



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 3, 2016
SUBJECT NO:	City of Hamilton Comprehensive Zoning By-law: Proposed Commercial Zoning, Mixed Use Zoning and Transit Oriented Corridor Zones and Public Consultation (PED16100)(City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Timothy Lee Planner I (905) 546-2424 Ext. 1249 Shannon McKie Senior Planner (905) 546-2424 Ext. 1288 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Draft Commercial and Mixed Use Zones and Transit Oriented Corridor Transit Zones, attached as Appendices “A” and “B” to Report PED16100, be received for information.
- (b) That staff be authorized and directed to commence public engagement for the Draft Commercial and Mixed Use Zones and Transit Oriented Corridor Transit Zones, outlined in attached Appendices “A” and “B” to Report PED16100, and hold Statutory Open Houses.

EXECUTIVE SUMMARY

To implement the policies of the City’s Urban Hamilton Official Plan (UHOP) as well as prepare for the development of the LRT Corridor, staff have prepared Draft Commercial and Mixed Use Zones (CMU) and Transit Oriented Corridor Zones(TOC) for the Urban

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Area (See Appendices “A” and “B” to Report PED16100) to be incorporated in Zoning By-law 05-200.

Previous work on the CMU Zones had been undertaken in 2010 but was put on hold pending the approval of the UHOP for Ministerial Approval and subsequently by the OMB and resolution of the UHOP appeals. The Draft Zones were released in 2010 to the public for review and information, including a series of Public Information Centres and information posted on the City’s website.

Following the approval of the UHOP in August 2013, the Commercial Zoning Project was restarted and an update to the proposed zones have been updated as shown in Table 1 below.

Table 1: Proposed CMU and TOC Zones

<u>Commercial and Mixed Use Zones</u>	<u>Transit Oriented Corridor Zones</u>
Local Commercial (C1) Zone	Mixed Use (TOC 1) Zone
Local Commercial (C2) Zone	Local Commercial (TOC 2) Zone
Local Commercial (C3) Zone	Multiple Residential (TOC 3) Zone
District Commercial (C4) Zone	
Mixed Use Medium Commercial (C5) Zone	
Mixed Use Medium – Pedestrian Predominant Commercial (C5a) Zone	
Mixed Use High (C6) Zone	
Arterial Commercial (C7) Zone	

In preparing the attached Draft Zones, staff have implemented the policies and designations of the Neighbourhoods and Commercial and Mixed Use Designations as found in the UHOP. At the same time, the intent of the attached Draft Zones is to support and facilitate development and investment within the City and foster growth in business and employment as a key initiative within the City’s Open for Business mandate to remove regulatory barriers for new investment and/or redevelopment opportunities. The attached Draft Zones aim to achieve a balance between these two goals. Staff is requesting the attached Draft Zones be received for information, and staff be authorized to conduct Statutory Open House to engage the public and receive comments and feedback on the attached Draft Zones.

Alternatives for Consideration – See Page 26

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The City of Hamilton's new Comprehensive Zoning By-law 05-200 came into effect on May 25, 2005, and is being implemented in phases. The Comprehensive Zoning By-law Project has introduced new zones in phases by geographic area or land use type.

- Downtown (2005);
- Parks and Open Space (2006);
- Institutional (2007);
- Industrial (2010); and,
- Rural (2015).

Subsequent to the adoption of Zoning By-law 05-200, housekeeping amendments have been brought forward to address administration and interpretation issues that arise through the use of the regulations in an effort to keep Zoning By-law 05-200 up-to-date.

The current phase of the Zoning By-law being initiated is the CMU and TOC Zones for the Urban Area. This includes the TOC Zones for the LRT Corridor along Main and King Streets, and James Street North, which is currently subject to the Interim Control By-laws (ICBL) approved by Council in October 2015. Draft Residential Zones and any remaining lands not already captured by Zoning By-law 05-200 will be brought forward for public consultation in 2017.

1.0 2010 Commercial and Mixed Use Zone Project:

Previous work on the CMU Zones had been undertaken in 2010 with seven PICs held in February/March 2010 to present Draft Zones and mapping to the public. In addition, the Draft CMU Zones were also circulated for review and comment internally to City Departments and to external agencies. Comments were received from both internal staff and members of the public as part of this consultation process. However, the project was put on hold pending the approval of the UHOP for Ministerial Approval and subsequently by the OMB and resolution of the UHOP appeals.

In July 2013, a motion was brought toward to the Ontario Municipal Board (OMB) to have the un-appealed portion of the UHOP brought into effect, and the UHOP has since been in force and effect as of August 16, 2013. As such, staff have resumed work on finalizing the Draft CMU Zones. The Draft Zones and mapping have been reviewed against comments received as part of the previous consultation, as well as to ensure conformity with the UHOP policies.

1.1 Updates from the 2010 Commercial and Mixed Use Zone Project:

Since the 2010 CMU Zones were put on hold pending the approval of the UHOP, there have been a number of updates and changes incorporated into the current Draft Zones:

- Review of the proposed zones, uses and regulations, and the appropriateness of the proposed zones within the context of the former municipalities;
- Background work and review to incorporate changes to CMU Zones to reflect Planning Act applications. These applications include Zoning By-law Amendment applications for commercial development approved by Council between 2010 to the present, and Minor Variance applications approved by the Committee of Adjustment;
- An update to the CMU Zones to reflect the Strathcona Secondary Plan and the Ancaster Wilson Street Secondary Plan. Specific Secondary Plan policies in each of the documents were reviewed and corresponding Draft CMU Zones developed. In addition, recommendations under the Barton Street - Kenilworth Avenue Commercial Corridor Study, approved by Council on September 10, 2014, is required to be incorporated into the CMU Zones;
- Lands have been identified to be excluded from the CMU Zones in this phase of the project for three areas, as shown in Appendix "D" to Report PED16100. There are two Secondary Plans currently under appeal (Fruitland-Winona Secondary Plan and the West Harbour Secondary Plan). In addition, the Centennial Neighbourhoods Secondary Plan has been initiated to develop policies and designations within the study area. Pending the approval of these Secondary Plans, these lands are being excluded from the CMU Zone Project. The application of the Draft Zones to these lands has not been proposed save and except for the Strathcona Secondary Plan along the LRT corridor. Draft Zones will be proposed at a future phase once the Secondary Plans are in effect;
- In order to be consistent with the boundary of the Urban Growth Centre, properties fronting on James Street North between the West Harbour GO Transit Station to the north side of Charlton Avenue will be removed from the CMU Zone Project;
- Emerging issues as a result of recent trends in commercial activity have required additional research and resolution. Matters that have been raised recently include public/private halls, microbreweries, funeral homes, bicycle parking, and motor vehicle related uses;
- Incorporating existing terminology and regulations found in Zoning By-law 05-200 into the Draft Zones. These housekeeping amendments have been conducted over

the past two years to address specific matters in the commercial areas such as community gardens, urban farms, and urban farmer's market, and allowing for the adaptive reuse of commercial buildings without the need for extra parking; and,

- To incorporate lessons learned and to respond to concerns and recommendations of business owners received through the City's various Open for Business forums.

