SUBJECT: New Official Plan Policies for Neighbourhood Designation (PED08287) (City Wide)

RECOMMENDATION:


b) That staff be authorized to consult with the general public, land owners, and various stakeholders on the lands affected by the proposed Official Plan (OP) Policies for the Neighbourhood designation.

EXECUTIVE SUMMARY:

The purpose of this Report is to inform Committee about new draft Official Plan (OP) policies for the Neighbourhood designation (see Appendix “A” to the Report), and to seek authorization to consult with the general public, affected land owners and various stakeholders. This Report also requests authorization for staff to report back on the outcome of the consultation and any issues which may arise, prior to completion of the first draft of the new urban OP in April 2009.
The attached policies allow a broad range of residential uses for the Neighbourhood designation (shown generally in Appendix “B” of this Report). Residential uses from single-detached dwellings to high rise/high density apartments are permitted, within three residential categories. Supporting uses on sites of 4 hectares or less, including Neighbourhood Parks, Community Service uses (i.e. places of worship, primary educational establishments, etc.), and Local Commercial uses (i.e. retail, office, personal services, etc.) to a maximum of 10,000 square metres total Gross Floor Area, are also permitted. These uses are permitted subject to meeting function, scale and design policies.

Also included are policies for residential intensification in its various forms. These policies emphasize that intensification projects must be compatible with existing neighbourhood character and integrated with the surrounding area. To assist the public and developers in understanding the intent of these policies, an Implementation Resource Guide is being prepared.

The proposed policies are designed to implement a number of goals, including those of compact, mixed-use, transit supportive and active transportation environments; complete communities where people can live, work, shop, learn and play; a range of housing types; support for affordable housing; protection for the character of existing neighbourhoods; and support for residential intensification at appropriate scales and locations. The policies are consistent with the Provincial Policy Statement and conform to the Province’s Places to Grow Growth Plan.

BACKGROUND:

1.0 PURPOSE OF REPORT

The purpose of this Report is to inform Committee of the recommended draft Official Plan policies for the Neighbourhood designation and to request Committee’s authorization to:

- Consult with the general public, land owners, and various stakeholders on the lands affected by the proposed OP policies for the Neighbourhood designation; and,

- Report back to Committee with the results of the public consultation and any issues that may arise, through Information Updates, prior to the completion of the first draft of the OP in April 2009 (prior to the statutory open house).

The Province’s Places to Grow Act requires the City to update its OP to conform to the Places to Grow Growth Plan before June 16, 2009. In accordance with the Planning Act, an open house must be held and then a public meeting, with notice provided for each, prior to adoption by Council of the new urban OP.

The attached draft Neighbourhood policies, in Appendix “A” of the Report, will generally apply to the Neighbourhood designation in Appendix “B” of this Report. The areas of the Neighbourhood designation will be refined over the coming months after
the boundaries of other new designations are determined, including the Commercial, Utilities, Institutional and Open Space designations.

Given the need for extensive public consultation on the Neighbourhood policies and staff workload demands, it is expected that the new Neighbourhood zones will be the last section of the new comprehensive zoning by-law to be brought forward, taking the bulk of 2009 to complete.

2.0 CONTEXT

The City’s new OP and Zoning By-law will provide one comprehensive policy plan and zoning by-law for all of the former amalgamated municipalities. The amalgamated City of Hamilton is now a single tier municipality and, therefore, the approach and organization of the new OP must reflect the needs of the City as a whole and recognize some of the unique characteristics and constraints of the former municipalities. The Plan will be a hybrid between regional and local level OPs. It will contain more detail than the former Region of Hamilton-Wentworth OP and have more generalized policies than the former local OPs. More specifically:

- It will contain policies that apply on a City-wide basis (i.e. natural heritage system, transportation, housing, cultural heritage, open space and utilities, etc. designations);
- It will have separate land use policies and designations for rural and urban areas; and,
- It will retain the Rural Settlement Area Plans and many of the Secondary Plans.

With respect to designations for the urban area, the new OP will provide land use designations for sites (one or more contiguous sites) that are 4 hectares or greater in size. The designations include:

- Employment Area (Report PED08146(a));
- Neighbourhood (this report);
- Commercial (Report PED08286);
- Institutional;
- Utilities; and,
- Open space.

Neighbourhood Parks, Community Service uses, and Local Commercial uses on sites not exceeding 4 hectares in size, in the urban area, will be included in the Neighbourhood designation.

3.0 RELATED CITY INITIATIVES

As part of the City’s OP Reform program, Metropolitan Knowledge International (MKI) and Clayton Research Group were hired to undertake a study to assist the City in its ongoing efforts to address residential intensification as a main planning objective.

The study found that, while there is a sufficient supply of potential sites for residential intensification in the City to meet projected growth targets to 2031, the demand is not expected to take up the entire available supply of intensification units. Market forces have not been entirely favourable for residential intensification in the last decade, however, analysis in this study found that changing trends in the market are likely to be more supportive of intensification in the future. This City can further support residential intensification by using its planning policies as a tool to facilitate it.

In regard to demand, the study found that housing form, employment location and commuting patterns, are strong driving forces in intensification development. Demand is affected by smaller households, GTA outer-ring employment, community patterns, and a preference for ground-oriented or single-detached dwellings linked to urban amenities. However, for various reasons, the demand for residential intensification is not meeting supply. According to the study, the following barriers to increasing residential intensification were identified: public opposition (NIMBYism), project economics, lack of developer/financial lender intensification experience, complexity of projects, and restrictive planning policy. Stakeholder groups in the study indicated that the development industry has not yet diverted its focus from single detached housing to intensification, to fulfill latent demand.

Analysis of scenarios in the study revealed that for the City to meet the growth targets of the study and the Province’s Places to Grow Growth Plan, a substantial increase in the number of high-density developments, like apartments, would be necessary, especially in the former City of Hamilton. The opportunity for intensification exists within the City, both above and below the mountain. Staff note that about 40% of the intensification units within the built-up area would be in the Neighbourhood designation, of which the Setting Sail Secondary Plan for West Harbour accounts for 25%.

