built Form

Built form shapes the visual qualities of streets and open spaces but also affects how the public spaces around buildings are used, experienced, and perceived. Our city is built one building at a time and each building contributes to the overall design of the City, therefore attention to each building is an important step in the city building process. Built form plays a large role in defining the character of an area. *New development* shall serve to maintain and support existing character, or create and promote the evolution of the character in areas where transformations are appropriate and planned.

- 3.3.3.1 *New development* shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.
- 3.3.3.2 *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:
 - a) creating transitions in scale to neighbouring buildings;
 - b) ensuring adequate privacy and sunlight to neighbouring properties; and,
 - c) minimizing the impacts of shadows and wind conditions.
- 3.3.3.3 *New development* shall be massed to respect existing and planned street proportions.
- 3.3.3.4 *New development* shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.
- 3.3.3.5 Built form shall create comfortable pedestrian environments by:
 - a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
 - b) including ample glazing on ground floors to create visibility to and from the public sidewalk;

- c) including a quality landscape edge along frontages where buildings are set back from the street;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
- e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.

3.3.4 Gateways

Gateways are visually prominent sites located at the entry points into the City, local communities, or specific areas or districts, such as the Downtown, and serve to enhance community image.

3.3.4.1 Gateway locations shall be established at strategic locations within the municipality through secondary plans or other City programs and initiatives.

3.3.4.2 Gateway intersections and entry points shall be designed to convey a sense of arrival and portray the community image and identity through:

- a) design of the built form;
- b) building orientation;
- c) street configuration;
- d) infrastructure items and projects;
- e) landscaping;
- f) recognition of significant views and vistas;
- g) signage; and/or,
- h) public art installations.

3.3.4.3 Gateways to the City are special places requiring a greater level of scrutiny in terms of land use and design in order to achieve higher quality landmark buildings or built form. The City may undertake gateway studies to identify locations of gateway areas for the City, identify most appropriate land uses, and establish design guidelines for future *development* within identified gateway areas.

3.3.4.4 The City shall work with adjacent property owners, adjacent municipalities, and applicable governmental agencies with jurisdiction over road rights-of-way on the design and installation of appropriate gateway features.

3.3.5 Views and Vistas

Public views and vistas are significant visual compositions of important public and historic buildings, natural heritage and open space features, landmarks, and skylines which enhance the overall physical character of an area when viewed from the public realm. Vistas are generally panoramic in nature while views usually refer to a strong individual feature often framed by its surroundings.

Views and vistas created in newly developing areas play a large role in creating a sense of place and neighbourhood identity.

Examples of existing significant vistas include the panorama of the Niagara Escarpment, Hamilton Harbour and the Downtown skyline as viewed from various vantage points throughout the City. Examples of views include significant historic and public buildings, natural heritage features, and monuments.

- 3.3.5.1 The City shall undertake a comprehensive study to identify significant views and vistas and recommend strategies for their protection and enhancement. In the absence of such a study, the identification, preservation, enhancement and/or creation of significant public views and vistas shall occur through secondary planning.
- 3.3.5.2 Views and vistas shall be achieved through alignment of rights-of-way, layout of pedestrian circulation and open space systems, and the siting of major features, public uses, and built form.
- 3.3.5.3 The principal façades of public buildings and parks are encouraged to locate at the termination of a street or view corridor or at street intersections to act as focal points for views except in situations where such building placement would compromise existing significant views or vistas.

3.3.6 Urban Services and Utilities

- 3.3.6.1 The City encourages urban services and utilities to be located underground to maintain a pleasant visual environment along public roads. The City may consider relocating existing above ground utilities to underground locations as part of roads improvements and streetscape installation projects. The feasibility of the relocation shall be determined through discussions with utility providers.
- 3.3.6.2 Above ground utility service providers shall be encouraged to cooperate with the City in identifying locations which minimize visual intrusions. In accordance with Section C.3.4 – Utility Designation, screening and buffering of utilities shall be required. Innovative methods of containing utility services within streetscape features such as gateways, light standards, public art installations, or transit shelters are encouraged when determining appropriate locations for large utility equipment and utility cluster sites.
- 3.3.6.3 Site and building services and utilities such as waste storage facilities, loading, air handling equipment, hydro and telecommunication facilities, and metering equipment shall be located away from and/or screened from public streets and adjacent residential areas or other *sensitive land uses*, to minimize their visual impacts and operational effects. Location and screening of telecommunications antennas shall be in accordance with the telecommunications antenna siting protocol policy described in Policy C.3.4.9.

3.3.7 Storage, Service and Loading Areas

- 3.3.7.1 Service and loading areas shall be located away from streets so as to minimize disruption or conflicts with adjacent land uses and pedestrian routes and shall be screened as necessary from views from the public right-of-way.
- 3.3.7.2 Service and loading areas shall be buffered to reduce visual and noise impacts, particularly when located adjacent to residential areas. Buffering methods

should include berms, tree and shrub plantings, noise walls, fences, and/or the use of quality construction materials and methods.

3.3.7.3 Outside storage areas shall be sited and organized to reduce their potential negative impacts on the streetscape. Open storage areas should be located in the rear or side yards and screened from public view or from views from adjacent properties.

3.3.7.4 Outside storage and loading areas shall be paved with a hard surface to reduce dust and promote improved air quality.

3.3.8 Signage, Display Areas, and Lighting

3.3.8.1 All signs shall be designed as an integral element of the site layout and building design.

3.3.8.2 Signs shall not dominate the overall character of a site or *development* and should complement the site, architecture, and context in which they are to be placed.

3.3.8.3 Signs on *cultural heritage properties* or within heritage conservation districts or *cultural heritage landscapes* shall be *compatible* with the architecture and character of the property or district.

3.3.8.4 Outdoor display areas shall be designed to make a positive contribution to the streetscape and the overall site development. Display areas shall be well defined through architecture and landscaping to work in harmony with adjacent buildings and display areas.

3.3.8.5 Lighting of buildings and display areas shall be provided at levels sufficient for building identification and safety. All building lighting shall be oriented so as not to cause glare on adjacent properties or public roads. Outdoor lighting fixtures that reduce energy consumption and direct light away from the night sky shall be encouraged.

3.3.9 Access and Circulation

3.3.9.1 Joint access driveways shall be considered between adjacent sites to minimize disruption of the public sidewalk, maximize the areas available for landscaping, and minimize expanses of pavement.

3.3.9.2 On large sites, clearly defined internal driving aisles shall be provided to provide visual and functional definition of the site, to direct traffic, and to frame parking areas.

3.3.9.3 To ensure safety and promote their priority over vehicular traffic, pedestrian walkways shall differ in material and appearance from driving surfaces.

3.3.9.4 Landscaped walkways shall be provided along buildings, particularly in areas with high levels of pedestrian traffic. Walkways shall be connected to other pedestrian routes on the site and linked to pedestrian entry points at the street, and where appropriate to adjacent developments.

3.3.9.5 Pedestrian walkways shall be made continuous across driving aisles as well as across driveway entrances at the street where appropriate.

