

Dundas

UD-1 Dundas Two Zone Floodplain Area

- 1.0 Council recognizes the inherent dangers to development in areas subject to flooding and the constraints required to minimize the loss of life and property. Accordingly, the following policies shall apply within the *floodplain* area shown on Map D-1 as Area Specific UD-1:
- a) It is the intent of Council to limit development within the *floodplain* areas defined by the Hamilton Conservation Authority, of Spencer, Ann and Sydenham Creeks. In this regard, policies a) through i) shall apply to floodplain areas identified from time to time as *floodway* or *flood fringe* by the Conservation Authority in consultation with the City.
 - b) Where a proposal is made for development or redevelopment within or in proximity to UD-1, the City shall request the proponent to contact the Hamilton Conservation Authority to determine if and what flood protection measures are necessary, or other limitations to development.
 - c) It is intended the *floodway* be kept unobstructed, and free of all structures or the placement of fill.
 - d) Notwithstanding Policy 1.0 c), existing and similar uses otherwise complying with the intent of this Plan shall be appropriately zoned in the implementing Zoning By-law. However, extensions and enlargements of these uses shall not be permitted within the *floodway*.
 - e) It is the intent of Council that limited development may be permitted within the *flood fringe* subject to protection from flooding. In this regard such protection shall include the placement and stabilization of fill to or above the limit of the flooding, identified by the Hamilton Conservation Authority, floodproofing, or a combination of both.
 - f) Residential development may be permitted, in accordance with Volume 1 of this Plan, within the *flood fringe* subject to the placement and stabilization of fill to, or above the limit of flooding identified by the Hamilton Conservation Authority.
 - g) Non-residential development within the *flood fringe* area may be permitted on the basis of limited or no fill and subject to adequate flood proofing.
 - h) Paved day-use parking lots may be permitted within the *flood fringe* without the necessity of flood protection measures.
 - i) The boundaries of this Area Specific Policy Area are approximate and shall be confirmed by the Hamilton Conservation Authority during the review of applications for development regulations of the Conservation Authority.

UD-2 Dundas Two Zone Flood Plain Area

- 1.0 In addition to the area specific policies of UD-1, the following policies apply to the lands generally located west of East Street South, north and south of Meadow Lane, shown as Area Specific UD-2 on Map D-1:
- a) In addition to uses permitted in Section C.2.3 – Natural Heritage System – Core Areas, in volume 1 of this Plan, within the area shown on Map D-1 as

Area Specific UD-2, existing and similar uses as well as renovation of existing buildings shall be permitted.

- b) Reconstruction of existing buildings and structures which have been destroyed by fire or flood, up to the limits of the floor plate and building envelope existing as of October 2000 shall be permitted.
- c) Expansions to existing uses or structures or new *development* which does not comply with Section C.2.3 – Natural Heritage System – Core Areas, in Volume 1 of this Plan, shall not be permitted.

UD-3 Dundas Two Zone Floodplain Area

1.0 Within the area identified on Map D-1 as Area Specific UD-3, the permitted land uses shall be in accordance with the policies of Volume 1 of this Plan, subject to the following requirements:

- a) All *development* shall be floodproofed to the regulatory flood elevation. Where this is not feasible or practical a lower level of floodproofing may be considered but in no case shall the minimum acceptable level be less than 1.1 metre below the regulatory flood elevation;
- b) All new buildings and structures shall be designed such that their structural integrity is maintained during a regulatory flood event. The City may require that plans for all development be designed and certified by a qualified professional engineer or architect.
- c) The construction or erection of a building or structure on the footprint of a previous structure which has been destroyed or demolished by fire or other natural causes may be permitted if appropriately zoned in the implementing Zoning By-law subject to the written approval of the City and the Hamilton Conservation Authority.
- d) New *development* associated with the manufacture and/or bulk storage of substances of a chemical, hazardous or toxic nature which may pose an unacceptable threat to public safety damaged as a result of flooding or failure of floodproofing measures, shall not be permitted.
- e) New long term care facilities, hospitals, homes of the aged, senior citizen apartments, *housing with supports*, or other similar uses for which flooding could pose a significant danger to the inhabitants shall not be permitted.
- f) Parking spaces for permitted commercial or industrial uses may be permitted at lower elevations to be determined by Hamilton Conservation Authority.
- g) No habitable room shall be located in a basement or cellar.
- h) New building services such as electrical and heating systems should be located above the regulatory flood elevation, but where this location is not feasible, building services shall be floodproofed to the regulatory flood level.
- i) Transition slopes within the limits of a parcel of land that are necessary to match grades with existing streets shall be deemed to conform with the provisions of this area specific policy.