The Draft CMU Zones will be presented to the public at a series of Statutory Open Houses scheduled for late-May and early-June 2016 (Phase 1) and Q4 2016 (Phase 2). The proposed zone regulations, and the zone mapping, will be further discussed in this Report.

2.0 Transit Oriented Corridor Zones:

On October 28, 2015, City Council passed an ICBL (By-laws 15-245 and 15-246) applying to the majority of the lands fronting on the LRT Corridor. These lands include Main Street from McMaster University to the west, King Street to the Queenston Traffic Circle to the east, and James Street North from Cannon Street to Murray Street. Lands located within the Downtown Secondary Planning Area from Queen Street to Wellington Street were not included in the ICBL as these lands are already included in Section 6: Downtown Zones of Zoning By-law 05-200. It is proposed that additional lands be added to the Downtown Secondary Plan area in accordance with the Urban Growth Centre Boundary identified on Schedule E-1 Urban Land Use Designations of the UHOP, zoning will be updated as a part of this process. The purpose of the ICBL is to restrict new development on the above mentioned lands in order to allow Staff the opportunity to conduct the necessary planning studies to ensure the City's planning documents support residential and commercial intensification, do not impede the operation of the LRT system and incorporate the appropriate built form and urban design regulations. The by-law will expire on October 28, 2016.

Staff have reviewed and analysed the lands included in the ICBL, the applicable policies and the existing Zoning By-law regulations and determined that:

- lands that are currently zoned for and developed as High Density Residential will not be included in Draft TOC Zones. These lands will be zoned through the future Residential Zoning process;
- designations for lands located at major intersections along the LRT Corridor may be amended to provide greater opportunities for residential and commercial intensification;
- stable residential areas along the corridor should be protected and future Zoning should allow for the continuation of existing uses and built form as well as plan for the future development of stand-alone residential uses;

- lands zoned Neighbourhood Institutional (I1) Zone and Community Institutional (I2) Zone should maintain the Institutional Zone, however, residential permissions should be limited to maintain the medium to high density nature of the corridor;
- lands that were not incorporated in the ICBL, but may contribute to the comprehensive development of the corridor may be included in the Draft TOC Zones; and,
- the requirements of the Draft TOC Zones should address the need for enhanced, transit-oriented Urban Design and built form along the corridor.

In an effort to meet the one year deadline of the ICBL (October 28, 2016), staff will present the Draft TOC Zones in conjunction with the CMU Zones at a series of Statutory Open Houses scheduled for late-May and early-June 2016. The proposed zone regulations, and the zone mapping, will be presented and discussed with the public at these meetings.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The new Draft CMU and TOC Zones implement the policies of the UHOP which, in turn, were guided by the Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe. These policy documents provide detailed direction regarding the goals related to land use, scale, compatibility, and design, as well as permitted uses to be incorporated into implementing Zoning By-laws.

1.0 Urban Hamilton Official Plan (UHOP):

Some of the stated land use goals of the UHOP in relation to the Draft CMU Zones and the TOC Zones include: creating and retaining vibrant commercial and mixed use areas that accommodate a range of commercial uses accessibly by all forms of transportation; and, maintaining an appropriate distribution of retail and commercial services to meet the day-to-day and weekly shopping needs of residents, and creating comfortable, walkable, and stimulating pedestrian streets along key roads while directing the majority of retail commercial uses to mixed use area that are well served by transit.

The Draft TOC Zones have been developed in accordance with the goals of the Neighbourhoods and Commercial and Mixed Use Designations. In addition, the Schedule E-1 – Urban Structure identifies the LRT Corridor as a Primary Corridor and is intended link the City's nodes with commercial services and higher density land uses with higher order transit service.

1.1 Neighbourhoods Designation:

Local Commercial uses such as retail, studios, personal service, restaurants, commercial schools, office, and motor vehicle service stations are permitted under the Neighbourhoods designation. Local commercial uses within this designation are primarily to meet the daily and weekly needs of residents within the surrounding neighbourhood while providing employment opportunities. Furthermore, the goal is to generally develop a compact, walkable, and transit-supportive neighbourhood where residents can live, work, shop, learn, and play. The built form is typically small in scale in the form of small two-storey buildings with commercial uses at grade and residential uses on the upper floors, one-storey convenience plazas containing multiple tenants, one and two storey buildings in a “main street” configuration, and large commercial plazas with an anchor tenant and numerous other smaller stores. Furthermore, policies exist to limit the parcel size and gross floor area of individual commercial uses to maintain the small scale nature of the uses, and to prevent larger scale establishment which would be more appropriate in the commercial designations.

A portion of the LRT Corridor is designated Neighbourhoods. In an effort to establish Draft Zones that will apply to the LRT Corridor, and in the future, the BLAST network, the Draft Local Commercial - TOC2 and Multiple Residential - TOC3 Zones (attached as Appendix “B” to Report PED16100) have acknowledged the local commercial and residential nature of these areas and established regulations that conform to the Neighbourhood Designation policies.

1.2 Commercial and Mixed Use Designations:

Schedule “E-1” – Urban Land Use Designations of the UHOP identifies four Commercial and Mixed Use designations that are being implemented as part of the new Draft Zones. They include: Mixed Use – High Density, Mixed Use – Medium Density, District Commercial, and Arterial Commercial. Furthermore, Pedestrian Predominant Streets are identified in the UHOP under the Mixed Use – Medium Density Designation. The UHOP identifies the uses permitted within each of the aforementioned designations. For example, the District Commercial Designation permits a variety of commercial uses such as retail, personal services, financial establishments, restaurants, offices, and motor vehicle related uses. In addition, design policies provide guidance on the scale and general design providing site planning standards to achieve pedestrianism and compatibility.

The Draft Mixed Use – TOC1 Zone (attached as Appendix “B” to Report PED16100) will be applied to lands designated Mixed Use – Medium Density on the LRT Corridor and may be applied to additional lands identified in the BLAST network in the future. The Draft TOC1 Zone has established regulations that will enhance design standards,

encourage active transportation, and permit uses that will create a pedestrian oriented streetscape.