3.3.9.6 Transit access shall be enhanced by:

- a) connecting sidewalks to transit stops and shelters;
- b) locating transit stops and principal building entrances in close proximity to each other, where appropriate; and,
- c) ensuring lighting, seating, trash receptacles, and route information are available at each transit stop.

3.3.10 Parking

3.3.10.1 To create and enhance safe, attractive pedestrian oriented streetscapes, surface parking shall be discouraged, and parking located below grade or in parking structures shall be encouraged.

3.3.10.2 Shared parking facilities shall be encouraged, where appropriate.

3.3.10.3 Provision of parking shall be in accordance with the design directions described in Section E – Urban Systems and Designations.

3.3.10.4 Where surface parking is proposed, it should be located to the sides or rear of buildings to enable the development of a continuous street edge and the creation of quality urban spaces consistent with Section B.3.3.2 – General Policies and Principles.

3.3.10.5 Parking areas shall be connected to the street through safe, landscaped pedestrian walkways.

3.3.10.6 Perimeters of surface parking lots shall be landscaped with appropriate materials that allow visibility from the public realm to the interior of the parking area.

3.3.10.7 Interiors of parking lots shall include landscaped islands, when possible, to provide shade and visual relief from hard surfaces. Landscaped islands should be of sufficient size to ensure growth of vegetation.

3.3.10.8 Parking lots shall be paved with hard surfaces to reduce dust and promote improved air quality. The use of permeable pavement systems or other low impact development practices is encouraged for storm water management, when technically possible.

3.3.10.9 Parking lots shall be lit with sufficient light for safety. On surface parking lots, lighting shall be internally oriented so as not to cause glare on adjacent properties or public roads. Outdoor lighting fixtures that reduce energy consumption and direct light away from the night sky are encouraged.

3.3.10.10 Bicycle parking facilities shall be located as close as possible to the entry points to buildings. A variety of bicycle parking formats, such as sheltered racks and lockers, catering to both employees and visitors is encouraged.

3.3.11 Barrier Free Design

Barrier free access to services, facilities, and amenities is essential to achieving an efficient and equitable City. The City has established the Advisory Committee for Persons with Disabilities and implements the City of Hamilton

Barrier Free Design Guidelines to ensure that all residents of Hamilton can live in a barrier free environment.

- 3.3.11.1 All newly constructed and/or renovated City of Hamilton owned, leased, or operated facilities, parks and open spaces, infrastructure, and any other space that are accessible to the public, shall comply with the City of Hamilton Barrier Free Design Guidelines.
- 3.3.11.2 The City shall require barrier free design, wherever possible, on private sector sites and in private sector buildings and facilities through site plan approval, enforcement of the Ontario Building Code, and implementation of all applicable provincial legislation, standards and guidelines.
- 3.3.11.3 The City shall pursue the implementation of an *urban braille* network throughout the Downtown Urban Growth Centre and other existing and planned Nodes, as appropriate. *Urban braille* installation may be required as part of new *development* and *redevelopment* and shall be implemented through the site plan approval process.

3.3.12 Public Art

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

- 3.3.12.1 Public art may include murals, sculptures, fountains, benches, walkway design, pavement designs and amenity design.
- 3.3.12.2 Public art that fosters community identify through interpreting local history, traditions and culture is encouraged in all public and private spaces.
- 3.3.12.3 The City shall pursue the installation of public art in public locations in accordance with the Public Art Master Plan.
- 3.3.12.4 In addition to locations for public art identified in the Public Art Master Plan, locations for public art shall be identified through secondary planning, other planning processes, and initiatives, where appropriate.
- 3.3.12.5 Private developments that include spaces attracting significant pedestrian traffic are encouraged to include public art in the design of the building and/or site.
- 3.3.12.6 The City shall consider the inclusion and installation of public art as part of the following public infrastructure projects, where appropriate:
 - a) bridges;
 - b) roadway designs;
 - c) noise barriers;

- d) transit stations, stops and facilities;
- e) paving design;
- f) street furniture; and,
- g) other infrastructure that is highly visible from the public right-of-way.

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

Other Policies

3.3.13 The policies of this section shall be implemented through mechanisms such as zoning, plans of subdivision and condominium, site plan control, site plan guidelines, and urban design guidelines as specified in Chapter F – Implementation.

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

3.3.15 The City shall increase awareness of the importance of urban design in the community by undertaking the following, where appropriate:

- a) design charrettes as part of secondary planning and complex development projects;
- b) partnering with private sector and professional associations on awareness and education programs/opportunities;
- c) award programs that recognize excellence in urban design; and,
- d) other means or opportunities that raise the profile and understanding of urban design in the City.

3.4 Cultural Heritage Resources Policies

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

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

3.4.1 Policy Goals

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

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

3.4.2 General Cultural Heritage Policies

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

- d) Avoid harmful disruption or disturbance of known archaeological sites or *areas of archaeological potential*.
 - e) Encourage the ongoing care of individual *cultural heritage resources* and the properties on which they are situated together with associated features and structures by property owners, and provide guidance on sound conservation practices.
 - f) Support the continuing use, reuse, care, and conservation of *cultural heritage resources* and *properties* by encouraging property owners to seek out and apply for funding sources available for conservation and restoration work.
 - g) Ensure the conservation and protection of *cultural heritage resources* in planning and development matters subject to the Planning Act, R.S.O., 1990 c. P.13 either through appropriate planning and design measures or as conditions of development approvals.
 - h) *Conserve* the character of areas of cultural heritage significance, including designated heritage conservation districts and *cultural heritage landscapes*, by encouraging those land uses, *development* and *site alteration* activities that protect, maintain and enhance these areas within the City.
 - i) Use all relevant provincial legislation, particularly the provisions of the Ontario Heritage Act, the Planning Act, R.S.O., 1990 c. P.13, the Environmental Assessment Act, the Municipal Act, the Niagara Escarpment Planning and Development Act, the Cemeteries Act, the Greenbelt Act, the Places to Grow Act, and all related plans and strategies in order to appropriately manage, *conserve* and protect Hamilton's *cultural heritage resources*.
- 3.4.2.2 The City consists of many diverse districts, communities, and neighbourhoods, each with their own heritage character and form. The City shall recognize and consider these differences when evaluating development proposals to maintain the heritage character of individual areas.

Heritage Designation

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

Listing of Properties in the Heritage Register

- 3.4.2.4 The City shall maintain, pursuant to the Ontario Heritage Act, a Register of Property of Cultural Heritage Value or Interest. In considering additions and removals of non-designated *cultural heritage property* to or from this Register, the City shall seek and consider advice from its Municipal Heritage Committee.
- 3.4.2.5 In addition to the provisions of the Ontario Heritage Act respecting demolition of buildings or structures located on *cultural heritage properties* contained in the Register, the City shall ensure that such properties shall be protected from harm

in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act, R.S.O., 1990 c. P.13.

