

**Advisory Committee and Stakeholder Groups**  
**Comments Summary**

| <b>Submitted by</b>            | <b>Comments</b>  | <b>Response</b>   |
|--------------------------------|--|---|
| Open for Business Subcommittee | <ul style="list-style-type: none"> <li>Parking should generally be reduced for Commercial and Mixed Use Zones</li> </ul>   | <ul style="list-style-type: none"> <li>Overall a reduced parking requirements are being implemented for commercial uses in the CMU Zones</li> <li>Parking reductions proposed for lands zoned Mixed Use Medium (C5) and Mixed Use Medium Pedestrian Focus (C5a) Zones</li> </ul>  |
|                                | <ul style="list-style-type: none"> <li>Insufficient for future intensification especially if Places to Grow may increase intensification to 60%</li> </ul>   | <ul style="list-style-type: none"> <li>Places to Grow Growth Plan is currently under review and any changes resulting from this review would have to be reflected in the UHOP and Zoning By-law in the future</li> </ul>  |
| Hamilton Chamber of Commerce   | <ul style="list-style-type: none"> <li>Consider increasing the maximum GFA of an office and medical clinic from the 500 sq m.</li> </ul>   | <ul style="list-style-type: none"> <li>The maximum GFA is a requirement in the "Neighbourhood" designation policies of the UHOP. Would require an OPA and a fundamental thinking of providing large office space outside of nodes and downtown Hamilton.</li> </ul>   |
|                                | <ul style="list-style-type: none"> <li>There should be as few (commercial) uses as possible as that is how you achieve to be most flexible and broad. For example, Andres Duany only has "commercial" as a zone for commercial. Currently the number of uses are still too specific and prescriptive.</li> </ul> | <ul style="list-style-type: none"> <li>Need Commercial zones to distinguish between commercial areas in different locational context such as small "mom and pop" stores in the middle of a residential community, to large "big box" retail establishments.</li> </ul>  |
|                                | <ul style="list-style-type: none"> <li>Why do we have three local commercial zones and not one?</li> </ul>   | <ul style="list-style-type: none"> <li>When reviewing the local commercial activities within the Neighbourhoods Designation, it was found there were three different typologies. (1) Mom and Pop shops, the corner store, and the small offices in the interior of a neighbourhood; (2) Larger variety stores with internal parking, "main</li> </ul> |

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|              |   | <p>street" buildings along arterial and collector roads, and small strip malls serving immediate neighbours; and, (3) Larger strip malls with an anchor tenant, larger single or double tenant with larger parking spaces, and larger restaurants. Once zone would not fit all of these typologies and so three zones were created.</p> |
|              | <ul style="list-style-type: none"> <li>• Setback standards way too suburban and not suitable for urban areas. It does not facilitate "main street" development</li> </ul> | <ul style="list-style-type: none"> <li>• Most draft zone (other than (C7) Zone) have maximum setback abutting the street. This is in line with the UHOP policy to bring buildings closer to the street in a more urban setting.</li> </ul>  |
|              | <ul style="list-style-type: none"> <li>• Height requirements of 22 metres is too low.</li> </ul>  | <ul style="list-style-type: none"> <li>• This is a requirement under the policies of the UHOP. The maximum height (outside Downtown) is six storeys, but eight with approved sun/shadow studies and other studies to support increase in height.</li> </ul>   |
|              | <ul style="list-style-type: none"> <li>• Consider removing the restrictions on use based on ground versus upper floors.</li> </ul>  | <ul style="list-style-type: none"> <li>• Residential uses are often restricted to the upper floors to allow commercial uses to be located at-grade. This ensures a positive pedestrian environment that is active and no facades that may be uninteresting.</li> </ul>  |
|              | <ul style="list-style-type: none"> <li>• Delete "Microbrewery" consider combining this with a restaurant</li> </ul>   | <ul style="list-style-type: none"> <li>• While a microbrewery may operate in combination with a restaurant, its function is different than a restaurant (i.e. manufacture and retail sale of beer etc.)</li> <li>• Microbrewery has been maintained as a separate defined use</li> </ul>  |
|              | <ul style="list-style-type: none"> <li>• Consider removing the maximum height of parking garages in the Parking (U3) Zone</li> </ul>                                      | <ul style="list-style-type: none"> <li>• Maximum height of parking garages is required to prevent excessive height and compatibility with</li> </ul>  |

