

## CHAPTER C – CITY WIDE SYSTEMS AND DESIGNATIONS

This Section of the Plan contains designations and land use policies that are intended to apply across the City, with refinements for rural and urban areas, where necessary. The purpose is to provide for consistent approaches to the policy directives that relate to both urban and *rural areas*. Specifically:

- General land use provisions detail land uses that are allowed “as-of-right” in all designations, provided certain conditions are met.
- Both the Open Space and Utilities designations are common to the rural and urban areas and have the same general framework.
- The natural heritage policies are based on a systems wide approach which requires that policy directions and requirements are coherent on this basis.
- Transportation is critical to both movement of goods and people in the City. Transportation policies will be included in future Official Plan amendments.
- The infrastructure policies clearly articulate the need for both sustainable *private services* – wells and septic systems as well as provide direction of municipal services such as water, wastewater, waste management and storm water.

However, in a few cases, there may be slight differences between the rural and urban areas in terms of policy directives or mapping.

- \* **The deferral of “Appendix/Schedule C” applies to both the substantive content of “Appendix/Schedule C” and whether the appropriate title of “C” is “Appendix” or “Schedule”.**

## **C.1.0 PROVINCIAL PLANS**

The planning regime within the City is affected and is directed by provincial legislation, plans and policies, including the Provincial Policy Statement, the Niagara Escarpment Plan, the Greenbelt Plan, the Parkway Belt West Plan, and the Growth Plan for the Greater Golden Horseshoe.

The Official Plan must be consistent with the Provincial Policy Statement and conform to the Greenbelt Plan. However, in some areas of provincial policy, the municipality can be more restrictive than the provincial directions. Where land use designations exist, this section details the interrelationship between the various provincial documents and this Plan.

### **1.1 Niagara Escarpment Plan**

The Niagara Escarpment is a prominent natural feature that traverses the breadth of the City. It provides a distinctive landscape and performs many *ecological functions*. The natural and physical features of the Escarpment should be protected through policies which apply to the physical features themselves and to a protective buffer.

The Niagara Escarpment Plan provides for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and to ensure only such *development* occurs as is compatible with that natural environment.

**1.1.1** Any *development* within the Niagara Escarpment Plan Area, as shown on Schedule A – Provincial Plans, shall meet the requirements of this Plan and the Niagara Escarpment Plan, and the Parkland, Open Space and Trails policies of the Greenbelt Plan. Where there is discrepancy between this Plan and the Niagara Escarpment Plan, and the Parkland, Open Space and Trails policies of the Greenbelt Plan, the most restrictive policies will prevail.

**1.1.2** On lands located within *Rural Hamilton* and identified as Niagara Escarpment Natural Area on Schedule A – Provincial Plans, the following policies shall apply:

- a) The uses contained in Section C.3.3, Open Space of this Plan shall be permitted except for:
  - i) Golf courses; and
  - ii) Intensive recreational activities such as formal sports fields, community centres, arenas.

**1.1.3** On lands located within *Rural Hamilton* and identified as Niagara Escarpment Plan Protection Area on Schedule A - Provincial Plans, the following policies shall apply:

- a) Where lands are designated Agriculture on Schedule D - Rural Land Use Designations, the policies contained in Section D.2, Agriculture Designation of this Plan shall apply;
- b) Where lands are designated Specialty Crop on Schedule D – Rural Land Use Designations, the policies contained in Section D.3, Specialty Crop Designation of this Plan shall apply;
- c) Where lands are designated Rural on Schedule D – Rural Land Use Designations, the policies in Section D.4, Rural Designation of this Plan shall apply; and
- d) Where lands are designated Open Space on Schedule D – Rural Land Use Designations, the policies contained in Section C.3.3, Open Space designation of this Plan shall apply except for:
  - i) Golf courses; and
  - ii) Intensive recreational activities such as formal sports fields, community centres, arenas.

**1.1.4** On lands located within *Rural Hamilton* and identified as Niagara Escarpment Plan Rural Area on Schedule A – Provincial Plans, the following policies shall apply:

- a) Where lands are designated Agriculture on Schedule D – Rural Land Use Designations, the policies contained in Section D.2, Agriculture Designation of this Plan shall apply;
- b) Where lands are designated Specialty Crop on Schedule D – Rural Land Use Designations, the policies contained in Section D.3, Specialty Crop Designation of this Plan shall apply;
- c) Where lands are designated Rural on Schedule D – Rural Land Use Designations, the policies in Section D.4, Rural Designation of this Plan shall apply;
- d) Where lands are designated Open Space on Schedule D – Rural Land Use Designations, the policies contained in Section C.3.3, Open Space designation of this Plan shall apply; and
- e) Where lands are proposed for a new *mineral aggregate operation* or an expansion to an existing *mineral aggregate operation*, the policies in Section D.6, Mineral Aggregate Resource Extraction Areas and Section C.2.6, Natural Heritage System - Mineral Aggregate Operations shall apply.

**1.1.5** On lands located within *Rural Hamilton* and identified as *Mineral Aggregate Resource Areas* on (Appendix/Schedule C – Non renewable resources – deferred – until the deferral is resolved Map No. 5 of the Region of Hamilton-Wentworth Official Plan shall apply)\*, and designated as Mineral Aggregate Resource Extraction Areas on Schedule D - Rural Land Use Designations, the policies contained in Section D.6, *Mineral Aggregate Resources* Extraction Area of this Plan shall apply.

**1.1.6** To minimize the impact and further encroachments in the Escarpment environment, for those lands located within the Niagara Escarpment Plan Area identified on Schedule A - Provincial Plans, the following policies shall apply:

- a) The design of the *development* shall be compatible with the visual and natural environment;
- b) Setbacks and screening adequate to minimize the visual impact of *development* on the Escarpment landscape shall be required;
- c) No new lots shall be created in Escarpment Natural or Protection Areas unless such lot creation is for the purposes of correcting conveyances, enlarging *existing* lots or acquisition by a public body or authority, and to allow surplus farm dwelling severances in the Escarpment Protection or Escarpment Rural Areas; and
- d) Within the Escarpment designations Natural Area, Protection Area and Rural Area, amendments shall not be permitted for urban uses or redesignations to Minor Urban Centre, Urban Area or Escarpment Recreation Area.

**1.1.7** Appropriate portions of the Winona Urban Area and the Rural Settlement Areas of Greensville and Copetown, designated as Niagara Escarpment Plan Minor Urban Centre on Schedule A - Provincial Plans, shall meet the following criteria:

- a) *Development* and growth shall not extend into the Escarpment designations Natural Area, Protection Area and Rural Area;
- b) *Development* and growth shall minimize land use conflicts and, where appropriate, incorporate adequate screening and/or setbacks to reduce visual impact on the Escarpment landscape; and
- c) *Development* and growth generally shall take place as a logical extension of *existing development* in the form of planning groups rather than linear or scattered *development*.

## **1.2 Greenbelt Plan**

The Greenbelt Plan is broad band of permanently protected land which protects against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land use. Economic, social and recreational activities, such as tourism, on-farm business, recreation, and resource uses that are associated with rural communities or resources are supported. The natural heritage and water resources systems integral to the community will be protected and enhanced, as they sustain ecological and human health.

The Greenbelt Plan includes lands within the Niagara Escarpment Plan and the Parkway Belt West Plan.

### 1.2.1 Protected Countryside

The Protected Countryside contains three geographic specific policy areas: agricultural system, natural system and Settlement Areas. This Section illustrates compliance with the Greenbelt Plan based on those three areas.

**1.2.2** All proposals for *development* or *site alteration* within the lands identified as Greenbelt Plan Protected Countryside and Specialty Crop on Schedule A – Provincial Plans, and designated Agriculture, Specialty Crop, Rural, Open Space and Utilities, on Schedule D – Rural Land Use Designations, shall meet the requirements of this Plan, the Zoning-By-law and the Greenbelt Plan. Where there is discrepancy between this Plan, the Zoning By-law and the Greenbelt Plan policies with the exception of the Section C.1.2.3, *agricultural uses* and *mineral aggregate resources*, the most restrictive policies shall prevail.

**1.2.3** The following policies in this Plan which are more restrictive than the policies in the Greenbelt Plan and do not conflict with Greenbelt Plan shall continue to apply:

- a) Residential lot creation for lands in *Rural Hamilton* in accordance with Section F.1.14.2, Lot Creation, of this Plan;
- b) On-farm *secondary uses* in accordance with Sections C.3.1.2; and D.2.1.3 of this Plan;
- c) Surplus farm dwellings in accordance with Section F.1.14.2 of this Plan;
- d) Amendments required for *resource-based* commercial, *resource-based* industrial, institutional and recreational uses in accordance with Sections D.4.1.1 and D.4.1.2 of this Plan; and
- e) Section C.5, Infrastructure of this Plan.

### 1.3 Parkway Belt West Plan

The Parkway Belt West Plan provides a system of linked natural areas and protected utility corridors which extends from Dundas through the Regions of Halton, Peel and York.

**1.3.1** The provisions of the Parkway Belt West Plan shall apply to *development* of lands that are identified as Parkway Belt West Plan Area on Schedule A – Provincial Plans, of this Plan. In the case of discrepancy between the Parkway Belt West Plan and this Plan, the most restrictive policies shall prevail provided that they are consistent with its intent and purpose.

**1.3.2** Where there is an overlap between the Parkway Belt West Plan and the Greenbelt Plan, the Parkway Belt West Plan will continue to apply to lands within the Parkway Belt West Plan and only the Natural System and Parkland, Open Space and Trails policies of the Greenbelt Plan apply.