Protection of Non-Designated or Non-Registered Heritage Properties

- 3.4.2.6 The City recognizes there may be *cultural heritage properties* that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest or designated under the Ontario Heritage Act, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.
- 3.4.2.7 The City shall ensure these non-designated and non-registered *cultural heritage properties* are identified, evaluated, and appropriately *conserved* through various legislated planning and assessment processes, including the Planning Act, R.S.O., 1990 c. P.13, the Environmental Assessment Act and the Cemeteries Act.
- 3.4.2.8 To ensure consistency in the identification and evaluation of these non-designated and non-registered *cultural heritage properties*, the City shall use the criteria for determining cultural heritage value or interest established by provincial regulation under the Ontario Heritage Act and set out in Policy B.3.4.2.9.

Cultural Heritage Evaluation Criteria

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

Cultural Heritage Conservation Plan Statements

- 3.4.2.11 The City shall prepare *cultural heritage conservation plan statements* for areas where the concentration or significance of *cultural heritage resources* require

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

Cultural Heritage Impact Assessments

3.4.2.12 A cultural heritage impact assessment: (OPA 57 and OPA 64)

- a) shall be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act, R.S.O., 1990 c. P.13 where the proposed *development, site alteration, or redevelopment* of lands (both public and private) has the potential to adversely affect the following *cultural heritage resources* through displacement or disruption:
 - i. Properties designated under any part of the Ontario Heritage Act or *adjacent* to properties designated under any part of the Ontario Heritage Act;
 - ii. Properties that are included in the City's Register of Property of Cultural Heritage Value or Interest or *adjacent* to properties included in the City's Register of Property of Cultural Heritage Value or Interest;
 - iii. A registered or known archaeological site or *areas of archaeological potential*;
 - iv. Any area for which a *cultural heritage conservation plan statement* has been prepared; or,
 - v. Properties that comprise or are contained within *cultural heritage landscapes* that are included in the Register of Property of Cultural Heritage Value or Interest.
- b) may be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act, R.S.O., 1990 c. P.13 where the proposed *development, site alteration, or redevelopment* of lands (both public and private) has the potential to adversely affect *cultural heritage resources* included in the City's Inventory of Buildings of Architectural or Historical Interest through displacement or disruption.

3.4.2.13 *Cultural heritage impact assessments* shall be prepared in accordance with any applicable guidelines and Policy F.3.2.3 – Cultural Heritage Impact Assessments. The City shall develop guidelines for the preparation of *cultural heritage impact assessment*.

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

Public Awareness

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

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

3.4.3 General Cultural Heritage Policies for Urban Areas

Downtowns

3.4.3.1 The City includes several downtown areas that are historical centres of the community and typically contain a high concentration of *cultural heritage resources* and associated historical streetscapes, including buildings, such as town halls, landmark institutional buildings, commercial terraces, churches, railway stations, parks, and distinctive residential areas. These downtowns are generally located within the *Downtown Urban Growth Centre* and the Community Nodes associated with the downtowns of the former municipalities of Ancaster, Dundas, Stoney Creek, and Waterdown. The City shall define downtown boundaries through secondary planning processes or other detailed planning initiatives.

3.4.3.2 Within these downtown areas, the City shall *conserve* individual *cultural heritage properties* and areas of heritage value, including streetscape features, traditional circulation patterns, and important views, and ensure that new *development* respects and reflects the design of surrounding heritage buildings.

3.4.3.3 New *development* or *redevelopment* in downtown areas containing heritage buildings or *adjacent* to a group of heritage buildings shall:

- a) encourage a consistent street orientation in any new building forms;
- b) maintain any established building line of existing building(s) or built form by using similar setbacks from the street;

- c) support the creation of a continuous street wall through built form on streets distinguished by commercial blocks or terraces;
 - d) encourage building heights in new buildings that reflect existing built form wherever possible or encourage forms that are stepped back at upper levels to reflect established cornice lines of *adjacent* buildings or other horizontal architectural forms or features; and,
 - e) reflect the character, massing, and materials of surrounding buildings.
- 3.4.3.4 The City shall encourage the use of contemporary architectural styles, built forms, and materials which respect the heritage context.
- 3.4.3.5 Where alterations are proposed to *built heritage* resources within the Downtown areas, the following principles shall be followed:
- a) maintain the basic relations of the horizontal divisions of the building;
 - b) maintain original façade components and materials wherever possible;
 - c) replicate the original parts and materials wherever possible; and
 - d) remove elements that are not part of or hide the original design.

Established Historical Neighbourhoods

Established historical neighbourhoods are neighbourhoods that were substantially built prior to 1950. These neighbourhoods exhibit unique character, provide examples of historical development patterns, and contain concentrations of *cultural heritage resources*.

- 3.4.3.6 The City shall protect *established historical neighbourhoods*, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring that new construction and *development* are sympathetic and complementary to existing *cultural heritage attributes* of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.
- 3.4.3.7 *Intensification* through conversion of existing *built heritage resources* shall be encouraged only where original building fabric and architectural features are retained and where any new additions, including garages or car ports, are no higher than the existing building and are placed to the rear of the lot or set back substantially from the principal façade. Alterations to principal façades and the paving of front yards shall be avoided.

Commercial and Industrial Heritage Properties

- 3.4.3.8 The City shall encourage the *intensification* and *adaptive reuse* of commercial and industrial heritage properties. Any permitted *redevelopment* shall ensure, where possible, that the original building fabric and architectural features are retained and that any new additions will complement the existing building in accordance with the policies of this Plan.
- 3.4.3.9 To facilitate the *intensification* and *adaptive reuse* of such properties, the City may allow reduced parking or other site and amenity requirements.

Waterfront Development

3.4.3.10 In considering applications for *development* adjacent to and on the City's waterfront, the City shall ensure that *cultural heritage resources* both on shore and partially or fully submerged under water are appropriately conserved and managed. The City shall require appropriate measures to mitigate any harmful effects on *significant cultural heritage resources*.

3.4.4 Archaeology Policies

The City shall require the protection, conservation, or mitigation of sites of archaeological value and *areas of archaeological potential* as provided for under the Planning Act, R.S.O., 1990 c. P.13, the Environmental Assessment Act, the Ontario Heritage Act, the Municipal Act, the Cemeteries Act, or any other applicable legislation.

3.4.4.1 The City shall maintain mapping of *areas of archaeological potential* as defined by provincial guidelines and identified on Appendix F-4 – Archaeological Potential, to assist in the assessment of *development* proposals and the development of future conservation initiatives.

Archaeological Assessment Requirements

3.4.4.2 In *areas of archaeological potential* identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act, R.S.O., 1990 c. P.13:

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

3.4.4.3 In *areas of archaeological potential* identified on Appendix F-4 – Archaeological Potential, an archaeological assessment:

- a) may be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act, R.S.O., 1990 c. P.13 when they involve *soil disturbance* or *site alteration*:
 - i) site plan applications; and,
 - ii) plans of condominium.
- b) may be required for the following planning matters under the Planning Act, R.S.O., 1990 c. P.13 when they involve *soil disturbance* or *site alteration*:
 - i) minor variances; and,
 - ii) consents/ severances.

