SUBJECT: New Official Plan Policies & Zoning for Employment Areas (PED08146) (City Wide)

RECOMMENDATION:

That Committee receive Report PED08146 and authorize staff to:

(a) Consult with the general public, land owners, and various stakeholders on the lands affected by the proposed Official Plan policies and zoning for Employment Areas, which excludes the Airport Business Park; and,

(b) Report back in October 2008 to Committee on the outcome of the consultation with revised recommendations for new Official Plan policies and zoning, including draft zone mapping, for Employment Areas.
EXECUTIVE SUMMARY:

The purpose of this Report is to inform Committee about new draft Official Plan policies (Appendix “C”) and zones (Appendix “E”) for employment areas within the Urban Area of the City, excluding the Airport Business Park, and to seek authorization to consult with the general public, affected land owners and other stakeholders, and to report back to Committee in October 2008 with the outcome of the consultation and with any revised recommendations and draft zone mapping.

A new Official Plan designation, being the Employment Area – Industrial Land designation and related policies is proposed for the City’s older industrial areas, permitting a broad range of employment uses, including heavy industrial uses. This designation is implemented by two new zones, being the General Industrial (M5) Zone to be applied on the interior of these areas, and the Light Industrial (M6) Zone to be applied as a transitional zone between heavier industrial uses and designated sensitive land uses.

A new Official Plan designation, being the Employment Area – Business Park designation and related policies is also proposed for the City’s business parks, permitting a broad range of employment uses with policies designed to enhance the image of the parks and the City. This designation is implemented by five zones, being the Research and Development (M1) Zone for the West Hamilton Innovation District; and for the other business parks under consideration, it is implemented by the General Business Park (M2) Zone to apply to the interior of the parks, the Prestige Business Park (M3) Zone to apply along the edges of the parks, the Business Park Support (M4) Zone permitting supporting uses at locations on arterial streets and/or collector streets into the parks, and by a modified Light Industrial (M6) Zone applied as a transitional zone in certain locations (i.e. North Glanbrook Business Park) between heavier industrial uses and designated sensitive land uses.

The proposed Official Plan policies and zones implement the findings of the City’s Comprehensive Employment Study, staff’s Municipal Comprehensive Review/Conversion Analysis, and the City’s draft Urban Structure Plan for the new Official Plan. The policies and zones are consistent with the Provincial Policy Statement and conform to the Province’s Places to Grow Growth Plan.

Office use is limited in scale within all employment areas and in location within the business parks by the proposed policies. It is the intent of the draft Urban Structure Plan that major offices are located within the Downtown in accordance with the Growth Plan, and that other office uses are primarily located within the City’s nodes and corridors. New major retail uses are prohibited in all employment areas in accordance with the Growth Plan.

The proposed policies among other matters, protect designated sensitive land uses, support eco-development standards at all locations, and require a higher calibre of design at certain locations to enhance the image of employment areas and the City in general.
BACKGROUND:

1.0 PURPOSE OF REPORT

The purpose of this Report is to:

- Inform Committee of the recommended draft Official Plan policies and zones for employment areas, which excludes the Airport Business Park, in accordance with the Work Program for the Official Plan and Zoning By-law Reform Programs for the Urban Area (Report PED08074 – see Appendix “A”); and,

- Request authorization from Committee for staff to consult with the general public, land owners, and other affected stakeholders about the draft policies and zones for employment areas, which excludes the Airport Business Park, and to report back in October 2008 to Committee on the outcome of the consultation with any revised recommendations and draft zone mapping.

2.0 WORK PROGRAM

Report PED08074 (Appendix “A”), which was considered by the Economic Development and Planning Committee on March 18, 2008, outlined the work program for various components of the City’s Official Plan and Zoning By-law Reform Programs for the Urban Area. In accordance with the major steps in the Work Program, this Report presents staff’s draft Official Plan policies and zones for the City’s employment areas. The remaining major steps to be undertaken after the Committees’ consideration of this Report include:

- Consultation with the general public, land owners and other stakeholders on the policies/zones in this Report: July-Sept. 2008 (general public consultation in Sept. 2008);
- Revisions and review based on input to the draft policies and zones in this Report: July-Sept. 2008;
- ED&PC endorsement/authorization to consult with the public again on the revised policies and zones with zone mapping: Oct. 2008;
- Further revisions and review based on above public input: Nov.-Dec. 2008;
- ED&PC review and authorization for a formal Open House (Bill 51 requirement): March-April 2009; and,
- Statutory public meeting at the ED&PC to consider the proposed policies and zoning: May-June 2009.