- j) Residential *development, redevelopment* or major renovation/addition to residential structures shall be permitted in accordance with this Plan and the Zoning By-law provisions provided the structure complies with the minimum flood proofing elevation and:
 - i) the habitable room elevation of any residential dwelling unit is located above the regulatory flood level;
 - ii) safe access and safe parking can be achieved;
 - iii) mechanical, electrical, heating and air/conditioning equipment are located above the regulatory flood level;
 - iv) minor renovations/additions to existing buildings used solely for residential purposes shall be permitted in accordance with Hamilton Conservation Authority policy provided that, in no case, the proposed floor level is lower than the existing ground floor level; and,
 - v) a permit has been issued from the Hamilton Conservation Authority.
- k) The Zoning By-law shall attach an 'FP' suffix to all lands within the boundary of this Area Specific Policy Area to indicate that lands are susceptible to flooding and erosion and that the lands are subject to the regulations of the Hamilton Conservation Authority and that approval of the Hamilton Conservation Authority is required prior to undertaking any *development, redevelopment, site alteration* or minor alterations to structures..
- l) Site plan control shall be extended to include all lands within or partially within the boundary of this Area Specific Policy Area.
- m) Site plan applications shall not be given final approval until such time as the Hamilton Conservation Authority has advised the City of its endorsement of the flood proofing methods proposed.
- n) The City and the Hamilton Conservation Authority shall maintain and implement a flood emergency plan including the implementation of a flood warning system.

UD-4 Downtown Dundas Core

1.0 In addition to the policies of Section E.4.6 – Mixed Use - Medium Density Designation of Volume 1, the following policies shall apply to lands located on King Street between York Road and Market Street and the lands generally bounded by Ogilvie Street, Cross street and south of Hatt Street, shown as Area Specific UD-4 on Map D-2:

- a) Additional parking and residential amenity space shall not be required for additional residential units in buildings constructed prior to October 2000.
- b) The properties surrounding the intersections of King Street West and Sydenham Street, and, the intersection of King Street West and Cross Street/Main Street have been identified as community landmark areas. In these areas, the City shall promote the development of unique or distinctive focal points for the community which shall contribute to and enhance the

unique identity and sense of place of the Dundas community. The following design elements shall be promoted when considering redevelopment application in these landmark areas:

- i) provision of public open space in the form of landscaped areas or urban squares;
- ii) additional building setbacks from the street;
- iii) special paving treatments;
- iv) enhanced street tree planning or landscaped schemes; and,
- v) additional building heights above those specified in the zoning by-law permitted in accordance with the provisions of Section F.1.9 – Bonus Provision and Transfer of Development Rights, of Volume 1 of this Plan.

UD-5 Land Located to the East and West of the Mixed Use-Medium Density Designation in Downtown Dundas

1.0 In addition to Section E.3.0 – Neighbourhoods of Volume 1, the following policy applies to the lands located east and west of the Mixed Use Medium designation in Downtown Dundas, shown as to Area Specific UD-5 on Map D-2:

- a) The existing low-rise residential built form and scale of these areas shall be maintained;
- b) Conversion to commercial uses shall be encouraged to maintain the existing residential buildings; and,
- c) Proposals for residential infill shall reflect the house form of adjacent properties.

UD-6 Lands located along Spencer Creek

1.0 In addition to the policies of Volume 1, the following policy shall apply to lands located along Spencer Creek, shown as Area Specific UD-6 on Map D-2:

- a) *Development or redevelopment* proposals on sites adjacent to Spencer Creek shall be required to provide public access to the creek, and to make necessary improvements to complete the trail system along Spencer Creek to the satisfaction of the City and the Hamilton Conservation Authority.