## 1.4 Source Protection Plans

The Source Protection Plans are mandated under the Clean Water Act. The Plans include policies to ensure that activities and land uses do not pose significant threats to municipal drinking water sources. Source Protection Plans identify vulnerable areas such as wellhead protection areas coupled with vulnerability scores to illustrate where significant threats are possible. There are four Source Protection Plans that apply to the City of Hamilton, covering the Source Protection Areas of Halton Region, Hamilton Region, Grand River, and Niagara Peninsula. (OPA 9)

- 1.4.1 The City shall implement the land use planning policies in the Source Protection Plans in accordance with Section F.1-Planning Act Implementation Tools and F.3.1.1-Source Protection Plan.
- 1.4.2 Any development or change of an existing use or building that is located within Vulnerable Area 1 identified on Schedule G- Source Protection – Vulnerable Areas and Volume 2, Map 4a – Source Protection – Carlisle Vulnerable Areas, Map 7a – Source Protection- Freelton Vulnerable Areas and Map 8c – Source Protection- Greensville Vulnerable Areas shall be reviewed by the City Risk Management Official.
- 1.4.3 The Rural Hamilton Official Plan and Zoning by-law shall be amended to prohibit certain land uses within the Vulnerable Areas.
- 1.4.4 Site Plan approval shall be required to address the location of septic systems for properties located within the Vulnerable Area 1 identified on Schedule G – Source Protection Vulnerable Areas and Volume 2, Map 4a – Source Protection – Carlisle Vulnerable Areas, Map 7a – Source Protection – Freelton Vulnerable Areas and Map 8c – Source Protection - Greensville Vulnerable Areas.
- 1.4.5 Prior to submission of a Planning Act application for properties wholly or partially within a Wellhead Protection Area the proponent is required to provide a full disclosure report and receive approval of a Restricted Land Use Application (Section 59 Notice) from the City of Hamilton Risk Management Office. (OPA 42)
- 1.4.6 For any *development* or *redevelopment* within a Wellhead Protection Area, the City shall require the submission of a Chloride Impact Study as part of a complete application, unless otherwise determined through the formal consultation process. (OPA 42)
- 1.4.7 Where a reduction in the minimum number of required parking spaces or an increase in the maximum number of permitted parking spaces is proposed, the City shall require a Parking Analysis / Study as part of a complete application, unless otherwise determined through the formal consultation process. (OPA 42)

## C.2.0 NATURAL HERITAGE SYSTEM

The City contains many natural areas and features that contribute to the municipality's beauty, unique character, and quality of life.

A large portion of the City has been identified as part of the Natural Heritage System of the Protected Countryside in the Greenbelt Plan. The Greenbelt Plan seeks to ensure that natural areas are managed as an integrated system so as to enhance key features of that system, as well as to support environmental objectives contained in the Niagara Escarpment Plan. Beyond provincial plan boundaries, the City has identified locally and provincially significant natural areas that warrant similar consideration.

The Natural Heritage System identified on Schedule B – Natural Heritage System, of this Plan consists of the Greenbelt Natural Heritage System, the Greenbelt Protected Countryside, and Core Areas within and outside of the Greenbelt Plan Area. Together, provincial and local planning objectives for the Natural Heritage System focus on protecting, and restoring these features and natural functions as a permanent environmental resource for the community.

### 2.1 Policy Goals

The following goals apply to designation and management of the Natural Heritage System in *Rural Hamilton*.

- 2.1.1 To protect and enhance biodiversity and *ecological functions*.
- 2.1.2 To achieve a healthy, functional ecosystem.
- 2.1.3 To conserve the natural beauty and distinctive character of Hamilton's landscape.
- 2.1.4 To maintain and enhance the contribution made by the Natural Heritage System to the quality of life of Hamilton's residents.
- 2.1.5 To restore and enhance connections, quality and amount of natural habitat.
- 2.1.6 To provide opportunities for recreational and tourism uses where they do not impact natural heritage features.
- 2.1.7 To monitor and periodically assess the condition of Hamilton's natural environment.

### 2.2 General Policies

- 2.2.1 The Natural Heritage System shown on Schedule B – Natural Heritage System, comprised of privately-owned land is not available for use by the general public nor shall there be any intent or obligation by the City to purchase such lands.
- 2.2.2 The policies in this Plan do not prohibit the continuation of *existing* or the establishment of new *agricultural uses, agricultural-related* and *secondary uses* within or adjacent to the Natural Heritage System lands. Harvesting timber shall be permitted within or adjacent to the Natural Heritage System according to the requirements of the applicable tree cutting by-laws.

- 2.2.3** The boundaries of *Core Areas* are shown on Schedule B – Natural Heritage System and *key natural heritage features*, *key hydrologic features* and any associated *vegetation protection zones*, provincially significant and *local natural areas* are shown on Schedules B-1 to B-8 – Detailed Natural Heritage Features. Minor refinements to such boundaries may occur through Environmental Impact Statements, *watershed* studies or other appropriate studies accepted by the City without an amendment to this Plan. Major changes to boundaries, the removal or addition of *Core Areas* identified on Schedule B – Natural Heritage System, and Schedules B-1 to B-8 – Detailed Natural Heritage Features require an amendment to this Plan.
- 2.2.4** Revisions to the external boundary of the Greenbelt Plan Natural Heritage System shall not be permitted.
- 2.2.5** Notwithstanding the designations on Schedule D – Rural Land Use Designations, the policies of this Plan shall apply to *Core Areas* not currently identified on Schedule B – Natural Heritage System and Schedules B-1 to B-8 – Detailed Natural Heritage Features. Additional *Core Areas* may be mapped and identified or *Core Area* boundaries may be refined under the following circumstances and shall require an amendment to this Plan:
- a) individual Environmental Impact Statements;
  - b) *watershed* or subwatershed studies;
  - c) natural areas inventories;
  - d) Environmental Assessments; or,
  - e) other similar studies.
- 2.2.6** Where technical criteria are required to identify the location of *key natural heritage features* and *key hydrologic features* and any associated *vegetation protection zone*:
- a) the City may establish its own criteria for identifying these features, in cooperation with other agencies, stakeholders and the public;
  - b) the City shall identify these features on Schedule B – Natural Heritage System Schedules B-1 to B-8 – Detailed Natural Heritage Features within the Natural Heritage System; and,
  - c) the City shall undertake an Official Plan amendment to include criteria and mapping changes.
- 2.2.7** The technical criteria established in this Plan and used by the City shall be updated and amended to reflect provincial direction, as required.
- 2.2.8** Notwithstanding Policy C.2.2.7, following approval of Greenbelt Natural Heritage System woodland criteria the City shall amend this Plan accordingly.



- 2.2.9** Where properties contain two or more overlapping natural features of differing significance in the Natural Heritage System, the more restrictive policies pertaining to those natural features shall apply. If more than one policy applies to a natural feature, the more restrictive policy shall apply.
- 2.2.10** Any required Environmental Impact Statement shall be completed in accordance with Section F.3.2.1, Environmental Impact Statements and comply with all provisions of Sections C.2.4 and C.2.6 of this Plan, where applicable.

**Aggregate Operations**

- 2.2.11** Sections C.2.3.3, C.2.4, C.2.5 and C.2.7 of this Plan shall not apply to proposals for a new *mineral aggregate operation*, an expansion to an existing *mineral aggregate operation*, and new *wayside pits and quarries*.
- 2.2.12** Proposals for a new *mineral aggregate operation*, an expansion to an existing *mineral aggregate operation*, and new *wayside pits and quarries* shall comply with Sections C.2.6, Mineral Aggregate Operations – Natural Heritage System Policies, and D.6, Mineral Aggregate Resource Extraction Areas, of this Plan. In the event of a conflict Section C.2.6 shall prevail.

**2.3 Natural Heritage System – Core Areas**

*Core Areas* are the most important components of the Natural Heritage System in terms of biodiversity, productivity, and ecological and hydrological functions. It is the intent of this Plan to preserve and enhance *Core Areas*, including their environmental features or *ecological functions*.

- 2.3.1** The Greenbelt Plan has identified a Natural Heritage System within the Protected Countryside, which shall be incorporated on Schedule B – Natural Heritage System. In accordance with Greenbelt Plan policies, Schedule B – Natural Heritage System, identifies *Core Areas* to include *key natural heritage features* and *key hydrologic features* and any associated *vegetation protection zones*. *Core Areas* of the City's Natural Heritage System also include other locally and provincially significant natural areas that have been identified within and outside the Greenbelt Plan Area. Schedule B – Natural Heritage System will be amended when new *Core Areas* are identified.
- 2.3.2** *Core Areas* include *key natural heritage features*, *key hydrologic features*, including any associated *vegetation protection zones*, and provincially significant and *local natural areas* that are more specifically identified by Schedules B-1 to B-8 – Detailed Natural Heritage Features.
- 2.3.3** Any *development* or *site alteration* within or adjacent to *Core Areas* shall not negatively impact their environmental features or *ecological functions*.
- 2.3.4** New *development* or *site alteration* shall not be permitted within provincially significant wetlands, *significant coastal wetlands*, or *significant habitat of threatened or endangered species*, except in accordance with applicable provincial and federal regulations with respect to *significant habitat of threatened or endangered species*.

## 2.4 Core Areas – Within the Greenbelt Plan Area

### ***Within the Greenbelt Natural Heritage System of the Protected Countryside***

**2.4.1** Permitted uses within Core Areas located within the Greenbelt Natural Heritage System as identified on Schedule B – Natural Heritage System or within key *hydrologic features* anywhere in the Protected Countryside of the Greenbelt Plan as shown on Schedules B-1 to B-8 – Detailed Natural Heritage Features or identified by an Environmental Impact Statement, including any associated *vegetation protection zone* shall include:

- a) *Existing agricultural uses*, according to the requirements in C.2.4.4;
- b) Forest, fish and wildlife management;
- c) Conservation, and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;
- d) *Existing uses*, in accordance with Section F.1.12, Non-Conforming and Non-Complying Uses of this Plan and according to the requirements in Sections C.2.4.4 and C.2.4.5;
- e) *Passive recreation uses* and *small scale structures* for recreation uses (such as boardwalks, footbridges, fences, docks, and picnic facilities); however, the *negative impacts* on these features should be minimized; and,
- f) Infrastructure projects, in accordance with Section C.5.0, Infrastructure of this Plan.

**2.4.2** *New development* or *site alteration* shall not be permitted within a *key natural heritage feature* within the Greenbelt Natural Heritage System or a *key hydrologic feature* anywhere in the Protected Countryside, including any associated *vegetation protection zone*. However, *new development* or *site alteration* proposed adjacent to (within 120 metres of) a *key natural heritage feature* within the Greenbelt Natural Heritage System or a *key hydrologic feature* anywhere in the Protected Countryside requires an Environmental Impact Statement which identifies a *vegetation protection zone*, according to the requirements in Sections C.2.4.10, C.2.4.11, C.2.4.12, C.2.4.13, and C.2.4.14.