- 3.4.4.4 *Archaeological assessments* shall be prepared in accordance with any applicable guidelines and Policy F.3.2.4 - Archaeological Assessments.
- 3.4.4.5 Prior to *site alteration* or *soil disturbance* relating to a Planning Act, R.S.O., 1990 c. P.13 application, any required archaeological assessment must be approved, in writing by the City, indicating that there are no further archaeological concerns with the property or concurring with the final resource management strategy to be implemented. The City may also require a higher standard of conservation, care and protection for *archaeological resources* based on prevailing conditions and circumstances within the City and the results of any dialogue with First Nations and their interests.
- 3.4.4.6 The City considers the following *archaeological resources* to be of particular interest, value and merit:
- a) spatially large, dense *lithic scatters* (peak levels of more than 99 artifacts per square-metre);
 - b) deeply buried or stratified archaeological sites;
 - c) undisturbed or rare *Native* archaeological sites;
 - d) sacred archaeological sites;
 - e) archaeological sites comprising human burials;
 - f) *Paleo-Indian* archaeological sites;
 - g) *Early-Archaic* archaeological sites;
 - h) *Woodland* period archaeological habitation sites;
 - i) *post-contact* archaeological sites predating 1830 AD;
 - j) post 1830 archaeological site(s) where background documentation or archaeological features indicate heritage value; and,
 - k) underwater archaeological sites.
- 3.4.4.7 To *conserve* these resources, avoidance and protection in situ shall be the preferred conservation management strategies. Where it has been demonstrated in an archaeological assessment by a licensed archaeologist that avoidance is not a viable option, alternative mitigation measures shall be agreed upon by the Province and the City and in accordance with the Archaeology Management Plan.
- 3.4.4.8 The City may use all relevant provisions of the Planning Act, R.S.O., 1990 c. P.13 to prohibit the use of land and the placement of buildings and structures in order to protect and *conserve* sites or areas of *significant archaeological resources*.
- 3.4.4.9 Where a marked or unmarked cemetery or burial place is encountered during any archaeological assessment or excavation activity, the provisions of the Cemeteries Act and associated regulations, and the policies of this Plan shall apply.

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

3.4.5 Built Heritage Resource Policies

3.4.5.1 An inventory of *built heritage resources* shall be prepared by the City and, as appropriate, may be included in the Register of Property of Cultural Heritage Value or Interest. Registered properties containing *built heritage resources* may be considered for designation under the Ontario Heritage Act and shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act, R.S.O., 1990 c. P.13.

3.4.5.2 The City shall encourage the retention and conservation of *significant built heritage resources* in their original locations. In considering planning applications under the Planning Act, R.S.O., 1990 c. P.13 and heritage permit applications under the Ontario Heritage Act, there shall be a presumption in favour of retaining the *built heritage resource* in its original location.

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

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

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

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

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

- a) preserving and displaying of fragments of the former buildings' features and landscaping;
- b) marking the traces of former locations, shapes, and circulation lines;
- c) displaying graphic and textual descriptions of the site's history and former use, buildings, and structures; and,
- d) generally reflect the former architecture and use in the design of the new *development*, where appropriate and in accordance with Section B.3.3 – Urban Design Policies.

3.4.6 Cultural Heritage Landscapes

- 3.4.6.1 A *cultural heritage landscape* is a defined geographical area characterized by human settlement activities that have resulted in changes and modifications to the environment, which is now considered to be of heritage value or interest. *Cultural heritage landscapes* may include distinctive rural roads, urban streetscapes and commercial mainstreets, rural landscapes including villages and hamlets, designed landscapes such as parks, cemeteries and gardens, nineteenth and twentieth century urban residential neighbourhoods, as well as commercial areas and industrial complexes.
- 3.4.6.2 An inventory of *cultural heritage landscapes* shall be prepared by the City and may be included in the Register of Properties of Cultural Heritage Value or Interest. *Cultural heritage landscapes* may also be considered for designation under the Ontario Heritage Act and shall be protected in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act, R.S.O., 1990 c. P.13.

Heritage Conservation Districts

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

Heritage Roads

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

3.4.7 Barrier Free Design and Heritage Conservation

3.4.7.1 In addition to Section B.3.3.11 – Barrier Free Design, standardized designs for barrier free design for *built heritage resource* shall ensure that alterations do not adversely affect the *heritage attributes*.

3.5 Community Facilities/Services Policies

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

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

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

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

3.5.1 Policy Goals

- 3.5.1.1 Create a vibrant, active and supportive City by providing *community facilities/services* that support a high quality of life for all residents.
- 3.5.1.2 Achieve equitable and efficient access, distribution, and integration of *community facilities/services* which meet the needs of people of all ages, backgrounds, and capabilities throughout all stages of their lives and across the City.
- 3.5.1.3 Provide *community facilities/services* in an efficient sustainable manner that optimizes their use, minimizes their environmental impacts, and promotes their flexibility to adapt to changing needs.

3.5.2 General Policies

Privately and Publicly Owned or Operated Community Facilities/Services

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

- a) shall comply with Section B.3.3 – Urban Design Policies and B.3.4 – Cultural Heritage Policies;
 - b) shall be easily accessible by walking, cycling, and public transit where provided;
 - c) shall be located and designed to be barrier free and to comply with all accessibility legislation, standards, and guidelines;
 - d) where proposed adjacent to residential uses, shall be designed and operated to limit noise, traffic, and privacy impacts on neighbouring residents; and,
 - e) should meet all of the following design criteria where possible:
 - i) main entrances shall front onto a public road;
 - ii) parking shall be provided to the side or rear of the main building and be screened and landscaped;
 - iii) pedestrian walkways shall link parking facilities and public sidewalks to entrances;
 - iv) cycling infrastructure such as bicycle parking and paths shall be provided;
 - v) the design of landscaping and lighting shall be of high quality and appropriate to the site; and,
 - vi) lighting should highlight the design of buildings.
- 3.5.2.2 New public buildings and publicly or privately owned or operated *community facilities* developed on lands designated Neighbourhoods shall comply with Sections B.3.3 – Urban Design Policies and E.3.0 – Neighbourhoods Designation.
- 3.5.2.3 Large public buildings that serve the City or larger region or campuses containing clustered *community facilities/services* shall be encouraged to locate in the following highly visible and central locations:
- a) within the Downtown Urban Growth Centre, Sub-regional Service Nodes, and Community Nodes, designated on Schedule E – Urban Structure, as the preferred location; or,
 - b) in Primary or Secondary Corridors designated on Schedule E – Urban Structure.
- 3.5.2.4 New or renovated *community facilities* can create a focus for neighbourhood rejuvenation, and are encouraged to locate in transition areas identified in secondary plans or by other City initiatives.
- 3.5.2.5 Where new *community facilities* are clustered or co-located in campus-like settings, the following criteria shall apply:
- a) The campus or shared facility shall be integrated into adjacent areas and neighbourhoods through building placement such as peripheral buildings

which address the public streets, built form, massing, design, landscaping, and attention to the intensity of uses.