The Industrial Parks and Airport Development Division is presently undertaking an Airport Employment Growth District Study for expansion of the current Airport Business Park which is proposed to be completed in the Fall of 2009. Planning staff will present draft parent policies for the new Official Plan and zones with mapping for the current Airport Business Park in October 2008, pending advancement of the Study which affects the current Park.
Staff has also hired the firm of Jacques Whitford Limited to undertake a planning study for new Official Plan policies and zoning for private waste disposal sites which will be reported to the Economic Development and Planning Committee separately. The subject Report does not make recommendations on these uses.

3.0 CONTEXT

The City’s new Official Plan and Zoning By-law for the Urban Area will provide one comprehensive policy plan and zoning by-law for all of the former amalgamated municipalities and update the current policies and zoning to meet recent requirements under the Planning Act, the Provincial Policy Statement and the Province’s Places to Grow Growth Plan. Currently, the Urban Area of the City operates under one former regional Official Plan and six former local Official Plans, along with six former local comprehensive zoning by-laws and one new comprehensive zoning by-law (applying to the Downtown, and providing open space/park and institutional zoning throughout the City).

3.1 Employment Areas

The City’s employment areas as defined by the proposed Urban Structure Plan for the new Official Plan (excluding the recommended conversion sites) comprise the following as shown on Appendix “B”:

**Older Industrial Areas**

- Bayfront Employment Area
- Dundas Employment Area
- East Hamilton Employment Area
- A few sites on Glen Road/Tope Crescent

**Business Parks**

- Airport Business Park
- Ancaster Business Park
- Hamilton Mountain Business Park
- Flamborough Business Park
- North Glanbrook Business Park
- Stoney Creek Business Park
- West Hamilton Innovation District

In 2006, the City approved a new Secondary Plan and zoning for the West Hamilton Innovation District or WHID (partially under appeal). The District currently comprises older industrial uses and is now planned as a business park for primarily research and development uses. The current policies and zoning for employment areas vary across the City.

The older industrial areas of the Bayfront, Dundas, East Hamilton, and the sites on Glen Road/Tope Crescent are generally characterized by a broad range of industrial uses on a variety of parcel sizes in older purpose-designed buildings. The Bayfront
and East Hamilton areas have a predominance of medium and heavy industrial uses; steel manufacturing and port related facilities exist within the Bayfront area. A number of residential enclaves also exist within the Bayfront area. Burlington Street East via the Queen Elizabeth Way is the principle access to the Bayfront area, the eastern portion of which is both above and at-grade. The Dundas area comprises a variety of industrial and service uses and the Glen Road/Tope Crescent area comprises industrial uses on small parcels abutting Hwy. 403. Some of these areas contain pockets of uses, such as retail uses, not normally associated with industrial areas. The Hamilton Port Authority also owns lands and leases them for the operation of shipping and navigation uses as well as processing and manufacturing at a number of piers on Hamilton Harbour (see Section 1.1 of the Analysis/Rationale of this Report). These older industrial areas have perceived soil contamination.

Of the City’s six existing business parks (excluding WHID), North Glanbrook Business Park and the Airport Business Park remain the most largely undeveloped. Stoney Creek Business Park is the most developed. While the pattern of development in the other business parks has been largely established within registered plans of subdivision, all business parks still contain vacant lands yet to be developed. The City administers its Shovel Ready Industrial Lands Initiative to facilitate the further development of these business parks with various infrastructure improvements. The developed parks are generally characterized by more modern infrastructure and larger lot sizes with more modern buildings than the older industrial areas. A broad range of light, medium and heavy industrial uses, office uses, and retail and service uses currently exist in these parks.

### 3.2 Current Planning Status

The Province has become increasingly prescriptive in how municipalities must plan for employment areas. For example, under recent Provincial legislation, municipalities must bring their Official Plans into conformity with the Province’s Places to Grow Growth Plan by June 2009, which sets out specific employment area policies.