The new Draft Zones, to be described in the next section, implement the land use policies for each of the designations. It is important to note the Zoning By-law may be more restrictive than the policies of the UHOP, but it may not be more permissive.

Based on the policy direction of the UHOP, staff have created a series of CMU Zones and TOC Zones that implements the Commercial and Mixed Use Designation policies found in the UHOP while respecting the surrounding stable residential neighbourhoods.

2.0 Transit Oriented Development (TOD) Guidelines:

The TOD Guidelines apply to lands located along transit corridors such as Main Street, King Street, and James Street. Adopted by Council in August 2010, the purpose of the TOD Guidelines is to support and facilitate current and future transit use while further guiding the implementation of the City's Official Plan goals and policies and Zoning By-law provisions. In addition, TOD Guidelines encourage transit supportive land uses with the intent to provide more balanced transportation choices so travelling by transit or active transportation (e.g. walking, cycling, etc.) can be as viable an option as driving. As the Draft TOC Zones are proposed along the LRT Corridor, the TOD Guidelines have been considered in the preparation of the Draft Zones.

2.1 TOD Principles/Elements:

The TOD Guideline identifies ten Principles/Elements when considering a redevelopment opportunity, and includes:

- Promote Place Making;
- Mix of Appropriate Land Uses;
- Require Density and Compact Urban Form;
- Focus on Urban Design;
- Create Pedestrian Environments;
- Address Parking Management;
- Respect Market Considerations;
- Take a Comprehensive Approach to Planning;
- Plan for Transit and Promote Connections (for all modes); and,
- Promote Partnerships and Innovative Implementation.

These principles provide for a mix of land uses, either as a mixed-use building or single purposed building clustered in one lot; encouraging a diversity of housing types around transit corridors; discourage motor vehicle related uses along higher order transit corridors; achieve a compact form of development within close proximity to a transit line while maintaining higher densities to support transit; and, create a positive pedestrian

environment and transit access through design such as the avoidance of blank walls and buildings oriented towards the public street.

The Draft TOC Zones achieve these principles through the following:

- Motor vehicle related uses such as gas stations, motor vehicle service stations, and car washes are not permitted uses as these uses do not attract pedestrian activity, and increases pedestrian/motor vehicle conflicts;
- The Draft Zones permit a range of residential, service commercial, retail and office uses. Providing the opportunity for a mixture of uses will allow for the development of an active, pedestrian oriented street which can accommodate both daytime and evening activities; and,
- The Draft Zones establish requirements for buildings to be brought closer to the street at a minimum building height which will create a defined street wall, encourage a mixture of land uses and greater densities.

Based on the foregoing, the proposed TOC Zones meet the general intent and principles/elements of the TOD Guidelines.

3.0 Citywide Corridor Planning Principles and Design Guidelines:

This design guideline was approved in 2012, and provides planning and design directions for Primary and Secondary Corridors as identified by the UHOP, which includes the Main Street/King Street corridor, amongst other corridors. Generally the main elements of a Corridor are street-oriented uses which incorporate a mix of retail, employment, and residential uses developed at greater densities. Corridors typically are located along arterial roads serving as major transit corridors.

3.1 Corridor Planning Principles:

The following principles provide guidance on planning along the corridor:

- Support and facilitate development and investment that contributes to the economic and social vitality of the Corridor and adjacent neighbourhoods;
- Promote and support development which enhances and respects the character of existing neighbourhoods where appropriate and creates vibrant, dynamic, and livable urban places through high quality urban design;
- Develop compact, mixed use urban environments that support transit and active transportation;

- Promote and support an innovative sustainable built environment that uses resources efficiently and encourages a high quality of life; and,
- Identify areas of change as the locations for new development along Corridors.

The Draft TOC Zones create the opportunity for a more compact mixed use environment, supported by zone regulations where buildings are required to be located close to the street line and permit building heights of up to 22.0 m. The Draft Zones permit residential and commercial uses allowing for either a mixed-use or stand-alone development.

3.2 Corridor Design Goals:

The following principles provide guidance on site and building design along the corridor:

- Encourage new intensification and infill development by allowing flexibility and providing alternatives to minimize constraints and provide opportunities;
- Create streetscapes that are attractive, safe and accessible for pedestrians, transit users, cyclists and drivers;
- Address shadowing and overview impacts on existing adjacent properties, streets and public spaces; and,
- Encourage a diversity of built form, neighbourhood character and development opportunities along the Corridors.

The Draft TOC Zones achieve these goals by regulating the built form, height and setbacks of new development to address the impacts of new development on surrounding residential uses while maintaining high urban design standards from the street.

Based on the foregoing, the proposed TOC Zones implement the principles of the Citywide Corridor Planning Principles and Design Guidelines.

RELEVANT CONSULTATION

Staff from the Planning and Economic Development Department, Public Works Department, the LRT Project Coordination Office, and HSR have been consulted and have reviewed the attached Draft CMU and TOC Zones. Comments have been provided to further refine the Draft Zones prior to releasing it for public review and feedback. At the meeting, staff suggested changes to add clarity to the proposed zone regulations and definitions, and appropriate changes were made to the Draft zones, which have been incorporated into Appendices “A” and “B” of Report PED16100.

As discussed in Section 4.3 of this Report (see below) staff will be undertaking extensive stakeholder consultation in June 2016 involving various stakeholders such as commercial land owners, Business Improvement Area (BIA) Associations, Neighbourhood Associations, and Home Builders Associations. The purpose of the forum is to inform the stakeholders the Draft CMU Zones and TOC Zones, and to receive feedback on the proposed uses and regulations.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1.0 Development and Intent of Commercial and Mixed Use Zones:

Previous work on the CMU Zones undertaken in 2010 implemented policies of the Neighbourhoods and Commercial and Mixed Use Designations of the Council approved UHOP. The Draft Zones were held in abeyance until the UHOP was approved and staff completed the Rural Zoning By-law review. As the UHOP has since been in effect, the project has restarted and the Draft Zones reviewed based on the approved policies.

The intent of the Draft CMU Zoning By-law is to be a “living document”, which is flexible, user friendly, and responsive to the needs of residents and the business community. In developing the Zones, staff took direction from the UHOP which sets out specific policies under the commercial designations with respect to permitted and prohibited uses, designation-specific policies such as gross floor area and parcel size restrictions, and scale and design of the built form.

