



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 6, 2017
<b>SUBJECT/REPORT NO:</b>	City of Hamilton Comprehensive By-law: Proposed Commercial and Mixed Use Zones (PED16100(b)) (Wards 1-13, and 15)
<b>WARD(S) AFFECTED:</b>	Wards 1-13, and 15
<b>PREPARED BY:</b>	Timothy Lee (905) 546-2424 Ext. 1249
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That the Urban Official Plan Amendment (UHOPA) No. XX to the Urban Hamilton Official Plan (UHOP) to amend policies, schedules, and maps, to implement up-to-date mapping and policies for the Commercial and Mixed Use designations of the UHOP, be **APPROVED** on the following basis:
- (i) That the Draft Official Plan Amendment, attached as Appendix "A" to Report PED16100(b), be adopted by Council; and,
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2006 (P2G).
- (b) That City Initiative CI-16-D add nine new zones to Zoning By-law No. 05-200, to add special exceptions, holding provisions and special figures, to add and amend definitions associated with the new Commercial and Mixed Use (CMU) Zones and parking requirements, and to amend general provisions and other administrative sections of the By-law to implement the new CMU zones, be **APPROVED** on the following basis:
- (i) That the Draft By-law, attached as Appendix "B" to Report PED16100(b) which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

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- (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. \_\_\_\_;
  - (iii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2006 (P2G); and,
  - (iv) That the Draft By-law to amend Section 5 of Hamilton Zoning By-law No. 05-200, attached as Appendix "B" and "B1" to Report PED16100(b), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (c) That Temporary Use By-laws to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios for two pilot project areas, that being Downtown Dundas and parts of Upper James Street (Stone Church to Rymal Road), identified in Appendices "C" and "C1", to expire May 2019 be **APPROVED** on the following basis:
- (i) That draft Temporary Use By-laws, attached as Appendices "C" and "C1" to Report PED16100(b) for the two pilot areas, be approved by City Council.
- (d) That upon finalization of the amendment to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200, that the following Neighbourhood Plans be amended to redesignate the following subject lands as follows:
- (i) Hamilton Beach Neighbourhood Plan be amended by changing the designation of 1151 Beach Road from "Tourist Commercial" to "Canal Recreation";
  - (ii) Barnsdale Neighbourhood Plan be amended by changing the designation of 389 Rymal Road East from "Commercial" to "Medium Density Apartments"; and,
  - (iii) Kirkendall North Neighbourhood Plan be amended by changing the designation of 142 Charlton Avenue West from "Single and Double" to "Commercial".
- (e) That for those properties subject to a development application for a change in zoning or a minor variance that have been approved by the City of Hamilton subsequent to the adoption of the Commercial and Mixed Use Zones, including but not limited to those properties identified on Appendix H to PED16100(b), that staff be directed and authorized to prepare a housekeeping amendment to the

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Commercial and Mixed Use Zones and schedule a public meeting of the Planning Committee no later than October 17, 2017.

**EXECUTIVE SUMMARY**

To implement the commercial policies of the City’s Urban Hamilton Official Plan (UHOP), staff have prepared proposed Commercial and Mixed Use (CMU) Zones for the Urban Area that are outside the Urban Growth Centre (see Appendix “B” to Report PED16100(b)) to be incorporated into Zoning By-law No. 05-200. The following are the proposed CMU Zones:

Local Commercial Zones

- Residential Character Commercial (C1) Zone;
- Neighbourhood Commercial (C2) Zone; and,
- Community Commercial Zone (C3) Zone.

Mixed Use Zones

- Mixed Use High Density (C4) Zone;
- Mixed Use Medium Density (C5) Zone; and,
- Mixed Use Medium Density – Pedestrian Focus (C5a) Zone.

Specific Commercial Zones

- District Commercial (C6) Zone; and,
- Arterial Commercial (C7) Zone.

In addition, staff have also prepared a Parking (U3) Zone, which has been applied to municipal parking lots and other lands currently zoned to only allow for parking lots, to recognize the function that these parking lots provide by supporting commercial areas.

These proposed Zones have undergone extensive public consultation and achieve the goals and policies of the Neighbourhoods and Commercial and Mixed Use Designations of the UHOP. However, the proposed Zones do not include Centennial Neighbourhoods Secondary Plan, portions of the Fruitland – Winona Secondary Plan, and the West Harbour Secondary Plan as there is either an existing OMB appeal or secondary planning process.

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The proposed CMU Zones support residential and commercial intensification and development, contribute to city building, and remove regulatory barriers for new investment and/or redevelopment opportunities in accordance with the City’s Open for Business mandate.

Attached as Appendix “H” to Report PED16100(b) is a easy to use guide which contains the vision of the CMU Zones. It also includes a comparison of permitted uses and regulations for each of the CMU zones. The purpose of this guide is to provide a quick reference and context guide for the proposed CMU zones instead of the more complicated and complex planning documents attached to the staff report.

Council, at its meeting of May 10, 2017 passed temporary use by-laws for seven pilot project areas and certain rural properties to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios for a period of 24 months. Two of the by-laws (Dundas and Upper James Street) will be repealed once the new CMU zoning comes into effect. To ensure the pilot project continues, the temporary use by-laws for these areas have been added to Zoning By-law No. 05-200. The temporary use By-laws will expire in May 2019 in accordance with the previous Council decision for the pilot project study.

***Alternatives for Consideration – See Page 30***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: The *Planning Act* requires that a statutory open house be held at least seven days prior to Council considering the comprehensive Zoning By-law for the Commercial and Mixed Use Zones. The meetings held in May and June 2016, and October and November 2016, constitute the statutory open houses.

The addition of the new zones to the Zoning By-law No. 05-200 does not involve “repealing and replacing all the Zoning By-laws in effect in the municipality...” per Subsection 34(10.0.0.1) of the *Planning Act*. Therefore, the two year prohibition on changes to the Zoning By-law does not apply.

This Zoning By-law amendment implements Subsection 26(9) of the *Planning Act* to bring in the zoning for the Commercial and Mixed Use designations of the Urban Hamilton Official Plan.

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A new section has been added to this proposed CMU By-law to assist with the application of the by-law by staff should the By-law be subject to appeals. Currently, the *Planning Act* provides for a possible retroactive application of an appealed by-law should any appeals be withdrawn or dismissed. Furthermore, it is possible that an appealed by-law could be amended or repealed, in which case those amended or repealed portions are in force as of the date of the decision of the Ontario Municipal Board. However, during the time an appeal is outstanding, any Building Permit applications made require the Building Department to review the applications against any zoning by-law "made" which includes the new and former zoning by-laws. As a result, this causes dual-compliance issues as well as general confusion for both staff and the public about the interpretation of the by-laws while appeals are outstanding. The intention of Section 12 of the proposed By-law attached as Appendix "B" to Report PED16100(b) is to clarify that until such time as the new zoning By-law regulation is in force and effect the new by-law is not "made" and does not apply to Building Permit applications.