The Planning Act, Provincial Policy Statement, and the Places to Grow Growth Plan all provide very similar definitions for an “employment area”. The Growth Plan defines employment areas as: “Areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.”

#### 3.2.1 Planning Act

Under the Planning Act, the adequate provision of employment opportunities is listed as an area of Provincial interest for which municipalities must have regard when making a decision under the Act. Amendments to the Act through Bill 51, remove a prior right to appeal applications to the Ontario Municipal Board to amend an Official Plan or Zoning By-law proposing the removal of lands from employment areas; providing the Official Plan contains policies dealing with such removals.
Bill 51 also allows municipalities new flexibility and tools which can aid in implementing the City’s goals for employment areas and in implementing the Places to Grow Growth Plan. New municipal powers include conditional zoning (draft regulations by the Province expected) and more control over the exterior appearance/design of buildings and sustainable design elements on any adjoining highway, as part of the Site Plan Control process.

3.2.2 Provincial Policy Statement 2005

The general Provincial direction for employment areas is detailed in the Provincial Policy Statement 2005 (see also page 28 of this Report). The Planning Act requires the City’s new Official Plan to be consistent with the PPS. Section 1.3 of the PPS requires municipalities to provide for an appropriate mix and range of employment uses and allow for a range and choice in suitable sites. Generally, employment areas can include a wide range of economic activities and ancillary uses. Under the PPS, municipalities must plan for employment areas to meet employment needs for existing and future businesses.

3.2.3 Places to Grow Growth Plan

The Province’s Places to Grow Growth Plan contains a further level of detail on Provincial direction concerning employment area policies. Under Provincial legislation, municipal planning decisions must conform to the Growth Plan policies. Similar to the PPS, municipalities must plan for a mix of uses and maintain an adequate supply of suitable sites for employment uses. A key additional requirement of the Growth Plan is that major retail uses are not considered to be employment uses for the purposes of its conversion policies, and therefore, new major retail uses cannot locate in designated Employment Areas unless permitted through a Municipal Comprehensive Review. Key employment area policies are detailed in section 2.2.6 of the Growth Plan (see pages 29-30 of this Report).

3.2.4 Current Official Plan Policies and Zoning

The Official Plans from the former six lower tier municipalities and the former Regional municipality contain policies/designations applying to the different types of employment areas (see pages 30 to 31 of this Report). The former Region of Hamilton-Wentworth Official Plan contains higher level policies and identifies the location of the six business parks, whereas the former lower-tier municipalities contain more detailed policies pertaining to their employment areas and identify the older industrial areas in addition to the business parks identified in the Regional Plan. Due to varying priorities and local context, some anomalies have resulted in several of the former municipalities’ Official Plans. For example, in Flamborough, amendments have been adopted that have allowed new major retail uses within the business park (subsequently recommended by staff as a conversion site). Policy approaches also differ in the types of industrial uses that are allowed in the business parks.
Zoning has also varied throughout the various former municipalities in terms of permitted uses and regulations. For example, some municipalities have industrial zoning that allows a broad range of retail uses such as the former City of Hamilton Zoning By-law No. 6593 with its “M-11” (Prestige Industrial) District. Regulations, such as minimum lot areas and widths also vary between the former municipalities. Industrial zone classifications and use definitions, and terms such as “prestige industrial”, vary greatly and create confusion. Some zoning by-laws for example, also do not specifically define certain industrial uses and permit them on the basis of whether or not they are deemed to be noxious in impact.

Under provincial legislation, the City’s Urban Area Official Plans and Zoning By-laws must be amended to be consistent with the PPS and to conform to the Places to Grow Growth Plan.

4.0 RELATED CITY INITIATIVES

4.1 Comprehensive Employment Study & Peer Review

As part of the development of the City’s Growth Related Integrated Development Strategy (GRIDS) and the City’s new Official Plan, Hemson Consulting Limited prepared a Comprehensive Employment Study (2006) which updated an earlier 2003 Industrial Business Park Review Study, to reflect the employment growth targets under the Province’s Places to Grow Growth Plan. The Hemson Study’s main conclusion was that the existing supply of employment lands must be protected and that the current industrial land and business park designations must be maintained with the need for additional employment lands, in order to achieve the Province’s employment targets and in order for the City to be in a good position to compete for new economic investment.