Staff also sought best practices from other neighbouring municipalities such as Burlington, Oakville, and St. Catharines where elements were evaluated with local context in an effort to gain an understanding of current trends in land use and zoning. Elements of these trends have been incorporated into the Draft CMU Zones. In addition, each of the six former Zoning By-laws were also reviewed and provided guidance on forming the Draft Zones. Features within the former municipal Zoning By-laws have been incorporated into the Draft Zones.

Finally, staff conducted site visits to gain an appreciation of current trends related to the business community and existing pedestrian streets, and to gain a deeper understanding of the latest developments within former downtowns and neighbourhoods in all the former municipalities. The permitted uses, prohibited uses and zoning regulations were developed based on the character and desired built form and will direct future development for new mixed use areas, ensuring conformity with the UHOP policies.

2.0 Draft Commercial and Mixed Use Zones:

There are eight new Draft CMU Zones, which are being brought forward for consideration at the upcoming Statutory Open Houses and Stakeholder Consultation events. They include:

- Local Commercial (C1) Zone;
- Local Commercial (C2) Zone;
- Local Commercial (C3) Zone;
- District Commercial (C4) Zone;
- Mixed Use Medium Density (C5) Zone;
- Mixed Use Medium Density - Pedestrian Predominant Zone (C5a) Zone;
- Mixed Use High Density (C6) Zone; and,
- Arterial Commercial (C7) Zone.

The above Draft Zone provisions are attached as Appendix “A” to Report PED16100. The Draft CMU and the TOC Zones will replace existing commercial zones found in the former municipal zoning by-laws, and are listed in Appendix “E” to Report PED16100. Generally the Draft Zones reflect the urban structure and commercial hierarchy of the UHOP and as such are not interchangeable with the former commercial zones found in the former municipal zoning by-laws. The Draft Zones are to implement the policies of the UHOP and therefore are not a substitution or update to the existing zones. Furthermore, the Draft Zones will harmonize all six existing zoning by-laws to create one uniform zoning by-law for the entire urban area. The Draft Zone will also achieve the following objectives:

- The Draft Zones will streamline and simplify zoning requirements where currently zone regulations can be overly prescribed and multifaceted. Furthermore, regulations for one commercial use are often found in several sections within the same document. For example under Hamilton Zoning By-law 6593, special regulations that apply for day nurseries can be found within the parent zone regulations (i.e. “B” District) but also within the parking requirements provisions under Section 18A(38) where special regulations respecting landscaping strips and special parking requirements are required. This has resulted in complex interpretation of the zoning by-law, potentially requiring numerous variances or rezoning applications to implement proposed development.
- The Draft Zones will introduce more contemporary directions in zoning that have appeared in recent years such as requiring maximum yard setbacks, embedding design elements into zone regulations, and introduce new land uses. For example,

in recent years the proliferation of microbreweries as result of emerging trends in brew making on a smaller scale. In addition, policies under the Commercial and Mixed Use designation require certain design standards to be incorporated into the design of new commercial development.

- A review was undertaken to assess if the Draft Zones removes the multitude of existing site specific regulations currently found in the six zoning by-laws. This review has determined the number of site specific regulations can be reduced as these regulations are no longer required as the proposed parent regulation has been streamlined and simplified.
- Existing zoning by-laws have multiple definitions of certain classes of land uses, which can lead to confusion in interpreting what land use falls within the prescribed definitions. For example, in the Flamborough, Glanbrook and Stoney Creek Zoning By-laws, there are three separate definitions of restaurant. In the Hamilton Zoning By-law, there are 11 terms generally identified as a “personal service” use such as a hairdressing establishment, barber shop, and shoe-shine parlour. The Draft Zones simplifies and incorporates these permitted uses into key land uses to simply restaurant and personal service use respectively.

The following is a discussion of each of the Draft CMU Zones in greater detail.

2.1 Local Commercial Zones:

Three Local Commercial Zones (C1, C2, and C3 Zones) are proposed to apply to commercial areas designated Neighbourhoods in the UHOP. These lands generally serve the surrounding residential neighbourhood. The variation between these three Zones is based on the scale, built form, and range of permitted uses. The C1 Zone representing the least intense form of local commercial activity, and the C3 Zone representing the most intensive local commercial use. The following is a more detailed description of the three Local Commercial Zones.

2.1.1 Local Commercial (C1) Zone:

This zone represents the least intense forms of commercial activity with respect to the range of permitted uses and parcel size. The vision for this Zone is to permit a “mom and pop” shop within the interior of an existing residential neighbourhood, allowing local residents to run small errands on their way to work or school. The Draft C1 Zone has been applied to properties that currently exist with commercial uses within a residential neighbourhood.

Permitted uses include small scale retail shops, small professional offices, small studios, and personal services such as a barber shop. The proposed list of permitted uses is limited to serve the surrounding residential neighbourhood only, and attract

minimal number of the travelling public. Furthermore, the zone allows for added flexibility by permitting residential uses and a separate zone regulation for single detached dwellings should the commercial use cease. The built form will be in keeping with the surrounding residential neighbourhood with respect to scale, bulk, height, and yards, and limiting the intensity of the commercial development through a maximum lot area of 500 sq m.

To maintain the small scale nature of the commercial use, the Draft C1 Zone will also prohibit Outdoor Commercial Patios and Drive-Through Facilities to reduce the impact of these uses with the surrounding residential neighbourhood, such as noise and traffic. Section 3: Definitions of Zoning By-law 05-200 defines Outdoor Commercial Patio as:

“Any outdoor area used in conjunction with any establishment licensed under the Liquor Licence Act and where meals or refreshments are served to the public for consumption on premises.”

Generally, a small patio with a several chairs and tables located in the rear yard or front yard of a small coffee shop or café that does not serve alcohol will be permitted, and must comply with the regulations of the zone, as the patio does not fall within the definition of an Outdoor Commercial Patio.

Furthermore, the Parking and By-law Services section of the Planning & Economic Development will be undertaking a comprehensive review of the current restrictions on outdoor entertainment on commercial patios. This study will determine if the existing Noise By-law would be sufficient to provide sufficient controls to address noise on outdoor patios. The findings of the study may result in revisions to the Draft Zone with respect to prohibition of outdoor commercial patios.

2.1.2 Local Commercial (C2) Zone:

This zone is generally located along collector roads and arterial roads surrounding stable residential neighbourhoods recognizing existing small scale commercial plazas and clusters of commercial uses on separate properties. The proposed permitted uses include day nurseries, retail, studio, offices, personal service, financial establishment, restaurants, and residential uses. The scale of the commercial building will be in keeping with surrounding neighbourhood by providing a maximum Gross Floor Area of 2,000 sq m per lot for commercial uses and a maximum Gross Floor Area per individual office unit of 500 sq m. In addition, the maximum height of 11.0 m (approximately three-storeys) will be consistent with the surrounding residential built form.