## **HISTORICAL BACKGROUND**

### **1.0 Background**

The City of Hamilton's new Comprehensive Zoning By-law No. 05-200 came into effect on May 25, 2005, and is being implemented in phases.

The proposed CMU Zones represent the current phase and addresses zoning for properties within the Urban Area and lands which are designated Neighbourhoods and Commercial and Mixed Use under the UHOP. The next phases include the Residential Zones, the creation of new zones for the Port Lands, and new regulations to address the rise in the arts and culture in Zoning By-law 05-200.

### **2.0 Statutory Public Meeting - June 6, 2017**

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **1.0 Provincial Policy:**

Appendix "A-1" to Report PED16100(b) provides a detailed evaluation of Provincial policy applicable to the proposed CMU Zones. A summary is provided below.

#### **1.1 Provincial Policy Statement 2014**

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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.

More specifically, the proposed CMU zones are consistent with the policies of the PPS by:

- providing for an appropriate range and mix of residential uses that cater to affordable housing and a range of housing types (Policy 1.1.1);
- permitting a range of commercial uses catering to the needs of residents and the broader market;
- contributing 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, and continuing the tradition of a well-designed built form which includes an active pedestrian streetscape (Policy 1.7.1); and,
- contributes to compact form and direct more intensive development around nodes and corridors (Policy 1.8.1).

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

The proposed CMU Zones implement and conform to the policies of the Growth Plan by:

- accommodating intensification in a manner that encourages complete communities through connected and transit supportive urban areas; and,
- providing for a variety of commercial and residential uses to serve residents, while maintaining and enhancing the economic viability of existing and new commercial development.

In the event, that the revised Growth Plan is approved by the Province in advance of City Council adopting the Official Plan Amendment and the associated Zoning for Commercial and Mixed use, staff is required to ensure the changes do not conflict with the Growth Plan. Based on the proposed Growth Plan changes from May 2016, there are no conflicts.

## 2.0 Urban Hamilton Official Plan (UHOP):

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Appendix “A-1” to Report PED16100(b) provides a detailed evaluation of the Urban Hamilton Official Plan policies. Amendments (text and site specific) to the UHOP are required to make corrections, provide clarification and to better reflect existing and proposed commercial and mixed use land uses. The eight new Zones, coupled with the special exceptions, implement the UHOP, as amended. 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.

## 2.1 Urban Structure (Volume 1)

The proposed CMU Zones implement the goals and policies of the following urban structure elements including: Urban Nodes (Sub Regional Service and Community Nodes); Urban Corridors (Primary and Secondary) and Neighbourhoods, as identified on Schedule “E” – Urban Structure.

The Mixed Use Zones provide the opportunity for nodes and primary corridors to:

- be the focus of reurbanization activities (i.e. population growth, private and public *redevelopment*, and infrastructure investment);
- provide focal points of activity for Hamilton’s local communities and neighbourhoods;
- provide a vibrant pedestrian environment and facilitate *active transportation* through careful attention to urban design; and,
- evolve with higher residential densities and mixed use *developments* to achieve their planned functions and support transit.

The Local Commercial, the District Commercial and the Arterial Commercial Zones support Neighbourhoods by providing a broad range of retail, service and other commercial uses in various built forms and intensities to serve the daily and weekly needs of residents.

## 2.2 Volume 1 - Land Use Designations

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

<b>Designation (UHOP)</b>	<b>Proposed Zone (Zoning By-law No. 05-200)</b>
Neighbourhoods Designation	Residential Character Commercial (C1) Zone Neighbourhood Commercial (C2) Zone

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	Community Commercial (C3) Zone Parking (U3) Zone
Mixed Use – High Density	Mixed Use High Density (C4) Zone
Mixed Use – Medium Density	Mixed Use Medium Density (C5) Zone Mixed Use Medium Density – Pedestrian Focus (C5a) Zone Parking (U3) Zone
District Commercial	District Commercial (C6) Zone
Arterial Commercial	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. The policies also address the function, the built form and the urban design requirements for local commercial uses.

The three 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. They reflect the various scales and intensity which range from small “mom and pop” store / corner stores that may be either in a converted residential building or purpose built commercial building, to small strip plazas containing a grocery store or large commercial store. Limited residential uses are permitted as long as the primary retail and service function of the site is maintained. The regulations ensure the overall scale, height, and built form of the commercial buildings are generally in keeping with the surrounding residential neighbourhood.

In addition, stand alone parking lots are also permitted within the Neighbourhoods designation.

### 2.2.2 Mixed Use Designations

*Mixed Use – High Density Designations* (Eastgate, Limeridge Mall and Centre on Barton) are sub-regional nodes that provide for a full range of commercial uses catering to the daily and weekly needs of residents as well as the broader regional market. It permits more intensive future commercial and residential redevelopment opportunities, capitalizing on the location as a destination for shoppers and larger parcel sizes. As this designation will be the focus of more intensive mixed use development,

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development must exhibit a high degree of design and consideration to create a positive and vibrant pedestrian environment.

*Mixed Use – Medium Density* designated lands are primarily located in the former downtowns and along several major roads (Barton Street, etc.). Some of these areas have an existing mixed use character where other areas will evolve over time from a primarily commercial function to more complete neighbourhood along the length of the street. These areas provide for the greatest opportunity for future intensification, including a combination of mixed-use or single-use commercial and residential development forms are permitted. There is significant emphasis on enhancing the pedestrian environment by locating buildings closer to the street, step backs to minimize shadow impacts on adjacent residential areas, articulated and glazing of facades to prevent blank street fronts.

*Mixed Use-Medium Pedestrian Focus* designation is a subset of the Mixed Use - Medium Density Designation. These areas are located in Business Improvement Areas (e.g. Barton Street East, Ottawa Street, Concession Street, and Kenilworth Street) and the former municipal downtowns of Dundas, Ancaster, Stoney Creek, Binbrook and Waterdown. The same concepts apply as Mixed Use Medium Density apply; however, there is a greater focus on protecting and strengthening the commercial heart of these areas and improving the pedestrian experience. There is a requirement for ground floor commercial uses with permissions for a variety of uses located above the first floor (office, dwelling units, institutional uses). Motor vehicle related uses (e.g. gas stations, service stations, car washes) and drive-through facilities are not permitted so as to prevent gaps in the continuity of the commercial area, and to reduce potential conflicts between pedestrians and motor vehicles.

