Council Direction: Not applicable

Information:

1. Background

New policies for several topic areas are being proposed for inclusion in the Rural Hamilton Official Plan (RHOP). When the RHOP was being developed, there was insufficient time to deal with all policy areas (i.e. transportation, cultural heritage, etc.) and it was decided the development of these policies would be completed with similar topics in the Urban Hamilton Official Plan (UHOP). Due to the delays in final approval of the RHOP, a separate Official Plan (OP) for the urban area was adopted by Council. To bring these policies in effect for the rural area, it is now necessary to add policies and maps (Schedules and Appendices) for the following topic areas to the RHOP:

- Housing Policies
- Cultural Heritage Policies
- Community Facilities/Services Policies
- Health and Public Safety Policies
- Transportation Policies

The proposed policies have all been through public consultation as part of the UHOP, cultural heritage policies as an independent and complete package including rural
portions. There are some wording changes from the original circulation to ensure applicability to the rural area.

2. **Key Policy Directions**

The proposed new policies, attached as Appendix A through Appendix E to this Report, are very similar to those in the UHOP. Policy wording from the UHOP has been maintained, where appropriate, but since rural planning is based on different fundamental principles than urban planning, some policies, phrases or sections have been revised or removed.

While intensification, efficient use of infrastructure and services, promotion of public transit use, and promotion of development are important urban planning principles, the paramount principles for rural planning are protection of the environment, protection of agricultural land and the business of agriculture, protection of non-renewable resources, ensuring servicing is sustainable, ensuring water quality and quantity is protected, and keeping new non-farm/non-agricultural development to a minimum. The Greenbelt Plan and the Provincial Policy Statement (PPS) provide strong policy direction for these principles and the City’s RHOP must conform to them. In this regard, references to intensification, higher density built forms, and public transit are not found in the proposed RHOP policies.

The sections below detail key policy directions for each topic area.

a. **Housing Policies** (Appendix A, no maps)

   The proposed policies encourage development and retention of affordable housing and small scale housing with supports, including residential care facilities.

b. **Cultural Heritage Policy Directions** (Appendix B, maps Appendices B-1 to B-3)

   - The new policies are clearer, stronger, and more prescriptive
   - Minimize impacts of new development and intensification on cultural heritage resources
   - Detailed studies of individual properties, such as Cultural Heritage Impact Assessments and Archaeology Assessments, will be required as part of development applications (in particular situations)
   - Archaeological assessments are required in areas of archaeological potential for official plan amendments and zoning by-law amendments
   - Archaeological assessments may be required in areas of archaeological potential for other types of Planning Act applications
   - Various planning and assessment processes will be used to ensure that properties of cultural heritage interest that are not designated or yet identified are identified, evaluated and conserved

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**Vision:** To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

**Values:** Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
• Evaluation criteria are provided for consistent assessment cultural heritage value or interest
• City will undertake several inventories and general studies of cultural heritage resources (substantial work already complete)
• Cultural heritage landscapes will be conserved and managed
• New development will be permitted in cultural heritage landscapes, but must be contextually appropriate
• Identify, conserve and manage heritage roads and associated features.

c. **Community Facilities/Services Policies** (Appendix C, no maps):
Community facilities/services are 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, libraries, and more. The proposed community facilities/services policies ensure that community facilities are flexible to meet changing needs and designed to suit their location and as a focal point for communities.

d. **Health and Public Safety Policies** (Appendix D, map Appendix D-1):
The proposed health and public safety policies are similar to the UHOP. Overall the policies ensure the health and safety of citizens directly and through the protection of our land, air, and water. The health and safety policies are comprised of the following sections:

1. **Contaminated Sites**: Land may be contaminated due to previous uses such as landfills, industrial uses, and other uses that involve hazardous chemicals, fuels, or solvents. The policies in this section ensure that contamination is remediated and will not cause any adverse effects before new uses are permitted.

2. **Air Quality and Climate Change**: This section contains general policies to address air quality and climate change.

3. **Noise and Vibration**: The proposed policies follow provincial guidelines closely to protect residents from unacceptable levels of noise, vibration and other emissions such as dust and odours from roads, airports, railway lines and stationary sources and protects the operations of transportation facilities, permitted commercial and employment (industrial) uses.

4. **Hazard Lands**: Hazard lands are lands which, if developed my pose a risk to residents, loss of life, property damage and social disruptions due to natural hazards such as flooding, slope failure or unexpected collapse of lands. Hazard lands are defined, mapped and regulated by the Conservation Authorities and the Niagara Escarpment Commission. The proposed policies ensure that no development occurs on hazard lands that would put residents at risk. Development is restricted to...
conservation, fish and wildlife management areas, passive recreation uses and flood/erosion control facilities. Development within or adjacent to hazard lands required approval by a Conservation Authority.

5. **Energy:** Energy efficiency 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. The policies in this section support energy efficient and environmental designed development and building practices, and provide directions for how the City can increase energy efficiency. These policies incorporate changes proposed in the Provincial Draft Modifications to the Urban Hamilton Official Plan as a result of the **Green Energy and Green Economy Act**, as detailed in Report PED09164(c).

e. **Transportation Policies** (Appendix E, Schedules Appendix E-1 and E-2)

The proposed transportation policies for the Rural OP are substantially different from those in the Urban OP since the planning principles are substantially different and it is not fiscally possible or desirable for rural transportation service levels for public transit, sidewalks, and bike lanes to be similar to urban service levels. Rural road design is fundamentally different from urban, and rural sidewalks alone would be cost prohibitive. The proposed transportation policies:

- Provide a balanced and integrated transportation network which includes all modes of transportation.
- Coordinate and integrate transportation planning and land use planning
- Facilitate safe and efficient movement of goods
- Expand inter-regional travel and coordinate with other levels of government
- Promote walking and non-motorised trips where feasible
- The road network is used by several networks and vehicles such as cycling, motor vehicles and goods movement.
- Road network policies include classification of roads, road widenings, high level policies for road design and maintenance, traffic management and parking.
- Goods movement policies protect key corridors and aim to benefit from Hamilton’s transportation advantages (good access to highways, rail, airport, etc.).
- Promote the use of all modes for goods movement where feasible.
- Rail and marine policies largely carried forward from the existing Regional Official Plan.
- Airport policies already in the Rural Official Plan are to be clarified with wording to reflect the Urban Official Plan.
3. **Related Initiatives**

Rural Zoning is also being presented to Committee in an Information Report PED10064 on March 23. To implement the new rural zoning, particularly the new mapping of Hazard Lands done by the Conservation Authorities and implemented in the zoning, it is necessary to amend many Rural Settlement Area Plans. These changes will be brought forward as a separate Rural Official Plan Amendment/Modification.

Additionally, Report PED09164c recommends that the City amend the Rural Hamilton Official Plan to include area specific policies relating to the Karst area similar to the Urban Hamilton Official Plan policies of USC-1. This will be done as part of the Rural Hamilton Official Plan amendment or modification that adopts the new policies proposed in this Report.

4. **Public Consultation**

The draft proposed policies and maps have been circulated to multiple divisions within the following City departments: Planning and Economic Development, Community Services, Public Works, Public Health, Corporate Services, Emergency Services and the Library. Both policies and maps have also been circulated to the complete agency circulation list. First Nations groups have already commented thoroughly on the cultural heritage policies, their primary area of concern, but have also been sent the proposed policies.

Public Information Centres will be done jointly with proposed rural zoning. These are tentatively planned for April 19 at the Millgrove Community Centre, April 21 at the Binbrook Fairgrounds, and April 26 at the Ancaster Fairgrounds. Staff will also attend the March 25 Agricultural and Rural Affairs Advisory Committee for the Committee’s input on the proposed new policies.

5. **Next Steps**

Once the public open houses are complete, the proposed policies will be modified accordingly. The timing of the Official Plan Amendment is not known at this time since the Rural Hamilton Official Plan is under appeal and is not currently in effect. The purpose of taking these proposed policies through public consultation now is complete the statutory public consultation process so that as the appeals are resolved and sections of the Official Plan come into effect, the proposed new policies can be either adopted in the Rural Hamilton Official Plan through an Official Plan Amendment or a modification by the Ontario Municipal Board.