2.1.3 Local Commercial (C3) Zone:

This zone is the most permissive of the three local commercial zones, and permits the broadest range of commercial uses. A maximum total Gross Floor Area of 10,000 sq m

for commercial uses is proposed to maintain the small size of the commercial development and attract larger commercial establishments in other commercial zones. The intent of the C3 Zone is for the immediate residential neighbourhood to meet their daily and weekly needs of goods and services, while retaining a predominantly small scale and local atmosphere. This is further achieved through the provision of a maximum gross floor area of 500 sq m for each individual medical clinic and office. Commercial uses permitted in the C3 Zone include retail, restaurants, studio, office, medical clinic, personal service, and commercial schools. The proposed Local Commercial (C3) Zone will also permit residential dwellings on the upper floors of a commercial building to encourage mixed-use development.

2.2 District Commercial (C4) Zone:

The District Commercial (C4) Zone will apply to larger commercial areas designated as District Commercial within the UHOP. This zone generally meets the daily and weekly needs of a wider community with a broader range of permitted uses. As such the District Commercial (C4) Zone will be applied at major arterial intersections such as Upper James and Fennell Avenue, and includes a wide range of uses with a maximum gross floor area of 10,000 sq m per unit. The zone will allow for stand-alone commercial structures and/or multi-storey structures with office uses and residential dwelling units located above the first floor. However, no stand-alone residential uses are permitted as the intent is to promote commercial use as the principal and predominant use.

2.3 Mixed Use Medium Density (C5) Zone and Mixed Use Medium Density - Pedestrian Predominant (C5a) Zone:

The Mixed Use Medium Density (C5) Zone will be applied to those areas designated Mixed Use – Medium Density within the UHOP. This designation is typically found along primary and secondary corridors and in the former municipal downtowns. The Mixed Use Medium Density (C5) Zone will function as a pedestrian oriented shopping and mixed use area serving the surrounding neighbourhood and the wider regional market. Permitted uses include retail, personal service, restaurants, offices, hotels, place of assembly, and residential uses compatible with the areas mixed-use character. In addition, institutional uses such as place of worship, educational establishments (i.e. schools), retirement home, and social services establishment will also be permitted. Development may occur as stand-alone commercial or residential buildings or as a combination in a mixed-use format with a maximum height of 22 m (approximately six-storeys).

The Mixed Use Medium Density - Pedestrian Predominant (C5a) Zone is a subset of the C5 Zone, and will be applied to lands identified as a Pedestrian Predominant Street within the UHOP. This zone is a subset of the Mixed Use Medium Density (C5) Zone where generally scale and permitted uses are similar to the C5 Zone. The main difference with the C5a Zone is its emphasis of the pedestrian experience in a

commercial area through the design of the built form. The Draft Zone requires buildings to be brought to the street line, and have a minimum two-storey with commercial uses on the ground floor while permitting office and/or residential uses above with a maximum of 22.0 m (approximately six-storeys). To implement height restrictions established in existing Secondary Plan policies or existing built form, Special Exceptions may be proposed along a few Pedestrian Predominant Street.

Furthermore, the Draft Zone requires a dominant street presence through the requirement of windows and doors which provide a positive pedestrian experience. The pedestrian experience is further enhanced by prohibiting motor vehicle related uses such as motor vehicle service stations and motor vehicle dealerships. In this case, a Special Exception will permit the existing use within the existing building at the time of the passing of the Zoning By-law to recognize the use. The C5a Zone has been applied in areas where built form and pedestrian integration is essential to the viability of the commercial area, such as the former Municipal Downtowns, all of the existing Business Improvement Areas, and existing commercial areas located at the north end of Upper James Street, and Brucedale and Upper Wellington Street.

2.4 Mixed Use High Density (C6) Zone:

The Mixed Use High Density (C6) Zone will be applied to lands identified as Community and Sub-Regional Service Nodes, and designated Mixed Use - High Density in the UHOP. These nodes include Limeridge Mall, and The Centre on Barton. A full range of retail, service, office and residential uses will be permitted to encourage high density commercial and mixed use development. The UHOP requires residential development within the Mixed Use - High Density Designation be built to a density of at least 100 units per hectare by permitting stand-alone commercial or residential buildings or as a combination in a mixed use format. The Mixed Use – High Density Designation in the UHOP establishes a minimum density of 100 units per hectare. In order to facilitate the minimum density requirements of the UHOP, a maximum height has not been established in the Draft C6 Zone.

2.5 Arterial Commercial (C7) Zone:

The Arterial Commercial (C7) Zone is an auto-oriented, primarily non-retail commercial area, which is designated Arterial Commercial within the UHOP. The permitted uses include automobile retail and service, larger home furnishing stores, building supply, restaurants, banquet halls, commercial recreation, and warehousing. These uses are generally classified as drive-to, land extensive uses that are most appropriate along arterial roads. Residential uses are not permitted within this zone.

3.0 Proposed Transit Oriented Corridor Zones:

There are three new Draft TOC Zones, which are being brought forward for consideration at the upcoming Statutory Open Houses. They include:

- Mixed Use (TOC1) Zone;
- Local Commercial (TOC2) Zone; and,
- Multiple Residential (TOC3) Zone.

These Draft TOC Zones are attached as Appendix 'B' to Report PED16100.

3.1 Mixed Use (TOC1) Zone:

The Mixed Use (TOC1) Zone will function as a larger pedestrian oriented shopping and mixed use area serving the surrounding neighbourhood and the wider regional market. Permitted uses include retail, personal service, restaurants, offices, hotels, place of assembly, and residential uses compatible with the areas mixed-use character. Development may occur as stand-alone commercial or residential buildings or as a combination in a mixed use format with a maximum height of 22.0 m (approximately six-storeys).

3.2 Local Commercial (TOC2) Zone:

The Local Commercial (TOC2) Zone has been applied in areas where the applicable Secondary Plan has designated lands Local Commercial. The Draft Local Commercial (TOC2) Zone includes the following uses day nurseries, retail, studio, offices, personal service, financial establishment, and restaurants. Residential uses are permitted, however the primary purpose of this zone is to provide the commercial uses to serve the local neighbourhood, therefore residential uses are permitted only above the ground floor commercial uses. The scale of the commercial building will be in keeping with surrounding neighbourhood by providing a maximum Gross Floor Area of 2,000 sq m per lot for commercial uses and a maximum Gross Floor Area per individual office unit of 500 sq m and a maximum height of 22.0 m (approximately four-storeys).