Based on the research collected for the Residential Intensification Study, a two-track strategy was recommended which included, among other matters:

Short-term

- Updating planning documents (such as the OP), regulations and processes, in response to the concerns and issues raised.

Long-term
• Identifying appropriate areas for Residential Intensification and enhancing infrastructure and community amenities; and,
• Improving the attractiveness of Neighbourhoods and districts targeted for residential intensification.

3.2 Draft Urban Structure Policies

On May 9, 2008, Committee considered Report PED08118, which presented the findings of the Draft Urban Structure Report (Dillon/SGL 2008), and directed staff to undertake public consultation and report back on the draft policies and designations relating to the Urban Structure for the new OP. Report PED08118(a), to be considered by Committee on November 27, 2008, presents revised draft policies and designations for the Urban Structure.

The proposed Urban Structure comprises the major elements of the urban system, providing a greater level of detail than GRIDS and follows a nodes and corridors concept. Appendix “B” of this Report shows the latest draft Urban Structure and the Neighbourhood designation at the structure level. The policies for the Urban Structure provide guidance for the new detailed land use designations, such as the Neighbourhood designation, in terms of function, scale and design.

The draft Neighbourhood policies in Appendix “A” of this Report implement the proposed policies for the Urban Structure, including the function, scale and design of the permitted uses, by encouraging affordable housing, and through the inclusion of residential intensification policies.

[ANALYSIS/RATIONALE:

1.0 HIGHLIGHTS OF OFFICIAL PLAN POLICIES

1.1 General Approach

In keeping with the Goals for the Neighbourhood designation, the draft policies, attached as Appendix “A” to this Report, protect the character of existing neighbourhoods, recognizing that there will be opportunities for residential intensification, and guide development for new greenfield neighbourhoods. A broad range of uses are permitted and tenures encouraged, allowing these areas to function properly at a neighbourhood scale. This includes the full range of residential uses from single-detached dwellings to high-rise/high density apartments and Housing with Supports (i.e. emergency shelters, residential care facilities). Also permitted on sites not greater than 4 hectares, are Neighbourhood Parkland/Open Space, Community Service uses (i.e. places of worship, schools, etc.), and Local Commercial uses (office, retail, personal services, etc.). These uses are permitted, subject to function, scale and design criteria. Three (3) categories of residential use are recognized based on the shared characteristics of built form (a full range of low-rise grade oriented dwellings, low-rise multiple dwellings, and high-rise multiple dwellings). These policies provide direction to secondary planning, zoning, subdivision/condominium and site plan approvals. The primary criteria for new uses is that of “compatibility”, which is defined to allow developments which are mutually
tolerant and capable of existing together in harmony, without unacceptable impacts (see Glossary of Appendix “A” to this Report).

1.2 General Residential Policies

A number of general policies are provided, applicable to most of the 3 residential categories. These relate to protecting the character of established residential areas; defining density as “Net Residential Density” on a lot/block basis without public lands being included; recognition that the maximum densities set forth by policy are for general categories of residential uses and that zoning will establish densities appropriate to a given situation; general policies for achieving a high level of urban and architectural design; support for eco-development standards (i.e. LEED certification); and support for second dwelling units in all single-detached dwellings, Housing with Supports and home businesses.

1.3 Residential Categories

The attached policies provide 3 categories of residential development, based on shared characteristics of built form. These are not separate designations to be shown on a schedule to the Plan, but rather categories of criteria relating to each type of built form, all within the Neighbourhood designation.

Residential 1: Low profile, grade oriented-dwellings with units having direct access at street level, ranging from single-detached dwellings to street townhouse dwellings with a maximum Net Residential Density of 60 units per hectare (24 units per acre) at a maximum height of 3 storeys. The most appropriate location for this category is within the interior of neighbourhoods, allowing for higher density uses and support uses such as Local Commercial, to be located on the periphery along arterial roads which support public transit. The intent of this category is to zone for a mix of lot widths and sizes within the interior of the neighbourhoods, providing such is compatible with the streetscape character.

Residential 2: Lower profile multiple dwellings on the periphery of the neighbourhoods along arterial streets or within the neighbourhoods along collector streets, at a maximum Net Residential Density of 100 units per hectare (40 units per acre) and at a maximum height of 4 storeys. The types of dwellings permitted include block and stacked townhouses and low rise apartments, with more than 3 dwelling units. This category is designed to be placed at locations which support public transit; which are in proximity to supporting service uses; where traffic infiltration on local streets will be limited; where there is adequate infrastructure; and which can be compatible with lower profile uses in terms of scale, height, and overview/shadow impact. This category can also act as transitional development between lower and higher profile developments.

Residential 3: All types of multiple dwellings including mid and high-rise apartment buildings at locations along arterial roads, between Net Residential Densities of 101 and 300 units per hectare (41 and 121 units per acre) surrounding the Downtown and 101 and 175 units per hectare (41 and 70 units per acre) in more suburban locations. This category is considered “high density” and designed for locations that support
public transit; where traffic infiltration on local streets will be limited; which will be compatible with adjacent development in terms of scale, height, overview/shadow impact; where there is adequate infrastructure; and where there are supporting service uses and proximity to employment, cultural and recreational type uses. The policies recognize sites which may be especially appropriate for this type of development. Examples include: sites with grading that minimizes apparent height; private open space/wood lots that act as amenity area; and higher profile development that preserves the natural environment or public view corridors. Additional design policies have been included to address issues associated with higher density developments, including prohibiting large parking structures or surfaced parking areas within view of public streets.

It should be noted that the current Secondary Plans will remain in effect and the names of the designations within these plans will be changed to reflect the proposed categories above.

1.4 Residential Greenfield Design

While the above described policies address both existing and proposed neighbourhoods in general, Appendix “A” to this Report also includes specific design policies relating to greenfield development. These policies address architectural control to be secured through subdivision and site plan approvals, support for a community focal point, the provision of pedestrian/cycling connections, and the protection of existing trees and natural systems/cultural heritage. They also allow consideration of alternative development standards to be employed through zoning, subdivision/condominium and site plan approvals, which will achieve a compact urban form.