**2.4.3** New buildings or *structures* for *agriculture*, *agricultural-related* and *secondary uses* are subject to policies in Sections C.2.4.1, C.2.4.2, C.2.4.10 and C.2.4.13.

**2.4.4** Expansions to *existing* buildings and *structures* for *agricultural uses*, and residential dwellings together with accessory uses may be considered within or adjacent to *Core Areas* and their associated *vegetation protection zones* if it is demonstrated that:

- a) There is no alternative and the expansion, alteration or establishment is directed away from the feature to the maximum extent possible; and
- b) The impact of the expansion or alteration on the feature and its functions is minimized to the maximum extent possible.

- 2.4.5** The construction of a dwelling on an existing lot of record having frontage on a public road may be permitted within or adjacent to Core Areas, subject to Section F.1.12, Non-Conforming and Non-Complying Uses and if it is demonstrated that:
- a) There is no alternative and the expansion, alteration or establishment is directed away from the feature to the maximum extent possible; and
  - b) The impact of the expansion or alteration on the feature and its functions is minimized to the maximum extent possible.
- 2.4.6** New *development* or *site alteration* subject to Sections C.2.4.1, C.2.4.2, C.2. 4.3, C.2.4.5, C.2.4.7, C.2.4.8 and C.2.4.9 requires, prior to approval, the submission and acceptance of an Environmental Impact Statement, which demonstrates to the satisfaction of the City in consultation with the relevant Conservation Authority that:
- a) There shall be no *negative impacts* on the *Core Areas* or their *ecological functions*;
  - b) *Connectivity* between *Core Areas* shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape;
  - c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or *site alteration* wherever possible; and
  - d) The *disturbed area* of a site shall not exceed 25 percent of the total developable area, except for golf courses, where permitted, for which the *disturbed area* shall not exceed 40 percent of the site. Impervious surfaces to be established in such *disturbed areas* shall not exceed 10 percent of the total developable area.
- 2.4.7** Where *non-agricultural uses* are proposed within the Greenbelt Natural Heritage System, applicants shall demonstrate that:
- a) At least 30 percent of the total developable area of the site will remain or be returned to *natural self-sustaining vegetation*;
  - b) *Connectivity* along the system and between *key natural heritage* or *key hydrologic features* located within 240 metres of each other shall be maintained or enhanced; and
  - c) Buildings or *structures* do not occupy more than 25 percent of the total developable area and are planned to be compatible with the natural surroundings.

**Within the Protected Countryside Outside of the Greenbelt Natural Heritage System**

**2.4.8** Beyond the Greenbelt Natural Heritage System within the Protected Countryside new *development* and site alteration shall not be permitted within or adjacent to *key natural heritage features* in the Greenbelt Protected Countryside unless it has been evaluated through an Environmental Impact Statement and has been demonstrated that there shall be no *negative impacts* on the natural features or their *ecological functions*.

**2.4.9** New *development* and *site alteration* within the Protected Countryside of the Greenbelt Plan Area that is proposed to take place within or adjacent to any other *Core Area* identified on Schedule B – Natural Heritage System, through a consent, Plan of Subdivision, Zoning By-law, Site Plan approval, Official Plan amendment or *Site Alteration* By-law permit shall require an Environmental Impact Statement in accordance with Sections C.2.4.6 of this Plan.

**Vegetation Protection Zones**

**2.4.10** An Environmental Impact Statement shall also propose a *vegetation protection zone* which:

- a) Has sufficient width to protect the *Core Area* and its *ecological functions* from impacts of the proposed land use or *site alteration* occurring during and after construction, and where possible, restores or enhances the *Core Area* and/or its *ecological functions*; and
- b) Is established to achieve, and be maintained as *natural self-sustaining vegetation*.

**2.4.11** Where *vegetation protection zones* have not been specified by *watershed* and sub-watershed *plans*, Secondary or Rural Settlement Area Plan policies, Environmental Assessments and other studies, the following minimum *vegetation protection zone* width objectives shall be evaluated and addressed by Environmental Impact Statements:

- a) *Permanent and intermittent streams*: 30-metre *vegetation protection zone* on each side of the watercourse, measured from beyond the stable top of bank;
- b) *Wetlands*: 30-metre *vegetation protection zone*. The Environmental Impact Statement shall also take into consideration adjacent upland habitat that is required by wetland species for breeding, foraging, dispersal, and other life processes;
- c) *Fish habitat*: 30-metre minimum *vegetation protection zone* measured from beyond either side of the top of bank or meander belt allowance;
- d) *Woodlands*: 15-metre minimum *vegetation protection zone* measured from the drip line of trees at the *woodlands* edge;
- e) *Significant Woodlands*: a minimum 30-metre *vegetation protection zone* measured from the drip line of trees at the *woodlands* edge;

- f) *Areas of Natural and Scientific Interest (ANSIs)*: a minimum 30-metre vegetation protection zone.
- g) *Designated valleylands*: 15-metre minimum vegetation protection zone measured from top of bank; and
- h) *Lakes*: 30-metre vegetation protection zone, measured from the stable slope of the shoreline.

**2.4.12** Vegetation protection zone widths greater than specified in Sections C. 2. 4.11 and C.2.4.13 may be required if *ecological* features and *functions* warrant it, as determined through an approved Environmental Impact Statement.

**2.4.13** Within the Protected Countryside of the Greenbelt Plan area, new *development* and *site alteration* adjacent to *wetlands, seepage areas, springs, fish habitat, lakes, permanent and intermittent streams* and *significant woodlands* shall maintain a minimum 30-metre vegetation protection zone as measured from the outside boundary of the feature. Such a *vegetation protection zone* shall be established with natural, self-sustaining vegetation where the land within the *vegetation protection zone* is not used for agricultural purposes. New agricultural buildings and structures for *agricultural uses* are required to provide a 30-metre *vegetation protection zone* from a *key natural heritage feature* within the Greenbelt Natural Heritage System or a *key hydrologic feature* anywhere in the Protected Countryside but may not be required to establish a condition of *natural self-sustaining vegetation*, if the land is, and will continue to be, used for agricultural purposes.

**2.4.14** Permitted uses in a *vegetation protection zone* shall be limited to low impact uses, such as *passive recreation, trails, boardwalks, landscaping, vegetation restoration, and resource management* and open space. Within the Protected Countryside of the Greenbelt Plan Area permitted uses within *vegetation protection zones* are specified in Section C.2.4.1. New *development* or *site alteration* areas shall be located outside of the *vegetation protection zone*. Private sewage disposal systems and new impervious surfaces associated with the *development* shall not be permitted within the *vegetation protection zone*.

## **2.5 Core Areas – Outside of the Greenbelt Plan Area**

**2.5.1** Permitted uses, within *Core Areas* located outside of the Greenbelt Plan Area as identified on Schedule B - Natural Heritage System, as shown on Schedules B-1 to B-8 – Detailed Natural Heritage Features or identified by an Environmental Impact Statement, including any associated *vegetation protection zone* shall include:

- a) *Existing agricultural uses*;
- b) *Forest, fish and wildlife management*;
- c) *Conservation, and flood or erosion control projects* by a public authority demonstrated to be necessary in the public interest;

- d) Existing uses, in accordance with Section F.1.12, Non-Conforming and Non-Complying Uses of this Plan;
- e) *Passive recreation uses and small scale structures for recreation uses (such as boardwalks, footbridges, fences, docks, and picnic facilities); and*
- f) Infrastructure projects, in accordance with Section C.5.0, Infrastructure of this Plan.

**2.5.2** Proposals for new *development or site alteration* shall not be permitted adjacent to provincially significant wetlands, significant coastal wetlands, or significant habitat of threatened or endangered species unless the *ecological function* of the adjacent lands has been evaluated and it has been demonstrated through an Environmental Impact Statement prepared in accordance with Section F.3.2.1 that there will be no *negative impacts* on the natural feature and its *ecological functions*.

**2.5.3** New *development or site alteration* proposed within or adjacent to significant woodlands, significant wildlife habitat, significant valleylands, and significant areas of natural and scientific interest shall not be permitted unless the *ecological function* of the land has been evaluated and it has been demonstrated through an Environmental Impact Statement in accordance with Section F.3.2.1 that there will be no *negative impacts* on the natural features or their *ecological functions*.

**2.5.4** New *development or site alteration* shall not be permitted within *fish habitat*, except in accordance with provincial and federal requirements.

**2.5.5** New *development or site alteration* subject to Sections C.2.3.4, C.2.5. 2, C.2. 5.3 and C.2.5.4 requires, prior to approval, the submission and acceptance of an Environmental Impact Statement which demonstrates to the satisfaction of the City in consultation with the relevant Conservation Authority that:

- a) There shall be no *negative impacts* on the *Core Areas* or their *ecological functions*;
- b) *Connectivity* between *Core Areas* shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape;
- c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or *site alteration* wherever possible.

**2.5.6** An Environmental Impact Statement shall also propose a *vegetation protection zone* which:

- a) Has sufficient width to protect the *Core Area* and its *ecological functions* from impacts of the proposed land use or *site alteration* occurring during and after construction, and where possible, restores or enhances the *Core Area* and/or its *ecological functions*; and
- b) Is established to achieve, and be maintained as *natural self-sustaining vegetation*.

**2.5.7** Where *vegetation protection zones* have not been specified by watershed and sub-watershed plans, Secondary or Rural Settlement Area Plan policies, Environmental Assessments and other studies, the following *minimum vegetation protection zone width objectives* shall be evaluated and addressed by Environmental Impact Statements:

- a) *Permanent and intermittent streams*: 30-metre *vegetation protection zone* on each side of the watercourse, measured from beyond the stable top of bank;
- b) *Wetlands*: 30-metre *vegetation protection zone*. The Environmental Impact Statement shall also take into consideration adjacent upland habitat that is required by wetland species for breeding, foraging, dispersal, and other life processes;
- c) *Fish habitat*: 30-metre *minimum vegetation protection zone* measured from beyond either side of the top of bank or meander belt allowance;
- d) *Woodlands*: 15-metre *minimum vegetation protection zone* measured from the drip line of trees at the woodlot edge;
- e) *Significant Woodlands*: a minimum 30-metre *vegetation protection zone* measured from the drip line of trees at the woodlot edge;
- f) *Life Science Areas of Natural and Scientific Interest (ANSIs)*: a minimum 30-metre *vegetation protection zone*;
- g) *Designated valley lands*: 15-metre *minimum vegetation protection zone* measured from top of bank; and
- h) *Lakes*: 30-metre *vegetation protection zone*, measured from the stable top of the shoreline.

