

DETAILED REVIEW OF PROVINCIAL POLICY AND URBAN HAMILTON OFFICIAL PLAN

1.0 Provincial Policy:

1.1 Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. This policy document provides detailed direction regarding the goals related to land use, scale, compatibility, and design, which the UHOP has implemented. The proposed CMU Zones have been developed in accordance with the policy direction and goals of the policies of the PPS.

As identified in Policy 1.1.1 in the PPS, the proposed CMU Zones provides for an appropriate range and mix of residential uses that cater to affordable housing and a range of housing types. The proposed CMU Zones will over time play an increasing role in meeting new residential units as residential uses are permitted in most of the proposed Zones. Furthermore, the proposed Zones will permit a range of commercial uses catering to the needs of residents and broader market.

The proposed CMU Zones also contributes to the long-term prosperity of former downtowns and existing main streets by preserving and enhancing the economic viability of these commercial areas while maintaining the sense of place and belonging, while continuing the tradition of a well-designed built form which includes an active pedestrian streetscape, as identified in Policy 1.7.1. In addition, the proposed Parking (U3) Zone provides parking for shoppers of the former downtowns and existing main street, further strengthening and maintaining the long term viability and properties of these shopping streets.

Finally, as identified in Policy 1.8.1, the proposed CMU Zones contributes to compact form and direct more intensive development around nodes and corridors. These nodes and corridors are located where transit services currently exist. A mix of commercial and residential uses in the proposed Zones will minimize travel between uses, further reducing reliance on the automobile.

1.2 Growth Plan for the Greater Golden Horseshoe 2017 (Growth Plan)

After Report PED16100(b) Report was prepared, the Province released the updated Growth Plan for the Greater Golden Horseshoe. Staff have reviewed the Growth Plan policies and are satisfied the CMU zoning conforms to the Growth Plan.

More specifically, the CMU zoning:

- Supports the complete communities by providing a mix of land uses, including residential which are close to commercial areas, services and public service facilities (Policy 2.2.1.4 a);

- Contributes to transit supportive densities as well as a mix and range of land uses in close proximity to higher order transit (Policy 2.4.10); and,
- Contributes to complete communities by ensuring development of compact built form for new development in designated greenfield areas.

2.0 Urban Hamilton Official Plan (UHOP):

The UHOP provides policy direction on a variety of matters such as land use designations, permitted uses within each designation, and performance standards such as urban design and built form. These provide the urban structure of Hamilton. Furthermore, the UHOP implements the PPS and the Growth Plan through the creation of complete communities by encouraging the mixing of land uses to provide jobs within close proximity to home and reducing the reliance on the automobile. Finally, both provincial documents encourage intensification along corridors and nodes with access to public transit. Based on the foregoing, the proposed CMU Zones implements the following policies of the UHOP.

2.1 Urban Structure (Volume 1)

Lands affected by the proposed CMU Zone are spread out throughout the Urban Area within the Neighbourhoods Urban Structure Element, the Sub Regional Service and Community Nodes, and the Primary and Secondary Corridors as identified on Schedule "E" – Urban Structure.

2.1.1 Neighbourhoods

Lands identified as Neighbourhoods shall generally consist of residential uses and other uses that serve the residents, and shall include retail, offices, and personal services as noted under Policy E.2.6.2. The following policies also apply:

- A range of commercial uses configured in a plaza form or main street configurations are permitted generally serving the daily and weekly needs of the surrounding communities (Policy E.2.6.5); and,
- Neighbourhoods element of the urban structure shall permit arterial commercial type uses to cater to business that require extensive parking and loading, and outdoor storage (Policy E.2.6.6).

2.1.2 Urban Nodes

Generally, Urban Nodes are intended to provide a broad range of uses with higher intensity development than the surrounding Neighbourhoods. Nodes are also locations of higher order transit which supports a greater intensity of commercial and residential

development. The proposed CMU Zones are found in the Sub Regional Service and Community Nodes.

The following Sub Regional Service Nodes policies are applicable:

- Sub Regional Service Nodes includes Limeridge and Eastgate shopping areas (Policy E.2.3.2.1); and,
- Sub Regional Service Nodes will provide a predominantly retail function by providing daily and weekly retail and personal service needs of residents in the surrounding area (Policy E.2.3.2.3).