The Study noted a number of trends and the types of uses that can be expected in Hamilton. These findings affect the desired range of permitted uses and zoning regulations for various employment areas in the City. It was noted that Hamilton enjoys several benefits, such as being well positioned to take advantage of growth in the goods movement industries due to its proximity to trade corridors. The Study predicted that the majority of employment growth in Hamilton will be in primarily large, single-storey industrial type buildings and in large industrial multiples on large sites. This finding reflects the current economic structure in the Greater Golden Horseshoe which is not expected to change. Major offices, “flex space” facilities, and smaller industrial multiples with significant office space are not expected to be a large part of the market given the City’s position at the edge of the metropolitan area. Industrial buildings have become larger and more automated, combining various functions. Ceiling heights have increased from 3.6m to 6m plus in the Greater Toronto Area, and access to specialized transportation infrastructure like airports is becoming more important.

While the older industrial areas are near full occupancy and have constraints regarding perceived soil contamination, poor road access, and the presence of heavy industrial uses, the Study considers it important to retain areas such as the Bayfront
for accommodating the traditional industrial type uses that many other 905 municipalities are discouraging. Because redevelopment costs are expensive for these sites, re-use of the existing buildings is also encouraged.

The Study found that most future employment growth in Hamilton will be accommodated in the Greenfield business parks and that planning for these parks should accommodate a variety of employment uses, including research and development, prestige and heavier industrial uses. Built-up employment areas are still viable but manufacturing output will continue to out-pace employment growth in these areas due to labour-saving technological advances. It is important to note as detailed in the Study, that “rather than particular uses, it is increasingly the design of the buildings that delivers the ‘prestige’ in the employment areas”. New policies and zoning should have an increased emphasis on the appearance and layout of employment areas, not only to ensure compatibility with surrounding land uses, but also to increase the reputation and appeal of the business parks to the investment community.

A density of 37 jobs per hectare for new Greenfield business parks was recommended by the Hemson Study, whereas the MKI peer review which was directed by Council regarding this finding, concluded that the current density of 31 jobs per hectare was more realistic. Staff recommended the Hemson figure as a goal for the Greenfield employment areas (Report PED08066) which was endorsed by the Economic Development and Planning Committee on March 18, 2008.

4.2 Municipal Comprehensive Review/Conversion Analysis

On March 18, 2008, the Economic Development and Planning Committee considered Report PED08066 which presented the findings of the Municipal Comprehensive Review carried out by Hemson Consulting Limited and the related conversion analysis by staff. This Review/Analysis was required by the PPS and Places to Grow Growth Plan prior to the redesignation of any employment areas for non-employment uses. While the vast majority of Hamilton’s employment areas should be retained, staff recommended a limited potential conversion of six Bayfront and East Hamilton areas, two smaller industrial sites, and a number of scattered sites. Committee also included some additional sites for consideration and directed that staff consult the public, land owners and various stakeholders and report back to Committee in June 2008 on the findings. Report PED08066a provides the details of those consultations and recommends the same previous sites for conversion.

This Report considers new Official Plan policies and zoning for the remaining employment areas (excluding the sites recommended for conversion) as shown on Appendix “B”.

4.3 Draft Urban Structure Plan & Official Plan Policies

Report PED08118 was considered by the Economic Development and Planning Committee on May 9, 2008. That Report presented the findings of the Draft Urban Structure Report (Dillon/SGL 2008) and requested direction for public consultation and reporting back in September 2008 on the recommended policies and
designations relating to the Urban Structure for the new Official Plan. The proposed structure comprises the major elements of the urban system, providing a greater level of detail than GRIDS and follows the nodes and corridors concept, with the employment areas as one of the major structural elements. Appendix “B” shows the proposed Urban Structure Plan with the employment areas (excluding recommended conversion sites).