KM/dkm

Attachs (11)
NOTE: These policies will only be adopted to apply to the rural area. Similar policies for the urban area have been adopted by Council in the Urban Hamilton Official Plan and await provincial approval.

Chapter B - Communities

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.

3.2.3 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, in a Rural Settlement Area, 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 Rural Housing

3.2.4.1 Small scale housing with supports, including residential care facilities, shall be permitted within any single detached dwelling in accordance with Policies C.3.1.2 c) and Volume 2, A.1.3.1.

3.2.4.2 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.

3.2.5 Rental Housing Protection Policies
In Urban Hamilton Official Plan

CHAPTER G - GLOSSARY

Affordable: means:

a) in the case of ownership housing, the least expensive of:

   i) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or

   ii) housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the City of Hamilton; and,

b) in the case of rental housing, the least expensive of:

   i) a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or

   ii) a unit for which the rent is at or below the average market rent of a unit in the City of Hamilton (PPS, 2005 amended); and,

c) in the case of housing developments, at least 25 percent of either affordable ownership or affordable rental housing. For the purposes of the policies of this Plan, affordable housing developments may include a mix of affordable and market rate units, both ownership and rental.

Housing with Supports: means public, private or non-profit owned housing with some form of support component, beyond economic support, intended or people who need support services to live independently in the community, where providers receive funding for support services. The tenure may be long term. Housing with supports includes special needs housing as defined by the Provincial Policy Statement (2005).
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APPENDIX B – Cultural Heritage Policies

NOTE: These policies will only be adopted to apply to the rural area. Similar policies for the urban area have been adopted by Council in the Urban Hamilton Official Plan and await provincial approval.

Chapter B - Communities

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 and prosperous communities.

3.4.1.3 Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.

3.4.1.4 Encourage the rehabilitation, renovation, and restoration of built heritage resources in order that they remain in active use.

3.4.1.5 Promote public and private awareness, appreciation, and enjoyment of Hamilton’s cultural heritage through public programmes or heritage interpretation activities, heritage tourism, and guidance on appropriate conservation practices.

3.4.2 General Cultural Heritage Policies

3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:
a) Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations.

b) Identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources.

c) Promote awareness and appreciation of the City’s cultural heritage and encourage public and private stewardship of and custodial responsibility for the City’s cultural heritage resources.

d) Avoid harmful disruption or disturbance of known archaeological sites or areas of archaeological potential.

e) Encourage the ongoing care of individual cultural heritage resources and the properties on which they are situated together with associated features and structures by property owners, and provide guidance on sound conservation practices.

f) Support the continuing use, reuse, care, and conservation of cultural heritage resources and properties by encouraging property owners to seek out and apply for funding sources available for conservation and restoration work.

g) Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals.

h) Conserve the character of areas of cultural heritage significance, including designated heritage conservation districts and cultural heritage landscapes, by encouraging those land uses, development and site alteration activities that protect, maintain and enhance these areas within the City.

i) Use all relevant provincial legislation, particularly the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act, the Municipal Act, the Niagara Escarpment Planning and Development Act, the Cemeteries Act, the Greenbelt Act, the Places to Grow Act, and all related plans and strategies 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 cultural heritage properties contained in the Register, the City shall ensure that such properties shall be protected from harm in the carrying out of any undertaking subject to the Environmental Assessment Act or the Planning Act.

Protection of Non-Designated or Non-Registered Heritage Properties

3.4.2.6 The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the Ontario Heritage Act, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.

3.4.2.7 The City shall ensure these non-designated and non-registered cultural heritage properties are identified, evaluated, and appropriately conserved through various legislated planning and assessment processes, including the Planning Act, the Environmental Assessment Act 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 shall be required by the City and submitted prior to or at the time of any application submission pursuant to the Planning Act where the proposed development, site alteration, or redevelopment of lands (both public and private) has the potential to adversely affect the following cultural heritage resources through displacement or disruption:

a) Properties designated under any part of the Ontario Heritage Act or adjacent to properties designated under any part of the Ontario Heritage Act;

b) 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;

c) A registered or known archaeological site or areas of archaeological potential;

d) Any area for which a cultural heritage conservation plan statement has been prepared; or,

e) Properties that comprise or are contained within cultural heritage landscapes that are included in the Register of Property of Cultural Heritage Value or Interest.

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

In Urban Hamilton Official Plan

3.4.4 Archaeology Policies

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

3.4.4.1 The City shall maintain mapping of areas of archaeological potential as defined by provincial guidelines and identified on Appendix F-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:

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 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 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 soil disturbance or site alteration relating to a Planning Act application, any required archaeological assessment must be approved, in writing by the Province and 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 to prohibit the use of land and the placement of buildings and structures in order to protect and conserve sites or areas of significant archaeological resources.

3.4.4.9 Where a marked or unmarked cemetery or burial place is encountered during any archaeological assessment or excavation activity, the provisions of the Cemeteries Act and associated regulations, and the policies of this Plan shall apply.

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

3.4.5 Built Heritage Resource Policies

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

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

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

a) retention of the building in its original location and its original use; or,

b) retention of the building in its original location, but adaptively reused.

3.4.5.4 Where it has been demonstrated that retention of the built heritage resource in its original location is neither appropriate nor viable the following options, in order of priority, shall be considered:
a) relocation of the building within the area of development; or,

b) relocation of the building to a sympathetic site.

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

a) preserving and displaying of fragments of the former buildings’ features and landscaping;

b) marking the traces of former locations, shapes, and circulation lines;

c) displaying graphic and textual descriptions of the site’s history and former use, buildings, and structures; and,

d) generally reflect the former architecture and use in the design of the new development, where appropriate 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.

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.

**Cultural Heritage Resources Policies to be Amended into Other Chapters**

**Chapter C – City Systems/Designations**

C.3.1.5 Cultural heritage resources in those areas designated as Agriculture, Specialty Crop, Rural, and Open Space in this Plan shall be protected and conserved by maintaining individual cultural heritage features, including farm houses, barns, silos, hedgerows, tree lines and woodlots, and groupings of these resources.

**Chapter D – Rural Systems, Designations and Resources**

**D.6.0 – Mineral Aggregate Resource Extraction Areas**

Insert the following new policies:

D.6.32 The development of Mineral Aggregate Resource Extraction Areas shall not adversely impact cultural heritage resources either directly or indirectly unless suitably conserved or mitigated by the proponent to the satisfaction of the City and in accordance with studies required under the **Aggregate Resources Act**.

6.33 The rehabilitation of areas impacted by resource extraction operations shall reflect and preserve elements of the pre-extraction character of the lands where possible.

6.34 Historical Mineral Aggregate Extraction Areas, that contain former nineteenth and early twentieth century quarries, brick works and lime kilns, shall be preserved.
6.35 Public or private restoration initiatives to lands formerly in agricultural, industrial, aggregate extraction or residential use shall ensure the conservation of existing cultural heritage resources that reflect past land uses and alterations to the landscape. The City shall encourage the preservation and/or representation of archaeology, built heritage and/or cultural heritage landscapes. The preservation of these resources shall not preclude the restoration of natural heritage features and ecological function, but shall ensure that in a restored site the cultural history and physical remnants of the past are appropriately represented.

Chapter F - Implementation

Policy F.1.17.3 shall be revised to exclude land of archaeological value from parkland dedication.

F.3.0 - Other Implementation Mechanisms

Insert the following new policies:

3.1.2 Cultural Heritage Management Plan

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

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

3.1.3 Archaeology Management Plan

3.1.3.1 The City recognizes there are areas of archaeological potential and archaeological resources that remain unidentified and have yet to be subjected to a detailed assessment by a licensed archaeologist. To assist land owners and to provide for appropriate development, the City shall prepare an archaeology management plan.