- b) The design of individual buildings shall relate to one another.
- c) Care and attention shall be given to the pedestrian environment, with pedestrian linkages between buildings and pedestrian circulation plans.
- d) Transit stops or stations shall be integrated into or adjacent to the site.
- e) Cycling facilities, including cycling routes and bicycle parking, shall be integrated into the site.
- f) Wayfinding signage and pedestrian scale lighting sufficient for public safety shall be provided.
- g) Underground parking or above-ground parking structures shall be encouraged.
- h) Entryways and gateways shall be identified and marked with entryway features.
- i) Care and attention shall be given to traffic flow onto and within the site.

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

Policies for Publicly Owned or Operated Community Facilities/Services

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

3.5.2.8 Proposals for new *development* and *redevelopment* shall take into account the availability and location of existing and proposed public *community facilities/services*, and be phased so new public *community facilities/services* can be provided efficiently, effectively, and in a logical fashion.

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

- a) Partnership and collaboration among providers and funders of *community facilities/services*, including the City, shall be strongly encouraged.
- b) The use of existing *community facilities/services* shall be optimized to serve the surrounding community, wherever feasible, before the *development* of new facilities is considered.
- c) Where *community facilities/services* are deemed to be surplus, other *community facility/service* uses shall be given first priority in disposal of the property.

- d) Shared use of sites and buildings, including clustering/co-locating of facilities into campus-like settings with shared parking facilities, shall be strongly encouraged.
- 3.5.2.10 Public buildings and public *community facilities/services* provide a focal point, image and sense of identity for communities. Clustering/co-locating of new facilities which support a range of services on a shared site or in a shared building optimizes efficiency and improves convenience and accessibility. Clustering also creates a major destination that can be readily served by transit, facilitates service integration, and provides flexibility for program or use change as community needs change.
- 3.5.2.11 New public buildings and public *community facilities/services* shall be designed and strategically located to support the urban structure and intensification policies, Sections B.2.4 – Residential Intensification and E.2.0 – Urban Structure, and support the effective and efficient delivery of emergency medical, fire and police services.
- 3.5.2.12 All new public buildings and public *community facilities/services* shall:
- a) be designed to reflect and enhance local community character, image, identity, and sense of place; and,
 - b) be encouraged to include public art as part of overall site and/or building design.
- 3.5.2.13 Policies B.3.5.2.1 to B.3.5.2.3 inclusive, B.3.5.2.5, B.3.5.2.6, and B.3.5.2.9 to B.3.5.2.12 inclusive shall not apply to the renovation, expansion, or *adaptive reuse* of existing buildings for *community facilities*.

3.5.3 Parkland Policies

- 3.5.3.1 The uses permitted on lands identified as Parkette, Neighbourhood Park, Community Park, City-Wide Park, General Open Space, and Natural Open Space on Appendix A – Parks Classification Map and designated on secondary plans of Volume 2 shall be parks for both active and passive recreational uses, community/recreational facilities, and other open space uses.
- 3.5.3.2 Notwithstanding Policy C.3.3.4, *ancillary* commercial uses that are complementary to Community and City-Wide Parks and support the primary open space use such as, food concessions, recreational equipment rentals, and water oriented recreational uses, may be permitted provided such uses do not interfere with or have negative impacts on the open space nature of the land.
- 3.5.3.3 Lands designated Natural Open Space in the secondary plans are generally part of a park or conservation area. They have environmental features and are intended to be preserved in their natural state. Where appropriate, limited recreational activities/uses may be permitted including trails, picnic areas, forest management, and conservation management.

Parks Hierarchy and Open Space Categories

- 3.5.3.4 The City shall establish a hierarchy of parks as follows:

- a) 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.
- b) Neighbourhood Parks primarily cater to the recreational needs and interests of the residents living within its general vicinity. Residents can easily walk or bike to these parks. Neighbourhood Parks are generally comprised of municipal parkland, containing a mixture of passive areas, sports facilities, informal and formal play areas, and may include natural areas. They serve a population of approximately 5,000 people and have a minimum size of approximately 2 hectares.
- c) 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, and recreational and community centres. These facilities shall have good transportation access along adjacent arterial or collector roadways and provide adequate parking to meet anticipated demand. Community Parks in the urban area should appropriately be located along transit routes. They serve a population of approximately 20,000 people and have a minimum size of approximately 7 hectares city wide.
- d) 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, historic, or unique features. They range greatly in size and type.

3.5.3.5 In addition to the parks hierarchy outlined in Policy B.3.5.3.4, there are two open space categories not considered as parks but which contribute to the City's open space and parks system:

- a) General Open Space shall include golf courses, *urban farms*, *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.
- b) Natural Open Space shall include lands with significant natural features and landscapes such as woodlots, hazard lands, forested slopes, creek/ravine corridors, the Niagara Escarpment, environmentally sensitive areas (of natural and scientific interest), and areas of wildlife habitat. These areas perform important biological and ecological functions and provide passive recreational opportunities.

3.5.3.6 Notwithstanding Policy B.3.5.3.4, the City may consider a smaller minimum size for Neighbourhood or Community Parks provided one or more of the following criteria are met:

- a) There is a demonstrated deficiency of existing parkland in the surrounding area.
- b) The subject lands are currently used for recreational or public uses (eg. playground of a surplus school).

- c) The subject lands are designated for park purposes in a secondary plan or identified for such in a neighbourhood plan.
 - d) The subject lands fulfill identified recreational needs.
 - e) Designation of the subject lands does not adversely impact operational priorities.
- 3.5.3.7 In certain cases, single parks may have dual classifications, such as Natural Open Space and Community Park, which recognize that parks can have multiple functions.
- 3.5.3.8 The City has identified City-Wide Parks or General Open Spaces which contain significant cultural heritage and historic resources, and have been identified on Appendix A and the applicable secondary plan land use plans of Volume 2. The City shall protect these sites through such mechanisms as programming or use restrictions.
- 3.5.3.9 Parks and natural areas shall be linked in a continuous public open space and parks system, including those lands identified in the Niagara Escarpment Parks and Open Space System, wherever possible.
- 3.5.3.10 Parkland classifications shall be identified on Appendix A – Parks Classification Map or designated in secondary plans of Volume 2. These classifications shall be used to determine parkland needs in accordance with Policy B.3.5.3.11.
- 3.5.3.11 To ensure the provision of an adequate amount of parkland, the standards of Table 3.5.3.1 – Parkland Standards, shall be used in the determination of parkland needs.

Table 3.5.3.1 - Parkland Standards

Park Classification	Per 1,000 Population (Ratios)	Minimum Service Radius/ Walking Distance
Neighbourhood Parks	0.7 ha/1000	800 m
Community Parks	0.7 ha/1000	2 km
City-Wide Parks	0.7 ha/1000	n.a.