### 2.2.3 Other Commercial Designation

*District Commercial* sites are intended to meet the daily and weekly retail and service needs for the surrounding neighbourhood and the broader market. Lands designated District Commercial are typically located at intersections and along arterial roads and accessible by all forms of transportation. Uses have been restricted to maintain the primary retail and service commercial function. The built form of these commercial sites may include buildings consisting of a single commercial tenant or buildings in a strip plaza format consisting of numerous tenants. Parking is generally located at the front of the plazas. The proposed regulations require new buildings to be placed closer to the street to provide a better environment for pedestrians and streetscape.

*Arterial Commercial Designation* is to provide for a range of commercial uses that serve the travelling public, are land extensive, require more land for parking, loading and outdoor storage, or sales that normally may not be accommodated in other commercial areas. Permitted uses are limited to banquet halls, restaurants, furniture stores, lumber

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supply establishments, home improvement supply stores, motor vehicle related uses, commercial recreation, commercial entertainment, and warehouse. These permissions have been reflected in the proposed Arterial Commercial (C7) Zone. The regulations in these areas permit more generous parking and loading, and outdoor storage.

### 2.3 Volume 2: Secondary Plans and Volume 3: Area and Site Specific Policy areas

The Zones also implement special requirements from Volumes 2 and 3 by way of special exceptions in the Zoning By-law. More specifically, there are:

- various commercial and mixed use designations within the Secondary Plans. Many of these Plans also have special requirements (e.g. use or height limitations, etc.).
- area or site specific provisions contained in Volume 3 for lands outside Secondary Plan.

Based on the foregoing, the proposed CMU Zones implement and conforms to the land use designations and policies of the UHOP.

### 2.4 Proposed Amendments

As part of the proposed CMU Zones, amendments to the UHOP are required to further refine and implement the policies through the proposed Zones. In addition, since the adoption of the UHOP in 2009 and the approval of the UHOP by the OMB in August 2013, there were several amendments in the 2009 to 2013 time period to the former OP's that were not reflected in the current UHOP.

The Draft Official Plan Amendment (OPA) is found in Appendix "A" to Report PED16100(b), and a summary of the proposed amendments is provided below and a more detailed analysis of each of the proposed amendments is outlined in Appendix "A-2" to Report PED16100(b).

#### *2.4.1 Volume 1 of Urban Hamilton Official Plan*

Amendments to Volume 1 are required to:

- rename Pedestrian Predominant to Pedestrian Focus throughout all text, schedules, appendices;
- Include an additional policy to allow additional lands adjoining a Pedestrian Focus Street to be identified as a Pedestrian Focus Street;

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- Shift the southerly extent of the Pedestrian Focus Street on Kenilworth Avenue North from Main Street West to Roxborough Avenue;
- provide clarification on certain uses permitted only on the ground floor or above the ground floor;
- add funeral home as an additional permitted use in the Arterial Commercial designation under Section E.4.8.2;
- provide clarification on the type of theatre (i.e. live performance versus motion picture) that is not permitted in the Arterial Commercial designation; and,
- amend Schedule “E-1” – Urban Land Use Designations located in various properties in Hamilton, Dundas, Stoney Creek, Flamborough (Waterdown), and Glanbrook (Mount Hope and Binbrook) to redesignate lands to better reflect the planned commercial activity on the subject lands.

#### *2.4.2 Volume 2 of Urban Hamilton Official Plan*

Amendments to Volume 2 are required to:

- a) rename Pedestrian Predominant to Pedestrian Focus throughout all text, maps, appendices;
- b) amend various land use designations within the following Secondary Plans to better reflect the existing uses and previous OPA approvals between 2009 and 2013:
  - rename Pedestrian Predominant to Pedestrian Focus throughout all text, schedules, appendices and volume two;
  - Map B.4.2-1 Waterdown North Secondary Plan – Land Use (one property);
  - Map B.5.1-1 Binbrook Village Secondary Plan – Land Use (two properties);
  - Map B.5.2-1 Rymal Road Secondary Plan – Land Use Plan (two properties);
  - Map B.7.1-1 Western Development Secondary Plan (12 properties);
  - Map B.7.3-1 Urban Lakeshore Area Secondary Plan (three properties);
  - Map B.7.2-1 Old Town Secondary Plan – Land Use Plan (three properties);
  - Map B.7.5-1 Nash Neighbourhood Secondary Plan (one property);

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- Map B.7.6-1 West Mountain Area (Heritage Green) Secondary Plan (two properties) and add a policy for 1050 Paramount Drive to permit a maximum Gross Floor Area of 2,000 square metres or any groupings of local commercial uses.

2.4.3 *Volume 3 of Urban Hamilton Official Plan*

Amendments to Volume 3 are required to revise Area Specific Policies as follows:

- UD-5 (text and map) to remove lands located south-east of Downtown Dundas to correct a mapping error at the time of the development of the UHOP;
- UH-1g to remove a portion of lands located at 135 Hester Street to reflect the existing elementary school use and Neighbourhood Institutional (I1) Zone. The policy remains unaffected; and,
- UHC-2 to change the designation from Arterial Commercial to Mixed Use Medium Density located at 30 Rymal Road East. The policy referenced the wrong designation and the policy remains unaffected.

## RELEVANT CONSULTATION

### 1.0 Internal/Agency Consultation

Staff from the Planning and Economic Development Department (Development Planning, Heritage and Design, Community Planning, Building, Urban Renewal), and Public Works Department have been consulted and have reviewed the attached proposed CMU Zones. Through the provision of comments as well as various meetings, suggested changes were made by staff to add clarity to the proposed zone regulations and definitions, and the appropriate changes were made to the proposed CMU Zones. These changes have been incorporated into Appendix "B" to this report.

A number of agencies were circulated with the proposed CMU Zones, with the majority not providing any comments back to staff. Appendix "D-2" to Report PED16100(b) identifies the various agencies and their comments.

Prior to the Spring and Fall 2016 Statutory Open Houses taking place, staff also met with Councillors for Wards 5-13 and 15 individually to provide them with an overview of the proposed CMU mapping for their individual wards, as well as an overview of the proposed Zones.

### 2.0 External Consultation

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There was an extensive public consultation program that accompanied the development of the proposed CMU Zones. Appendices "D" and "E" to Report PED1600(b) describes the consultation in greater detail coupled with an explanation how the public input was addressed. Although the last day of feedback from the public was requested for November 2016, staff have continued to receive and review comments and feedback of specific properties up until May 1, 2017. As additional comments on specific properties continue to be received, additional changes may be identified after this May 1, 2017 date.