3.1.3.2 Until such time as an archaeology management plan is complete, archaeological resource sites or areas of archaeological potential shall be identified and evaluated in accordance with provincial guidelines and City policies and protocols.

3.1.4 Cultural Heritage Conservation Plan Statements

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

a) a description of the historical development of the area;

b) a description of the cultural heritage resources and their significance;
c) conservation priorities for identified cultural heritage resources;

d) redevelopment potential;

e) consideration of open space, public access and community connectivity;

f) the provision of interpretive devices, such as plaques and displays;

g) the creation of guidelines for the conservation and enhancement of cultural heritage resources; and,

h) the creation of guidelines for contextual enhancements, such as streetscaping and alterations and/or additions to adjacent properties.

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

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

3.2.3 Cultural Heritage Impact Assessments

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

a) identification and evaluation of all potentially affected cultural heritage resource(s), including detailed site(s) history and a cultural heritage resource inventory containing textual and graphic documentation;

b) a description of the proposed development or site alteration and alternative forms of the development or site alteration;

c) a description of all cultural heritage resource(s) to be affected by the development and its alternative forms;

d) a description of the effects on the cultural heritage resource(s) by the proposed development or site alteration and its alternative forms; and,

e) a description of the measures necessary to mitigate the adverse effects of the development or site alteration and its alternatives upon the cultural heritage resource(s).

3.2.4 Archaeological Assessments

3.2.4.1 Any required archaeological assessment must be conducted by an archaeologist licensed under the Ontario Heritage Act and shall be submitted to the City for final approval and to the Province for review and compliance to licensing provisions and archaeological assessment standards and guidelines. The archaeological assessment:
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a) shall be prepared following the terms and conditions set out in the provincial guidelines; and,

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

Chapter G – Glossary

Insert the following new Glossary terms:

**Adaptive Reuse:** means the adaptation of an existing building for another land use.

**Adjacent:** In regard to cultural heritage and archaeology, those lands contiguous to, or located within 50 metres of, a protected heritage property.

**Archaeological Resources:** Include artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act (PPS, 2005).

**Area of Archaeological Potential:** A defined geographical area with the potential to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, this Plan and the City’s Archaeological Management Plan. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act (PPS, 2005, amended).

**Built Heritage Resources:** means one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community (PPS, 2005). These resources may be identified through inclusion in the City’s Register of Property of Cultural Heritage Value or Interest, designation or heritage conservation easement under the Ontario Heritage Act, and/or listed by local, provincial or federal jurisdictions.

**Conserve:** means the identification, protection, use and/or management of cultural heritage and archaeological resources.

**Conserved:** in the context of cultural heritage resources, means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact statement (PPS, 2005).
Cultural Heritage Impact Assessment: A document comprising text and graphic material including plans, drawings and photographs that contains the results of historical research, field work, survey, analysis, and description(s) of cultural heritage resources together with a description of the process and procedures in deriving potential effects and mitigation measures as required by official plan policies and any other applicable or pertinent guidelines. A cultural heritage impact assessment may include an archaeological assessment where appropriate.

Cultural Heritage Landscape: A defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, railways and industrial complexes of cultural heritage value (PPS, 2005).

Cultural Heritage Conservation Plan Statement: A document comprising text and graphic material including plans, drawings and photographs that contains the results of historical research, field work, survey, analysis, and description(s) of cultural heritage resources together with a statement of cultural heritage value, interest, merit or significance accompanied by guidelines as required by the policies of this Plan. A cultural heritage conservation plan statement shall be considered a conservation plan as including in the PPS (2005) definition of conserved (above).

Cultural Heritage Properties: Properties that contain cultural heritage resources.

Cultural Heritage Resources: Structures, features, sites, and/or landscapes that, either individually or as part of a whole, are of historical, architectural, archaeological, and/or scenic value that may also represent intangible heritage, such as customs, ways-of-life, values, and activities.

Historic: means a time period, starting approximately 200 years ago, during which European settlement became increasingly widespread in the Hamilton area and for which a written (or ‘historic’) record has been kept.

Lithic scatters: means a collection of stone tools and/or debris from the manufacture and use of stone tools.

Middle- and Late-Archaic: means Native cultural horizons, approximately 7,000 to 3,000 years ago, marked by technological adaptations and regionalization of traditions and styles.

Natives: Indians as defined by the Indian Act of Canada.

Paleo-Indian: Native cultural horizon, approximately 12,000 to 9,500 years ago, associated with the first human colonization of the American continents.

Planning Act: The Planning Act is Provincial legislation that sets out the ground rules for land use planning in Ontario and describes how land uses may be controlled, and who may control them.

Post-Contact: Anytime after the European colonization of the Hamilton area, approximately 350 years ago, to the present.
**Protected Heritage Property**: means real property designated under Parts IV, V or VI of the *Ontario Heritage Act*; heritage conservation easement property under Parts II or IV of the *Ontario Heritage Act*; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss (PPS, 2005).

**Provincial Policy Statement**: The Provincial Policy Statement is issued under the authority of Section 3 of the *Planning Act*. It provides direction on matters of provincial interest related to land use planning and development, and promotes the provincial “policy-led” planning system.

**Significant**: In regard to cultural heritage and archaeology, means cultural heritage resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people (PPS, 2005).

**Site Alteration**: means activities, such as grading, excavation, and the placement of fill that would change the landform and natural vegetative characteristics of a site (PPS, 2005, amended).

**Soil Disturbance**: means activities such as, but not limited to, tree planting; grubbing, including tree and brush removal; grading; stockpiling; soil capping or placement of fill; demolition; use of heavy machinery on-site, including staging areas and access routes; and, landscaping and landscape stabilization, which have the potential to impact and/or remove archaeological resources.

**Woodland**: In regard to archaeology, refers to a Native cultural horizon, approximately 3,000 to 300 years ago, marked by a large population increase and adoption of agricultural practices.

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**Volume 2 - Secondary Plans and Rural Settlement Area Plans**

**Chapter A - Rural Settlement Area Plans**

Insert new policies A.1.2.8 and A.1.2.9 into Section A.1.2, General Policies as follows:

**A.1.2.8** To maintain and protect the distinct form and historical character of Rural Settlement Areas designated in this Plan, any application pursuant to the *Planning Act* or other legislation shall seek to conserve cultural heritage resources, cultural heritage landscapes, areas of archaeological potential, archaeological sites and the overall settlement character.

**A.1.2.9** To conserve the settlement character, construction of new buildings or renovation of existing buildings shall be sympathetic to and consistent with the existing heritage attributes of the Rural Settlement Area, including, but not limited to, consideration of traditional minimum lot sizes and setbacks, building massing and orientation, and preservation of views, open spaces, and landmarks, where these considerations do not conflict with any sustainable servicing requirements in accordance with Section C.5.1 of Volume 1.
Note: For a detailed view of Cultural Heritage Resources, refer to Appendix F-1.
For a detailed view of Rural Cultural Heritage Resources, refer to Appendix F-1.
For Urban Archaeological Potential refer Appendix F-4 of the Rural Hamilton Official Plan.
APPENDIX C – Community Facilities/Services Policies

NOTE: These policies will only be adopted to apply to the rural area. Similar policies for the urban area have been adopted by Council in the Urban Hamilton Official Plan and await provincial approval.

Chapter B - Communities

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 and health 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 In Urban Hamilton Official Plan
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.3.4 – Cultural Heritage Policies and Section C.5.1 – Sustainable Private Water and Wastewater Services;

b) shall be located and designed to be barrier free and to comply with all accessibility legislation, standards, and guidelines;

c) where proposed adjacent to residential uses, shall be designed and operated to limit noise, traffic, and privacy impacts on neighbouring residents; and,

d) 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 where appropriate;

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 through 3.5.2.5 In Urban Hamilton Official Plan

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 In Urban Hamilton Official Plan
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 In Urban Hamilton Official Plan

3.5.2.11 In Urban Hamilton Official Plan

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, B.3.5.2.5, B.3.5.2.6, B.3.5.2.9, and B.3.5.2.12 shall not apply to the renovation, expansion, or adaptive reuse of existing buildings for community facilities.