1.5 Neighbourhood Intensification

Appendix “A” to this Report provides policies to supplement the General Intensification Potential and Implementation policies included in the new Plan’s section on Urban Structure. The different forms of intensification (infill, redevelopment, adaptive reuse, extensions/additions, new development) are permitted by the Neighbourhood policies, providing they conform to the applicable residential category in terms of function, scale and design. For example, intensification within the interior of a neighbourhood could comprise street townhouses within the Residential 1 category, not exceeding 3 storeys in height and 60 units per hectare Net Residential Density. Such development would also need to conform to the design criteria for this category. In addition to the policies of the applicable residential category, the intensification policies emphasize the need to preserve existing neighbourhood character and compatible integration with the surrounding area. These policies are designed to provide guidance in the application of City initiated prezoning as part of the City’s new comprehensive by-law and for site specific zoning applications.

1.6 Local Commercial

Sorensen Gravely Lowes Planning Associates Inc. has been retained to develop commercial policies for the new OP (Report PED08286, to be considered by
Committee on November 27, 2008). The Consultant, in consultation with staff, has developed a commercial hierarchy which includes a Local Commercial category for the Neighbourhood designation, included in the attached policies. This category is designed to cater to the daily and weekly needs of residents. Local Commercial uses may be contained in single-use buildings such as a convenience store or medical office, in plaza forms, mainstreet configurations along arterial streets, or within the ground floor of multiple dwellings within the Residential 2 and 3 categories. Zoning for these uses will apply to existing and future developments with a variety of maximum Gross Floor Areas being permitted and in no case exceeding 10,000 square metres. These uses are to be located on collector or arterial streets which are designed to carry heavier volumes of traffic and which are served by public transit. Larger total Gross Floor Areas that serve the Neighbourhood designation, up to 25,000 square metres, will be located within the District Commercial designation.

The design policies encourage the location of Local Commercial uses near parkland and Community Service uses for a sense of community, and support compatible designs in terms of massing, height, landscaping, and parking. These matters are further detailed in the City’s Site Plan Guidelines. A number of restrictions apply to these uses as discussed in Section 2.0 - Key Issues (below).

1.7 Neighbourhood Parkland

The policies for Neighbourhood Parks were approved by Council in June 2006 and included in the existing Official Plans. These policies will be brought forward to the new urban Official Plan. The minimum size for a Neighbourhood Park is 2 hectares.

1.8 Community Services

Community Service uses include places of worship, primary educational establishments, day cares, lodging houses, and larger built forms of Housing with Supports (i.e. emergency shelters, residential care facilities).

In terms of the redevelopment or re-use of existing Community Service sites, such as a primary educational facility, the policies place priority on finding another Community Service type use. Should such a use be unavailable, then redevelopment and/or conversion may occur for residential uses in accordance with the Neighbourhood policies.

Scale and design policies require compatible development (i.e. scale, height, setbacks, landscaping, parking, etc). These uses are to be located on collector or arterial streets that are designed for higher volumes of traffic and public transit. Integration with parkland and pedestrian/bicycle connections is promoted. Proper traffic safety and bus loading/unloading for school children must be incorporated into the design of an educational facility.

2.0 KEY ISSUES

2.1 Permitted Uses, Densities and Heights in Categories
Each residential category groups uses which are similar in built form for the purpose of applying location and other compatibility criteria. The maximum Net Residential Density and maximum number of storeys for each category reflect the most intense permitted use within each category. The maximum Net Residential Density also reflects the appropriate density given the requirements for on-site parking and landscaping. For example, the Residential 2 category, if fully implemented by new zoning, would permit a 4 storey apartment building with a Net Residential Density of 100 units per hectare, allowing for all surface parking and about 10 percent landscaping. While upper limit densities and heights are provided by the policies to ensure general compatibility, new zoning will regulate the actual density and height of development based on a site's unique characteristics and constraints. Consultation with the public and developers will assist in determining if the density and height criteria in the policies are appropriate.

2.2 Net versus Gross Density

The approach taken to density has been based on "net" area, which is the area of private ownership, excluding public roads, public storm ponds, etc. This approach is proposed because it confirms the highest possible number of dwelling units for any lot/block that could be achieved for a category/location. The net approach is also useful in assessing how new zoning will implement intensification targets. An alternative approach is to base density on “gross” area which includes public lands and really translates into an average density on a per lot/block area, but individual lot/block densities can be significantly higher or lower than the average. Using the alternative approach allows more flexibility and avoids the need for a possible site specific OPA; however, it is not meaningful in providing guidance to developers or confidence to the general public on the scale of development that will occur.

2.1.3 Suburban versus Central Densities

For suburban locations, the Residential R3 category allows a maximum Net Residential Density of 175 units per hectare which is considered appropriate for these locations as such developments typically provide more open space on-site and a mix of surface/below grade parking. However, a review of the built environment around the Downtown indicates many apartment buildings with a built net density in excess of 175 units per hectare, including many between 300 and 1000 units per hectare.

These developments typically have little or no on-site open space, and underground parking. In recognition of these higher built densities and the objective to concentrate the highest residential densities in the Downtown and in the sub-regional nodes, staff propose a maximum Net Residential Density of 300 units per hectare in “Central Hamilton”. Central Hamilton is an area surrounding the Downtown which covers the areas with higher built densities, and includes the Setting Sail Secondary Plan for West Harbour and other areas as defined in the Glossary of Appendix “A” to this Report.

The approach to uses, densities and heights will be reviewed through the public consultation process, including members of the housing/development industry.
2.2 Restrictions on Local Commercial

To ensure an appropriate scale and variety of commercial uses, no retail use (excluding convenience stores) may exceed 50 percent of the existing total Gross Floor Area of the site. Offices are limited to 500 square metres Gross Floor Area each to ensure that larger offices are established in the Downtown, nodes and corridors, and employment areas. Drive-throughs (i.e. restaurants, ABMs, etc.) will be specifically regulated through the zoning and Site Plan Control to address issues such as traffic queues and speaker box locations.