**2.5.8** *Vegetation protection zone widths* greater than specified in Section C.2.5.7 may be required if *ecological features and functions* warrant it, as determined through an approved Environmental Impact Statement.

## **2.6 Natural Heritage System – Mineral Aggregate Operations**

**2.6.1** Tables C.2.6-1 and C.2.6-2 in conjunction with Sections C.2.6. 1 to C. 2.6.5 shall apply to a new *mineral aggregate operation*, an expansion to an existing *mineral aggregate operation*, a new wayside pit and quarry located in the Greenbelt Plan Protected Countryside, both inside and outside the Greenbelt Natural Heritage System, or outside the Greenbelt Plan Protected Countryside.

**2.6.2** Tables C.2.6-1 and C.2.6-2 cross reference the type of *mineral aggregate operation use*, with natural heritage features, areas and systems. The policies applicable to each use and feature, area or system combination are identified by a capital letter (A, B, C or D).

**2.6.3** A new *mineral aggregate operation*, and a new *wayside pit or quarry* within the Greenbelt Plan Natural Heritage System listed in Table C.2.6-1:

- a) shall not be permitted in the *key natural heritage features* and *key hydrologic features* listed in Table C.2.6-1 and identified by the letter A.
  - i) Notwithstanding a) above, the uses identified in Section C.2.6.3 shall not be permitted in a *significant woodland* unless the woodland is occupied by a young plantation or early successional habitat (as defined by the Province). Where extraction in a *significant woodland* is permitted, it must be demonstrated that the criteria of Sections D.6.24 b) and c) and D.6.25 c), are satisfied.
  - ii) Notwithstanding the definition of *significant woodland*, for the purposes of Policy C.2.6.3 a) and C.2.6.3 a) i), the *significant woodland* criteria shall be defined by the Province.
- b) may be permitted in the *key natural heritage features* or *key hydrologic features* listed in Table C.2.6-1 and identified by the letter B, and the vegetation protection zones of features identified by Letters A and B, provided an Environmental Impact Statement demonstrates how:
  - i) The *Water Resource System* shall be protected or enhanced; and,
  - ii) The specific provisions of Sections D.6.24 b) and c) and D.6.25 c) shall be addressed.

**2.6.4** Proposals for a new *mineral aggregate operation*, or an expansion to an existing *mineral aggregate operation*, within the Greenbelt Plan Natural Heritage System shall demonstrate through an Environmental Impact Statement and hydrogeological Study:

- a) How the connectivity between key natural heritage features and key hydrologic features identified in Table C.2.6-1, will be maintained before, during and after the extraction of mineral aggregates;
- b) How any habitat that would be lost from the site could be immediately replaced with equivalent habitat on another part of the site, or on adjacent lands; and,
- c) How the *Water Resource System* shall be protected or enhanced.

**2.6.5** An expansion to an existing *mineral aggregate operation* within the Greenbelt Plan Natural Heritage System and a new *mineral aggregate operation* or the expansion to an existing *mineral aggregate operation* outside the Greenbelt Plan Natural Heritage System, listed in Table C.2.6-2:

- a) shall not be permitted in the natural features and areas listed in Table C.2.6-2 and identified by the letter C.
- b) shall not be permitted in the natural features and areas listed in Table C.2.6-2 and identified by the letter D, unless it has been demonstrated through an Environmental Impact Statement that there will be no negative impacts on the natural features or their ecological functions.



- c) shall not be permitted in adjacent lands to the natural features and areas listed in Table C.2.6-2 identified by the letters C and D, unless it has been demonstrated through an Environmental Impact Statement that there will be no negative impacts on the natural features or their ecological functions.
- d) shall demonstrate through an Environmental Impact Statement how the diversity and connectivity of natural features in an area, and the long term ecological function and biodiversity of the natural heritage system should be maintained, restored or, where possible, improved recognizing the linkages between and among natural heritage features and areas, surface water features and ground water features.

**Table C.2.6-1 – Greenbelt Plan Key Natural Heritage and Hydrologic Features – Mineral Aggregate Operations (OPA 23)**

<b>Within Greenbelt Natural Heritage System of the Protected Countryside</b>		<b>New Operations</b>	<b>New Wayside Pits &amp; Quarries</b>
	<b>Key Natural Heritage and Key Hydrologic Features</b>		
1	Significant wetlands	A	A
2	Significant habitat of threatened and endangered species	A	A
3	Significant woodlands	A	A
4	Fish habitat in accordance with applicable provincial and federal statutes and regulations	B	B
5	Significant valleylands	B	B
6	Significant wildlife habitat	B	B
7	Sand barrens, savannahs and tallgrass prairies	B	B
8	Alvars	B	B
9	Permanent and intermittent streams	B	B
10	Lakes (and their littoral zones)	B	B
11	Seepage areas and springs	B	B
12	Wetlands	B	B
13	Significant habitat of special concern species	B	B
14	Life Science Areas of Natural and Scientific Interest (ANSIs)	B	B
Letter A refer to Policy C.2.6.3, C.2.6.4 and C.2.3.4			
Letter B refer to Policy C.2.6.3 and C.2.6.4			

**Table C.2.6-2 – Provincial Policy Statement Natural Features and Areas – Mineral Aggregate Operations (OPA 23)**

		Lands Within Greenbelt Protected Countryside			Lands Outside Greenbelt Protected Countryside	
		Within Greenbelt Natural Heritage System	Outside Greenbelt Natural Heritage System			
<b>Natural Features &amp; Areas</b>		Expansions	New Operations	Expansion	New Operations	Expansions
1	Fish Habitat, in accordance with applicable provincial and federal statutes and regulations	D	D	D	D	D
2	Significant areas of natural and scientific interest	D	D	D	D	D
3	Significant habitat of threatened and endangered species	C	C	C	C	C
4	Significant valleylands	D	D	D	D	D
5	Significant wetlands / Significant coastal wetlands	C	C	C	C	C
6	Significant wildlife habitat	D	D	D	D	D
7	Significant woodlands	D	D	D	D	D
Letter C		refer to Policy C.2.6.5 and C.2.3.4				
Letter D		refer to Policy C.2.6.5				

**2.7 Natural Heritage System – Linkages**

**2.7.1** Connections between natural areas provide opportunities for plant and animal movement, hydrological and nutrient cycling, and maintain ecological health and integrity of the overall Natural Heritage System. The City recognizes the importance of sustaining *linkages* between *Core Areas* shown on Schedule B - Natural Heritage System. It is the intent of this policy that *linkages* be protected and enhanced to sustain the Natural Heritage System wherever possible. (OPA 5)

**2.7.2** The City shall encourage the connection of *Core Areas* within the municipality and adjacent to its municipal boundaries through the identification of *linkages* in Environmental Impact Statements. *Linkages* include the following:

- a) *Woodland linkages* (e.g. small woodlots);
- b) *Other natural vegetation types* (e.g. meadows, old field, thickets); or
- c) Streams and watercourses that connect *Core Areas*.

**2.7.3** On its own properties, including road right-of-ways, utilities, major infrastructure facilities, and storm water management ponds the City shall enhance *linkages* by restoring natural habitat, where appropriate. The City shall support the naturalization of vegetation in inactive sections of parks and open space areas, where appropriate.

**2.7.4** The City shall require the incorporation of environmental linkages into a design of new development requiring approval by this Plan as recommended by an Environmental Impact Statement to retain and enhance the cultural, aesthetic, and environmental qualities of the landscape, wherever possible.

**2.7.5** Where new *development* or *site alteration* is proposed within a *linkage* in the Natural Heritage System as identified by an Environmental Impact Statement, the Environmental Impact Statement shall include a *Linkage Assessment* in accordance with Section F.3.2.2. (OPA 5)

## **2.8 Watershed Planning**

**2.8.1** *Watershed* planning is an ecosystem approach to land use and infrastructure planning based on the boundaries of a *watershed* or sub-*watershed*. The City recognizes *watershed* planning as an important mechanism for guiding land use and infrastructure decisions to protect water and land resources from site specific or cumulative degradation in *Urban* and *Rural Areas*.

**2.8.2** The City shall work co-operatively with the Conservation Authorities, stakeholders, and other agencies to prepare and implement *watershed plans*.

**2.8.3** All applications for *development* shall conform to the recommendations in a *Rural Settlement Area Plan* as it pertains to sub-*watershed* plan requirements.

## **2.9 Remedial Action Plans**

**2.9.1** The City supports and shall undertake such actions as Council considers necessary for the implementation of the Hamilton Harbour Remedial Action Plan and Niagara River Remedial Action Plan for the portion of the Welland River *watershed* within the municipality.

## **2.10 Tree and Woodland Protection**

**2.10.1** The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests, including

*significant woodlands*, wooded areas, hedgerows, and tree cover within Urban and Rural Settlement Areas.

- 2.10.2** Opportunities for tree planting on City-owned lands (such as lands designated Open Space and inactive portions of parks) shall be identified and implemented in co-operation with government agencies and local interest groups. In restoration efforts, the City shall plant only native species, preferably those of local origin.
- 2.10.3** Where the City is undertaking infrastructure work, existing woodland resources shall be protected and preserved, where feasible. If it is necessary for infrastructure works to destroy any trees, the City shall endeavour to compensate by re-planting on site and/or planting trees elsewhere.
- 2.10.4** The City shall maintain and update as necessary a Woodland Conservation By-law and Street Tree Management policy. A Woodland Protection Strategy to protect tree cover on new *development* sites within Urban and Rural Settlement Areas and provides technical direction and practices to protect trees and other vegetation during construction will be prepared to minimize the impacts on trees and woodlands to be retained.