### 2.1 Statutory Public Open Houses

The Statutory Public Open Houses were held in two Phases to provide residents, business owners, landowners, and other stakeholders were provided the opportunity to provide feedback and comments on the proposed Zones:

- Phase 1 - In May 2016, a mail out was prepared and sent out to all property owners with lands within the proposed CMU Zones within Wards 1-4; and,
- Phase 2 - In October/November 2016, a similar process was undertaken for Wards 5-13 and 15.

A total of 12 open houses were held during the Phase 1 and 2 time periods. Notice of the Open Houses was given by mail to businesses (approximately 5,000), both the Spectator and Hamilton Community newspapers, on the City's website, and email notices were sent to all parties who had requested to be a part of the proposed CMU Zones mailing list.

At the Open houses, information was available for each of the zones as well as changes to parking, general provisions and the UHOP on panels and through handouts. The information was also supplemented by a presentation.

All relevant information, including the proposed CMU Zones, proposed mapping, definitions, general provisions and parking regulations, was made available on the CMU Zoning webpage.

Approximately 235 people attended the Open Houses and the feedback on the proposed Zones was generally supportive.

### 2.2 Stakeholder Workshop:

A stakeholder workshop was held on June 16, 2016 to engage specific stakeholders on the proposed CMU Zones. Groups invited to this session included the Real Estate Board, commercial land owners, Hamilton/Burlington Society of Architects, Hamilton

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Chamber of Commerce, Hamilton-Halton Home Builders’ Association, Culture and Arts Groups, Neighbourhood Associations, and the Business Improvement Area (BIA) Associations. The purpose of this forum was to inform the various stakeholders on the proposed CMU Zones, and to receive feedback on the proposed uses and regulations.

In total, there were 19 participants for the stakeholder workshop. Stakeholders supported many aspects of the CMU Zoning including:

- encouraging development in older parts of the City;
- consolidation into one by-law which is easier to follow;
- changes to both existing definitions and the introduction of new definitions; and,
- provisions for new uses – e.g. microbrewery.

Further details can be found within Appendix “F-1” to Report PED16100(b).

The input received through this workshop was relevant to both the proposed CMU Zones. The feedback has been reviewed relevant to the proposed CMU Zones, and the feedback from this workshop was used to inform revisions to the proposed By-law.

### 2.3 Local Commercial Zones Naming Contest:

As part of the public engagement process, a contest was held during the Phase 1 and 2 Statutory Public Open Houses and online to assist staff in the naming of the three Local Commercial Zones. The purpose of the contest was to engage and provide an opportunity to residents and local business owners to choose the best name for the proposed Local Commercial Zones based on the intent and vision of each Zone.

Three pre-selected names were available for each of the three proposed Local Commercial Zones. In total, 111 entries were received. As a result of the contest, the names of the proposed Local Commercial Zones have been reflected accordingly within Appendix “B” to this Report and are as follows:

Residential Character Commercial Zone	C1 Zone
Neighbourhood Commercial Zone	C2 Zone
Community Commercial Zone	C3 Zone

### 2.4 Staff Presentations:

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Staff met with and made presentations to various Advisory Committees and Stakeholder Groups. Details of the various Advisory Committees and Stakeholder Groups staff consulted with are outlined in Appendix “E” to Report PED16100(b).

## 2.5 Comments between May 15 and September 15

### ANALYSIS AND RATIONALE FOR RECOMMENDATION

The proposed CMU Zones represent the next stage in the completion of Zoning By-law No. 05-200. The zones:

- Implement the commercial and mixed use designations and policies of the Urban Hamilton Official Plan (outside the Urban Growth Centre); and,
- Replace the commercial zones of the six former Zoning By-laws that have different zones, definitions, permitted uses and regulations.

The key highlights of the new Zones are:

- *easier to understand*. For example, there is one definition for restaurant instead of take-out, sit down, fast food, lunch counter etc. In addition, yards are based on numbers and not complicated formulas;
- *flexibility* – the zones allow for a wide range of uses;
- *consistency* – the same definitions and regulations will be applied throughout the urban area;
- *avoid duplication of regulations* – where a regulation is addressed in another by-law or regulation (e.g. Ontario Building Code); and,
- *address emerging trends* – Examples include microbrewery as well different uses in the arts, culture and entertainment sectors.

The new Zones meet many of the strategic goals of the City:

- Planning for a prosperous and diverse local economy where people have opportunities to grow and develop;
- Encouraging buildings and private and public spaces that create a dynamic City; and,

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- Providing opportunities for vibrant place for arts, culture, and heritage.

The CMU Zones also implement many city building goals including:

- Supporting commercial areas to serve the residents and businesses within the immediate neighbourhoods, adjacent neighbourhoods, city wide and neighbouring municipalities;
- Allowing for intensification of residential and other uses in nodes and corridors;
- Providing economic diversity and employment opportunities in many areas of the City; and,
- Implementing strong urban design measures such as built form, building placement, and landscaping.

Attached as Appendix “H” to Report PED16100(b) is an easy to use guide which contains the vision, described in illustrations and text, for the CMU areas and specific Zones. It also includes a comparison of permitted uses and regulations for each of the CMU Zones. The purpose of this guide is a quick reference and context guide for the proposed CMU zones instead of the more complicated and complex planning documents attached to the staff report.

### **1.0 Proposed Commercial and Mixed Use Zones:**

Collectively, these zones permit a range of commercial uses and services that can satisfy the daily, weekly and occasional shopping needs of neighbourhoods, the City and a broader interregional market. Individually, the CMU Zones support different commercial areas ranging from a single commercial use in the middle of the neighbourhood, accessible by foot, to large scale commercial development which may be primarily accessed by car.

Some CMU Zones recognize the existing commercial areas and their long term function for commercial uses while other zones are more flexible and allow for an evolution of commercial areas for more mixed use buildings, sites and areas. The range of uses and the companion regulations recognize the various characteristics of the sites, the surrounding urban fabric and uses, and the long term vision for the area.

The Zoning By-law regulates height in metres rather than storeys. To support a variety of commercial uses on the ground floor of a building such as retail, restaurants, studios, and offices, Zoning By-law 05-200 provides for greater height on the first floor at 4.5 m to accommodate a commercial use. The remaining storeys would be 3.5 m. This standard is not only for the proposed CMU Zones, but also the Downtown, Waterfront, and Transit Oriented Corridor Zones. Measuring buildings in metres allows for more

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flexible design based on uses, roof type, unit size and configuration, and other structural or design parameters. For example, there may be three floors of commercial at 4.5 metres each and two floors of residential of between 3.0 metres and 3.5 metres. It allows the flexibility for conversion; if a building were built for commercial purposes, it could be easily converted into residential uses. In some cases, if a building were developed for residential uses only with a height of 3.0 metres per floor then the building would actually be seven storeys.