3.5.3 Parkland Policies

Existing policies in Rural Hamilton Official Plan

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.

3.5.4.4 New libraries shall comply with Sections B.3.5 - Community Facilities/Services 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.

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 In Urban Hamilton Official Plan

3.5.5.5 In Urban Hamilton Official Plan

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

3.5.5.7 New 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.

3.5.6 **Healthcare Facilities**

In Urban Hamilton Official Plan

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 In Urban Hamilton Official Plan
3.5.7.3 The preferred location for emergency medical, fire, and police stations is fronting 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 In Urban Hamilton Official Plan

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 In Urban Hamilton Official Plan

3.5.8.5 New cultural facilities shall comply with Sections B.3.5 - Community Facilities/Services Policies and B.3.4 - Cultural Heritage Policies.

Chapter G - Glossary

**Adaptive Reuse**: means the adaptation of an existing building for another land use.

**Community Facilities/Services**: means lands, buildings, and structures that support a high quality of life for people and communities by providing services for health, education, recreation, social or cultural activities, security and safety. Community facilities/services may include but not be limited to community and recreation centres, arenas, parks, health care facilities, day care centres, senior’s centres, emergency medical services, fire services, police services, cultural facilities, places of worship, museums, schools, and libraries. Community facilities/services may be publicly or privately owned and/or operated.

**Cultural Facilities**: means publicly owned and/or operated lands, buildings and structures used for the creation, production and dissemination of arts and culture. Cultural facilities include publicly owned and/or operated lands, buildings and cultural sites such as but not limited to museums, art galleries, exhibition facilities, and managed historical sites.
APPENDIX D – Health and Public Safety Policies

NOTE: These policies will only be adopted to apply to the rural area. Similar policies for the urban area have been adopted by Council in the Urban Hamilton Official Plan and await provincial approval.

Chapter B - Communities

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. 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, severances, 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 the property boundary of lands identified on Appendix E – Rural Municipal Landfill Sites as Former Municipal Landfill Sites, may not be considered complete unless accompanied by written permission for redevelopment, proof that remediation is complete from the appropriate authority, or a landfill impact assessment, according to all applicable provincial guidelines and requirements.

3.6.1.6 In approving applications involving land use changes on or near former or operating landfill sites or other contaminated 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 the property boundary of lands identified on Appendix E – Rural Municipal Landfill Sites as Former Municipal Landfill Sites, future purchasers and tenants shall be advised of existing and potential impacts of the former landfill. Such a warning provision shall be included as a clause in a lease or rental agreement, agreement of purchase and sale, and development agreement where applicable, and registered on title where possible.

3.6.1.8 No activity associated with the proposed use shall be permitted on a contaminated site or potentially contaminated site until any required Record of Site Condition has been filed and it has been demonstrated to the satisfaction of the City that there will be no adverse effects.

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

3.6.1.10 The development of new solid waste management facilities, and the expansion, extension, and operations of existing facilities, shall meet the policies of Section C.5.5, Waste Management Facilities.

3.6.2 Air Quality and Climate Change

Air quality and climate change have significant direct and indirect impacts on 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 active transportation such as walking and cycling;

b) achieving a natural heritage ecosystem through the protection and enhancement of natural heritage features and functions; and,

c) enhancing vegetative cover.

Many of these goals and policies also contribute to the adaptation to climate change by minimizing vulnerabilities to climate impacts. Prohibiting new development on hazard lands, and incorporating urban design features that reduce climate impacts on public works and urban infrastructure - roads and associated infrastructure, bridges, water and waste waters 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 greenhouse gases, and minimise the associated health impacts of poor 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, minimise the associated health impacts of poor 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, 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; and,
e) acoustical barriers such as berms, living walls, walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies.

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 also comply 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 an arterial road, as identified on Schedule C-1 – Rural Functional Road Classification;

b) 400 metres of a truck route;

c) 400 metres of an existing or proposed parkway or provincial highway (controlled access), as identified on Schedule C – Rural Functional Road Classification; and,

d) 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 perpetually 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 night time hours, appropriate mitigation measures shall be incorporated into the development, according to provincial guidelines, and appropriate warning clauses shall be perpetually 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 or 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, the barrier would not impede existing or planned walking and cycling networks, and their long term maintenance and replacement has been addressed.

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 yards 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.
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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 rural 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) where a Special Policy Area, under Section 3.1.3 a) of the Provincial Policy Statement has been approved by the Province. Such special policy areas permitting development and site alteration on hazard lands shall be included as Area Specific Policies in Volume 3;

b) where the development is limited to uses which by their nature must locate within the floodway such as flood or erosion control works;

c) where development is a minor addition or a passive non-structural use which does not affect flood flows to the satisfaction of the applicable Conservation Authority;

d) where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards as determined by the applicable Conservation Authority.
3.6.5.10 Development and site alteration permitted through Policy B.3.6.5.9 above shall comply with Section C.2.0 – Natural Heritage System.

3.6.5.11 Development approvals shall not be granted within hazard lands or on lands adjacent to hazard lands that are regulated by a Conservation Authority until written consent is obtained from the applicable Conservation Authority.

3.6.5.12 The City shall discourage the expansion of existing legal non-complying uses within hazard lands.

3.6.5.13 Where an existing legal non-conforming or non-complying building or structure lying within all or part of hazard lands is destroyed in a manner not related to the inherent environmental hazards of the land, the City shall permit the building or structure to be rebuilt only if the Conservation Authority having jurisdiction permits the reconstruction.

3.6.5.14 Where lands with inherent hazards exist that are not regulated by the Province or a provincial body, such as steep slopes not associated with a watercourse or shoreline, the City shall as part of applications for development under the Planning Act, require the preparation of appropriate studies to:

   a) map the hazard;

   b) assess the existing and future stability of the hazard;

   c) identify appropriate setbacks from the hazard; and,

   d) identify other mitigation measures necessary to protect the site, the hazard, adjacent lands, and public safety.

3.6.5.15 Hazards identified under Policy B.3.6.5.14 shall be zoned in the same manner as hazard lands.

3.7 Energy and Environmental Design

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

Energy Efficiency

3.7.1 In Urban Hamilton Official Plan

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

   a) approval of planning applications, including applications for zoning by-law amendments, site plan approval, and plans of subdivision or condominium, as appropriate;
b) the use of environmental building rating systems such as certification under the Leadership in Energy and Environmental Design (LEED) program or an equivalent rating system for upgrading/retrofitting of existing development and new development;

c) designs which use renewable energy systems or alternative energy systems;

d) designs which use cogeneration energy systems;

e) designs which minimize building heat loss and capture or retain solar heat energy in winter, and minimize solar heat penetration in summer. Consideration shall be given to such measures as green roofs or reflective roofs, discouraging excessive surface parking, allowing direct access to sunlight, and effective landscaping;

f) building or structure orientations that maximize solar or wind energy;

g) designs that encourage sustainable forms of transportation, including active transportation and energy conserving vehicles;

h) designs that facilitate cooperation/joint energy efficiency between developments to optimize the efficient use of resources;

i) energy conservation initiatives, including energy demand management;

j) water and storm water conservation/management practices such as green roofs, water recycling systems, etc.;

k) encouraging the use of reclaimed building materials as appropriate;

l) pilot projects and community energy plans as appropriate; and,

m) other environmental development standards that encourage energy efficiency and environmental design as contained in the City’s approved engineering policies and standards and master planning studies, and are supported by the City’s financial incentive programs.

3.7.3 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;

b) protecting existing and future utility corridors; and,

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.

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 approvals in accordance with Schedule K of the Green Energy and Economy Act. These undertakings shall be subject to the Green Energy and Economy Act and other provincial approvals.

Chapter C – City Wide Systems and Designations

A new policy C.5.2.5 to be added:

C.5.2.5 The City shall protect City operated communal water supply systems from potential sources of contamination.