3.3 Multiple Residential (TOC3):

The Multiple Residential (TOC3) Zone has been applied to the areas of the corridor that are designated Neighbourhoods. The intent of the Draft Multiple Residential (TOC 3) Zone is to allow for the existing residential and commercial uses and built form, as well as to plan for the redevelopment of these lands for higher density residential purposes.

4.0 Proposed Parking (U3) Zone:

Public and private parking lots exist throughout the city especially in the former City of Hamilton and Dundas. Outside of Downtown Hamilton, these parking lots are generally predominantly owned and operated by the City of Hamilton for the purpose of providing parking services within the community. Furthermore, many of these parking lots are within close proximity to BIAs and commercial streets such as Ottawa Street and Barton Street, and former downtowns such as Dundas. These parking lots provide valuable parking spaces for these locations, especially during festivals and on certain times of the year when parking cannot be provided on the street or through private parking. It is imperative these parking lots be preserved and maintained for the normal functioning of the commercial streets.

Based on the foregoing, the Draft U3 Zone will only permit parking lot and commercial parking facility as a permitted use. Regulations such as additional landscaping in the rear and side yards provide buffering from abutting Residential and Institutional Zones, and minimum distance of the parking gate from the street line reduces pedestrian conflicts from waiting motor vehicles. The Draft Zone recognizes parking lots currently zoned Public Parking Lot “G-3” District under Hamilton Zoning By-law 6593, and also lands with site specific zoning permitting only parking lots (i.e. Ancaster Mill). These parking lots may be privately owned or municipally owned. The Draft Zone is found under Appendix “C-4” to Report PED16100.

5.0 Proposed Additions to the General Provisions:

In addition to the above Draft Zones, amendments to the General Provisions are proposed to reflect the need to include CMU Zones, and TOC Zones. The Draft General Provisions are found in Appendix “C-1” to Report PED16100 and include the following:

- **Section 4.6: Permitted Yard Encroachments:** Additional projections into a required yard such as ductwork, venting, and other appurtenances are added to reflect requirements by certain commercial uses. These projections are typically found in restaurants and cafes.
- **Section 4.8.1: Accessory Buildings and Structures:** Subsection is revised to include CMU Zones, and TOC Zones in addition to Residential Zones, Institutional Zones, and Downtown Zones.
- **Section 4.12: Vacuum Clause:** The vacuum clause for CMU Zones, and TOC Zones are included under the section where existing setbacks, front yard, flankage yard, rear yard, lot width, lot area and building height are considered to be deemed to comply to the regulations.

- Section 4.18: Temporary Uses: Section is revised to include the sale of fireworks for a maximum of period of two days as a temporary use within the CMU and TOC Zones. Furthermore, additional regulations are proposed for seasonal garden centres.
- Section 4.25: Drive Through Regulations: Regulations for drive through facilities introduced such as minimum stacking spaces based on use, stacking space dimensions, and locational specific regulations.

6.0 Proposed Additions to the Definitions:

The Draft Definitions found in Appendix “C-2” to Report PED16100 reflect additional commercial uses proposed in the Draft CMU Zones, and TOC Zones but are currently not defined under the existing Definitions in Hamilton Zoning By-law 05-200. Furthermore, existing terms are also being amended to provide further clarification and interpretation. The terms most relevant to emerging trends in commercial zones include:

- Microbrewery: Recently, the emergence of small scale breweries has become a trend in commercial areas. In order to address this trend staff has looked at the distinction between the large format breweries, currently only permitted in the Industrial Zones, and microbreweries. Many municipalities have identified the new use and have created a definition for microbrewery to recognize the difference in scale and operation and acknowledge the commercial function. A Microbrewery will allow for the manufacture and retail sale of beer, cider wine or spirits, which may be consumed on or off site. In addition, the use may be operated in conjunction with a restaurant.
- Place of Assembly: *Public Hall* and *Private Hall* (or *Private Club* or *Lodge*) are both defined terms in the Hamilton Zoning By-law 05-200 or within former municipal zoning by-laws. A Public Hall includes a banquet facility accessible by the general public. On the contrary, a Private Hall or Clubs are not open to the public and typically require a membership to utilize its facilities.

The distinction between the two land uses have gradually blurred in recent years as private halls have begun open up to the general public without a membership to hold functions for a fee. These halls have been used for private receptions (e.g. weddings), event space such as workshops and education sessions, and small gatherings such as hobby shows. Therefore, the two uses have generally begun to operate in the same fashion and sees similar patterns of usage with respect to parking requirements. The term *Place of Assembly* is proposed to replace the *Public Hall* and *Private Hall* to include a building used for social, literary, cultural, political, educational, or recreational purposes, but does not include a Conference

or Convention Centre or a Labour Association Hall which are separately defined terms (see Appendix “C-2” to Report PED16100).

- Funeral Home: Emerging trends in Funeral Homes include the combined operations of the funerary process, which includes the provision of funeral supplies, internment, the preparation of the deceased, and a chapel or crematorium. This integrated business model has resulted in the expansion of uses on one location, and is reflected in the proposed definition where a chapel and crematorium may also be included.

The entire list of defined land uses can be found in Appendix “C-2” to Report PED16100.

7.0 Proposed Additions to the Parking Provisions:

Draft parking requirements are proposed and included in Appendix “C-3” of Report PED16100. The parking provisions for motor vehicles generally reflect existing parking requirements for commercial uses found in Hamilton Zoning By-law 05-200 and also best practices from the former municipal zoning by-laws. For example, it is proposed that no parking space is required for retail uses under 450 sq m, which is a provision from the Hamilton Zoning By-law 6593.

In addition, Draft Parking Requirements include short term and long term bicycle parking provisions. As shown in Section 5.7 of Appendix “C-3” of Report PED16100, long term bicycle parking shall be located in a secure enclosed parking area to ensure bicycles are stored in a safe and weatherproof location. Short term bicycle parking shall be located in a parking area at grade to ensure quick and easy storage of bicycles.

Short term bicycle parking for both the CMU and TOC Zones are provided based on land use as shown in Subsections (c). This requirement ensures visitors will be able to ride their bike to their destinations and be able to store their bicycles at the parking racks. Long term bicycle parking as shown in Subsection (e) will be required for residential and commercial uses for TOC Zones. As these zones will be typically located along the proposed LRT corridor, long term bicycle parking requirements will enable residents and employees to utilize their bicycle along with the higher order transit network. No bicycle parking space shall be required for any office, personal services, restaurant, or retail establishment less than 450 sq m.