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|              |   | <p>abutting zones. Often the U3 Zone may be located abutting existing residential uses.</p>   |
|              | <ul style="list-style-type: none"> <li>• Vacuum clause should allow new additions or replacement structures to use the existing setbacks as-of-right</li> </ul> | <ul style="list-style-type: none"> <li>• Proposed regulation permits small additions of up to 10% of the Gross Floor Area of existing commercial buildings, where setbacks are deemed to comply.</li> </ul>   |
|              | <ul style="list-style-type: none"> <li>• Clarification on the need for a maximum lot area of 500 square metres</li> </ul>                                       | <ul style="list-style-type: none"> <li>• The intent is to prevent the purchase of abutting lots to create a larger commercial lot in the middle of a residential neighbourhood, as this would not be in keeping with the surrounding residential neighbourhood. The purpose of the C1 Zone is to allow small scale commercial uses such as small cafes, "mom and pop" shops, and small offices, and a maximum lot area of 500 square metres is typical of properties with the proposed C1 Zone and is in line with the existing residential zones.</li> </ul> |
|              | <ul style="list-style-type: none"> <li>• Delete "Social Service Establishment" and incorporate into office.</li> </ul>  | <ul style="list-style-type: none"> <li>• A Social Service Establishment would generally function as an office as there are administrative and clerical activities, but there are also counselling services and group activities which is accessory to the establishment. These services would normally not be part of an office use. Due to the potential number of visitors there could be potential impacts to the surrounding residential community.</li> </ul>  |
|              | <ul style="list-style-type: none"> <li>• Delete "Studio" and incorporate into retail</li> </ul>   | <ul style="list-style-type: none"> <li>• Although some studios may have a retail component to it, the intent of studio is for artistry and performance through study and instructions. The purpose of retail is to sell a good or service which is a</li> </ul>   |

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|              |  | <p>different type of commercial use. Furthermore, impacts of a studio generally will be different from a retail use with respect to parking demands and trip generation during the days of the week and times of the year.</p>   |
|              | <ul style="list-style-type: none"> <li>• Delete "Surveying, Engineering, Planning or Design Business" Use Incorporate into office.</li> </ul>  | <ul style="list-style-type: none"> <li>• Definition created as part of the Industrial Zones. Typically this use includes more storage space than offices of other professions.</li> </ul>  |
|              | <ul style="list-style-type: none"> <li>• Delete "Beverage Making Establishment", "Building or Contracting Supply Establishment", "Equipment and Machinery Sales, Rental and Service Establishment", "Motor Vehicle Washing Establishment"</li> </ul> | <ul style="list-style-type: none"> <li>• These definitions were created as part of the Industrial Zones</li> </ul>   |
|              | <ul style="list-style-type: none"> <li>• Delete "Catering Service" and combine with restaurant</li> </ul>  | <ul style="list-style-type: none"> <li>• Catering service refers to the preparation of food items to be served and consumed off site. Would not be able to be combined with a restaurant as it is intended for food to be eaten on site or as a take out. Take out restaurant would be different from a catering service.</li> </ul> |
|              | <ul style="list-style-type: none"> <li>• Delete "Commercial Entertainment" and "Commercial Recreation"</li> </ul>  | <ul style="list-style-type: none"> <li>• Both uses typically have a high parking demand and trip generation during specific times of the week and year. Definition is needed as a commercial use to limit where it can be located, and to provide parking requirements separate from other commercial use.</li> </ul>                |