2.3 Public Consultation and Intensification

While the proposed residential intensification policies are designed to ensure the various forms of intensification are compatible with existing development, there will likely be public concern regarding the impact of intensification.

Staff prepared an intensification brochure for distribution to Councillors and the general public outlining the various types of intensification with appropriate examples. Staff have also hired GSP Group to undertake an Implementation Resource Guide to be used in demonstrating proper designs for intensification to the public and developers. Staff propose to utilize the Guide as part of the public consultation process for the Neighbourhood policies.

2.4 Neighbourhood Designation Boundaries

Appendix “B” to this Report shows the Urban Structure to the new OP with the Neighbourhood designation at the structure level. The exact land use designation boundaries cannot be determined until other land use designations are defined, involving the boundaries of the Commercial, Utilities, Institutional and Open Space designations. These designations will be developed over the coming months and the boundaries of the Neighbourhood land use designation refined, before the statutory open house and meeting in the Spring of 2009.

3.0 COMPLIANCE WITH PROVINCIAL LEGISLATION/POLICIES

The Planning Act requires that the new OP can be consistent with the PPS and both the Planning Act and Places to Grow Act require the new OP to conform to the Places to Grow Growth Plan.

3.1 Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides direction on how communities should grow while laying the foundation for the City’s new OP. Key policies found throughout Section 1.0 of the PPS – Building Strong Communities, provide a clear objective that municipalities need to adequately provide for and create complete communities. The overall creation of complete communities must include a variety of issues including intensification, redevelopment, and complimentary land use function. Generally, the Neighbourhood designation needs to provide for a range of housing types and densities while ultimately promoting the social well-being of the residents through
healthy and active communities. These needs can be accomplished through proficient planning of existing and future land uses, effective utilization of existing and planned infrastructure, transit-supportive and pedestrian friendly features, and a strong emphasis on intensification and redevelopment with minimal negative effects. Overall, the PPS directs that the many parts that make up a complete community should be able to function in harmony in all areas and aspects of a municipality.

The draft Neighbourhood policies in Appendix “A” of this Report are consistent with the PPS.

3.2 Places to Grow Growth Plan

The Province’s P2G compliments the PPS and provides detailed direction on the growth of the Greater Golden Horseshoe. Similar to the PPS, areas designated as Neighbourhood, ultimately need to encourage and provide for complete communities. The Growth Plan illustrates complete communities as those with compact building form, incorporated transit friendly and pedestrian oriented aspects, a range of housing types, and employment uses to support neighbourhoods in Greenfield areas. Emphasis has been placed on the phasing and achievement of targets, which will be identified for intensification within the built-up areas. Such targets require a minimum of 40% of all new residential development to take place within the built-up area for each year starting in 2015. As such, the City of Hamilton will need to include and meet intensification targets by integrating them within the Neighbourhood designation.

The draft policies in Appendix “A” of this Report, conform to the Growth Plan.

4.0 PUBLIC CONSULTATION PROCESS

Since there are several new OP policy areas at the state of public consultation, staff will be holding a series of events to garner input.

The consultation process will include a variety of methods such as:

- Public information centres which involve both displays and presentations;
- Targeted stakeholder groups (i.e. realtors, Hamilton Halton Homebuilders, Affordable Housing Flagship, etc.); and,
- City’s website.

Staff propose holding public information centres on a community basis (i.e. former municipality basis) during the first quarter of 2009.

5.0 NEW OFFICIAL PLAN

Once public consultation is complete, staff will be preparing revised policies for the new OP. These revised policies will be rolled into the new OP, which will be presented to Committee in April 2009.
To keep Committee updated with the results of the public consultation and to report any issues that may arise prior to the completion of the first draft of the OP, staff will prepare Information Updates under the General Manager’s signature.

**ALTERNATIVES FOR CONSIDERATION:**

An alternative method is to delay public consultation until such time as the first comprehensive draft of the Official Plan is prepared in the spring. However, this is not recommended as it will delay completing the OP beyond the June 2009 legislative requirement.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

- Financial: N/A
- Staffing: N/A
- Legal: N/A

**POLICIES AFFECTING PROPOSAL:**

*Provincial Policy Statement and Places to Grow Growth Plan*

The proposed Official Plan policies are consistent with the PPS and conform to the Places to Grow Growth Plan as discussed in Section 3.0 of the Analysis/Rationale of this Report.

**RELEVANT CONSULTATION:**

*Departmental Consultation*

The following departments were consulted in the preparation of the draft policies:

- Planning and Economic Development Department - various Divisions;
- Public Works Department - Capital Planning and Implementation Division, Transit Division (HSR);
- Community Services Department - Housing Division, Social Development and Early Childhood Services.

All relevant Departments and agencies will have an opportunity to comment on the draft policies prior to future adoption by Council.

*Public Consultation*

Upon the adoption of the Recommendations of this Report by Council, public consultation will be undertaken in accordance with Section 4.0 PUBLIC CONSULTATION PROCESS in the Analysis/Rationale of this Report. Prior to
adoption of the new urban OP, notice of an open house(s) and of a public meeting(s) will be given in accordance with the requirements of the Planning Act.

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☒ Yes ☐ No
The proposed policies provide a broad range of uses to serve residents at a neighbourhood scale and support complete communities in the City.

Environmental Well-Being is enhanced. ☒ Yes ☐ No
The proposed policies protect the natural environment and promote eco-development standards.

Economic Well-Being is enhanced. ☒ Yes ☐ No
Development, including intensification, is supported by the full range of housing types and supporting uses, with high density development in proximity to employment uses.

Does the option you are recommending create value across all three bottom lines? ☒ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☒ No

N/A

RW/dkm
Attachs. (2)
DRAFT OFFICIAL PLAN POLICIES

E2: NEIGHBOURHOOD DESIGNATION

The City of Hamilton’s neighbourhoods are diverse, ranging from old, historic areas of the City, to newly developed subdivisions. Each neighbourhood has its own unique character. Together, our neighbourhoods create the rich mosaic of the City of Hamilton.