A new policy C.5.5.7 to be added:

C.5.5.7 Development, redevelopment, or land use changes, adjacent to or in the vicinity of an Operating Municipal Landfill or Former Municipal Landfill identified on Appendix E – Rural Municipal Landfill Sites shall be in accordance with Section B.3.6.1, Contaminated Sites Policies.

Chapter G – Glossary

Adjacent Lands: means those lands contiguous to hazard lands, a specific natural heritage feature, or area where it is likely that development or site alteration would have a negative impact on the hazard, feature or area. The extent of the adjacent lands may
be recommended by the Province or based on municipal approaches which achieve the same objectives.

**Adverse Effects**: as defined in the *Environmental Protection Act*, means one or more of:

a) impairment of the quality of the natural environment for any use that can be made of it;

b) injury or damage to property or plant or animal life;

c) harm or material discomfort to any person;

d) an adverse effect on the health of any person;

e) impairment of the safety of any person;

f) rendering any property or plant or animal life unfit for human use;

g) loss of enjoyment of normal use of property; and,

h) interference with normal conduct of business. (PPS, 2005)

**Alternative Energy Systems**: means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems. Alternative energy systems undertakings do not include renewable energy undertakings as defined in the *Green Energy and Green Economy Act*.

**Community Energy Plan**: means a City-wide plan that addresses energy security concerns and which may also address climate change, and may include the objectives of reducing energy consumption, developing renewable energy or alternative energy supplies, ensuring reliable conventional energy supplies, or of reducing greenhouse gas emissions.

**Compatibility/compatible**: means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”.

**Hazard Lands**: means hazardous lands and hazardous sites. (Replaces existing definition)

**Hazardous Lands**: means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes – St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits (PPS, 2005).

**Noise Studies:**
a) **feasibility noise study**: means an initial noise assessment in the planning stage of a development project in order to determine the feasibility of the proposed project meeting provincial sound level criteria, and if necessary, to specify required noise control measures, in accordance with provincial guidelines;

b) **detailed noise study**: means a detailed assessment of all noise sources affecting the lands subject to a proposed development, and control measures required to meet provincial sound level criteria, in accordance with provincial guidelines.

**Redevelopment**: means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites (PPS, 2005).

**Renewable Energy Systems**: means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy. These systems have the same meaning as a renewable energy undertaking under the *Green Energy and Green Economy Act*. 
APPENDIX E – Transportation Policies

NOTE: These policies will only be adopted to apply to the rural area. Similar policies for the urban area have been adopted by Council in the Urban Hamilton Official Plan and await provincial approval.

Chapter C – City Wide Systems/Designations

C.4.0 INTEGRATED TRANSPORTATION NETWORK

Movement in the City of Hamilton is comprised of various transportation modes, which together form an integrated transportation network that supports all land uses and contributes to the well-being of the community. The integrated transportation network offers a range of travel options for moving both people and goods on roads, rail, air and water. The options on the roadway network include, transit, active transportation (non-motorized movements), commercial vehicles and automobiles. The function of the integrated transportation network and overarching objective of the Official Plan is to safely and efficiently move people and goods seamlessly and effectively, and serve as an economic enabler.

The transportation network and land uses are mutually inclusive; land uses are connected and accessible through the transportation network. Equally, transportation is made more efficient when complemented by appropriate locations and densities for various land uses. The City shall plan for an integrated transportation network through the policies of this Plan, provincial policies, and requirements of the Planning Act. The integrated transportation policies will help in achieving the shared goal of Vision 2020, the Growth Related Integrated Development Strategy and the Transportation Master Plan, of an integrated sustainable transportation network for people, goods and services, which is safe, environmentally friendly, affordable, efficient, convenient and accessible.

This Plan recognizes the relationship between the transportation network and its impact on quality of life, health, and economic development potential. The integrated transportation network will offer a greater range of transportation mode choice. An improved and efficient transportation network is a vital link between activities and land uses throughout the City. Improved mode choice can be accomplished through a better balance between the competing needs of the road network including motor vehicles, transit, active transportation, goods movement and parking. A balanced integrated transportation network shall contribute to vibrant streets where pedestrians and cyclists feel comfortable and can co-exist with traffic on the street, improving health and quality of life.

Transportation demand management (TDM) is an essential part of an overall integrated transportation network and part of a more sustainable transportation system. The policies of this Plan, together with the directions and programs from the Transportation Master Plan, will contribute to an overall transportation demand management strategy for the City.

4.1 Policy Goals

The following goals apply to the integrated transportation network in Hamilton:
4.1.1 Provide a balanced and integrated transportation network which includes all modes of transportation where appropriate such as active transportation, transit, motor vehicles, goods movement vehicles, rail, air and marine.

4.1.2 Recognize the relationship of transportation and land use planning in connecting communities, land uses and activities and the role of the integrated transportation network in improving overall quality of life.

4.1.3 Facilitate the safe and efficient movement of goods and services within and between Hamilton, neighbouring municipalities and regions through various modes within the integrated transportation network.

4.1.4 In Urban Hamilton Official Plan.

4.1.5 In Urban Hamilton Official Plan.

4.1.6 In Urban Hamilton Official Plan.

4.1.7 Facilitate an increase in active transportation in the City and contribute to transportation demand management initiatives.

4.2 Integrated Transportation Network

4.2.1 The City shall maintain the existing transportation network and ensure the continued sustainability of existing transportation infrastructure before new infrastructure developments are considered.

4.2.2 In Urban Hamilton Official Plan.

4.2.3 All land use planning and design decisions shall be coordinated with, and consider, the integrated transportation network goals and policies of Section C.4.0 - Integrated Transportation Network.

4.2.3.1 The timing of new developments shall be coordinated with the availability of adequate, matched transportation network capacity.

4.2.4 Transportation demand management measures shall be evaluated in all transportation related studies, master plans, environmental assessments, neighbourhood traffic management plans and new development plans including the degree to which it can help achieve transportation goals in accordance with Section C.4.1 - Policy Goals.

4.2.4.1 Transportation demand management measures may include:

a) provision of active transportation features including secure bicycle storage facilities and pedestrian and cycling access to the road network facilities; and,

b) other measures detailed in the Transportation Master Plan.

4.2.5 In Urban Hamilton Official Plan.
4.2.6 The City, in consultation with the Province and adjacent municipalities, shall work to implement inter-city transit projects prior to, and in conjunction with, provincial transportation projects in order to encourage a balanced transportation network.

4.2.7 City has been identified as part of the Greater Toronto and Hamilton Area (GTHA) in The Big Move - Regional Transportation Plan (RTP) developed by Metrolinx. As such, the City shall work with Metrolinx to implement the recommendations of the RTP through the policies of this Plan and the Transportation Master Plan.

**Design and Complete Streets**

4.2.8 through 4.2.11 In Urban Hamilton Official Plan

4.2.12 The road network shall be planned and designed to:

a) be shared by all modes of transportation;

b) maximize safety for all uses; and,

c) minimize lifecycle environmental impacts in accordance with Section C.4.5 - Road Network.

**Barrier Free Transportation**

4.2.13 Hamilton’s transportation network shall be developed to be inclusive of the needs of persons with disabilities, seniors, children and those with reduced mobility through the following provisions:

a) ensuring that new transit facilities, transit stops, and vehicles are accessible and utilize barrier free design principles in accordance with the Accessibility for Ontarians with Disabilities Act;

b) modifying existing transportation facilities over time where appropriate to enhance accessibility;

c) requiring minimum off-street parking spaces for persons with disabilities regulated through the Zoning By-Law; and,

d) taking accessibility requirements into account for the design of new developments.