- 3.5.3.12 Parkettes have no parkland standards because of their small size and limited recreational opportunities. Parkettes shall only be purchased in exceptional circumstances where no other parks or open spaces exist in the vicinity nor are there any other opportunities to purchase Neighbourhood or Community Parks.
- 3.5.3.13 General Open Space and Natural Open Space Areas are not considered parkland. Therefore no standards are applied.
- 3.5.3.14 Where parkland standards may not be met in existing *built-up areas*, the City shall endeavour to increase the supply of parkland through bequests, donations, partnerships with other public agencies, and other methods as set out in Section F.4.0 – Municipal Land and Building Acquisition.
- 3.5.3.15 Notwithstanding Policy B.3.5.3.11, the City may consider a lower parkland standard where a Neighbourhood and Community Park may be feasibly combined on the same site.

- 3.5.3.16 Through the preparation of secondary plans or neighbourhood plans, the City shall determine the amount and type of park required based on the following considerations:
- a) the parkland standards in Policy B.3.5.3.11;
 - b) projected population;
 - c) the location of other parks in adjacent areas;
 - d) the feasibility of locating parks near schools and Natural Open Spaces; and,
 - e) site characteristics (slope, natural features, frontage in a public road) as defined by the Landscape Manual for Parks, adopted by Council.
- 3.5.3.17 Preference shall be given to locating Neighbourhood or Community Parks adjacent to school sites.
- 3.5.3.18 Where lands are deemed surplus by the City or a public agency or are being sold by a private land owner, the following criteria shall be used in the evaluation of parkland needs:
- a) the amount of parkland deficit/surplus based on the standards in Policy B.3.5.3.11;
 - b) the size, location and site characteristics of the subject lands;
 - c) the size and location of other Neighbourhood, Community, or City-Wide Parks in the area; and,
 - d) available municipal funds.
- 3.5.3.19 Whenever land designated or used for Open Space and Parks purposes, as designated on Schedule E-1 – Urban Land Use Designations, the maps of the secondary plans or identified on the Appendices relating to Open Space and Parks is acquired or used by a city department or other public agency for non-recreational public purposes, the City or public agency shall be required to compensate for the resulting loss of parkland by paying the full current market value of the parcel of land into the Parkland Reserve.

3.5.4 Library Services

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

- 3.5.4.1 New libraries shall be accessible and barrier free to all residents.
- 3.5.4.2 Where established library facilities are inadequate to serve area residents, the City shall encourage the Hamilton Public Library Board to provide alternative or additional branch libraries or services. To ensure the provision of suitable library sites, the City shall encourage the inclusion of the Library Board in secondary planning processes as well as the planning of other *community facilities/services*.

3.5.4.3 Every effort shall be made to co-locate new libraries with other *community facilities/services* and central to the area being served, with a preference for library locations in Nodes or along Corridors, designated on Schedule E – Urban Structure.

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

3.5.5 Educational Facilities

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

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

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

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

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

3.5.5.5 *Redevelopment* of surplus school sites for residential and other uses shall be *compatible* with the surrounding neighbourhood and comply with Sections B.2.4 – Residential Intensification, B.3.3 – Urban Design Policies, and E.3.0 – Neighbourhoods Designation.

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

3.5.5.7 New elementary schools may be located adjoining parks provided the School Board provides adequate outdoor space on their lands to meet their needs.

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

3.5.6 Healthcare Facilities

Healthcare facilities such as hospitals are primarily the responsibility of the Province. The City shall collaborate with senior levels of government and their

agencies to identify needs and ensure provision of high quality healthcare facilities and related services to the community.

- 3.5.6.1 Healthcare facilities shall be located in proximity to major roads and transit routes for ease of access by all forms of transportation, including walking and cycling.

3.5.7 Emergency Medical, Fire, and Police Services

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

- 3.5.7.2 Where feasible and in compliance with the other policies of this Plan, the City shall ensure that the efficiency of emergency medical, fire, and police services be considered in the formulation of plans of subdivision and condominium, official plan amendments, severances, zoning by-law amendments, and site plans.

- 3.5.7.3 The preferred location for emergency medical, fire, and police stations is fronting minor arterial, major arterial, or collector roads.

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

3.5.8 Cultural Facilities

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

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

- 3.5.8.2 The preferred location for new *cultural facilities* that serve the City or larger region is the Downtown Urban Growth Centre. The preferred locations for new *cultural facilities* that primarily serve a local community are Sub-Regional Service Nodes, Community Nodes, or Primary Corridors, or other locations deemed appropriate by the City.

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

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

- a) The heritage attributes are *conserved*.
- b) The heritage attributes are considered in the design of any new additions, features, related buildings or structures, or landscaping.

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

3.6 Health and Public Safety Policies

3.6.1 Contaminated Sites Policies

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

- 3.6.1.1 The City shall require proponents of *development* or *redevelopment* proposals to document previous uses of the property(s) affected by the proposal for lands currently or previously used for:
- a) employment (industrial), commercial, community, transportation, or utility purposes;
 - b) activities involving the elimination or disposal of waste and other residues, including landfill sites or waste disposal facilities;
 - c) any activities involving the storage or use of hazardous substances, including fuels, oils, chemicals, paints, or solvents; and,
 - d) any use with the potential for site contamination, such as dry cleaning facilities, and gas stations.
- 3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more *sensitive land use* is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.
- 3.6.1.3 The City shall continue to identify other circumstances pertaining to specific *development* or *redevelopment* proposals where the filing of a Record of Site Condition may be required beyond those circumstances contemplated in Policy B.6.1.2. These circumstances may include the age of a building proposed for *redevelopment*, historic land use, and potential off-site sources of contamination.
- 3.6.1.4 Where there is potential for site contamination due to a previous use or uses on lands subject to *development* or *redevelopment* proposals, and a mandatory filing of a Record of Site Condition is triggered, the City shall:
- a) withhold final approval of an application until acceptance of a Record of Site Condition. In the interim, conditional approval may be considered; or,
 - b) defer or establish conditions of approval for applications involving official plan amendments, zoning by-law amendments, plans of subdivision, and site plan approvals where a Record of Site Condition is necessary.
- 3.6.1.5 Application submissions involving land use changes on or within 200 metres, or greater distance as required by the City or province, of lands identified on

Appendix E – Contaminated Sites as former landfill sites, may not be considered complete unless accompanied by written permission for *redevelopment*, proof that remediation is complete from the appropriate authority, or a landfill impact assessment, according to all applicable provincial guidelines and requirements.

- 3.6.1.6 In approving applications involving land use changes on or near former landfill sites, the City may require a higher standard of remediation or safety than the Province.
- 3.6.1.7 As a condition of approval of applications involving land use changes within 200 metres of lands identified on Appendix E – Contaminated Sites as Former Landfill Sites, future purchasers and tenants shall be advised of existing and potential impacts of the former landfill. Such a warning provision shall be included as a clause in a lease or rental agreement, agreement of purchase and sale, and development agreement where applicable, and registered on title where possible.
- 3.6.1.8 No activity associated with the proposed use shall be permitted on a contaminated site or potentially contaminated site until any required Record of Site Condition has been filed and it has been demonstrated to the satisfaction of the City that there will be no *adverse effects*.
- 3.6.1.9 *Development* on, abutting, or adjacent to lands affected by oil, gas, and salt hazards; or former mineral mining operation, mineral aggregate operations, or petroleum resource operations may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or are complete to the satisfaction of the City.
- 3.6.1.10 The Taro East Quarry/Landfill site and former Taro West Quarry/Landfill site are addressed in Section B.7.5 – Nash Neighbourhood Secondary Plan of Volume 2.