## **2.11 Non-Regulatory Natural Heritage System Management**

- 2.11.1** The City shall support agencies, community organizations, and private landowners in their efforts to protect and enhance natural heritage features through private habitat restoration and stewardship, land trusts, public acquisition, conservation easements, property tax mechanisms and similar tools.
- 2.11.2** The City shall continue to work with Conservation Authorities, other levels of government, landowners, and the community to support education, outreach, and landowner stewardship programs.
- 2.11.3** The City shall prepare a strategy for the use of non-regulatory measures for the management of natural areas which includes: conservation easements, land trusts, public land dedication or acquisition, an Environmental Reserve Fund to support the acquisition and management of municipal natural areas and financial incentives such as tax relief or grants to landowners who manage and maintain significant natural areas on their land in a natural state.

## **2.12 Water Resources**

- 2.12.1** The City shall protect, improve or restore the *quality and quantity of water* by using the *watershed* as the ecologically meaningful scale for planning and minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts. At such time as source water protection policies are developed in accordance with the Clean Water Act, the City will amend this Plan.
- 2.12.2** The City shall promote efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality.
- 2.12.3** *Development* and *site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* such that these features and

their related hydrologic functions will be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features, sensitive ground water features, and their hydrologic functions.*

### **2.13 External Connections – Outside the Greenbelt Plan Area**

The river valleys that run through existing or approved urban areas and connect the Greenbelt to inland lakes and the Great Lakes are a key component of the long-term health of the Greenbelt Natural System. These external connections are shown by a dotted line on Schedule B - Natural Heritage System and are located outside the Greenbelt Plan Area. In recognition of the function of the urban river valleys, the City and conservation authorities when considering land conversions or redevelopments in or abutting an urban river valley, should strive for planning approaches that:

- a) Establish or increase the extent or width of *vegetation protection zones* in *natural self-sustaining vegetation*, especially in the most ecologically significant areas;
- b) Increase or improve *fish habitat* in streams and in the adjacent riparian lands;
- c) Include landscaping and habitat restoration that increase the ability of native plants and animals to use valley systems as both wildlife habitat and movement corridors; and
- d) Seek to avoid, minimize and/or mitigate impacts associated with the quality and quantity of urban run-off into the valley systems; and
- e) Integrate watershed planning and management approaches for lands both within and beyond the Greenbelt.

### C.3.0 GENERAL LAND USE PROVISIONS AND DESIGNATIONS

General land use provisions identify land uses which are permitted in all or multiple designations provided certain conditions are met. These uses include: uses over which the City has no jurisdiction; public uses, such as municipal infrastructure, that are required for day to day operations and other uses that implement the goals, objectives and policies of this Plan without detracting from a primary land use function.

In addition to general land use provisions there are two land use designations that will be applied and implemented on a city-wide basis – Open Space and Utilities.

#### 3.1 Rural Area General Provisions

3.1.1 The following uses shall be permitted in all land use designations as set out in the policies below:

- a) Conservation use such as forest, wildlife and fisheries management shall be permitted provided it complies with Section C.2.0, Natural Heritage System policies of this Plan;
- b) Transportation facilities and existing electrical facilities used directly for the generation and distribution of electric power, natural gas pipeline lines and new facilities and approved under the Environmental Assessment Act and other relevant statutes shall be permitted in any land use designation located in *Rural Hamilton* provided they meet the conditions of this Plan; and,
- c) Municipal infrastructure such as water system facilities, sanitary and storm water facilities, except for sanitary land fill sites, shall be permitted in all land use designations located in *Rural Hamilton* and shall comply with the policies of Sections C.3.4, Utilities and C.5., Infrastructure of this Plan. Where facilities exist, they shall be designated Utilities on Schedule D – Rural Land Use Designations and the maps for Rural Settlement Areas in Volume 2 of this Plan.
- d) *Mineral aggregate resource* operations shall be permitted by amendment to this Plan provided the proposed mineral aggregate extraction use complies with Section D.6.0, Mineral Aggregate Resource Extraction Areas and Section C.2.6 – Natural Heritage System – Mineral Aggregate Operations policies of this Plan.

3.1.2 The following uses shall be permitted in the Agriculture, Specialty Crop, Rural and Rural Settlement Area designations, provided the applicable conditions are met: (OPA 5)

- a) A *home business* shall be permitted accessory to a dwelling provided that all following conditions and criteria are met:
  - i) The use must be located within a dwelling or building accessory to the dwelling. Limitations on the number of employees, the gross floor area and the types of *home business* permitted, as well as and other aspects, shall be established in the Zoning By-law; (OPA 9)
  - ii) No outside storage shall be permitted in conjunction with a *home business*;

- iii) A maximum of one *home business* shall be permitted on a lot; and
- iv) The use shall comply with Section C.5.1, Sustainable Private Water and Wastewater Services of this Plan;
- b) A *bed and breakfast establishment* shall be permitted provided all the following conditions and criteria are met:
  - i) The establishment is located and is clearly accessory to the main residential use of the *existing* dwelling. Limitations on the number of guest rooms as well as other aspects of the use shall be established in the Zoning By-law;
  - ii) A maximum of one *bed and breakfast establishment* shall be permitted on a lot; and
  - iii) The use shall comply with Section C.5.1, Sustainable Private Water and Wastewater Services policies of this Plan; and
- c) A *small scale* residential care facility shall be permitted as of right in any single detached dwelling, provided it complies with Section C.5.1, Sustainable Private Water and Wastewater Services policies of this Plan and the Zoning By-law. (OPA 23)
- d) A *secondary dwelling unit* may be permitted within a single or semi-detached dwelling on a lot with a minimum size of 0.6 ha, provided it complies with all applicable policies and Zoning By-law regulations. (OPA 26)(OPA 30)
- e) An *additional dwelling unit - detached* shall be permitted in *Rural Hamilton* subject to the following: (OPA 39)
  - i) One *additional dwelling unit - detached* may be permitted on a lot with a minimum lot area of 1.5 hectares.
  - ii) The primary dwelling and the *additional dwelling unit – detached* can achieve the minimum servicing requirements of Policy C.5.1 of this Plan.
  - iii) The minimum lot area established in e) i) above may be reduced where it can be demonstrated that the minimum servicing requirements of Policy C.5.1 of this Plan can be achieved.

**3.1.3** The following uses shall be permitted in the Agriculture, Specialty Crop, Rural, Open Space and Utilities designations, provided the applicable conditions are met: (OPA 5)

- a) Exploration and extraction of *petroleum resources*, including compressor and regulator stations associated with natural gas pipelines and underground natural gas storage shall be permitted in all land use designations within *Rural Hamilton* and outside the designated Rural Settlement Areas provided all the following criteria are met:

- i) Buildings and *structures* required to house pumping equipment and storage facilities related to the petroleum shipment, storage, refining or processing are permitted only on lands located above the Niagara Escarpment;
- ii) The decommissioning of abandoned oil and natural gas wells and the storage of oil and natural gas directly associated therewith shall be permitted in accordance with the Oil, Gas and Salt Resources Act and its regulations and standards; and,
- iii) Notwithstanding a) above, (OPA 23)
  - 1) Petroleum extraction operations shall be prohibited in Provincially Significant Wetlands and habitat of endangered and threatened species; and
  - 2) Additional buildings or *structures*, or the use of machinery to refine, blend, or otherwise process petrochemicals shall not be permitted.

**3.1.4** The following uses shall be permitted in the Agriculture, Specialty Crop, and Rural designations, provided the applicable conditions are met: (OPA 5)

- a) Except as permitted in Sections D.2.1.1.6 and C.3.1.4 b) and c) of this Plan, a maximum of one dwelling per lot shall be permitted in designations where residential uses are permitted. The Zoning By-law shall limit permitted dwellings to a maximum of one residence per lot in designations where residential uses are permitted; and (OPA 23)
- b) Except as permitted in Section D.2.1.1.6 of this Plan, where a second dwelling is required on a lot on a temporary basis, such as allowing an *existing* dwelling to be replaced, the City may permit both dwellings on the same lot for a specified period of time provided that: (OPA 26)
  - i) provision is included in the Zoning By-law;
  - ii) The temporary residence is provided with water and sewage disposal services that are acceptable to the City; and (OPA 5)
  - iii) The owner enters into an agreement and posts financial securities with the City to ensure the removal of the temporary residence and its associated uses following the expiration of the temporary use.
- c) Garden suites may be permitted on a temporary basis subject to a Temporary Use By-law provided the following conditions are met:
  - i) The water and sewage disposal services available on the site are designed and have the capacity to support the uses;
  - ii) The garden suite shall be serviced by the existing private water and sewage disposal services on the property, which shall be the same services as the existing dwelling; (OPA 5)



- iii) The use does not expand into *key natural heritage features* and *key hydrologic features*, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;
- iv) The temporary residence is designed for removal following the expiration of the Temporary Use By-law; and,
- v) The owner enters into an agreement and posts financial securities with the City to ensure the removal of the temporary residence and its associated uses following the expiration of the Temporary Use By-law. (OPA 5)

**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, and groupings of these resources." (OPA 5)

**3.2** **Urban Area General Provisions** Deleted in its entirety (OPA 5)

### **3.3** **Open Space**

Hamilton has a diverse and complex network of open spaces including the Niagara Escarpment – a world biosphere reserve, significant environmental features such as *wetlands*, *woodlands*, *environmentally significant areas*; city wide parks and small neighbourhood parks. The Bruce Trail is an *essential* component of the Niagara Escarpment Parks and Open Space System, linking parks, open space areas, and natural features. Open spaces, both individually and collectively, provide health, environmental, aesthetic and economic benefits that are *essential* elements for a good quality of life in our community. In addition, open spaces play an important role in defining the character of the City and in preserving its natural environment. Open space is the *essential* part of the urban and rural fabric of our City, providing common *linkages* between communities and complementing and enhancing our built and rural environments.

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

Planning policies ensure sufficient and viable opens spaces are retained, enhanced expanded and appropriately acquired. Such policies are necessary to achieve the environmental, social, economic, health and aesthetic benefits that parklands and open space provide for our communities.