The City's neighbourhoods provide the context for daily life for our citizens. Our neighbourhoods are “living areas” - places where we live, learn, play and socialize on a daily basis. The designation “Neighbourhood” recognizes that our neighbourhoods are more than just dwellings. They are made up of a variety of uses. The mix of uses is important in a neighbourhood. Also important are the relationships between these uses, where the uses are located, how they function together, how they are designed, and how they are accessed by local residents.

The intent of the Neighbourhood designation is to describe neighbourhood functions, identify appropriate scales of development for various land uses and areas in neighborhoods, identify design requirements for various land uses within neighbourhoods, and allow for change and the continued evolution of neighbourhoods.

Lands designated Neighbourhood are shown on Schedule E-1. The designation permits the full range of residential dwelling types to accommodate a broad range of housing needs, including Housing with Supports. Supporting uses such as Neighbourhood Parkland, Community Service uses, and Local Commercial uses, on sites not greater than 4 hectares, are also permitted.

Neighbourhood Goals

The following goals apply to the Neighbourhood land use designation:

a) Develop compact, mixed-use, transit supportive and active transportation friendly neighbourhoods.

b) Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn and play.

c) Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.

d) Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing the ongoing evolution of neighbourhoods.
e) Promote and support appropriate scale and locations of residential intensification throughout the neighbourhoods.

2.1.0 Residential Uses

Within the Neighbourhood designation, three categories of residential uses are provided, primarily based on shared characteristics of built form. Each category defines the range of residential uses, densities, and heights if applicable, and provides criteria relating to location, compatibility and design.

2.1.1 General Residential Policies

a) Within the Neighbourhood designation, the City shall ensure a broad range and mix of dwelling types within each Residential Category and through a balanced application of the categories.

b) The existing character of established stable residential areas shall be maintained. *Residential Intensification* within these areas shall be compatible with the scale and character of existing residential uses and comply with the intensification criteria in Policy E.2.1.6. No changes will be made through rezoning, minor variance, consent or other public action that are not compatible with the scale and character of the area.

c) The zoned *Net Residential Density* to be applied to a lot or block within any Residential Category shall depend upon the application of all of the relevant policies of this Plan, together with other appropriate development considerations. These policies and considerations may determine a particular zoned *Net Residential Density* lower than the maximum specified for each Residential Category.

d) It is recognized that it is not possible in a maximum density policy to anticipate and provide for, all special situations. Exceptionally favourable conditions and interests in achieving good urban planning and compatibility with an existing neighbourhood character, may justify a maximum *Net Residential Density* exceeding those set forth in a Residential Category. Council may therefore consider, upon application to amend this Plan, an amendment to permit a specified *Net Residential Density*, higher than the maximum set forth.

e) The City shall require a high level of urban and architectural design in all residential development.

f) Developments within the Neighbourhood designation shall be designed to be safe, efficient and attractive. New development where feasible, shall
support a grid system of streets of pedestrian scale, short blocks, street oriented development, and a safe and attractive public realm. Garages, parking areas and driveways shall not be dominant along the public street. Adequate and direct pedestrian access/linkages to community facilities shall be provided. Regard will be had to the City’s Site Plan Guidelines.

g) Development within the Neighbourhood designation shall contribute to improving the existing landscape features and overall landscape character of the area.

h) In accordance with Section C.4.2 Other Transportation Policies of this Plan, a reduced right-of-way width for public streets from that specified may be allowed in specific areas within the Neighbourhood designation to maintain the existing neighbourhood character and/or to provide for pedestrian friendly areas.

i) Within the Neighbourhood designation, the City supports innovative designs and eco-development standards for energy efficiency and the conservation of natural resources. The following are supported:

   i) Sustainability tools such as certification under the Leadership in Energy and Environmental Design (LEED) program.
   ii) Designs which encourage the use of energy conserving vehicles.
   iii) Developments which utilize accessory wind, solar and geo-thermal power.
   iv) Green roofs.
   v) On-site storm water quality and quantity management.
   vi) Other eco-development standards as contained in the City’s Criteria and Guidelines for Stormwater Infrastructure Design, Engineering Guidelines for Servicing Lands under Development Applications, Site Plan Guidelines, Stormwater Master Plan, and as supported through the City’s various financial incentive programs.

j) Second Dwelling Units within single-detached dwellings, and *Housing with Supports* within various built forms, shall be permitted within the Neighbourhood designation and are supported in accordance with the Housing Policies, Section B.3.2 of this Plan.

k) Larger scale built forms of *Housing with Supports* shall be accommodated in accordance with Policy E.2.4.0 Community Service uses.

l) Home Businesses shall be permitted within the Neighbourhood designation in all dwelling units and in accordance with the Zoning By-law.
m) Residential uses legally constructed prior to the date of approval of this Plan which do not conform to the policies of a particular Residential Category, are permitted uses within the Neighbourhood designation and may be permitted to expand.

2.1.2 Residential 1 Category

2.1.2.1 Function

2.1.2.1.1 The Residential 1 Category permits a range of residential uses that are characterized as being lower profile, grade-oriented dwellings, with each unit having direct access at grade. Permitted uses include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.

2.1.2.1.2 Locations within the interior of Neighbourhoods are the preferred location for Residential 1 uses, allowing for higher density dwelling forms and supporting uses on the periphery in proximity to arterial streets.

2.1.2.2 Scale

A maximum Net Residential Density of 60 units per hectare and a height of 3 storeys shall be permitted for Residential 1 uses.

2.1.2.3 Design

Development within the Residential 1 Category shall be designed on the basis of the following criteria:

a) Where development in this category is located adjacent to arterial streets, direct access from lots to such streets shall be discouraged.

b) Backlotting shall be discouraged along public streets and along parkland. The City supports alternative approaches to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible.

c) A mix of lot widths and sizes compatible in streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; are encouraged in this category. Development shall be subject to appropriate
minimum lot widths and areas, yards, heights and other zoning standards to ensure compatibility.

d) Development, including the creation of infill lots and involving the creation of new public streets or extensions, shall generally proceed by way of Plan of Subdivision. Such plans shall achieve the logical and sequential extension of streets and municipal services and an efficient lotting pattern.