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|              | <ul style="list-style-type: none"> <li>• Delete "Day Nursery"</li> </ul>   | <ul style="list-style-type: none"> <li>• Definition created as part of the Institutional Zones. Required due to licensing under the Day Nurseries Act, and also permit where appropriate.</li> </ul>  |
|              | <ul style="list-style-type: none"> <li>• Delete "Building and Lumber Supply Establishment" and "Home Improvement Supply Establishment"</li> </ul>  | <ul style="list-style-type: none"> <li>• Definition created as part of the Industrial Zones. Also needed for Arterial Commercial (C7) Zone as the zone is limited to larger scale commercial uses.</li> </ul>   |
|              | <ul style="list-style-type: none"> <li>• Considering lowering the parking requirement for Residential Care Facility et. al. 17 spaces would be needed for 50 beds.</li> </ul>                            | <ul style="list-style-type: none"> <li>• The parking requirements are generally for staff, visitors, and for resident parking if they drive. Staff is in the opinion this may be appropriate. Will consider looking into other municipalities.</li> </ul>   |
|              | <ul style="list-style-type: none"> <li>• Why 10 bicycle parking spaces for commercial recreation?</li> </ul>   | <ul style="list-style-type: none"> <li>• The idea of the bicycle parking is to gradually introduce the requirement where none was required in the past. The provision of either 5 or 10 spaces based on the number of parking spaces which typically each rack.</li> </ul>  |
|              | <ul style="list-style-type: none"> <li>• Land use definitions evolve quickly. Instead of having both permitted and prohibited uses in the by-law, focus on restricting problematic land uses.</li> </ul> | <ul style="list-style-type: none"> <li>• The list of permitted uses is required because the UHOP identifies permitted and prohibited uses in its policies. The zoning by-law reflects these policies by including permitted and prohibited uses. By removing the list of permitted uses would effectively remove all permitted uses in the by-law.</li> </ul> |

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|              | <ul style="list-style-type: none"> <li>Explore measurable elements to regulate land use instead of type and definition (traffic/noise standards)</li> </ul>  | <ul style="list-style-type: none"> <li>Zoning regulations such as setbacks and maximum height are required not only to address impacts such as noise and privacy, but also planning issues such as compatibility, scale, and built form.</li> </ul>   |
|              | <ul style="list-style-type: none"> <li>C5a zone would be more appropriate for areas such as Dundurn St. S. and the Young St./Augusta St. area, which is zoned Mixed Use Medium (C5) Zone.</li> </ul>   | <ul style="list-style-type: none"> <li>The purpose of the C5a Zone is to introduce the zoning within the Business Improvement Areas, and to implement the Pedestrian Predominant policies of the UHOP.</li> </ul>   |
|              | <ul style="list-style-type: none"> <li>Application of commercial zoning should be applied more continuously along main thoroughfares to encourage the development of commercial hubs through market forces rather than by zoning designation.</li> </ul> | <ul style="list-style-type: none"> <li>The zones are being applied to implement the policies of the UHOP such as along the corridors identified in Schedule "E" - Urban Structure. Furthermore, there is currently generally too much commercially zoned lands which has resulted in the thinning of commercial activity along major roads such as Cannon Street and Barton Street, where there is insufficient market to support so much commercially zoned land.</li> </ul> |

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|  | <ul style="list-style-type: none"> <li>The 50% restriction limit of dwellings, multiple dwellings, and offices within a building’s upper floor seems arbitrary and should be removed to promote flexible and efficient use of spaces.</li> </ul>   | <ul style="list-style-type: none"> <li>The Neighbourhood Commercial (C2) Zone, Community Commercial (C3) Zone, and District Commercial (C6) Zone restricts the amount of residential uses to 50% of the total Gross Floor Area in the lot. The intent is to permit some residential uses in a commercial zone to provide housing options. However, the purpose of this restriction is to ensure the draft zone is predominantly for commercial purposes. The Mixed Use Medium (C5) and Mixed Use High (C4) Zones permit more than 50% residential GFA.</li> </ul> |
|  | <ul style="list-style-type: none"> <li>The restriction of certain businesses to the first storey of a building appear to be arbitrary. There are numerous examples of successful and desirable businesses such as Microbreweries and Catering services and Commercial Entertainment that occupy more than one storey within a building.</li> </ul> | <ul style="list-style-type: none"> <li>Certain commercial uses are restricted due to potential noise and vibration which potentially impacts adjoining residential uses. However, the majority of commercial uses are still permitted.</li> </ul>   |
| Business Improvement Area Advisory Committee (BIAAC) | <ul style="list-style-type: none"> <li>Where did the 400 square metre maximum GFA for microbreweries come from?</li> </ul>   | <ul style="list-style-type: none"> <li>Staff conducted research and consulted with existing and future owners of microbreweries</li> <li>Through further review and consultation the maximum GFA for microbreweries has been increased to 700 square metres</li> </ul>  |
|  | <ul style="list-style-type: none"> <li>Will uses that are not permitted be removed?</li> </ul>   | <ul style="list-style-type: none"> <li>Uses that legally exist will be allowed to remain operating once the by-law is in effect</li> <li>Uses that operate illegally will not be recognized</li> </ul>  |

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