In order to provide incentives for long term bicycle parking along the LRT Corridor, any uses along the TOC Zones parking requirements for motor vehicle parking may be reduced as a way to incentivize more bicycle parking. For example, one motor vehicle parking space may be reduced for every five long term bicycle parking spaces provided, and one space for every 15 sq m of Gross Floor Area of locker, change room, or shower facility accessible to all users of the long term bicycle spaces.

8.0 Public Engagement:

The CMU Zones are located within the Urban Area of Hamilton (Wards 1-13, and 15). Due to the complexity of the project, on-going planning studies, and the Interim Control By-law to implement TOC Zones along the proposed LRT Corridor along King and Main Streets, this project will be broken down into the phases discussed in Section 8.1 (below) of this Report. A diagram summarizing the Public Engagement process can be found in Appendix "F" to Report PED16100.

8.1 Timing of the Statutory Open Houses:

The public engagement process will be broken down into two phases. The following is a detailed summary of the particulars of each phase.

8.1.1 Phase 1 Statutory Open House

Phase 1 will consist of Wards 1-4 and will be held first in late-May/early-June 2016. The public engagement process is being initiated in this manner because the characteristics of Wards 1-4 are generally similar with respect to its urban structure. Furthermore, the need to introduce TOC Zones within Wards 1-4 requires the public engagement process to occur sooner than the rest of the City in order to meet the timing requirements of the ICBL, which will expire in late-October 2016. In addition, lands being zoned the Draft TOC Zones will generally be located only along Main and King Streets. Finally, this area requires focussed attention and additional work given the complexity of the commercial zoning in the older areas of the City, and unique and emerging issues affecting this area and less prominent in the remainder of the city. For example, communities in these wards present situations unique from the rest of the city such as the preservation of local commercial uses located within the interior of existing residential neighbourhoods.

8.1.2 Phase 2 Statutory Open House

Phase 2 will consist of the remaining parts of the City of Wards 5-13 and 15 where the Statutory Open Houses will be held in Fall 2016. This arrangement will allow any feedback in the first series of Statutory Open Houses to be addressed and Draft Zones revised prior in time for the Phase 2 Statutory Open Houses. Furthermore, these wards are generally suburban in nature and may have mutual matters of the Draft Zones. For example, communities in these wards present situations unique such as intensification opportunities with a focus on the pedestrian environment while maintaining and respecting the existing residential communities.

8.2 Future Phases:

Certain areas within the City will be left out of Phases 1 and 2 due to existing appeals to the OMB or staff are initiating a Secondary Planning Exercise. This approach was used in the Rural Zoning project as well. The areas that will be addressed at a later date are identified in Appendix “D” to Report PED16100 and include:

- Fruitland/Winona Secondary Plan – the Secondary Plan was approved by Council in May 2014, but was been appealed in June 2014 (with the exception of the Pedady Lands located south the QEW, east of Winona Road, and west of Fifty Road, which was settled by the OMB on June 15, 2015).
- West Harbour Secondary Plan- There are on-going appeals and this Secondary Plan has not been included in the UHOP pending the resolution of OMB appeals;
- Centennial Neighbourhoods Secondary Plan –The Centennial Neighbourhoods Secondary Plan exercise is currently underway to develop a Secondary Plan for this area. The Planning Area is roughly bounded by the QEW to the North, Red Hill Valley Parkway to the west, Lake Avenue North to the east, and south of Queenston Road to the south. It is anticipated a recommendation report with land use options will be brought forward to Council in 2017.

Once these Secondary Planning documents are in force and effect, this will provide further direction and opportunity to bring proposed CMU Zones to these Secondary Planning Areas.

8.2.1 Downtown Secondary Plan:

Staff are currently updating the Downtown Secondary Plan under a separate process, where the original boundary of the Downtown Secondary Plan area is being increased to be consistent with the Urban Growth Centre boundary found in the UHOP, as shown in Appendix “D” to Report PED16100. This area also includes the LRT Corridor for James Street North. Zoning within this Secondary Plan will be addressed during the Secondary Planning process, and consequently will not be part of the Commercial Zoning project as the CMU Zones will have been approved prior to the approval of the Secondary Plan. In addition, the Downtown Secondary Plan public engagement process will be separate from the CMU and TOC Zoning Process.

8.3 Structure of the Statutory Open Houses:

There are number of techniques that will be used to engage the land owners, various stakeholders and the public. The following is a detailed summary of the particulars of each phase.

8.3.1 Phase 1 Statutory Open House:

A Statutory Open House will be held in each of the four Wards between late-May/early-June 2016, and will consist of one afternoon event followed by an evening event. This format was successful during the Rural Zoning as the format allows residents and business owners the opportunity to attend either one of these events based on their availability and provide the necessary feedback to Staff on the proposed Zones. The location of the meetings will be as accessible as possible with access to public transit, sufficient parking, and be barrier-free. As mentioned above, the need to introduce TOC Zones within Wards 1-4 within this phase of the public engagement process is to ensure adequate feedback from the public in order to meet the timing requirements of the ICBL, which will expire in late-October 2016.

Property owners affected by the CMU Zoning and TOC Zoning project will be notified through a mail out in the form of a postcard. This postcard will identify all the locations of the Statutory Open House meeting dates, the dates and times of the meetings, and contact information. In addition, a further notification will be made through newspapers such as the Hamilton Spectator and community newspapers. Residents, business owners, and stakeholders who have been requested to be on a mailing list will also be notified of the Statutory Open Houses.

The Statutory Open Houses will include a presentation along with a series of display panels identifying the Draft CMU and TOC Zones and pertinent proposed regulations, and an opportunity for commercial land owners to find out the proposed zoning for their property. Staff will be available throughout the Statutory Open Houses to provide assistance on questions and feedback.

8.3.2 Phase 2 Statutory Open House:

The Phase 2 Statutory Open House will be similar to Phase 1 with respect to its structure, where several Statutory Open Houses will be held in the Fall 2016 for the remaining parts of the City in Wards 5-13 and 15. There will be two meetings per day: one in the afternoon and one in the evening to allow residents and business owners to attend based on their availability and timing. The location of the meetings will be as accessible as possible with access to public transit, sufficient parking, and be barrier-free.

A mail out in the form of a postcard will also be sent to all property owners with CMU Zoning to inform them of the dates and locations of the Statutory Open Houses, and a further notification will be made through newspapers such as the Hamilton Spectator and community newspapers. Stakeholders on the mailing list will also be notified of the public engagement process should they wish to attend additional Statutory Open Houses.