2.1.3 Residential 2 Category

2.1.3.1 Function

2.1.3.1.1 The Residential 2 Category permits Multiple Dwellings at locations on the periphery of Neighbourhoods in proximity to arterial roads, or where appropriate, within the interior in proximity to collector streets.

2.1.3.1.2 Local Commercial uses may also be permitted on the ground floor of buildings containing Multiple Dwellings in this category, providing the provisions in Policy E.2.2.0 Local Commercial are satisfied.

2.1.3.1.3 Residential 2 uses shall be located within safe and convenient walking distance of existing or planned community services and facilities, including public transit, educational establishments, and active or passive recreational opportunities; and Local or District Commercial uses.

2.1.3.2 Scale

2.1.3.2.2 Multiple Dwellings in the Residential 2 Category shall be permitted at a maximum Net Residential Density of 100 units per hectare and at a maximum height of 4 storeys.

2.1.3.2.3 Local Commercial uses shall be permitted at a scale in accordance with Policy E.2.2.2.

2.1.3.2.4 Wherever Local Commercial uses are to be permitted within a Residential 2 development, it may be necessary in the zoning, to reduce the maximum Net Residential Density to satisfy all of the policies of this Plan and other appropriate development standards.
2.1.3.3 Design

Residential development within the Residential 2 Category shall be evaluated on the basis of the following criteria:

a) Developments exceeding a Net Residential Density of 60 units per hectare shall have direct access to collector or arterial streets, or have the most direct access to a collector or arterial road via a local road upon which abut only a small number of Residential 1 Category dwellings.

b) Dwellings within this category may serve as an intervening land use between high and low profile residential uses, or in areas undergoing transition, such as areas containing a range of uses in which Residential 3 Category uses could be developed in accordance with the policies of this Plan.

c) Development within this category shall be integrated with other lands in the Neighbourhood designation with respect to density, design, and physical and functional considerations.

d) Development within this category shall comprise sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures will be compatible with existing and future uses in the surrounding area. Ingress and egress to the property will be designed to minimize traffic conflicts both on-site and on surrounding streets.

e) Studies may be required from the developer to the City’s satisfaction to demonstrate that the height, orientation, design and massing of a building or structure within this category will not unduly overshadow, block light or result in the loss of privacy of adjacent residential uses.

f) Adequate municipal infrastructure must be available for development.

2.1.4 Residential 3 Category

2.1.4.1 Function
2.1.4.1.1 The Residential 3 Category allows *Multiple Dwellings* at locations on the periphery of Neighbourhoods in proximity to arterial streets.

2.1.4.1.2 Local Commercial uses may also be permitted on the ground floor of buildings containing *Multiple Dwellings* in this category, providing the provisions in Policy E.2.2.0 Local Commercial are satisfied.

2.1.4.1.3 Residential 3 uses shall be located within safe and convenient walking distance of existing or planned community services and facilities, including public transit, educational establishments, and active or passive recreational opportunities.

2.1.4.1.4 Proximity to the Downtown, Sub-Regional or Community Nodes, and Employment Areas is considered desirable for Residential 3 uses.

2.1.4.2 Scale

2.1.4.2.1 *Multiple Dwellings* may be permitted in the Residential 3 Category between *Net Residential Densities* of 101 and 300 units per hectare in Neighbourhood designations in *Central Hamilton*, and between *Net Residential Densities* of 101 and 175 units per hectare in all other Neighbourhood designations.

2.1.4.2.2 Wherever Local Commercial uses are to be permitted within a Residential 3 development, it may be necessary in the zoning, to reduce the maximum *Net Residential Density* to satisfy all of the policies of this Plan and other appropriate development standards.

2.1.4.3 Design

Residential development within the Residential 3 Category shall be evaluated on the basis of the following criteria:

a) Proposals at locations with highly desirable site features that support the proposal in terms of amenities and/or mitigate the proposal’s impacts on the surrounding lands uses.

b) Development within this category shall have direct access to a collector or arterial road, or with the most direct access to a collector or arterial road via a local road upon which abut only a small number of Residential 1 Category dwellings.
c) High profile multiple dwellings in this category shall not generally be permitted immediately adjacent low profile residential uses. A separation distance shall generally be required in the form of a suitable intervening land use, such as residential use of a transitional profile. Where such separation cannot be achieved, effective screening shall be required between the high and low profile residential uses and/or the high profile use shall incorporate design features to mitigate the potential adverse impacts.

d) High profile development in this category may be considered appropriate, subject to the other policies of this Plan, where it would result in the preservation of natural environment features and/or preserve public view corridors which may otherwise be compromised by more dispersed, lower rise development.

e) Development within this category shall:

i) Comprise sites of suitable size;

ii) Provide adequate landscaping, amenity features, on-site parking, and buffering if required;

iii) Provide heights, massing, and an arrangement of buildings and structures, compatible with existing and future uses in the surrounding area; and

iv) Provide ingress and egress, designed to minimize traffic conflicts both on-site and on the surrounding streets.

f) Development within this category shall not have any of the following within view of public streets (excluding public alleys) at grade:

i) Large surface parking areas;

ii) Massive parking structures;

iii) Large utility structures such as garbage enclosures; or

iv) Expanses of blank walls.

g) Studies may be required from the developer to the City’s satisfaction to demonstrate that the height, orientation, design and massing of a building or structure within this
category will not unduly overshadow, block light or result in the loss of privacy of adjacent residential uses.

h) The orientation, design and massing of a building or structure higher than 6 storeys in this category shall have regard to the impact on public view corridors and general public views of the area of the Niagara Escarpment, waterfront, and other parts of the City as identified through Secondary Plans and/or other studies.

i) Adequate municipal infrastructure must be available for development.