4.2.14 In Urban Hamilton Official Plan

4.2.15 In Urban Hamilton Official Plan

**New Transportation Corridors**

4.2.16 Additional transportation corridors may be added to the integrated transportation network in Hamilton in the future. Recognizing the need to plan proactively for future infrastructure requirements and sustainable transportation solutions, the City supports active participation with provincial, inter-provincial and federal transportation planning studies such as the ongoing Niagara to
Greater Toronto Area (N-GTA) corridor planning and Environmental Assessment study and the Ontario-Quebec Continental Gateway and Trade Corridor Study.

a) The N-GTA study will address congestion, economic growth, and better gauge a long term land use and transportation framework extending from the Niagara Peninsula to the Greater Toronto Area.

b) The Ontario-Quebec Continental Gateway and Trade Corridor Study will develop a multi-modal strategy to improve goods movement and trade.

4.2.17 The City shall plan for and protect corridors and rights-of-way for transportation, transit, and infrastructure facilities to meet current and projected needs and not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

4.3 **Active Transportation Network**

Active transportation which includes pedestrian movement, cycling and any other non-motorized modes of transportation, is a key component of the City’s transportation network. Active Transportation provides a sustainable alternative to travel by private automobile, resulting in health, economic and social benefits from improved air quality, reduced energy consumption, increased physical activity, and reduced injuries. This Plan recognizes that active transportation is an essential component of the overall integrated transportation network. Together, land use planning, transportation planning and the design of the built form creates an environment that encourages and enables people to use active transportation for travel to work, school, physical activity, recreation and social interaction.

4.3.1 In Urban Hamilton Official Plan

4.3.2 The City shall accommodate commuter cycling needs on the road network and major recreational pathways to the greatest extent possible in accordance with the City’s Cycling Master Plan and Trails Master Plan.

4.3.3 The City shall build and maintain the active transportation network where appropriate which recognizes the importance of the sidewalk and cycling network while achieving a high standard of connectivity. Active Transportation shall be promoted and accommodated in street design and operation through:

a) continuous improvement, expansion, and connectivity of the existing network of pedestrian and bicycle infrastructure, including multi-use paths, bike lanes, and on-street bike routes; and,

b) provision of traffic calming measures and signage, where appropriate.

4.3.4 In Urban Hamilton Official Plan

4.3.5 The City shall design pedestrian friendly streets where appropriate by:

a) making streetscapes visually appealing to make walking more inviting;

b) discouraging the placement of objects which will impede pedestrian movements;
c) reducing motor vehicle traffic in areas of high pedestrian activity by design or other means;

d) establishing exclusive and direct pedestrian links in areas of high pedestrian activity and vehicular traffic;

e) providing pedestrian crossing facilities, pedestrian benches, and other amenities where appropriate;

f) distinctly separating vehicular, pedestrian and cycling traffic to the fullest extent possible; and,

g) providing adequate lighting where appropriate.

4.4 Public Transit Network

In Urban Hamilton Official Plan

4.5 Roads Network

The road network is a component of the overall transportation network. The City shall provide an efficient road network that will accommodate anticipated traffic volumes at a reasonable level of service while balancing the needs of all road users and vehicles for the efficient movement of people and goods and providing a right-of-way for underground utilities.

Functional road classifications and associated policies will recognize differing needs for rural and urban roads, and employment and neighbourhood-oriented roads.

Functional Classification

4.5.1 The road network shall be comprised of Provincial highways, parkways, arterial roads, collector roads and local roads. The road network, except for local roads, is identified on Schedule C-1 – Rural Functional Road Classification. The road alignments of proposed roadways shown are diagrammatic and may be altered provided the general intent of this Plan is maintained.

4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

a) Provincial highways, subject to the following general policies:

   i) There are two primary provincial highways located within the City – Highway 403 and the QEW. Additionally, Highway 6, Highway 8, and Highway 5, are provincially owned facilities and have unique classifications. Development which falls within the Ministry of Transportation’s permit control area is subject to the requirements of the provincial government.

   ii) New entrances or the upgrading of entrances within the Ministry of Transportation’s permit control area of a provincial highway shall be subject to the approval of the Ministry of Transportation.
iii) The City and the Ministry of Transportation shall work cooperatively with respect to the planning of land development and associated access connections within the Ministry of Transportation’s permit control area adjacent to all provincial highways and interchanges within the City, to protect the future capacity and operation of both the provincial highway network and the City’s transportation facilities.

b) In Urban Hamilton Official Plan

c) In Urban Hamilton Official Plan.

d) In Urban Hamilton Official Plan.

e) In Hamilton Urban Hamilton Official Plan.

f) Arterial roads (rural area), subject to the following policies:

i) The primary function of an arterial road in the rural area is to carry relatively high volumes of intra-municipal and inter-regional traffic through the rural area in association with other types of roads.

ii) Land accesses shall be permitted but are a secondary consideration to the function of the road.

iii) The basic maximum right-of-way width for arterial roads (Rural Area) shall be 45.720 metres.

iv) Arterial roads in the rural area shall generally be organized in a grid pattern.

v) Paved shoulders or separate facilities may be provided to accommodate cyclists.

vi) On street parking may be prohibited.

g) Collector roads (rural area) shall be subject to the following policies:

i) The function of a collector road in the rural area is equally shared between carrying moderate volumes of intra-municipal and inter-regional traffic through the rural area and providing direct land access.

ii) The maximum basic right-of-way widths for collector roads in the rural area shall be 36 metres.

iii) Collector roads in the rural area shall generally be connected with local, collector and arterial roads.

iv) Trucks shall generally be restricted from collector roads in the rural area. Wider lanes, paved shoulders or separate facilities may be in place to accommodate cyclists and sidewalks shall be provided on both sides of the street in Rural Settlement Areas.

h) Local roads (rural area), subject to the following policies:

i) The primary function of a local road in the rural area is providing direct property access, while the secondary function is to move low volumes of traffic to collector roads.
ii) The maximum basic right of way widths for local roads in the rural area shall be 36 metres.

iii) Local roads shall generally be connected with other local and collector roads.

iv) Sidewalks should be provided on one or both sides of the street in Rural Settlement Areas, but cycling facilities shall not be required.

**Special Character Roads**

4.5.3 Notwithstanding the foregoing, the City may decide to reduce or waive certain functional requirements in the following circumstances:

a) where a roadway has been defined as a heritage road in accordance with Policies C.4.5.3.1 to C.4.5.3.4 inclusive, of this Official Plan; or,

b) where it has been determined through an environmental assessment, area master plan, secondary planning study, or development planning approval process that a reduced right-of-way width is required to maintain existing neighbourhood character or to provide pedestrian friendly areas within neighbourhoods, and does not affect the safe operation of the roadway.

4.5.3.1 The City shall identify, conserve and manage identified heritage roads and associated features. Heritage roads shall be defined as those roads which exhibit one or more of the following attributes:

a) historical associations with a theme of human history that is representative of cultural processes in the development and use of land in the City;

b) historical associations with the life or activities of a person, group, institution or organization that has made a significant contribution to the local or regional municipality; and,

c) scenic amenity with a recognizable sense of position or place either viewed from within the road right of way or viewed from an exterior viewpoint.

4.5.3.2 The City, in consultation with its Municipal Heritage Committee, may designate heritage roads or road allowances under the Ontario Heritage Act.

4.5.3.3 Heritage roads shall be conserved and protected by the appropriate road authority without jeopardizing health and safety with a presumption against any works or undertakings that would adversely affect identified heritage attributes. In particular the City shall endeavour to retain and protect:

a) existing road surface widths where they contribute to the heritage character of the road;

b) existing trees and treelines within the road right-of-way;

c) other vegetation, plantings and features such as boulevards, hedgerows, ditches, grassed areas and fencelines; and,

d) transportation related heritage features, such as bridges, where they contribute to the special character of the road.
4.5.3.4 Works or undertakings, such as intersection improvements, may be undertaken at specific locations to remedy clearly demonstrated deficiencies at that location provided that they do not adversely affect the character or attributes of the heritage road. Additionally, development shall not be encouraged where it adversely affects or has the potential to adversely affect the character or attributes of a heritage road, such as the removal of distinctive tree lines and tree canopies, fencelines or hedgerows or the placement or introduction of berms, screens, gateway or entrance features or other unsympathetic barriers.