8.3.3 Future Phase of Public Engagement:

As mentioned above, certain lands are not part of the Commercial Zoning and TOC Zoning project either due to existing OMB appeals or staff is currently engaging in Secondary Planning process. Should these Secondary Plans be approved and in effect, new zoning will be brought forward at a later date.

8.4 Stakeholder Forum:

In addition to the general public and business owners, a stakeholder forum will be held in June 2016 to engage specific stakeholders in the new CMU Zones and TOC Zones. Groups include Real Estate Board, commercial land owners, HBSA, Hamilton Chamber of Commerce, Hamilton Halton Home Builders, Culture and Arts Groups, Neighbourhood Associations, and Business Improvement Area (BIA) Associations. The purpose of the forum is to inform the stakeholders the Draft CMU Zones and TOC Zones, and to receive feedback on the proposed uses and regulations. Individual meetings and phone conversations with the stakeholders would also be initiated to allow for further dialogue and discussions as required. Phase 2 will include additional stakeholder consultation for Wards 5-13 and 15.

8.5 Commercial and Mixed Use Zone Website:

In addition to the Statutory Open Houses to be held in the Spring and Fall 2016, another method of public engagement is through a web portal which will be made available to the public. This portal will be found within the City's website (www.hamilton.ca) and will contain the latest information respecting the CMU and TOC Zoning. The Draft Zones, proposed mapping, past and upcoming Statutory Open Houses dates, staff reports, and other pertinent information will be made available for review and information. In addition, the public can be further engaged by allowing an opportunity to provide feedback and comments through the web portal and a dedicated email address where feedback and general inquiries get sent immediately to staff.

The concept of a web portal and a dedicated email address has had positive results during the Rural Zoning where numerous people used the website to provide comments, view Draft Zones, look up the proposed Zone from the zoning maps, and find out upcoming Statutory Open Houses dates. Staff endeavours to replicate this success with the CMU Zoning and TOC Zoning projects.

8.6 Open For Business Subcommittee:

Staff will be engaged in meeting with the Open For Business Subcommittee in the Summer 2016 to provide an update to the CMU and TOC Zoning projects, information on the Draft Zones, and seek feedback from the subcommittee members.

8.7 Future Research and Analysis:

As part of the CMU and TOC Zoning projects, additional research has been initiated to address concerns that have arisen during the duration of the project. Relevant projects underway include:

- Residential Parking Study: A study reviewing existing parking regulations for residential uses from the former municipal zoning by-laws and the Hamilton Zoning By-law 05-200, including parking requirements by use, parking lot design standards, and parking space dimensions. The study also draws from quantitative data from the Transportation Tomorrow Survey and the Federal Census on determining current parking and motor vehicle ownership by household by former municipalities. Finally, the study also includes best practices from municipalities around Ontario and provides recommendations on future amendments to the parking regulations once the CMU and TOC Zones are approved. Recommendations to the study may affect the parking provisions for multiple dwellings and parking space dimensions. Staff has received the draft report is reviewing the recommendations and best practices as outlined in the report.
- Holding Provision around TOC Zones: Generally certain lands abutting the LRT Corridor along Main and King Streets will be afforded opportunities for redevelopment, especially lands designated Mixed Use Medium Density in the UHOP. However, the size and dimensions of existing lots along the corridor may be insufficient to permit further redevelopment as some lots are currently undersized. Furthermore, land assembly may be required to increase the overall lot area to facilitate the development of a commercial/residential building and still provide sufficient parking and landscaping to reduce impacts on abutting residential neighbourhoods. To address this issue, a study is being initiated to determine the feasibility of placing a Holding Provision on lands surrounding the proposed TOC Zones requiring land assembly of these lands to facilitate redevelopment. A buffer would be applied on these lands and an application to remove the Holding Provision would be required prior to redevelopment.
- Peer Review of Draft CMU and TOC Zones: A consultant will be retained to review the draft CMU and TOC Zones to identify whether and how the regulations reflect best practices, result in the intended built form, create any regulations that are problematic which may cause unnecessary variances or potential loopholes, and that may be contrary to the City's Open for Business mandate to remove regulatory barriers for new investment and/or redevelopment opportunities. The study may also include recommendations for potential improvements to the Draft Zones.

8.7 Staff Reports and Draft By-laws:

There are two matters that dictate the timing of future staff reports for the CMU Zones. Firstly, the Interim Control By-law expires in October 2016, which requires the proposed zoning for the LRT Corridor to be brought forward to Planning Committee in advance of the expiration in October 2016. This includes all statutory requirements to be met under the *Planning Act* such as public notice requirements and a statutory Public Meeting allowing review and feedback of the proposed Zones. Secondly, the balance of the CMU Zoning will include the second Statutory Open Houses in Fall 2016 followed by a recommendation report to Planning Committee in early-2017. In addition, there will be an Information Report to be brought forward to Planning Committee following the May/June and Fall 2016 Statutory Open Houses providing a summary of the comments and feedbacks received following each of the Statutory Open Houses.

ALTERNATIVES FOR CONSIDERATION

Council may choose not to support the attached Draft Zones and/or not provide authorization for staff to commence public consultation. Planning Committee/Council may choose to have further discussion on changes to the draft zoning before public consultation begins. This alternative would delay the CMUandTOC Zones workplan, and delay the implementation of the Draft Zones.

Furthermore, the ICBL to freeze development along the proposed LRTCorridor between McMaster University and the Queenston Traffic Circle on Main Street and King Street was approved on October 28, 2015. This By-law will expire on October 28, 2016, and will have to be extended for another 12-monthperiod to complete the implementation of the TOCZones.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.
- 1.3 Promote economic opportunities with a focus on Hamilton's downtown core, all downtown areas and waterfronts.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Draft Commercial and Mixed Use Zones
- Appendix “B”: Draft Transit Oriented Corridor Zones
- Appendix “C”: Draft General Provisions, Definitions, Parking
 - Appendix C-1: Draft General Provisions
 - Appendix C-2: Draft Definitions
 - Appendix C-3: Draft Parking Requirements
 - Appendix C-4: Draft Parking (U3) Zone
- Appendix “D”: Lands Excluded from the Commercial and Mixed Use Zoning Project:
 - Appendix D-1: Centennial Neighbourhood Secondary Plan
 - Appendix D-2: Downtown Hamilton Secondary Plan
 - Appendix D-3: Fruitland – Winona Secondary Plan
 - Appendix D-4: Setting Sail Secondary Plan
- Appendix “E”: Commercial Zones in Former Municipalities Removed with Commercial and Mixed Use Zone and Transit Oriented Corridor Zones
- Appendix “F”: Public Engagement Process Summary Diagram