2.1.5 Residential Greenfield Design

2.1.5.1 New greenfield neighbourhoods shall be designed to create a high quality distinct and unifying character. Buildings, streetscapes, street patterns, landscaping, open spaces and infrastructure, shall be designed to contribute to this character.

2.1.5.2 The City shall require that urban design and architectural guidelines be prepared for residential lot development and that a control architect be employed to confirm that building designs comply with the guidelines.

2.1.5.3 The configuration of streets, trails and open spaces along with the location of land uses and transit within a new greenfield neighbourhood shall contribute to the creation of a community focal point and an environment that allows safe and convenient pedestrian and bicycle movement to the focal point.

2.1.5.4 The configuration of streets, trails and open spaces shall ensure clear and convenient pedestrian and vehicular connections to adjacent neighbourhoods.

2.1.5.5 Subject to the City being satisfied, consideration may be given to the use of alternative development standards in new residential greenfield development, which may include, but not be limited to:

i) Reduced road right-of-way widths;

v) Reduced boulevard widths;

vi) Reduced lot sizes;
vii) Use of public lanes, private lanes and on-street parking to promote more compact residential development and to provide more attractive streetscapes;
viii) Greater reliance on common open space areas to facilitate more compact development patterns; and
ix) Use of alternative standards for the spacing and location of underground infrastructure.

2.1.5.6 New residential greenfield development shall be designed and planned to minimize changes to existing topography, to preserve existing trees and natural features, and to be compatible with, and maintain public views to, prominent City features and landmarks, including the Niagara Escarpment, the waterfronts of Lake Ontario and Hamilton Harbour, Cootes Paradise and the Dundas Valley.

2.1.5.7 New development or redevelopment adjacent open space and natural system features shall:
i) Not impact upon the natural or cultural heritage of these features;
ii) Maintain or enhance public access to trails, bikeways, and parks within these features.
iii) Preserve or enhance public views to these features; and,
iv) Use native plant material adjacent these features.

2.1.6 Neighbourhood Intensification

2.1.6.1 General Policies

2.1.6.1.1 The City supports Residential Intensification within the Neighbourhood designation. Residential Intensification provides opportunities for the efficient use of land, encourages compact urban form, preserves agricultural land, reduces pollution, and utilizes unused infrastructure and transportation capacities.

2.1.6.1.2 The City, in the process of reviewing or developing new Secondary Plans/Corridor Studies, shall identify opportunities for intensification in areas designated Neighbourhood, to support the intensification targets and related policies of this Plan.

2.1.6.1.3 Residential Intensification within the Neighbourhood designation through Infill Housing, Redevelopment, Adaptive Reuse, Extensions/Additions to Existing Buildings and New Development, shall also be in accordance with the provisions of Policy E.2.1.0 Residential Uses.
2.1.6.2 Scale

An increase in Net Residential Density from that existing may be permitted provided the proposal conforms to the maximum Net Residential Density for the applicable category in Policy E.2.1.0 Residential Uses, and provided the scale of the proposal can be physically integrated with the surrounding area, cultural and natural heritage resources can be preserved, and where infrastructure, transportation facilities and community services provide an adequate level of support.

2.1.6.3 Design

The design of developments constituting Residential Intensification shall be evaluated on the basis of the following:

a) The relationship of the proposal to existing neighbourhood character so that it enhances and builds upon the desirable established patterns and built form.

b) Consideration of the proposal in terms of its contribution to maintain and achieve a balance of dwelling types and tenures to serve a variety of demographic profiles throughout the urban area.

c) The overriding design consideration shall be in ensuring compatible integration with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques.

d) The ability of the proposal to address the matters in Policy 2.7.2.2, Chapter E Urban Systems and Designations of this Plan.

e) Intensification in Established Historical Neighbourhoods shall be in accordance with the provisions of Policy E.U.2.1 of this Plan.

f) In addition to the other applicable policies of this Plan, residential lot infilling, comprising the creation of new Residential 1 category lots within existing neighbourhoods is permitted, providing such proposals are compatible with the
surrounding area and satisfy the criteria for consents to sever provided in the Planning Act.

2.2.0 Local Commercial

2.2.1 Function

2.2.1.1 Local Commercial uses may be permitted within the Neighbourhood designation, comprising a range of retail and service uses that primarily cater to the weekly and daily needs of residents within the Neighbourhood designation. Such uses include, but are not limited to a craftsperson shop, day nursery, commercial school, financial establishment, medical office, motor vehicle service station, office, personal services, place of worship, repair service, restaurant, retail, studio, tradesperson shop, and a veterinary service.

2.2.1.2 The built form of these uses include smaller single-use buildings such as those occupied by a convenience store or a medical office, a plaza form at varying scales containing multiple commercial uses, a main street configuration with multiple commercial uses, or higher profile buildings containing a Multiple Dwelling with the commercial uses on the ground floor.

2.2.1.3 The City will encourage appropriate numbers and sizes of Local Commercial developments to adequately serve residents within the Neighbourhood designation.

2.2.2 Scale

Local Commercial uses may be permitted on a range of site areas not exceeding 4 hectares and at a range of scales not exceeding a total Gross Floor Area of 10,000 square metres. All adjacent parcels and parcels at the intersection of roadways developed for such uses, shall be considered as one Local Commercial site.

The following policies apply:

a) The Gross Floor Area for any new Retail use shall not exceed 50 percent of the total existing Gross Floor Area of all Local Commercial uses.

b) The Gross Floor Area for any Office shall not exceed 500 square metres.
c) Drive-through uses shall be regulated through the Zoning By-law and at the Site Plan Control stage to ensure compatibility with adjacent uses.

d) Local Commercial uses may be permitted on the ground floor of a building containing a *Multiple Dwelling* subject to satisfying Policies E.2.1.3 and E.2.1.4, as applicable.

e) The total maximum Gross Floor Area for a particular site, shall be determined through Secondary Plans/Corridor Studies where applicable, and Zoning By-laws.