There are eight new CMU Zones:

Local Commercial Zones

- Residential Character Commercial (C1) Zone;
- Neighbourhood Commercial (C2) Zone; and,
- Community Commercial (C3) Zone.

Mixed Use Zones

- Mixed Use High Density (C4) Zone;
- Mixed Use Medium Density (C5) Zone; and,
- Mixed Use Medium Density – Pedestrian Focus (C5a) Zone.

Additional Zones

- District Commercial (C6) Zone; and,
- Arterial Commercial (C7) Zone.

These proposed CMU Zones are included in Appendix “B” to Report PED16100(b).

1.1 Proposed Residential Character Commercial (C1) Zone, Neighbourhood Commercial (C2) Zone, and Community Commercial (C3) Zone

The C1, C2, and C3 Zones recognize the importance of commercial areas to serve the surrounding residential areas in which they are located. The regulations and range of permitted uses for each of the three zones vary depending on the location of sites and the scale of development.

*Residential Character Commercial (C1) Zone* is applied to small scale commercial buildings generally located within the interior existing residential neighbourhoods. The proposed C1 Zone recognizes the importance of preserving and fostering small commercial establishments that serves the immediate residential community. These establishments include “mom and pop” stores selling convenience retail merchandise,

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small coffee shops, small offices, studios, day nurseries, and personal service use. Residential uses are also permitted on the upper floors of a commercial building, with an option of the commercial building to be reverted to a single detached dwelling should the commercial use cease. Regulations within the proposed C1 Zone require development be in keeping with the surrounding residential neighbourhood.

*Neighbourhood Commercial (C2) Zone* is applied in areas that contain commercial buildings with one or a few commercial tenants and “main street” buildings built close to the street with commercial uses at-grade and residential uses on the upper floors. This permits certain commercial uses intended to serve the immediate neighbourhood, including retail, personal service, restaurant, office, tutoring services (commercial school), repair service, studio, and veterinary service. Residential uses are only permitted above the ground floor and are not permitted as a stand-alone use. Commercial driving schools and drive-through facilities are prohibited uses to reduce the impact on the surrounding residential neighbourhood. Similar to the proposed Residential Character Commercial (C1) Zone, the scale of the commercial buildings will be in keeping with the surrounding neighbourhood. The range of uses and some locations are similar to the Community Commercial Zones but the Neighbourhood Commercial zones tend to have smaller sites (e.g. 5,000 square metres) and more single buildings with a smaller overall gross floor area for the site (e.g. 2,000 square metres).

*Community Commercial (C3) Zone* applies to commercial development such as commercial plazas and larger format retailers that may have a greater floor area than sites that are zoned C2. The types of uses are similar to the C2 Zones, where it is intended to cater to the surrounding residential areas. This zone allows all the uses of the C2 zone but includes additional uses such as gas stations, urban farmers markets and tradesperson shops. Residential uses are only permitted above the ground and are not permitted as a stand-alone use. Commercial driving schools and drive-through facilities are prohibited uses to reduce the impact on the surrounding residential neighbourhood. The Community Commercial sites have similar locational criteria and range of uses; however, the sites (e.g. maximum 10,000 square metres) and the scale of development (e.g. maximum 10,000 square metres) are larger than the Neighbourhood Commercial Zones.

Key highlights:

<u>Zone Regulations</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>
Where would you find the zones?	Interior of neighbourhood	Collector or arterial roads adjacent to residential areas	Arterial roads adjacent to residential areas

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<u>Zone Regulations</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>
Minimum Front Yard or Yard Abutting Street	3.0 m	1.5 m	1.5 m
Maximum Front Yard or Yard Abutting Street	-	3.0m	4.5 m
Minimum Rear Yard	7.5 m	6.0 m, 7.5 m residential or institutional zone	6.0 m, 7.5 m residential or institutional zone
Minimum Interior Side Yard	1.5 m, 3.0 m residential or institutional zone	1.5 m, 3.0 m residential or institutional zone	1.5 m, 3.0 m residential or institutional zone
Minimum Height	-	-	-
Maximum Height	11.0 m	11.0 m	14.0 m
Maximum Lot Area	500.0 sq m	5,000 sq m	10,000 sq m
Maximum GFA for all commercial uses	-	2,000 sq m	10,000 sq m
Maximum GFA for Office	-	500 sq m for an individual office unit	500 sq m for an individual office unit
Maximum GFA for Commercial School	-	250 sq m	-
Interior or Through Lot, minimum width of ground floor façade facing street	-	> 40%	> 40%
Corner Lot, minimum width of ground floor façade facing street	-	> 50%	> 50%

**1.2 Mixed Use High Density (C4), and Mixed Use-Medium Density (C5) Zones and Mixed Use Medium Density - Pedestrian Focus (C5a) Zone**

The vision for the Mixed Use - High and Medium Density areas is to allow predominantly commercial areas to evolve over time to allow a greater mixture of uses, especially residential uses. This evolution will include changes to sites and areas which are intended to create a vibrant, economically diverse, pedestrian and transit supportive environment where people want to live and businesses want to locate. The built form requires a greater street presence by bringing buildings closer to the street edge for the first 3 storeys, step backs for the remaining floors, and requiring parking areas to be at

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the rear of the buildings. The three zones have similar visions; however, the Mixed Use Medium Density - Pedestrian Focus Zone places an emphasis on retaining the street level commercial function and improving the pedestrian experience for the street. The differences are:

- Minimum and maximum heights between the high and medium densities;
- Requirement for ground floor commercial uses with the majority of the façade facing the street with windows and doors in the Mixed Use Medium Density - Pedestrian Focus Zone;
- Auto related uses are not permitted in the Mixed Use Medium Density - Pedestrian Focus to reflect the pedestrian oriented nature;
- The size of office is smaller in the Mixed Use Medium Density - Pedestrian Focus Zone to reflect the smaller parcel sizes of the properties; and,
- Requirement for the Mixed Use Medium Zones to have 75% of the street front edge to be occupied by buildings.