The following are policies within the Community Nodes:

- Community Nodes are typically found in the former municipal downtowns of Dundas, Ancaster, Flamborough (Waterdown), and Stoney Creek, and other commercial areas such as the Centre Mall area, Meadowlands area, Heritage Green area, and Upper James/Rymal area (Policy E.2.3.3.1); and,
- Community Nodes shall provide for a variety of commercial and institutional uses (Policy E.2.3.3.4);

2.1.3 Urban Corridors

Urban Corridors generally follow major streets which include a mix of commercial and residential uses and are a focus of intensification and location of infill and redevelopment. The proposed CMU Zones are found within primary and secondary corridors and are subject to the following policies:

- Urban Corridors shall be the location of a broad range of land uses and densities where higher order transit can be supported, especially on the Primary Corridors (Policy E.2.4.3);
- Urban Corridors shall function as commercial spines providing retail stores and commercial services that cater primarily to the weekly and daily needs of residents in the surrounding communities (Policy E.2.4.6); and,
- Arterial Commercial designation may be located in certain portions of the Urban Corridor to permit commercial uses that are land extensive, require outdoor storage, or have a warehouse-type character (Policy E.2.4.7).

2.2 Land Use Designations (Volume 1)

The following land use designations are implemented by the specific zones noted below:

Designation (UHOP)	Proposed Zone (Zoning By-law 05-200)
Neighbourhoods Designation	Residential Character Commercial (C1) Zone Neighbourhood Commercial (C2) Zone Community Commercial (C3) Zone Parking (U3) Zone
District Commercial Designation	District Commercial (C6) Zone
Mixed Use – Medium Density	Mixed Use Medium Density (C5) Zone Mixed Use Medium Density – Pedestrian Predominant (C5) Zone Parking (U3) Zone
Mixed Use – High Density Arterial Commercial	Mixed Use High Density (C4) Zone Arterial Commercial (C7) Zone

2.2.1 Neighbourhoods Designation

The Neighbourhoods Designation policies allow for the development of complete Communities by permitting a wide range of residential uses, local commercial uses, institutional uses, and park areas. Policy E.3.2.3d) permits local commercial uses within the designation. More specific local commercial policies with respect to use, design, and built form are found under Policy E.3.8.

The proposed Local Commercial Zones allow for a range of commercial uses that are intended to meet the daily and weekly needs of residents in the immediate neighbourhood. Three proposed Local Commercial Zones are proposed to address the various scale and intensity of local commercial uses found in the designation, which range from small "mom and pop" shops and corner stores, to small strip plazas containing a grocery store or large commercial store. Residential uses and their respected zone permissions are also intended to be permitted to allow for a mix of uses. However, residential uses have been restricted to maintain the planned retail and service functions as directed in the Neighbourhoods Designation. Additional zone regulations ensure the overall scale, height, and built form of the commercial buildings are generally in keeping with the surrounding residential neighbourhood.

Recognizing Local Commercial uses can range from the small corner store to the large grocery format stores, Drive-Through facilities are a permitted use under Policy E.3.8 of the UHOP, but are permitted in only in the most intensive of the local commercial zones (i.e. the C3 Zone). Regulations ensure the compatibility of commercial development with adjacent residential land uses are also proposed.

2.2.2 Mixed Use - Medium Density Designation

Mixed Use – Medium Density designated lands are primarily located along the primary and secondary corridors as identified in Schedule "E" – Urban Structure which allows for flexible and permissive development, whereby a combination of mixed-use or single-use commercial and residential development forms are permitted. A range of permitted commercial uses will meet the daily and weekly needs of residents living along the corridor and the surrounding neighbourhood. Commercial uses which cater to a broader regional market such as hotels, places of assembly, and commercial entertainment are also permitted.

This designation will allow for the greatest opportunity for future intensification supporting active and public transportation and assist in meeting population and employment targets as set out in Policies A.2.3.1 and A.2.3.2 of the UHOP. However, as this designation is generally surrounded by stable residential neighbourhoods, proposed design standards in the proposed Mixed Use Medium Density (C5) Zone will provide a transition of height and scale from the stable residential neighbourhood. As identified in Policy E.4.6.7, a maximum height of 22 metres or approximately six storeys is reflected in the proposed C5 Zone.

2.2.3 Mixed Use - Medium Density – Pedestrian Predominant Designation

As a subset of the Mixed Use - Medium Density Designation, Pedestrian Predominant areas are found in Business Improvement Areas such as along Barton Street, Ottawa Street, Concession Street, and Kenilworth Street, and the former municipal downtowns of Dundas, Ancaster, Stoney Creek, and Flamborough (Waterdown). Therefore, the proposed C5a Zone is found only in these commercial streets as identified under Table E.4.3.1.