UD-7 Lands located on the Southwest Corner of Hatt and Ogilvie Streets

1.0 In addition to the policies of Volume 1, the following policies shall apply to the redevelopment of the lands consisting of an area of approximately 4.4 hectares (10.8 acres) situated on the southwest corner of Hatt Street and Ogilvie Street shown as Area Specific UD-7 on Map D-2:

- a) Notwithstanding the permitted uses of Policy E.3.2.3 of Volume 1, the permitted uses and building forms shall include:
 - i) residential apartments;

- ii) retirement homes;
 - iii) long term care facilities;
 - iv) street-oriented commercial uses consisting of retail, service commercial and personal service uses in freestanding buildings and/or on the first floor of mixed use buildings;
 - v) office uses;
 - vi) institutional uses;
 - vii) entertainment uses; and,
 - viii) accessory private recreation facilities serving the needs of residents of the subject lands.
- b) Permitted uses may be stipulated in the implementing Zoning By-law to the following maximums:
- i) residential apartments (322 units);
 - ii) retirement home, long term care facility or a combination of both (151 residents);
 - iii) retail, service commercial and personal service uses (1,400 square metres); and,
 - iv) in addition to the maximums permitted in UD-7 1.0 b), an apartment building located at 54 Hatt Street shall be permitted to have 22 retirement home units (22 beds) within a five storey residential apartment building and which are converted from the floor spaces from 17 apartment dwelling units. (OPA 62)
- c) Residential apartments may locate in residential buildings and in mixed use buildings along Hatt Street and Ogilvie Street, and in residential buildings along the north side of Spencer Creek.
- d) Retirement homes and a long term care facility may locate in residential buildings and/or in mixed use buildings along Hatt Street and Ogilvie Street.
- e) Retail, service commercial, personal service, office, institutional and entertainment uses may locate in mixed use buildings and in freestanding commercial buildings along Hatt Street and Ogilvie Street.
- f) Residential uses, retirement homes and long term care facilities shall not locate below commercial and institutional uses.
- g) New residential and mixed use buildings shall generally be in scale and compatible with the low profile character of buildings in the Dundas community in order to maintain views of the escarpment. New buildings shall be carefully integrated with the character of established residential areas. In order to minimize conflicts, the location, form, scale, bulk and design of new buildings shall be sensitive to and compatible with the density and form of existing residential development.

- h) The maximum height of residential buildings along the north side of Spencer Creek shall be 9 storeys.
- i) The range of height for residential buildings, mixed use buildings and freestanding commercial buildings along Hatt Street and Ogilvie Street shall be 2 to 6 storeys.
- j) The height and massing of new buildings along Hatt Street and Ogilvie Street shall be subject to a 'height transition' requirement where the tallest part of the buildings shall be situated adjacent to the intersection of Hatt Street and Ogilvie Street. The maximum height shall be 6 storeys. The height of the remainder of the buildings shall be 'stepped down' to 5 and 4 storeys along Hatt Street and Ogilvie Street. The building shall be arranged to create an urban streetscape along Hatt Street and Ogilvie Street.
- k) As part of the design of the overall development, the intersection of Hatt Street and Ogilvie Street shall be recognized as major crossroads and a focal point in the downtown.
- l) The development of the subject lands shall be based on public roadway with a right-of-way width of 18.5 metres and acceptable alternative development standards to the satisfaction of the City.
- m) Prior to development, the subject lands shall be remediated in accordance with provincial standards regarding site decommissioning and clean-up to ensure there are no adverse effects resulting from former contaminants on the site. The Owner shall satisfy the City that the site assessment and restoration activities at the site have been undertaken in accordance with the Ministry of Environment's Guideline for Use at Contaminated Sites in Ontario, June 1996 as may be amended from time to time. Any site remediation work occurring within the regulated area of Spencer Creek shall be subject to a permit from the Hamilton Conservation Authority. The decommissioning of the site shall occur in phases. No development of any portion of the site may proceed until such time as all the requirements of the City regarding site assessment and remediation for the portions of the lands to be developed have been satisfied.