Key highlights:

	<b>Mixed Use-High Density (C4) Zone</b>	<b>Mixed Use-Medium Density (C5) Zone</b>	<b>Mixed Use Medium Density - Pedestrian Focus (C5a) Zone</b>
Where would you find the zones?	<u>2 areas</u> – Centre Mall site (Barton, Ottawa, Kenilworth and CNR tracks) and Limeridge mall area (Bounded by Upper Wentworth Street, the Linc, the hydro Corridor and Mohawk Road)	<u>Several areas/streets</u> – Meadowlands, parts of Upper James Street, Barton Street, Queenston Road, Highway No. 8)	<u>Several Areas</u> – Business Improvement Areas, former Downtowns (Community nodes)
Setbacks from the street	4.5 m maximum	Min 3.0 m, max 4.5 m	3.0 m
Minimum Rear Yard	7.5 m	7.5 m	7.5 m
Minimum Side Yard	7.5 m residential or institutional zone	7.5 m residential or institutional zone	7.5 m residential or institutional zone
Building to be stepped back for properties abutting residential /Institutional Zones	7.5 m+ additional height when the building over 11m	7.5 m+ additional height when the building over 11m	7.5 m+ additional height when the building over 11m

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	<b>Mixed Use-High Density (C4) Zone</b>	<b>Mixed Use-Medium Density (C5) Zone</b>	<b>Mixed Use Medium Density - Pedestrian Focus (C5a) Zone</b>
Built Form (Height)	11.0 m (3 storeys) minimum  44 m (12 storeys) maximum	7.5 m (2 storeys) minimum  22 m (6 storeys) maximum	7.5 m (2 storeys) minimum  22 m (6 storeys) maximum
Percentage of the front lot line occupied by a building	No requirement	75% 50% for a corner lot	75% 50% for a corner lot
Glazing (amount of windows and doors on the front of the building facing a street)	No requirement	No requirement	60%
Maximum gross floor area of an individual office building	10,000 square metres	10,000 square metres	2,500 square metres

The height requirements and the related setbacks have been developed to respect the surrounding land uses. In the Mixed Use High Density zone, the parcels are generally larger, they are located on transit routes and there are some higher density residential uses on the some of the abutting properties. Conversely, the Mixed Use-Medium Density (C5) Zone have smaller parcels and abuts low density residential. The maximum height of 22 m or 6 storeys will allow for intensification while protecting stable residential neighbourhoods.

The Mixed Use - High Density (C4) and Mixed Use - Medium Density (C5) Zones regulations may be refined at the time of the completion of Secondary Plans, or the comprehensive redevelopment of a site(s).

### 1.3 District Commercial (C6) Zone and Arterial Commercial (C7) Zone

*District Commercial (C6) Zone* is applied to sites with groupings of buildings within a larger commercial plaza that are located on arterial roads and at major intersections. Similar to the C3 Zone, a broad range of commercial uses are permitted including retail, personal services, and offices. Development and *redevelopment* of sites will require buildings built closer to the street edge with parking at the side or rear of the building.

*Arterial Commercial (C7) Zone* applies to larger commercial sites that are land extensive and have uses that require outside storage. Permitted commercial uses include banquet hall, restaurant, building and lumber supply establishment, commercial

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entertainment (excluding theatre), commercial recreation, conference centre, and motor vehicle related uses. Furthermore, zoning regulations permit more generous parking and loading, and outdoor storage.

Key highlights:

<u>Zone Regulations</u>	<u>District Commercial (C6) Zone</u>	<u>Arterial Commercial C7 Zone</u>
Minimum Front Yard or Yard Abutting Street	1.5 m	18.0 m
Maximum Front Yard or Yard Abutting Street	4.5 m	-
Minimum Rear Yard	6.0 m, 7.5 m residential or institutional zone	6.0 m, 7.5 m residential or institutional zone
Minimum Interior Side Yard	1.5 m, 4.5 m residential or institutional zone	1.5 m, 4.5 m residential or institutional zone
Maximum Height	14.0 m	14.0 m
Maximum GFA for each individual commercial use	10,000 sq m	-
Maximum GFA office	2,000 sq m	-
Interior or Through Lot, minimum width of ground floor façade facing street	> 40%	-
Corner Lot, minimum width of ground floor façade facing street	> 50%	-

## **2.0 Parking (U3) Zone:**

The proposed Parking (U3) Zone has been applied to properties that are either a municipal parking lot or private parking lot that have existing zoning permissions that restricts the use of the lands for a parking lot. Many of these properties are located in the former City of Hamilton and are zoned “G-3” District in the Hamilton Zoning By-law No. 6593. A farmer’s market is the only other use permitted besides parking.

## **3.0 Proposed Additions to the General Provisions:**

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In addition to the above proposed Zones, amendments to the General Provisions are proposed to reflect the inclusion of the proposed CMU Zones to Zoning By-law No. 05-200. The proposed amendments to *Section 4: General Provisions* are found in Appendix "B" to Report PED16100(b) and include the following:

**3.1 Vacuum Clause:**

Additional reference required in Section 4.12 to include the proposed CMU Zones to recognize that existing setbacks, front yard, flankage yard, rear yard, lot width, lot area and building height are deemed to comply to the regulations.

In addition, a new clause has been added to allow for buildings existing at the date of the passing of the by-law within the C3 Zone, C4 Zone, C5 Zone, C5a Zone, C6 Zone, and the C7 Zone to expand up to maximum of 10% and not comply with the maximum yard setback abutting the street. This permission will allow some changes to the buildings without the need to meet new yard requirements.

**3.2 Temporary Uses:**

A portion of Section 4.18 has been revised to include the proposed CMU Zones to permit temporary uses such as permitting temporary garden centres that are seasonal in nature and are constructed within the existing parking lot (taking up to 10% of the total parking spaces) and not enclosed within a building (i.e. supermarket).

On May 10 2017, City Council passed several Temporary Use By-laws for certain pilot project areas to allow for entertainment on outdoor commercial patios for a 24 month period. Three of these pilot projects are within Hamilton Zoning By-law No. 6593 and the Flamborough Zoning By-law No. 3581-86. If they are not included in this By-law the Temporary Use will cease.

**4.0 Proposed Additions to the Definitions:**

The implementation of the proposed CMU Zones requires that some new definitions be added, and other definitions be revised.

**4.1 Definitions**

Definitions are being added and / or revised for the purposes of the clarity of the By-law.

- Casino – a newly created definition which includes any activity or game of chance or skill as approved by the Province of Ontario. It does not include uses such as bingo halls, or commercial entertainment uses but can include uses accessory to a casino

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including office and restaurants. This definition was created to address the use from being permitted, even as an accessory use, to a hotel or commercial entertainment.

- Funeral Home – a new definition to mean a use where funerary services are located, such as the preparation of the corpse for internment or cremation, and may include a chapel or a crematorium.
- Home Improvement Supply Establishment – A definition to describe a store selling predominantly building supplies such as paints, carpets, tiles, lighting fixtures, and other products.
- Motor Vehicle Dealership – A use where new and/or used motor vehicles are stored or displayed for the purpose of sale, rental or leasing.
- Motor Vehicle Gas Bar – A defined use where fuel or lubricants are offered for sale but where no provision is made for the repair or maintenance of motor vehicles and may include the sale of foods and convenience items.
- Motor Vehicle Washing Establishment – A defined use where either the mechanical or manual cleaning or washing of motor vehicles and shall include motor vehicle detailing.