- 3.3.1** Lands designated as Open Space on Schedule D – Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses. These uses include, but are not limited to, parks for both active and passive recreational activities including *resource-based* recreational and tourism uses, recreation/community centres, pedestrian pathways, trails, bikeways and walkways, seasonal campgrounds, marinas, woodlots, forestry and wildlife management areas, fishing reserves, *hazard lands* and cemeteries. Ancillary commercial uses may be permitted as defined by Section B.3.5.3, Parkland Policies and Section C.2, Natural Heritage System policies of this Plan. (OPA 23)
- 3.3.2** Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.3, Parkland Policies of this Plan. (OPA 23)
- The following ancillary uses shall be permitted subject to the following:
- a) Ancillary commercial uses such as but not limited to food concessions, recreational equipment rentals, and water oriented recreational uses that are complimentary to supporting and in conjunction with a *resource-based* recreational and tourism use, or recreation/community centre, may be permitted provided they do not interfere with or have any negative impacts on the open space nature of the land; and
  - b) One ancillary residential dwelling may be permitted in conjunction with a *resource-based* recreational and tourism use provided it does not interfere with or have any negative impacts on the open space nature of the land.
- 3.3.3** Where land is designated Open Space and is under private ownership, it is not intended this land shall necessarily remain so indefinitely, nor shall the Plan be construed as implying these areas are free and open to the general public or shall be purchased by the City.
- 3.3.4** Open Space lands which are identified in the Niagara Escarpment Parks and Open Space System shall comply with the policies of the Niagara Escarpment Plan.
- 3.3.5** Open Space lands which are identified as *Core Areas* of the Natural Heritage System shall comply with the policies of Section C.2.0, Natural Heritage System of this Plan.
- 3.3.6** The City shall promote healthy, active communities by providing opportunities for public access to shorelines.
- 3.3.7** Where a redesignation to Open Space is required for the establishment of a new or expansion of an *existing resource-based* recreation and tourism uses or other *major recreational use*, including campgrounds, golf courses, trailer parks, resorts and similar tourism-based accommodations and recreational/open space uses such use may be permitted, subject to Section D.4.1.1.2 b) of the Plan.

### 3.4 Utilities

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

**3.4.1** Lands designated Utilities shall be for electric power facilities, pipeline facilities and natural gas pipelines, storm water management facilities, solid waste management facilities, water and wastewater service facilities, municipal works yards, and major easements or rights of way (OPA 5).

**3.4.2** Only major utility facilities such as but not limited to compressor stations, major easements, and waste management facilities shall be designated as Utilities on Schedule D – Rural Land Use Designations. Other utility uses shall be permitted in all land use designations. (OPA 5)

**3.4.3** Where municipal, provincial and other public agencies are undertaking Class Environmental Assessments under the Environmental Assessment Act, at the time of adoption of this Plan, the location and construction of new facilities and the expansion, extension and operations of *existing* facilities shall not require an amendment to this Plan. Class Environmental Assessments that commence after adoption of this Plan shall be required to undertake an Integrated Class Environmental Assessment and Planning process wherever practical.

**3.4.4** The establishment of new and expansions to the *existing* landfill site shall require an amendment to this Plan.

**3.4.5** The location and construction of new water supply and wastewater service facilities shall comply with the provisions of Section C.5.3.2.

**3.4.6** Only *essential* utility facilities, the maintenance of and minor upgrading of *existing* facilities shall be permitted within the Niagara Escarpment Plan Natural Area, as identified on Schedule A – Provincial Plans.

**3.4.7** Utilities shall be developed to integrate with the general character of the surrounding uses through the provision of landscaping, screening and buffering, siting of *structures*, height control, and any other measures as may be deemed to be appropriate by the City. For lands located in *Rural Hamilton*, proposed utilities shall minimize the amount of agricultural land required and shall comply with Section C.2.0, Natural Heritage System of this Plan.

**3.4.8** Additional uses may be permitted on lands of public authorities and corporations of the Province responsible for the generation and transmission of electric power, Hydro lands and all other lands designated utilities where deemed by Council to be compatible with adjacent land uses.

## C.4.0 INTEGRATED TRANSPORTATION NETWORK (OPA 5)

Movement in the City of Hamilton, both rural and urban areas, 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, and air. 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, goods, and equipment with minimum energy and environmental impact, 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 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, the Transportation Master Plan, and other City plans, of an integrated sustainable transportation network for people, goods, services, and equipment which is safe, environmentally responsible, 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 key to creating the vital link between activities and land uses throughout the City.

The rural area has a unique set of transportation needs and challenges. Due to the much lower population densities and its functions as agricultural land base, natural heritage land base, and a source of natural resources, in the rural area there is limited opportunity for development of a greater range of transportation choices. It is important that the transportation infrastructure needs of the agricultural industry are central to any improvement plans. The primary principle of this Plan is to protect the agricultural, natural heritage, and natural resource land base from fragmentation and conflicting or competing land uses. Rural densities are and will remain too low to support increased conventional transit services and several forms of active transportation infrastructure.

### 4.1 Policy Goals

The following goals apply to the integrated transportation network in rural Hamilton:

- 4.1.1 Provide a balanced and integrated transportation network which includes all modes of transportation such as *active transportation*, automobiles, farm vehicles and equipment, goods movement vehicles, and rail.
- 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 and economic strength.

- 4.1.3 Facilitate the safe and efficient movement of farm goods, vehicles and equipment.
- 4.1.4 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.
- 4.1.5 Maximise the safety and minimize the energy use and environmental impacts of the transportation system.
- 4.1.6 Work in cooperation with other levels of government and government agencies to further develop inter-regional travel plans.
- 4.1.7 Facilitate an increase in *active transportation* in the City and contribute to *transportation demand management* initiatives where appropriate.

## 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 Transportation infrastructure shall be designed and implemented to support the policies of this Plan, including the needs of the agriculture industry.
- 4.2.3 All land use planning decisions shall be coordinated with, and consider, the integrated transportation network goals and policies of Section C.4.0 – Integrated Transportation Network.
- 4.2.4 *Transportation demand management* measures shall be evaluated in all transportation related studies, master plans, and environmental assessments.
  - 4.2.4.1 *Transportation demand management* measures may include:
    - a) provision of *active transportation* features including facilities within the road right-of-way and at public and private origin/destination points which promote and support the safe, comfortable and convenient flow of cyclists and pedestrians, such as paved road shoulders, sidewalks, walkways, and multi-use paths, where appropriate and in accordance with the Transportation Master Plan and relevant Master Plans;
    - b) support ride-sharing and car-sharing spaces;
    - c) encouraging businesses and employers to prepare and supplement *transportation demand management* plans to promote reductions in automobile use and improved modal splits by means such as smart commute programs, *active transportation*, ride-sharing and car-sharing initiatives for their employees;

- d) encouraging businesses and employers to provide preferred parking for car pool vehicles; and,
- e) other measures detailed in the Transportation Master Plans and described in Section F.3.1.8 – Transportation Master Plans.

**4.2.5** The City, in consultation with the Province and adjacent municipalities, shall work to implement inter-city transportation projects prior to, and in conjunction with, provincial transportation projects in order to encourage a balanced transportation network.

#### Design

**4.2.6** Rural settlement area plans shall incorporate the following design directions:

- a) establishment of a continuous grid road network as the preferred street layout to allow all vehicle types, pedestrians, and cyclists to move efficiently;
- b) efficient spacing of arterial and collector roads within the grid network;
- c) organization of land uses in a manner that reduces automobile dependence and improves modal choice and the movement of goods; and,
- d) road design and layout which reduces and minimizes the need for future traffic calming and/or unnecessary traffic control devices.

**4.2.7** The road network shall be planned and designed to:

- a) be shared by all modes of transportation;
- b) maximize safety for all users; and,
- c) minimize lifecycle environmental impacts in accordance with Section C.4.5 - Road Network.

#### Barrier Free Transportation

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

- a) ensuring that sidewalks, where they are appropriate, are accessible and accommodate people with impaired or reduced mobility using techniques including curb cuts and appropriately designed crosswalks at intersections and roundabouts;
- b) encouraging the use of voice signals at crosswalks to allow for safe passage for persons with limited vision;
- c) modifying existing transportation facilities over time to provide barrier free accessibility;

- d) requiring minimum off-street parking spaces for the disabled regulated through the Zoning By-Law; and,
- e) taking accessibility requirements into account for the design of new *developments* in accordance with Policy B.3.3.11 - Barrier Free Design.

#### New Transportation Corridors

**4.2.9** 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.

**4.2.10** 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, reduced injuries, and increased physical activity. This Plan recognizes that *active transportation* is an essential component of the overall integrated transportation network. Some rural area facilities for *active transportation*, such as paved road shoulders, also improve the road infrastructure for farm vehicles, farm equipment, and large vehicles for transporting other rural resources.

**4.3.1** When roads and other infrastructure are replaced or upgraded, where feasible the City shall accommodate commuter cycling needs on the road network and major recreational pathways in accordance with the City's Cycling Master Plan.

**4.3.2** The City shall maintain and, where feasible during replacement or upgrading of infrastructure, build the *active transportation* network which recognizes the importance of the *active transportation* network while achieving a high standard of connectivity and protecting agriculture. *Active transportation* shall be promoted and accommodated in road design and operation through:

- a) continuous improvement and expansion of the existing network of pedestrian and bicycle infrastructure, including paved road shoulders, multi-use paths, bike lanes, and on-street bike routes;
- b) establishment of pedestrian-oriented design guidelines where appropriate in rural settlement area plans that promote *active transportation*; and,
- c) provision of traffic calming measures and signage, where appropriate.

**4.3.3** The City shall design pedestrian friendly streets where appropriate within large Rural Settlement Areas 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 pedestrian links in areas of high pedestrian activity and vehicular traffic;
- e) providing adequate lighting;
- f) providing active transportation facilities; and,
- g) applying other means as specified in the policies of Section B.3.3 – Design, where applicable.

**4.4 Public Transit Network**

Public transit entities under municipal jurisdiction include conventional and specialized networks. Inter-regional networks are under the jurisdiction of provincial/federal authorities. School bus systems are the sole responsibility of the relevant school board.

Municipal public transit in the *rural area* is limited to the Accessible Transit System, Trans-Cab service in small defined areas, and urban routes that cross stretches of rural lands to access urban destinations. The low density of *rural areas*, required even in Rural Settlement Areas due to the constraints of private water and sewage services, means broad conventional public transit service in the *rural area* is unfeasible. There is no increase in public transit service contemplated in the *rural area* of the City of Hamilton.