3.6.2 Air Quality and Climate Change

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

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

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

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

- a) promoting compact, mixed use urban communities;

- b) integrating the transportation network to include all modes of transportation;
- c) promoting walking, cycling, and use of public transit;
- d) achieving a natural heritage ecosystem through the protection and enhancement of natural heritage features and functions;
- e) implementing urban design features to reduce fugitive dust;
- f) enhancing vegetative cover; and,
- g) reducing the heat island effect through the use of reflective roofs, green roofs, natural landscaping, and increasing the tree canopy.

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

Partnerships

- 3.6.2.1 The City shall partner with community groups, such as Clean Air Hamilton, to develop actions to reduce air pollutants and improve air quality.
- 3.6.2.2 The City shall partner and work with other levels of governments, other municipalities, academics, community groups, and local industries to develop:
 - a) actions that reduce air pollutants and greenhouse gases, improve air quality, reduce and respond to the impacts of climate change in the City; and,
 - b) a Hamilton Air Quality and Climate Change Plan.
- 3.6.2.3 The City shall promote and support public and private education and awareness of air quality and climate change, associated health impacts, and linkages to transportation and land use *development* in the City.

Monitoring

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

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

3.6.3 Noise, Vibration, and Other Emissions

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

General Policies for Noise and Vibration Emissions

- 3.6.3.1 *Development of noise sensitive land uses*, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.
- 3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.
- 3.6.3.3 Where feasible and in compliance with other policies, the City shall ensure that land use arrangements which minimize the impact of noise and vibration be considered in the formulation of plans of subdivision and condominium, official plan amendments, severances, and zoning by-law amendments.
- 3.6.3.4 Where noise or vibration attenuation measures are required, these measures, for both outdoor and indoor space, may include the following:
- a) sound-proofing measures, construction techniques, and materials;
 - b) layout and design of the structure or outdoor living areas;
 - c) spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers;
 - d) building setbacks;
 - e) acoustical barriers such as berms, living walls, walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies; and,
 - f) the use of suitably designed higher density residential structures.
- 3.6.3.5 New technologies may offer opportunities for innovative noise and vibration abatement techniques not yet contemplated. The development and use of such techniques shall be encouraged.

Airport Noise and Vibration

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

Road and Railway Traffic Noise and Vibration

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

- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification;
- b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification;
- c) 400 metres of a truck route;
- d) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Functional Road Classification; and,
- e) 400 metres of a railway line.

3.6.3.8 Proponents of *development* proposals for which noise studies are submitted shall satisfy all of the following requirements and conditions to the satisfaction of the City and in accordance with provincial guidelines:

- a) Proponents shall provide evidence that predicted noise levels in outdoor living areas meet the daytime objective of 55 dBA.
- b) If predicted noise levels in outdoor living areas exceed 55 dBA but are less than or equal to 60 dBA, noise mitigation measures may be required.
- c) If predicted noise levels in outdoor living areas exceed 60 dBA, noise mitigation measures shall be required.
- d) Every effort should be made to reduce noise levels in the outdoor living area to as close to 55 dBA as technically, economically, and administratively feasible. If noise levels will not be reduced to 55 dBA, the proponent shall demonstrate with options and cost estimates why it is not feasible or practical to achieve 55 dBA, or shall provide justification as to why it may not be aesthetically appropriate or desired to mitigate noise levels to 55 dBA. If noise levels will not be mitigated to 55 dBA, appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within required development agreements.
- e) Provide evidence that provincial indoor sound level criteria are met. If sound levels exceed provincial guidelines for either daytime or nighttime hours, appropriate mitigation measures shall be incorporated into the development, according to provincial guidelines, and appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within development agreements.

- 3.6.3.9 New residential and other noise *sensitive land uses* that include outdoor living areas shall not be permitted in locations where attenuated outdoor noise levels from road and railway traffic are forecast to exceed 60 dBA.
- 3.6.3.10 A vibration study may be required to be submitted prior to or at the time of application submission for development on lands located within 75 metres of a railway line or railway yard.

Design of Mitigation Measures Adjacent to Roads

- 3.6.3.11 Design of noise mitigation measures adjacent to collector roads, or major or minor arterial roads shall address streetscape quality through compliance with the following policies:
- a) Noise mitigation measures shall avoid the use of noise barriers (walls and berms) wherever possible.
 - b) The use of noise barriers shall only be considered if it can be demonstrated to the satisfaction of the City that no other noise mitigation measures are practical or feasible and their long term maintenance and replacement has been addressed.
 - c) The use of noise barriers shall be prohibited adjacent to Primary, Secondary, or Potential Expansion of Secondary Corridors designated on Schedule E – Urban Structure, and adjacent to *pedestrian focus streets* as identified in Section E.4.3 – Pedestrian Focus Streets. (OPA 69)
 - d) Noise mitigation measures shall comply with Section 3.3 – Urban Design Policies, and all other design policies of this Plan unless it is determined in the *detailed noise study*, to the satisfaction of the City, that compliance with the design policies is not practical or feasible.
- 3.6.3.12 Design of noise mitigation measures adjacent to parkways and provincial highways shall comply with the following policies:
- a) Noise mitigation shall avoid the use of noise walls wherever possible.
 - b) Preferred noise mitigation measures shall be spatial separation, building orientation, and earth berms. Berms or berm/wall combinations shall be preferred over walls alone.
 - c) The use of noise walls shall only be considered if it can be demonstrated to the satisfaction of the City that no other noise mitigation measures are practical or feasible and their long term maintenance and replacement has been addressed.

Future Roads, Provincial Highways, and Parkways

- 3.6.3.13 Where new *development* precedes the construction of planned roads, provincial highways, or parkways, where noise mitigation measures are anticipated, the City may require as a condition of approval that:
- a) sufficient lands be conveyed to the City at no cost for the erection and maintenance of noise mitigation measures;

- b) a pro-rated cost contribution be made by the proponent prior to final approval for construction of noise mitigation measures, where deemed appropriate by the City; and,
- c) the proponent construct noise mitigation measures in advance of road construction and on private property.

Railway Corridors and Yards General Policies

- 3.6.3.14 As determined by the City, a *noise feasibility study*, or *detailed noise study*, or both, shall be submitted prior to or at the time of application submission, for *development* of residential or other noise sensitive *land uses* on lands within 400 metres of a rail yard.
- 3.6.3.15 The City shall consult with the appropriate railway company in the review of any noise or vibration study required as a consequence of proximity to railway lines or yards. All noise and vibration studies and associated applications required as a consequence of proximity to railway lines or railway yards shall be circulated to the appropriate railway company for comment.
- 3.6.3.16 All proposed *development* adjacent to railways or railway yard shall ensure that appropriate safety measures such as setbacks, berms, and security fencing are provided to the satisfaction of the City and in consultation with the appropriate railway company.
- 3.6.3.17 As a condition of approval of *development* applications where noise or vibration studies are required as a consequence of proximity to railway lines or railway yards, appropriate warning clauses shall be included in lease or rental agreements, agreements of purchase and sale, and within development agreements.