### 2.2.3 Design

Local Commercial uses shall be designed on the basis of the following criteria:

a) Local Commercial uses shall have frontage and direct access to collector or arterial street and be conveniently located with respect to concentrations of residential development, with safe and convenient access being provided to these commercial uses for pedestrians and cyclists.

b) Clustering of Local Commercial uses with other supporting uses within the Neighbourhood designation, such as parkland and institutional uses, shall be encouraged to facilitate interaction among residents and to contribute to a sense of community.

c) Local Commercial uses shall be compatible with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping and lighting.

d) Large areas of surface parking between a building and a public street (excluding a public alley) shall be discouraged.

### 2.3.0 Neighbourhood Parkland

Neighbourhood parkland shall be provided in accordance with the policies of Section C.3.3 Open Space of this Plan.

### 2.4.0 Community Service
2.4.1 Function

2.4.1.1 Community Service uses may be permitted within the Neighbourhood designation on sites not exceeding 4 hectares and in accordance with the Community Facilities/Services policies in Section 3.5, Chapter B of this Plan. These uses comprise public and private uses serving the cultural, religious, health, welfare and educational needs of a neighbourhood. A diverse range of Community Service uses serving neighbourhood needs shall be encouraged, allowing the opportunity to share facilities and resources as capacities permit. Such uses include, but are not limited to, places of worship, primary educational establishments, day cares, Lodging Houses, and larger scale built forms of Housing with Supports.

2.4.1.2 Existing secondary educational establishments on sites of 4 hectares or less are recognized as being permitted, and the expansion of these establishments are permitted subject to satisfying the applicable provisions of Policy E.2.4.2.

2.4.1.3 New Community Service uses shall be given priority in replacing uses or in the redevelopment of Community Service properties. Should a new Community Service use be unattainable, the buildings on these properties may be converted or the properties redeveloped for residential purposes without amendment to this Plan, provided they are compatible with the surrounding uses and are in keeping with the provisions of Policy E.2.1.0 Residential Uses.

2.4.2 Scale & Design

Development of Community Service uses shall be designed on the basis of the following criteria:

a) Community Service uses shall be compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas.

b) Location on a collector or an arterial street.

c) Community Service uses shall have adequate off-street parking with appropriate buffering and landscaping from residential uses.
d) Community Service uses shall be encouraged adjacent and integrated with parkland to provide an attractive extension of parkland areas and to maximize the use of parkland facilities. New primary educational establishments shall be located adjoining parkland whenever possible to provide supplemental outdoor amenity area.

e) Educational establishments shall be adequately served by pedestrian and bicycle routes linking the facility with adjacent residential areas.

f) Educational Establishments shall be designed to be accessible to those children they serve with minimum exposure to traffic hazards. Adequate bus loading/unloading facilities both on and off-site shall be incorporated into the design as needed.

2.5.0 Policies for Section F – Implementation

a) The City’s Staging of Development Strategy which is reviewed by Council on an annual basis in conjunction with its capital budget shall be used to prioritize development approvals in relation to municipal servicing requirements.

b) Secondary Plans/Corridor Studies for new development and Zoning By-laws shall be used to further detail the range of permitted uses and associated regulations, locations, phasing of development, built form and other design standards that apply to the Neighbourhood designation. The physical arrangement of new residential development on the basis of density ranges within the Neighbourhood designation shall be further detailed in Secondary Plans/Corridor Studies.
CHAPTER G – GLOSSARY

Adaptive Reuse means converting former industrial, commercial or institutional buildings to residential dwelling units. It can include for example, a former office building or school being converted to dwelling units.

Compatibility means mutually tolerant and capable of existing together in harmony in the same area. The term should not be narrowly interpreted to mean “the same as” or as “being similar to”. The goal of policies that require compatibility is to allow for uses which do not cause an unacceptable impact with other uses.

Central Hamilton means the area surrounding the Downtown, including the geographic area of the Setting Sail Secondary Plan for West Harbour and otherwise bounded by Highway 403 and Queen Street on the west; Herkimer Street and St. Joseph’s Drive on the south; Wellington Street on the east; and Cannon Street on the north, and more specifically defined as shown on Schedule “X” to this Plan [to be provided in future].

Extensions/Additions to Existing Buildings means creating more dwelling units through extensions and/or additions to existing buildings. This type of intensification is typically small in size and blends into the established streetscapes and communities.

Housing with Supports means public, private or non-profit owned housing with some form of support component, intended for 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).

Infill Housing means the development of dwelling units on small parcels of vacant or under-utilized land. It includes the creation of additional dwelling units within existing buildings and can occur on lots or blocks that have never developed for residential use or on new lots severed from existing large lots.

Lodging House means a dwelling containing one or more lodging units designed to accommodate four or more residents. The residents may share common areas of the dwelling other than the lodging units, and do not appear to function as a household. This shall not include a Long Term Care Facility, a Hospital, Hotel or any Residential Care Facility licensed, approved or supervised under any general or specific Act. This shall include but not be limited to, student residences and convents.

Multiple dwelling means a building or part thereof containing three or more dwelling units but shall not include a street townhouse dwelling. Examples of
such dwellings include block townhouse dwellings, stacked townhouse dwellings, and apartment dwellings.

**Net Residential Density** means the number of dwelling units per net residential hectare on a lot or block basis. “Net residential hectare” includes all of the lands comprising the principle and accessory residential uses, and includes all of the buildings, structures, driveways, parking areas and other amenities for these uses. “Net residential hectare” excludes public lands comprising streets, parkland and other open space, and stormwater management facilities.

**New Development** means combining a variety of compatible uses to create a mixed use building. This type of intensification commonly occurs as dwelling units above commercial uses, and as live-work units.

**Redevelopment** means replacing an existing use with new or additional dwelling units. It can occur by redeveloping brownfield sites and greyfield sites to residential or mixed use development.

**Residential Intensification** means the process by which an existing building, site or area which is within a Neighbourhood designation, is developed or redeveloped at a higher residential density than currently existing. It includes *Infill Housing, Redevelopment, Adaptive Reuse, Extensions/Additions to Existing Buildings,* and *New Development.*