**4.4.1** New transit service/infrastructure shall be subject to sufficient density, demand and operational feasibility.

**4.4.2** The City shall continue to provide specialized transit service for those unable to use other transportation modes where feasible.

**4.4.3** The City shall work together with other municipalities and transit providers to implement seamless integration and coordination between transit networks across municipal jurisdictions from both planning and operational perspectives.

**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 safe and efficient movement of people, farm equipment, and goods and providing a right-of-way for underground utilities.



Functional road classifications and associated policies recognize differing needs for rural and urban 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 – 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) Arterial roads, 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 maximum basic right-of-way width for arterial roads shall generally be 36.567 metres, but in certain circumstances a right-of-way width of 45.720 may be required, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Dedications (Rural). (OPA 18)
- iv) Arterial roads in the *rural area* shall generally be organized in a grid pattern.
- v) Paved shoulders may be provided to accommodate farm vehicles and equipment, pedestrians, and cyclists.

- vi) Separate facilities may be provided to accommodate pedestrians and cyclists.
  - vii) On street parking may be prohibited.
- c) Collector roads 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, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Dedications (Rural). (OPA 18)
  - iii) Collector roads in the *rural area* shall generally be connected with local, collector and arterial roads.
  - iv) Wider lanes or paved shoulders may be in place to accommodate farm vehicles and equipment, pedestrians, and cyclists.
  - v) Separate facilities may be in place to accommodate cyclists and pedestrians.
  - vi) Sidewalks may be provided on both sides of the street in Rural Settlement Areas.
- d) Local roads, 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, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Dedications (Rural). (OPA 18)
  - 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 are generally not required.
  - v) The minimum right of way width for local road classifications shall be 20.117 metres.

#### Special Character Roads

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

- i) where a road 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,
- ii) where it has been determined through an environmental assessment, area master plan, rural settlement area 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 – Rural Functional Road Classification shall be used as the basis for decisions regarding design standards for road construction, bicycle and truck routes, right-of-way dedications, 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 road according to an urban or rural cross-section regardless of whether the road 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 new transportation routes, maintenance, 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 or publicly assumed road for the purposes of the Zoning By-law and this Plan.

#### Right-of-Way Dedications (OPA 18)

- 4.5.6** The City may reserve or obtain land for future right-of-way dedications for rights-of-way as described in Schedule C-1 – Future Right-of-Way Dedications (Rural). Where a future right-of-way dedication is not described in Schedule C-1 – Future Right-of-Way Dedications (Rural), the City may reserve or obtain land for right-of-way dedications for rights-of-way as described in Section C.4.5.2. The aforesaid right-of-way land conveyances may 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** The City may require, as a condition of site plan approval, subdivision approval, condominium approval and land severance consent, sufficient lands to be 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-1 – Future Right-of-Way Dedications (Rural).

- 4.5.6.2** Land conveyances for future right-of-way dedications 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 land conveyance 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 Policy F.1.7 – Site Plan Control, the following provisions shall apply:

- a) Further to Policy 4.5.6.1 above, the City may require as a condition of site plan approval, the dedication of property abutting roads with future rights-of-way widths as specified on in Schedule C-1 – Future Right-of-Way Dedications (Rural), as applicable.
- b) Where feasible and where the City requires dedication of property for future right-of-way widths, lands shall be dedicated equally from both sides of the road unless otherwise specified. Where the City requires more than one half of the dedication from one side of the right-of-way, the City shall require, from said side of the right-of-way, dedication at no cost to the City of one half of the total proposed dedication and shall acquire the remaining land required for the right-of-way dedication through gift, bequeathment, purchase, expropriation or other methods. (OPA 26)
- c) Notwithstanding Policies C.4.5.6.2, C.4.5.6.3 a), and C. 4. 5.6. 3 b), the City may 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. (OPA 12)

**4.5.6.4** Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7:

- a) Where site plan approval is required primarily for the purposes of natural heritage protection and site plan approval is the only Planning Act application, a conveyance of lands for a future right-of-way dedication or daylight triangle shall not be taken.
- b) Where site plan approval is required for a minor *development* and the site plan approval is the only Planning Act application, a conveyance of lands for a future right-of-way dedication or daylight triangle may not be taken at the discretion of the City. (OPA 12)

**4.5.6.5** Notwithstanding Policies C.4.5.6, C.4.5.6.1, C.4.5.6.3, and C.4.5.7, and in addition to Policies C.4.5.3, the City may waive or accept less lands to be dedicated than the maximum right-of-way dedication and/or daylighting triangle requirements where, in the opinion of the City:

- a) It is determined through a development planning approval process that due to significant adverse impacts on:
  - i) existing built form;
  - ii) natural heritage features;
  - iii) an existing streetscape; and,
  - iv) a known *cultural heritage resource*;

it is not feasible or desirable to widen an existing road allowance to the maximum right-of-way dedication or provide the full daylight triangle as set out in Section C.4.5.2, Schedule C-1 – Future Right-of-Way Dedications (Rural), or Section C.4.5.7, and that the City's objectives for sustainable infrastructure, complete streets and mobility can be achieved; or,

b) An alternative road width or daylight triangle size has been deemed appropriate through a City initiated environmental assessment, streetscape master plan, area master plan, secondary planning study, or other transportation or planning study approved by Council, and provided it does not affect the safe and planned operation of the roadway. (OPA 12)

**4.5.6.6** Where a right-of-way width less than the maximum road allowance or a reduced daylight triangle is established in accordance with Policy C.4.5.6.5, the City may require the establishment of an easement for the installation and maintenance of municipal infrastructure. (OPA 12)

**4.5.6.7** Notwithstanding Section C.4.5.6 and C.4.5.7, the City shall interpret the required right-of-way widths detailed in Section C.4.5.2 and Schedule C-1 – Future Right-of-Way Dedications (Rural), where applicable to denote only the basic requirement for the section of the road. Additional right-of-ways 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 right-of-ways to provide lands for environmental considerations, the construction of bridges, overpasses, earth filled ramps, grade separations, depressed sections of roads, pathways, roundabouts, and traffic control 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: 15 m x 15 m triangle.

#### Access Management

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

**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 where feasible.
- 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 and health and safety of residents in Rural Settlement Areas.
- 4.5.10** Traffic calming devices shall only be installed where warranted in accordance with the current City of Hamilton Traffic Calming policies.
- 4.5.11** In accordance with approved guidelines, the City may, at the discretion of the City, require transportation impact studies to assess the impact of proposed *developments* on current travel patterns and/or future transportation requirements. These studies shall include a transportation demand management assessment and plan, and shall be submitted prior to or at the time of application for Official Plan amendments, subdivision approvals, major rezoning and major site plan approvals.
- 4.5.12** Roundabouts, where determined appropriate in accordance with City policy, 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.
- 4.5.13** 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

- 4.5.14** 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.
- 4.5.15** Parking options and related incentives for *active t 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, agriculture-related, and institutional *developments* where appropriate.
- 4.5.16** New *development* or *redevelopment* on properties adjacent to arterials 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, in both the urban and rural areas, 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 inter-national 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 truck and rail transportation routes, the John C. Munro Hamilton International Airport, and the Port of Hamilton. Heavy truck traffic, other than local deliveries, shall be restricted to designated 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.
- 4.6.5 The roads network shall be designed to accommodate heavy trucks on the designated truck route system.

#### 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 minimizing 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.
- 4.7.2 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.
- d) development that is noise or land use sensitive to airport operations or will limit the opportunities for expansion of airport operations shall be restricted.

**4.8.6** NEF contours and the Airport Influence Area are identified on Appendix D – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations Area, and designated on Schedule F – 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**

	<b>Locational Criteria</b>	<b>Requirements</b>
<b>1</b>	35 NEF and greater, and/or within the Airport Influence Area	<p>a) All new <i>development</i> of residential and other <i>sensitive land uses</i>, including <i>infill development</i> and <i>redevelopment</i>, shall be prohibited.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p>
<b>2</b>	28 NEF and greater, but less than 35 NEF	<p>a) All new <i>development</i> of residential and other <i>sensitive land uses</i>, including <i>infill development</i> and <i>redevelopment</i>, shall be prohibited.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p> <p>c) All <i>development</i> applications approved prior to approval of this Plan may proceed.</p>
<b>3</b>	25 NEF and greater, but less than 28 NEF	<p>a) All <i>development</i> and <i>redevelopment</i> proposals for residential and other <i>sensitive land uses</i>, including <i>infill development</i> and <i>redevelopment</i>, shall be required to submit a <i>detailed noise study</i>, 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.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p>

**4.8.9** Any amendment to expand the *urban boundary* into the Airport Influence Area designated on Schedule F – Airport Influence Area, shall comply with all Airport Influence Area policies and the Rural Hamilton Official Plan.

**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.

## C.5.0 INFRASTRUCTURE

### C.5.1 Private Water and Wastewater Services (OPA 5)

It is the objective of this Plan to ensure all rural *development* establishes, and maintains in perpetuity, sustainable *private services* in accordance with the following policies.