#### 4.2 New Definitions for Parking Regulations Only

- Shopping Centre – A new definition to describe a shopping centre as one or more buildings that include four or more commercial establishments. These establishments can include a combination of commercial uses such as retail, personal service, and restaurants, among others. This will reduce the onerous task of calculating parking requirements whenever the use changes (i.e. retail to restaurant).

#### 4.3 Revised Definitions

Several definitions need to be revised as a result of new definitions being added to the Zoning By-law No. 05-200 or to provide greater clarity:

- Hotel;
- Building and lumber supply establishment;
- Commercial entertainment;
- Commercial recreation;

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- Community garden;
- Motor vehicle service station; and,
- Retail.

**5.0 Proposed Additions to the Parking Provisions:**

**5.1 Motor Vehicle Parking:**

Commercial and Residential parking standards have been introduced into Zoning Bylaw No. 05-200 during each stage of implementation, and additional parking regulations have been introduced as part of the introduction of the proposed CMU Zone. The proposed parking standards included in Appendix “B” to Report PED16100(b) have reflected these findings by:

- introducing parking requirements, or revising existing parking requirements for commercial uses not identified in the existing regulations;
- proposing the same parking requirements for the proposed C5 and C5a Zones as the TOC Zones;
- introducing a sliding scale of parking requirements for Retail and Shopping Mall based on the size of the retail use, which includes zero parking spaces for Retail uses under 450 square metres;
- continuing parking exemptions where a change of use is proposed within an existing building, with the exception of a medical clinic (i.e. no new spaces will be required for a change of use unless additional gross floor area is being proposed);
- adding a new regulation requiring minimum distance from the parking stall to obstructions such as pillars and walls;
- modifications to the parking stall size to increase the existing parking stall size in By-law 05-200 from 2.6 metres by 5.5 metres to a new minimum parking stall size of 3.0 metres in width and 5.8 metres in length, except for parking stalls within parking structures which will have a width of 2.8 metres and 5.8 metres in length (Motion at Council May 24, 2017);
- adding a new regulation requiring a minimum aisle width based on parking angle degree from 3.7 metres to 6.0 metres;

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- a Vacuum Clause providing exemptions for existing buildings in the proposed CMU Zones for additional parking requirements, and a separate Vacuum Clause providing exception to recognize parking stall size existing since May 25, 2005 to the passing of this By-law; and,
- Reorganize Section 5.6c) Parking Schedules to include all zones including the TOC Zones but except for Downtown Zones. This reorganization will not change the parking requirements (other than ones that are proposed for the CMU Zones) and will provide further clarity and readability of the parking requirement regulations.

### 5.3 Public Transit Facilities

Due to recent interest in providing for public transit infrastructure such as mobility hubs and transportation depots for buses, a zone regulation has been added to Section 4.0 General Provisions where the conveyance, acquiring, leasing, or placement of easements by the City of Hamilton or the Government of Ontario for the purposes of placing or constructing public transit facility is deemed to not contravene the Zoning By-law. This ensures that any transit facility built on a property would not result in setbacks or other zone regulation from being non-conforming.

### 5.4 Landscape Requirements in Parking Areas

A new zone regulation for parking lots requires parking lots with 50 or more parking spaces to include a minimum of 10% of the area to consist of Planting Strip, which consist of landscaping such as trees, shrubs, and other plants. The purpose is to provide vegetation to reduce the heat island effect, assist in stormwater management, and soften the appearance of the parking lot. The planting strip is to be curbed and have a minimum dimension of 3.0 metres in width and a minimum area of 10.0 square metres. As an incentive, the number of parking spaces required to accommodate the planting strips within the parking lot shall be reduced to accommodate the planting strip.

### 5.5 Bicycle Parking:

Proposed Parking Requirements include short term and long term bicycle parking provisions. Included in Appendix “B” of Report PED16100(b), short term bicycle parking shall be provided in the proposed C1, C2, C3, C4, C5, C5a, and C6 Zones and be located in a parking area at grade to ensure quick and easy storage of bicycles. Short term bicycle parking spaces are required to be provided in a multiple dwelling and all commercial uses (other than a hotel and commercial parking facility). A minimum of 5 bicycle parking spaces is provided for all uses, but 10 spaces for commercial recreation and commercial entertainment uses. This requirement recognizes the increased number of customers who may ride their bicycles to a recreational or entertainment use.

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Long term bicycle parking may be provided in the proposed C4 and C5 Zones, and be located in a secure enclosed parking area to ensure bicycles are stored in a safe and weatherproof location. Motor vehicle parking requirements may be reduced by 1 space for every 5 bicycle parking spaces provided, and 1 space for every 15 square metres of gross floor area of locker, change room, or shower facilities accessible to all uses of the secure long term parking space.

**6.0 Special Exceptions:**

Following the development of the proposed CMU Zones and associated performance standards, a comprehensive review was conducted of all existing and recently approved site specific exceptions within the former municipal Zoning By-laws. Each site specific regulation was evaluated against the proposed CMU Zones, and a series of criteria were established which helped provide the rationale for which site specific permissions would be carried forward and which would not. Where a site specific regulation was adding additional use(s) or amending existing regulations, staff compared the use and regulations against the proposed Zone regulations.

Staff evaluated whether the use was permitted within the new broader definitions and whether the site specific regulations were required to continue. In some cases, new Special Exceptions were created in order to recognize specific uses which are no longer permitted as-of-right through the proposed CMU Zones, but for which there is merit in recognizing the use. In some cases, where a use was previously permitted as of right through the existing zoning and is no longer permitted through the proposed CMU Zones that existing use was either recognized through a Special Exception or was left to become a legal non-conforming use. A list of the proposed Special Exceptions are included in Appendix "B" of Report PED16100(b). In total, approximately 200 Special Exceptions are proposed.

Several Special Exceptions have been applied to multiple properties scattered throughout the city or entire blocks within the same community (i.e. former municipal downtown). These have been applied because of a more restrictive policy found in the Secondary Plan.

**7.0 Holding Provisions:**

In areas where Holding Provisions currently exist, these provisions have been incorporated into the proposed CMU Zones under Schedule "D" of Hamilton Zoning By-law No. 05-200. In total, 24 Holding Provisions are proposed and a list of the Holding Provision are included in Appendix "B" to Report PED16100(b). To develop these lands, applicants will be required to satisfy the conditions under the Holding Provision and a standard process of submitting a Zoning By-law Amendment application is required to remove the Holding Provision.