Design and Maintenance

4.5.4 The road network shall be designed and maintained according to the following policies:

a) The Functional Road Classification System shown on Schedule C-1 – Rural Functional Road Classification shall be used as the basis for decisions regarding design standards for road construction, transit, bicycle and truck routes, road widenings and access policies. The City may re-classify roads by:

   i) re-classifying an existing road to a higher classification where considered necessary, as traffic conditions change in response to development, through an amendment to this Plan; or,

   ii) re-classifying an existing road to a lower classification, which shall be permitted without an amendment to this Plan.

b) The City shall be permitted to design a roadway according to an urban or rural cross-section regardless of whether the roadway is in an urban or rural area.

c) The City shall initiate construction and maintenance programs to improve the safety and operation of the road network.

d) Only essential transportation routes, as well as, maintenance and major/minor upgrading and repairs of existing routes shall be permitted in the Escarpment Natural Area.

Condominium Roads

4.5.5 A common element condominium road shall be considered as a public road for the purposes of the Zoning By-law.

Road Widening

4.5.6 The City shall reserve or obtain road widenings for rights-of-way as described in Schedule C-2 – Rural Future Road Widening. Where a road right-of-way is not described in Schedule C-2 – Rural Future Road Widening, the City shall reserve or obtain road widenings for rights-of-way as described in Section C.4.5.2. The aforesaid road widenings shall be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval
or by gift, bequeathment, purchase or through expropriation where necessary and feasible.

4.5.6.1 No development or redevelopment shall be permitted which does not front on a public road of an acceptable standard of construction. Further, the City shall require, as a condition of site plan approval, subdivision approval, condominium approval and land severance consent, that sufficient lands are conveyed to provide for a road right-of-way in accordance with the designated widths as set out in Section C.4.5.2 or Schedule C-2 – Rural Future Road Widening.

4.5.6.2 Road widening obtained through land severance or consent shall be taken from both the severed and retained parcels of land unless in the opinion of the City obtaining the widening from both parcels would not be practicable or feasible.

4.5.6.3 Where a proposed development is subject to site plan approval as detailed in Section F.1.7 – Site Plan Control, the following provisions shall apply:

a) Further to Policy 4.5.6.1 above, the City shall require as a condition of site plan approval, the dedication of property abutting roads with future right-of-way widths as specified on in Schedule C-2 – Rural Future Road Widening, as applicable.

b) Where feasible, the City shall acquire land through dedication, equally from both sides of the road unless otherwise specified. However, in the built up areas of the City, it may be necessary to acquire more than half of the total dedication from one side of the road. Where the City requires more than one half of the widening from one side of the road, the City shall require, from said side of the road, dedication at no cost to the City of one half of the total proposed widening and shall acquire the remaining land required for the road widening through gift, bequeathment, purchase, expropriation or other methods.

c) Notwithstanding Policies C.4.5.6.2 to C.4.5.6.3 inclusive, the City shall require, as a condition of site plan approval, the dedication of additional property for daylighting triangles at road intersections. In this regard, the maximum amount of land to be dedicated shall not exceed 116.13 square metres in accordance with Policy C.4.5.7.

4.5.6.4 Notwithstanding Sections C.4.5.6 and C.4.5.7, the City may waive or accept less than the maximum road widening and/or daylighting triangle requirements where, in the opinion of City, constraints including but not limited to, the nature of existing development, topographic and/or natural features, cultural heritage and design features or other constraints make it impractical to widen the road to the established road allowance requirement.

4.5.6.5 Notwithstanding Section C.4.5.6, the City shall interpret the required right-of-way widths detailed in Section C.4.5.2 and Schedule C-2 – Rural Future Road Widening, where applicable to denote only the basic requirement for the section of the road. Additional rights-of-way may be required at intersections to provide for exclusive turning lanes, daylight triangles and other special treatments to accommodate the optimum road/intersection geometric design. There may also be additional requirements for rights-of-way to provide lands for environmental considerations, the construction of bridges, overpasses, earth filled ramps, grade separations, depressed sections of roads, pathways,
roundabouts, traffic control and transit priority measures, including rapid transit lanes and/or stations in accordance with Section C.4.5.7. Any such additional right-of-way requirements shall be determined at the time of design of the road facilities and shall become part of the total required right-of-way.

**Daylighting Triangles**

4.5.7 The City shall require the conveyance of property for appropriate daylighting triangles and corner rounding on existing roads at such times as the property is to be developed or redeveloped, as a condition of site plan approval, consent, or plan of subdivision approval, in accordance with City standards based on the intersecting roadways of the functional road classification detailed in Section C.4.5.2. Daylighting triangles at intersections shall generally be as follows:

a) Local to local roads: 4.57 m triangle or radius;

b) Collector to local or collector Roads: 9.14 m x 9.14 m triangle; and,

c) Arterial to collector or arterial: 12.19 m x 12.19 m triangle.

**Access Management**

4.5.8 The efficiency, safety and traffic carrying capacity of parkways, arterial roads shall be protected by minimising the number and spacing of intersecting streets and access points.

4.5.8.1 To the extent feasible, the intersection of a new collector road with an arterial road shall provide sufficient separation from the nearest major intersection to allow for the efficient operation of traffic control devices.

4.5.8.2 Local roads with cul-de-sacs shall not be permitted to connect to arterial roads unless there are no reasonable alternatives.

4.5.8.3 Private access to arterial and collector roads shall be designed to minimize the number of driveways and to consolidate driveways for adjacent sites where possible.

4.5.8.4 New development or redevelopment shall only be permitted on a property that has direct frontage on a publicly assumed road constructed to municipal standards.

**Traffic Management**

4.5.9 Traffic calming shall be considered an effective means of reducing the negative impacts of traffic on the quality of life, health, and safety for Hamilton residents in existing and planned neighbourhoods and other built-up areas.

4.5.10 Traffic calming devices shall only be installed where warranted in accordance with current City traffic standards.

4.5.11 Traffic management plans for entire neighbourhoods (bounded by an arterial road network) shall be preferred over street-by-street solutions that may shift problems to adjacent roadways. Neighbourhood traffic management shall be explicitly addressed through secondary plans or Transportation Master Plans.
and, where appropriate, at the draft plan of subdivision or site plan stage for larger developments (i.e. consisting of multiple streets in a subdivision).

4.5.12 The City shall require transportation impact studies to assess the impact of proposed developments on current travel patterns and/or future transportation requirements. These studies shall be submitted as part of applications for Official Plan amendments, subdivision approvals, major rezoning and major site plan approvals.

4.5.13 Roundabouts shall be the preferred method for intersection traffic control over all-way stop and traffic signals. Design of roundabouts shall consider pedestrian and cycling safety and access.

4.5.14 Proactive safety measures for all road systems users, including persons with disabilities or reduced mobility, shall be considered in both new development and redevelopment proposals.

Parking and Loading

4.5.15 Parking and loading requirements regulated through the Zoning By-Law or site plan approval shall ensure adequate parking for the site, while avoiding excess parking supply that can discourage transit use and active transportation choices.

4.5.16 Parking options and related incentives for transit and active transportation use shall be improved through:

a) installation of secure bike parking in strategic high activity public locations, including municipal parking facilities; and,

b) adoption of Zoning regulations to require secure bike parking in new commercial and institutional developments where appropriate.

4.5.17 To facilitate more efficient uses of off-street parking, the City shall encourage the use of shared parking and develop parking standards for mixed use development.

4.5.18 The negative impacts of parking on environments and pedestrian activity shall be minimised through:

a) placement of parking and loading areas at the rear of buildings where feasible;

b) use of alternative paving materials such as but not limited to permeable pavement systems;

c) alternative surface water management in parking areas such as swales, and ditches;

d) other considerations including promotion of green technology, low impact design, and public art as a component of parking structures; and,

e) landscaping treatments in accordance with the Zoning By-Law.
4.5.19 New development on properties adjacent to arterial roads and where necessary, collector roads, shall include provisions for sufficient parking, loading, manoeuvring and off-street parking.