#### 5.1.1 No draft, conditional, or final approval of *development* proposals shall be granted by the City for any *development* in *Rural Hamilton* that could impact existing *private services* or involves proposed *private services* until the *development* proposal has complied with all of the following: (OPA 23)(OPA 26)

- a) Prior to or at the time of application for a proposal that could impact existing *private services* or involves proposed *private services*, *development* proponents shall submit complete information regarding existing or proposed private water and wastewater services. This information shall be complete to the satisfaction of the City. Where sufficient information is not available to enable a full assessment of on-site and off-site water supply and/or sewage disposal impacts or if the proponent does not agree with the City's calculations, the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.5 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved or amended from time to time. (OPA 23)
- b) Any information submitted or study required in Policy C.5.1.1 a) shall be completed to the satisfaction of the City in accordance with Section F. 3. 2.5 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. The City may request or conduct a peer review of the study or servicing information, which shall be completed by an agency or professional consultant acceptable to the City and retained by the City at the applicant's expense. (OPA 23)
- c) The minimum size for a new lot proposed in an application for a severance, lot addition or draft plan of subdivision with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall:
  - i) be the size required to accommodate the water system and sewage disposal system with acceptable on-site and off-site impacts;
  - ii) shall include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b); and,
  - iii) not be less than 0.4 hectare (one acre) in size. The maximum lot size shall be in accordance with Policy F.1.14.2.1 f). (OPA 26)
- d) *Development* of a new land use or a new or replacement building on an existing lot that require(s) water and/or sewage servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot are sufficient to

accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 f). (OPA 26)

- e) The private water supply and sewage disposal systems shall be capable of sustaining the proposed and existing uses within acceptable levels of on-site and off-site water quantity and quality impacts, including nitrate impact;
- f) The existing or proposed wastewater system shall not include a sewage disposal holding tank.
- g) The existing or proposed water supply system shall include a well with sufficient quantity of water and with potable water supply to sustain the use. A cistern system that meets current accepted standards, may, to the satisfaction of the City, be an additional component of the water supply system. (OPA 26)
- h) Notwithstanding Policy C.5.1.1 g), a cistern that meets current accepted standards may be used as a primary water source in the following circumstances: (OPA 18)
  - i) the building of a dwelling on an *existing* lot in accordance with Policy F.1.12.6, where insufficient water supply is due to the impacts of dewatering for mineral aggregate extraction as demonstrated by a quarry area of influence study, approved by the Province and provided by the proponent.
  - ii) redevelopment of an *existing* use, on an *existing* lot, which is serviced by an *existing* water cistern, provided there is no negative impact of the proposal on the cistern.
  - iii) new *development* on an *existing* lot if it is demonstrated by an applicant, through the submission of evidence in the form of a well test, hydrogeological study or other, that groundwater quality or quantity is inadequate to support the use, to the satisfaction of the City.
  - iv) the severance of an *existing* dwelling in accordance with Section F.1.14.2, serviced by an *existing* water cistern, provided there is no negative impact on the cistern.

**5.1.2** *Development* on lands currently connected to a municipal water supply or that have been approved by the City for connection to a municipal water supply may be exempt from only the private water supply requirements of Policy C.5.1.1, or the required hydrogeological study may be scoped, at the discretion of the City. All other policies and requirements shall continue to apply.

**5.1.3** The land owner shall be responsible for the maintenance and repair of all private water supply and sewage disposal systems in accordance with all applicable legislation.

**5.1.4** Deleted by OPA 18

**5.1.5** Deleted by OPA 18

**5.1.6** Deleted by OPA 18

**C.5.2 Communal Water and Wastewater Systems (OPA 5)**

The Province requires municipalities to prohibit the extension or expansion of lake-based municipal services to all *rural areas*, except in response to public health emergencies. The extension of lake-based municipal service systems may be necessary if private or municipally-operated communal water or wastewater treatment systems experience serious operational constraints or failures in future. The City operates communal water supply systems in Freelon, Carlisle, Greenville and Lynden as a result of private water service failures, operator default and/or previous public health emergencies. A variety of private communal water and wastewater systems associated with specific *developments* have also been established in the past. Many *existing* communal systems operate in conjunction with privately maintained sewage disposal systems resulting in partly serviced *rural development*. Partly serviced *rural development* is subject to a higher risk of failure and the potential for future public health emergencies. Therefore, it is the objective of this Plan to restrict both the creation and expansion of communally serviced or partially serviced *rural development*.

**5.2.1** The creation of new communal water or wastewater treatment systems shall be prohibited.

**5.2.2** The expansion of all *existing* communal water and wastewater systems that would increase the number of partly serviced properties in the *Rural Area* is prohibited except as stated in Policies C.5.2.4 and C.5.2.6 below.

**5.2.3** The City shall not consider nor accept to becoming a party to a 'default responsibility agreement' for any private communal water supply or sewage treatment system whether or not the *existing* or proposed *development* is permitted by this Plan or the Zoning By-law.

**5.2.4** An amendment to this Plan shall be required prior to acceptance of any 'default responsibility agreement' for a private communal water supply or wastewater system. An application for such an amendment shall not be deemed to be complete unless all of the following are met:

- a) a Municipal Class Environmental Assessment has been completed in accordance with terms of reference approved by the City; and,
- b) the estimated cost of system operation and maintenance, including appropriate financial securities required in the event of system failure, have been identified.

**5.2.5** The financial securities identified in Policy C.5.2.4 b) shall be charged by registered agreement to the owners of the land serviced by the expanded communal service system.

**5.2.6** No extension of municipal or communal water or wastewater services outside of Rural Settlement Area boundaries in the *rural area* shall be permitted by this Plan unless the Medical Officer of Health declares an urgent public health emergency and there are no viable alternatives to rectify the emergency except by the provision of communal water and/or wastewater services to the affected population.

**C.5.3 Lake-Based Municipal Water and Wastewater Systems (OPA 5)**

It is the objective of this Plan to prohibit the extension or expansion of all lake-based, municipal water and wastewater services outside the *urban area* boundary.

**5.3.1** The Province requires municipalities to prohibit the extension or expansion of lake-based municipal services outside of *urban area* boundaries for properties within the City limits, except in response to public health emergencies. No extensions of the municipal lake-based water and wastewater systems shall be permitted into *rural area* lands detailed in this Plan unless the Medical Officer of Health declares an urgent public health emergency and there are no viable alternatives to rectify the emergency except by the provision of municipal water and/or wastewater systems to the affected population.

**5.3.2** The City may allow *existing* lots and existing uses that front on a rural/urban boundary road, to connect to existing municipal water and wastewater systems, provided all the following conditions are met:

- a) the area shall remain outside the *urban area* and shall be designated Agriculture, Specialty Crop or Rural in the Rural Hamilton Official Plan; and,
- b) sufficient supply and capacity are available to service the existing development.

**5.3.3** Prior to the adoption of this Plan, the City has installed, approved specific Official Plan policies, entered into legal agreements and approved engineering plans in accordance with its former Official Plan policies to extend lake-based municipal water and wastewater services to certain properties in the *rural area*. This Plan recognizes and permits these existing and approved public works to be maintained or completed in accordance with previous policies, agreements and plans approved on or before December 16, 2004. No future lake-based municipal service extensions or expansions, agreements, plans or amendments to same shall be permitted by this Plan.

**5.3.4** The City shall endeavour to recover the full lifecycle cost of providing sustainable municipal water and wastewater service as required by applicable municipal by-laws and provincial legislation.

**5.3.5** Where a private well(s) and/or private on-site septic system( s) is abandoned in favour of connection to a water and/or wastewater system, the property owner shall properly decommission the well and decommission the septic tank/system in accordance with provincial regulations and City guidelines so as to reduce or eliminate potential safety and health hazards.

**5.3.6** Water and wastewater systems shall be designed and constructed in accordance with the specifications and standards of the City, provincial guidelines, and all other applicable standards, regulations and guidelines.

**C.5.4 Storm Water Management Facilities**

The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.

**5.4.1** The location and construction of new storm water management ponds and the expansion, extension and operation of *existing* facilities on lands designated as Agriculture, Specialty Crop, Rural, Utilities and Rural Settlement Area on Schedule D – Rural Land Use Designations shall meet the following conditions:

- a) Storm water management ponds are prohibited within *key natural heritage* and *key hydrologic features* or their *vegetation protection zone*; and
- b) Notwithstanding Policy C.5.4.1 a), naturalized storm water management ponds shall be permitted in portions of the Spencer Creek and Redhill Creek river valleys, provided the pond is located a minimum of 30-metres from the edge of a river or stream and is located outside the *vegetation protection zone* of any abutting *key natural heritage* and *key hydrologic features*.
- c) Storm water management ponds shall be permitted only for uses that serve the rural area. (OPA 5)
- d) Notwithstanding Policy C.5.4.1 c), a storm water management pond for the development of the Ancaster Industrial Park shall be permitted on the west side of Trinity Road, midway between Wilson Street and Book Road West (Ancaster Fairgrounds). (OPA 5)
- e) Notwithstanding Policy C.5.4.1 c), a storm water management pond for the development of the Parkside Hills Subdivisions – Phase 2 (25T-201003) shall be permitted on lands located north of the future east west corridor, west of Centre Road, Waterdown North. (OPA 5)

**5.4.2** Construction of new storm water management ponds and the expansion, extension, alteration and operations of *existing* facilities in accordance with the policies of Section F.3.2.3 on lands designated as Agriculture, Specialty Crop, Rural, and Utilities on Schedule D – Rural Land Use Designations, shall be to the satisfaction of the City in consultation with the relevant Conservation Authority and shall be accompanied by a storm water management plan which shall demonstrate that:

- a) Planning, design and construction practices minimize vegetation removal, grading and soil compaction, sediment erosion, the creation of breeding areas for human disease vector species and impervious surfaces; and
- b) Where appropriate, an integrated approach is used to minimize storm water management flows and *structures* by such measures as discharge controls and conveyance techniques on individual lots

**5.4.3** In addition to Sections C.5.4.2 a) and b), a storm water management plan otherwise required by Section F.3.2.3 of this Plan shall comply with recommendations, standards and targets of approved *watershed plans* and other relevant municipal studies relating to the provision of storm water management.

**C.5.5 Waste Management Facilities**

The City is responsible for the residential waste generated within its boundaries. Waste is managed through a variety of *waste management system* methods including landfill sites, composting, household organics and recycling. New methods of waste disposal will be pursued that will increase the amount of waste diverted from landfill.

**5.5.1** The City shall maintain a landfill site that is efficiently designed and operated to protect human health.

**5.5.2** New methods of waste disposal such as Energy from Waste shall be explored by the City to optimize the capacity of the Glanbrook landfill.

**5.5.3** The City shall cooperate with neighbouring municipalities to explore opportunities, implement partnerships and, where feasible, share waste management facilities.

**5.5.4** The Solid Waste Management Master Plan recommendations shall be implemented through the Official Plan and Zoning By-law, where appropriate.

**5.5.5** The location and construction of new solid waste management facilities and the expansion, extension and operations of *existing* facilities on lands designated as Agriculture, Specialty Crop, Rural, Utilities on Schedule D – Rural Land Use Designations shall meet the policies of Section C.2, Natural Heritage System and Section C.3.4, Utilities.

**5.5.6** The City shall monitor the leachate seepage and methane gas conditions of all sanitary landfill sites managed by the City, and, in so doing, take every measure to protect the surrounding area and prevent adverse environmental effects that may be associated with the sanitary landfill site.