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**8.0 Other Matters:****8.1 Illegal Uses**

It is important to note that by virtue of the implementing Zoning By-law for the proposed CMU Zones, staff cannot legalize currently illegal uses. Unless the use has outgrown the current zoning which may be more restrictive than the proposed zoning (i.e. a home occupation in Zoning By-law No. 6593 prohibits off site employees whereas Zoning By-law No. 05-200 permits one employee). In addition, for a use to be recognized by the City, a change of use permit and/or a municipal license is required. Existing uses that are currently legal have either been recognized through a Special Exception or will become a legal non-conforming use.

**8.2 Residential Care Facilities**

A review of Residential Care Facilities is currently underway on a City wide basis. The proposed CMU Zones have maintained the regulations that have been previously established for Residential Care Facilities to maintain consistency throughout Zoning By-law No. 05-200. Any changes that come as a result of a future Council decision will be amended into all of the Municipal Zoning By-laws, including Zoning By-law No. 05-200.

**8.3 Existing Planning Applications**

There are several commercial related OPA and rezoning applications in various stages of the planning process (e.g. in circulation, by-law in the appeal period, or at the OMB). To avoid duplication and to allow the planning process to proceed for the individual properties, applications which have been received and deemed complete after February 24, 2017 will not be included in the new CMU zoning. Any by-law amendment that is final and binding in the period between February 24, 2017 and the date the CMU zones are passed by Council will be included in the new zones. Any by-law that comes into effect after that time period will be included in a housekeeping amendment at a later date. Appendix "G" to report PED1600(b) identifies all the applications currently in process and not included within the proposed CMU zoning. A future public meeting of the Planning Committee in the Fall 2017 will be held in order to bring lands that were left out of the CMU project into the new zones.

**8.4 Communities left out of the proposed CMU Zones**

Certain areas currently undergoing a Secondary Planning process or one that is under appeal, have been left out from the proposed CMU Zoning project, and include the following:

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- Downtown Hamilton Secondary Plan – Downtown Hamilton is currently subject to the Downtown Zones of Zoning By-law 05-200. Furthermore, the Secondary Plan update is undergoing to review existing policies and expand the secondary plan area to include land west of Victoria Avenue (currently the eastern limit is Wellington Street) and lands north and south along James Street.
- Centennial Neighbourhoods Secondary Plan – A secondary planning process is currently underway in areas roughly bounded by the QEW, Red Hill Valley Parkway, Lake Avenue North, and lands on the south side of Queenston Road. New policies and designations will provide future direction in the community and to reflect Council’s decision regarding amending the Environmental Assessment addendum to add an extension of the LRT to Eastgate Square.
- Fruitland – Winona Secondary Plan – The Secondary Plan was Council approved on May 14, 2014, but was appealed to the OMB on June 12, 2014. Currently, the Secondary Plan is not in effect as the remains appealed. However, only lands generally located southwest of the QEW and Fifty Road are included in the proposed CMU Zone as a decision was issued on June 30, 2015.
- West Harbour Secondary Plan – The Secondary Plan was approved by the OMB in 2012, but has yet to be incorporated into the UHOP.

Upon completion and resolution of the secondary planning process, a future phase of the CMU Zone project will involve introducing the proposed Zones to these areas. However, the timeline will be dependent on the completion of the individual secondary plan process.

#### 8.5 Future Commercial Zoning for LRT Corridor between Parkdale and Eastgate Square

City Council approved the Environmental Assessment Addendum to add an extension of the LRT from the Queenston traffic circle to Eastgate Square. Staff will be reviewing the proposed and the existing commercial zoning along the corridor between Parkdale Avenue and Riverdale. At the time the Centennial Neighbourhoods Secondary Plan is considered by Planning Committee in the Fall 2017, implementing commercial zoning will accompany the Plan for the lands along the corridor.

#### 8.6 Maximum Building Height

The maximum height in the proposed C5 and C5a Zones is 22 metres, which is consistent with Policy E.4.6.7 of the UHOP, which identifies a maximum of six storeys within the Mixed Use Medium Density Designation. The maximum height ensures a

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compact development while permitting densities to support public transit. Comments received during the public engagement process included the request to increase the height to provide an opportunity for more dense development especially along the main corridors and arterial roads. However, the ability to build taller and at higher density can be compounded by the existing lot fabric, which generally consist of smaller parcels especially corridors along older, more established neighbourhoods. Although beyond the scope of the proposed CMU Zone, a future review of the policy may be warranted.

### **9.0 Commercial and Mixed Use Guide**

Attached as Appendix “H” to Report PED16100(b) is a colour guide which contains information on the overall vision of the proposed CMU Zone, how it relates to the UHOP, and a detailed summary of each zone. The purpose of this booklet is to provide a quick reference and context to the reader using simple language with no technical words to confuse the reader. Furthermore, there are ample charts, hand-drawn illustrations, and photos of existing locations in Hamilton, and text to provide a quick understanding of the Zones.

### **ALTERNATIVES FOR CONSIDERATION**

City Council not adopt the OPA and Zoning By-law amendment. The existing UHOP policies will remain in effect and the former Municipal Zoning By-laws (Ancaster Zoning By-law No. 87-57; Dundas Zoning By-law No. 3581-86; Flamborough Zoning By-law No. 90-145-Z; Glanbrook Zoning By-law No. 464; Hamilton Zoning By-law No. 6593; and, Stoney Creek Zoning By-law No. 3692-92) will remain in effect for lands with existing commercial zoning.

### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

#### **Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

#### **Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

#### **Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

#### **Culture and Diversity**

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*Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated*

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A" Official Plan Amendment
- Appendix "A1" Provincial and UHOP Policy Analysis
- Appendix "A2" Explanation of Official Plan Amendment Changes
- Appendix "B" Zoning By-law Amendment (Text)
- Appendix "B1" Zoning By-law Amendment (Maps)
- Appendix "C" Temporary Use By-law Amendment for Dundas
- Appendix "C1" Temporary Use By-law Amendment for Hamilton (Upper James between Rymal Road and Stone Church Road)
- Appendix "D" Written Comments Summary
- Appendix "D1" Advisory Committee and Stakeholder Group Comments Summary
- Appendix "D2" Agencies Circulated for Comments
- Appendix "D3" Public Open House Written Comments
- **Appendix "D4" Summary of Comments from June 6, 2017 Planning Committee**
- **Appendix "D5" Summary of Comments between the completion of the staff Report and June 6, 2017 Planning Committee**
- Appendix "E" Public Consultation and Communications Summary
- Appendix "F" Stakeholder Workshop Feedback Report (Sue Cumming)
- Appendix "F1" Summary of Stakeholder Workshop Comments
- Appendix "G" List of on-going Development Applications
- Appendix "H" Commercial Zoning Guide
- **Appendix "I" Planning Committee/Council Directions (Motions)**
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