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

- 3.6.3.18 The City shall ensure that all *development* or *redevelopment* with the potential to create conflicts between *sensitive land uses* and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines. The City may require proponents of such proposals to submit studies prior to or at the time of application submission, including the following: *noise feasibility study*; *detailed noise study*; air quality study; odour, dust and light assessment; and any other information and materials identified in Section F.1.19 – Complete Application Requirements and Formal Consultation.
- 3.6.3.19 *Development* or *redevelopment* with the potential to create conflicts between *sensitive land uses* and point source or fugitive air emission such as noise, vibration, odour, dust, and other emissions may include:
- a) *development* or *redevelopment* of *sensitive land uses* in the vicinity of commercial or any other uses with the potential to produce point source or fugitive air emission such as noise, vibration, odour, dust, and other emissions, including those with a high number of deliveries, loading areas, and other noise generating features such as a drive-through speaker, or car wash.

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

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

3.6.4 Water Quality

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

3.6.5 Hazard Lands

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

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

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

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

Policy Goal

The following goal shall apply in the *urban area*:

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

Policies

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

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

3.6.5.4 *Hazard lands* shall be placed in a separate zoning classification in the Zoning By-law.

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

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

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

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

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

- a) in those exceptional situations where a Special Policy Area, under Section 3.1.3 a) of the Provincial Policy Statement has been approved by the Province. Such special policy areas permitting *development* and *site alteration* on *hazard lands* shall be included as Area Specific Policies in Volume 3. The designation of a floodplain Special Policy Area, and any change or modification to the site-specific policies or boundaries applying to a floodplain Special Policy Area, must be approved by the Province prior to the City approving such changes or modifications;
- b) where the *development* is limited to uses which by their nature must locate within the *floodways* such as flood or erosion control works;
- c) where *development* is a minor addition or a passive non-structural use which does not affect flood flows to the satisfaction of the applicable Conservation Authority;

- d) where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards as determined by the applicable Conservation Authority.
- 3.6.5.10 *Development and site alteration* permitted through Policy B.3.6.5.9 above shall comply with Section C.2.0 – Natural Heritage System.
- 3.6.5.11 Development approvals shall not be granted within *hazard lands* or on lands adjacent to *hazard lands* that are regulated by a Conservation Authority until written consent is obtained from the applicable Conservation Authority.
- 3.6.5.12 The City shall discourage the expansion of existing legal non-complying uses within *hazard lands*.
- 3.6.5.13 Where an existing legal non-conforming or non-complying building or structure lying within all or part of *hazard lands* is destroyed in a manner not related to the inherent environmental hazards of the land, the City shall permit the building or structure to be rebuilt only if the Conservation Authority having jurisdiction permits the reconstruction.
- 3.6.5.14 Where lands with inherent hazards exist that are not regulated by the Province or a provincial body, such as steep slopes not associated with a watercourse or shoreline, the City shall as part of applications for development under the Planning Act, R.S.O., 1990 c. P.13, require the preparation of appropriate studies to:
- a) map the hazard;
 - b) assess the existing and future stability of the hazard;
 - c) identify appropriate setbacks from the hazard; and,
 - d) identify other mitigation measures necessary to protect the site, the hazard, *adjacent lands*, and public safety.
- 3.6.5.15 Hazards identified under Policy B.3.6.5.14 shall be zoned in the same manner as *hazard lands*.

3.7 Energy and Environmental Design

Complete communities require a mix of land uses including housing, uses which provide goods and services, and a range of transportation modes including public transit, all of which depend on energy. Energy efficiency, environmental design, and increasing the supply of energy through *renewable energy systems* and *alternative energy systems*, benefits human and environmental health, protects the global climate, and reduces the demand for energy resources and the infrastructure needed for its production and distribution.

Energy Efficiency

3.7.1 The City supports energy efficient land use patterns. The policies of this Plan, in particular, Policy B.3.3.2.8, C.4.2.8 – Urban Design and Complete Streets, and E.2.0 – Urban Structure, support:

- a) a *compact urban form* with a nodes and corridors urban structure;
- b) *development* of mixed use urban environments that support public transit and *active transportation*;
- c) employment opportunities in proximity to housing thereby reducing commuting distances and traffic congestion; and,
- d) designs that facilitate the establishment or expansion of public transit in the future.

3.7.2 The City shall support energy efficient and environmental designed *development* through:

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

- i) energy conservation initiatives, including *energy demand management*;
 - j) water and storm water conservation/management practices such as green roofs, water recycling systems, urban storm water swales, etc.;
 - k) encouraging the use of reclaimed building materials as appropriate;
 - l) pilot projects and *community energy plans* as appropriate; and,
 - m) other environmental development standards that encourage energy efficiency and environmental design as contained in the City's approved engineering policies and standards and master planning studies, and are supported by the City's financial incentive programs.
- 3.7.3 Corporately, the City shall support energy efficiency by:
- a) implementing the City's approved Corporate Energy Policy;
 - b) participating in energy conservation programs;
 - c) supporting City and City/private partnership pilot projects which are energy efficient and have good environmental design;
 - d) marketing and educational initiatives; and,
 - e) advocating/lobbying senior levels of government for programs and funding to support energy efficiency and environmental design, and for changes to the Building Code Act and Regulations.

Increased Energy Supply

- 3.7.4 The City shall promote increasing the supply of energy and in particular, the supply of sustainable energy by:
- a) permitting energy generation facilities to meet existing and planned needs, including *alternative energy systems*, both as principal and *accessory* uses. These facilities shall be permitted in all land use designations subject to the other relevant policies of this Plan, Policy B.3.7.3, *compatibility* with the surrounding land uses, and in accordance with the provisions of the Zoning By-law; and,
 - b) protecting existing and future utility corridors.
 - c) working jointly with the Province to investigate the need, feasibility, implications and suitable locations for solar, wind, and bio-energy projects and to promote local clean energy generation, where appropriate, and in accordance with the Green Energy and Green Economy Act, 2009.

Renewable Energy and Alternative Energy System Locations

- 3.7.5 *Alternative energy systems* shall be permitted in accordance with all federal and provincial requirements and Policy B.3.7.4 a).

- 3.7.6 *Alternative energy systems* may be subject to studies to demonstrate to the satisfaction of the City how the potential adverse impacts, such as noise, dust, vibration, air quality, and water quality and quantity shall be mitigated.
- 3.7.7 Renewable energy undertakings are exempted from Planning Act, R.S.O., 1990 c. P.13 approvals in accordance with Schedule K of the Green Energy and Green Economy Act, 2009. These undertakings shall be subject to the Green Energy and Green Economy Act, 2009 and other provincial approvals.