4.6 Goods Movement Network

An important component of Hamilton’s transportation network is an efficient system of goods and services movement, which helps attract and retain industries and business, thus contributing to the City’s economy. The goods movement network in Hamilton consists of provincial highways, the road network, rail, the John C. Munro Hamilton International Airport and the Port of Hamilton. The local goods movement network links to the wider inter-regional, inter-provincial, and international goods movement network as detailed in the Growth Plan for the Greater Golden Horseshoe. Hamilton has access to a wide range of goods movement facilities and corridors. These facilities and corridors form a network which contributes to making the City an ideal location for a “goods movement gateway”.

4.6.1 The goods movement network in Hamilton shall be maintained, protected and enhanced to support Hamilton’s economic development strategy.

4.6.2 Goods movement corridors include road and rail transportation routes, the John C. Munro Hamilton International Airport, and the Port of Hamilton. Heavy truck traffic may be restricted to identified truck routes to minimize negative impacts of truck traffic on local roads.

4.6.3 The City shall encourage the development of facilities, including inter-modal facilities, for the transfer of goods between rail, air, marine and truck modes of transportation in appropriate locations such as designated Employment Areas.

4.6.4 The City shall encourage the movement of goods to fully utilize John C. Munro International Airport and the Port of Hamilton, where feasible and in accordance with Sections C.4.8 - Airport and C.4.9 - Marine Network.

4.6.5 In Urban Hamilton Official Plan

4.7 Rail Network

The use of heavy rail transportation shall be considered an efficient method of moving goods and people. Rail is an important mode within the integrated transportation network and shall be promoted while minimising and eliminating potential conflicts with adjacent land uses.

4.7.1 The City shall support railway companies in providing service to the residents and businesses throughout the City.

4.7.1.1 The City shall encourage heavy rail connections to rapid transit and/or potential light rail transit corridors where feasible to increase the connectivity between modes.

4.7.2 All proposed development and redevelopment adjacent to railways 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.
4.7.3 The City shall support the acquisition of abandoned railway rights-of-way by public authorities, for transportation facilities, utility corridors, bicycle and foot paths, transit rights-of-way, outdoor recreation, reforestation, open space and linkages.

4.7.4 Development adjacent to rail yards and rail lines shall be in accordance with Section B.3.6.3 - Noise, Vibration, and Other Emissions.

4.8 Airport

4.8.1 It is the objective of this Plan to support John C. Munro International Airport as a 24 hour, seven day a week operation. The Airport and the adjacent Airport Business Park is one of the City’s major economic nodes and a valued transportation facility which links the movement of goods and people.

4.8.2 The lands identified as John C. Munro International Airport on Schedule D - Rural Land Use Designations are recognized as the City’s major airport facility, which includes both airport uses and complementary uses supporting the primary function of the Airport. These lands are intended to have full municipal services.

4.8.3 The City shall support the Federal Government and airline companies in the provision of adequate airline and airport service to the residents and businesses of the City.

4.8.4 The City shall maintain Noise Exposure Forecast (NEF) contours and the Primary Airport Zoning Regulation, as amended from time to time, and formulate guidelines for development in the vicinity of John C. Munro International Airport.

4.8.5 The City shall minimize future conflicts between operation of the Airport and surrounding land uses to ensure:

a) there shall be no negative impact on the long-term operations of the Airport;

b) the opportunities for expansion of airport operations shall not be limited; and,

c) there are no land uses in the vicinity which may cause a potential aviation hazard.

4.8.6 NEF contours and the Airport Influence Area are identified on Appendix D - Noise Exposure Forecast Contours and Primary Airport Zoning Regulations, and designated on Schedule G - Airport Influence Area.

4.8.7 All development and redevelopment shall comply with all provincial and municipal standards, criteria and guidelines regarding noise and vibration from air traffic sources, including Section B.3.6.3 - Noise, Vibration and Other Emissions.

4.8.8 Proposals for development, infill development and redevelopment of residential or other sensitive land uses shall comply with the following requirements in Table C.4.8.1 - Requirement for Development in the Vicinity of John C. Munro International Airport, based on all applicable locational criteria. Proposals may
meet more than one locational criteria and thereby be subject to more than one set of requirements.

Table C.4.8.1: Requirements for Development in the Vicinity of John C. Munro International Airport

<table>
<thead>
<tr>
<th>Locational Criteria</th>
<th>Requirements</th>
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| 1) 35 NEF and greater, and/or within the Airport Influence Area | a) All new development of residential and other sensitive land uses, including infill development and redevelopment, shall be prohibited.  
   b) New land uses which may cause a potential aviation hazard shall be prohibited. |
| 2) 28 NEF and greater, but less than 35 NEF | a) All new development of residential and other sensitive land uses, including infill development and redevelopment, shall be prohibited.  
   b) New land uses which may cause a potential aviation hazard shall be prohibited.  
   c) All development applications approved prior to approval of this Plan may proceed. |
| 3) 25 NEF and greater, but less than 28 NEF | a) All development and redevelopment proposals for residential and other sensitive land uses shall be required to submit a detailed noise study, employ noise mitigation measures and include appropriate warning clauses in accordance with Section B.3.6.3 - Noise, Vibration and Other Emissions, and Policy C.4.8.6.  
   b) New land uses which may cause a potential aviation hazard shall be prohibited. |

4.8.9 Any amendment to expand the urban boundary into the Airport Influence Area designated on Schedule G – Airport Influence Area, shall comply with all Airport Influence Area policies.

4.8.10 Any permitted development, redevelopment or infill development at or above 25 NEF or within the Airport Influence Area shall be required to submit a detailed noise study, implement noise mitigative measures in accordance with provincial and federal guidelines/standards or municipal approaches that achieve the same objective, and include appropriate warning clauses in lease or rental agreements, agreements of purchase and sale, and within development agreements.

4.9 Marine Network

The Port of Hamilton is recognized as a valued transportation facility, a significant employment area, and an important link in the movement of goods to and from the City. Other modes of transportation shall continue to provide a link to the marine network.

4.9.1 The City shall provide road access and encourage the provision of adequate rail service to the Port of Hamilton for the efficient use of harbour facilities and services.
4.9.2 In Urban Hamilton Official Plan

Chapter G - Glossary

**Active Transportation:** non-motorized travel, including walking, cycling, inline skating and wheelchair movements. The active transportation network includes sidewalks, crosswalks, designated road lanes and off-road trails to accommodate active transportation (Metrolinx, 2008).

**Heavy Rail** - means freight and passenger rail including GO Transit rail used primarily to move people and goods inter-regionally. Heavy rail excludes light rail transit.

**Light Rail Transit (LRT):** means a lightweight rail car rapid transit service operating on fixed rails in the right-of-way, usually at street-level, is typically propelled by overhead electrical wires, and offers a frequent, fast, reliable, comfortable and high quality service that is sustainable. Light rail transit (LRT) excludes heavy rail.

**Planned Corridors:** means corridors identified through provincial plans or preferred alignment(s) determined through the *Environmental Assessment Act* process which are required to meet projected needs (PPS, 2005).

**Rapid Transit:** Transit service separated partially or completely from general vehicular traffic and therefore able to maintain higher levels of speed, reliability and vehicle productivity than can be achieved by transit vehicles operating in mixed traffic. Rapid transit can include light rail transit and/or bus rapid transit (adapted from Metrolinx, 2008).

**Transportation Corridor:** A transportation corridor includes any or all of the following:

a) major roads, arterial roads, and highways for moving people and goods;

b) rail lines/railways for moving people and goods;

c) transit rights-of-way/transitways including buses and light rail for moving people. (Growth Plan, 2006)

**Transportation Demand Management:** a program of incentives which influence whether, when, where and how people travel, and encourage them to make more efficient use of the transportation system (Metrolinx, 2008).

**Transportation System:** A system consisting of corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, parkland-ride lots, service centres, rest stops, vehicle inspection stations, inter-modal terminals, harbours, and associated facilities such as storage and maintenance (PPS, 2005).