The proposed C5a Zone acknowledges these areas as a destination for local residents but also discretionary shoppers and the broader regional market. Permitted commercial uses include retail, restaurant, hotel, personal service, studio, and office and are required on the ground floor. Residential uses, Day Nursery, and Place of Worship are permitted only above the ground floor to maintain an active pedestrian environment on the ground floor. Motor vehicle related uses such as motor vehicle gas bars, motor vehicle service stations, motor vehicle washing establishment, and drive-through facilities are not permitted in the proposed C5a Zone to prevent gaps in the continuity of the commercial area, to maintain and contribute to the vitality of the commercial street, and to reduce potential conflicts between pedestrians and motor vehicles.

2.2.4 Mixed Use – High Density Designation

The Mixed Use – High Density Designation is found in places such as Limeridge Mall and Centre on Barton and provides for a full range of commercial uses catering to the daily and weekly needs of residents and the broader regional market. This designation

will be the focus of more intensive future commercial and residential redevelopment opportunities, capitalizing on the location as a destination for shoppers and larger land parcel size. As this designation will be the focus of more intensive mixed use development, the development must exhibit a high degree of design and consideration to create a positive and vibrant pedestrian environment.

A maximum gross floor area for individual office buildings is limited to 10,000 square metres to avoid detracting office demand from Downtown Hamilton, which is the regional node and central focus for office demand and development.

2.2.5 District Commercial Designation

Commercial sites designated District Commercial are intended to provide daily and weekly retail and services needs of the surrounding neighbourhood and the broader market. A broad range of permitted commercial uses and residential uses as identified under Policy E.4.7.2, and prohibited commercial uses are identified in Policy E.4.7.3. These permissions and prohibitions are reflected in the proposed District Commercial (C6) Zone. Residential uses have been restricted to maintain the planned retail and service commercial function as set out in the District Commercial Designation. In addition, offices sizes are restricted to 2,000 m² because the goal is that larger offices are oriented to the Nodes and corridors.

Lands designated District Commercial are typically located at intersections and along arterial roads and accessible by all forms of transportation. The built form is comprised of groupings of buildings within larger commercial plazas - multiple tenants in one large building or multiple individual buildings or some combination thereof. To ensure the built form is maintained and to ensure large department stores are oriented to the sub-regional nodes (e.g. Limeridge, Centre mall and Eastgate Square) there is a restriction of 10,000 m² for any one tenant.

2.2.6 Arterial Commercial Designation

The intent of the Arterial Commercial Designation is to provide for a range of commercial uses catering primarily to the travelling public that are land extensive and require outdoor storage or sales that normally may not be accommodated in other commercial designations. These uses may also require more land for parking and loading. Permitted uses as identified in Policy E.4.8.2 include banquet halls, restaurants, furniture stores, lumber supply establishments, home improvement supply stores, car dealerships, commercial recreation, commercial entertainment, and warehouse and these permissions have been reflected in the proposed Arterial Commercial (C7) Zone. Retail uses other than those described above, and residential uses are not permitted in this designation. The proposed C7 Zone implements the policies of the designation by limiting permitted commercial uses that are land extensive and require outdoor storage or sales.

2.3 Volume 2: Secondary Plans

The Secondary Plans include commercial land use designations similar to Volume 1. However, in many cases, there are site or area specific policies that accompany the designation. The policies of these plans reflect the planned growth for the neighbourhood and implement the goals and vision of the community. Development of the proposed CMU Zones included review and implementation of the Secondary Plan policies. Area and site specific policies have been recognized through this process through the application of special exceptions. Portions of the Secondary Plans require amendments to reflect the implementation of the proposed CMU Zones. These amendments are noted in Appendix "A2" to Report PED1600(c).

2.4 Volume 3: Area and Site Specific Policy areas

There are also a number area or site specific provisions contained in Volume 3 for lands outside Secondary Plan. Special requirements from the UHOP policies have been included in the various zones by way of special exceptions. Based on the foregoing, the proposed CMU Zones implement and conforms to the land use designations and policies of the UHOP.

3.0 Summary

The proposed CMU zones conform to the Growth Plan for the Greater Golden Horseshoe and are consistent with the PPS 2014.

The zones implement the policies of the urban structure elements including the sub regional nodes, urban corridors and neighbourhoods. More specifically, it implements the Neighbourhoods, Mixed Use, District and Arterial commercial designations of Volumes 1 and 2. In addition, site or area specific requirements from the UHOP have been included in the Exceptions section of the By-law.

However, an Official Plan Amendment is still required to achieve the following:

- Improve consistency between the UHOP and the new Commercial and Mixed Use Zones to be included within the comprehensive Hamilton Zoning By-law 05-200;
- Revise mapping, and add and revise policies within the Secondary Plans to create consistency for properties with proposed Commercial and Mixed Use Zones; and,
- Amend general mapping and typographical errors to Volume 3 of the UHOP.