Report PED08118 provided draft Official Plan policies relating to the proposed urban structure that provide guidance for the new detailed land use designations in terms of uses, function, scale and design. The draft policies for employment areas allow a broad range of uses, including traditional industrial uses, research and development uses, and uses that support the businesses and employees of the employment areas. Major retail uses are not permitted in accordance with the Places to Grow Growth Plan. Major office buildings are directed to the Downtown Urban Growth Centre. Design policies support a range of transportation modes, promote goods movement, and support improved aesthetics from the public realm, especially on lands fronting or at intersections of Queen Elizabeth Way.

The new Official Plan policies and zones for employment areas in this Report implement these structural policies.

4.4 Airport Employment Growth District Study

The City’s Industrial Parks and Airport Development Division has retained Dillon Consulting Limited to assist with the development of a new secondary plan and zoning for the current Airport Business Park and its expansion outside the current urban boundary, and for the airport lands. Scoping documents and land use concepts for Phase I of the project are scheduled to be reported to the Committee of the Whole on June 23, 2008. Phase II of the project, which includes a new Secondary Plan (part of the new Official Plan) for this area is slated for completion by September 2009.

Planning Staff will present new parent Official Plan policies for the Airport Business Park within the current urban boundary in the Fall of 2008 to the Economic Development and Planning Committee, after work has advanced on the Secondary Plan. Expansion outside the urban boundary will require an amendment to the new Official Plan for the Urban Area as the new Plan is scheduled for completion in June 2009.

4.5 Private Waste Disposal Sites Study

Historically, there have been a number of planning issues that have arisen during the review of Certificate of Approval applications to the Ministry of the Environment for private waste disposal facilities in Hamilton. The issues are largely concerned with nuisances such as odours and their impacts on sensitive land uses.

Other than general policies respecting industrial land uses in the Official Plans, there are no comprehensive policies or criteria by which private waste disposal facilities can be evaluated. Most of the City’s current Zoning By-laws also do not specifically define these uses and permit them depending on whether or not they are deemed to have
noxious impacts or categorize them as “warehouses” and “materials” and permit them on that basis.

Jacques Whitford Limited has been retained by the City to complete a planning study on private waste disposal sites. The consultant will present its findings to the Economic Development and Planning Committee in the Fall of 2008, after informal public consultation. Depending on the study’s findings, staff may recommend that all the Official Plans and Zoning By-laws of the former municipalities be amended to implement the Study’s recommendations, rather than wait until completion of the Official Plan and Zoning By-law Reform programs later in 2009. On April 23, 2008, Council passed Interim Control By-law No. 08-104 and on May 14, 2008 Council passed amending By-law No. 08-117, to prohibit new private waste disposal sites (except those which recycle concrete waste from sites for construction on the same site) on all industrially zoned lands in the City where no such by-laws are in effect, until completion of the study.

The subject Report does not consider private waste disposal sites as the issue is being examined under this separate study.

4.6 Economic Development Strategy

The third iteration of the City’s Economic Development Strategy is currently in draft form and will be released for community stakeholder input including review by the Jobs Prosperity Collaborative (formerly the Hamilton Civic Coalition) later this year. It is scheduled for completion late in 2008. The Strategy will continue to utilize an economic cluster model approach but in contrast to previous versions, it has reduced the number of clusters the City will focus on in the upcoming three years. The reason for this is to more effectively concentrate economic development resources and thereby increase the direct benefits, namely assessment growth and job creation. Each of the industry clusters will have a different impact on the employment areas. For example, the Goods Movement cluster will require large parcels of land in proximity to major transportation infrastructure for logistic related operations, compared with the Biosciences cluster which will be more intensified and adjacent to research/medical facilities.

The draft Official Plan policies (Appendix “C”) in this Report may require minor changes in the introduction of the policies, to more fully support the new Economic Development Strategy. Any changes can be made prior to adoption of the new policies by Council in June 2009.

**ANALYSIS/RATIONALE:**

A review of the recent Provincial policies, the relevant background studies for GRIDS, other municipalities’ Official Plan policies and zoning, and discussions with various City departments, the Business Development Committee of the Hamilton Chamber of Commerce, and the ICI Brokers, has resulted in the following key issues being analyzed to support the draft Official Plan policies and zones contained in Appendices “C” and “E” of this Report.
1.0 GENERAL APPROACH TO OFFICIAL PLAN POLICIES/DESIGNATIONS AND ZONES

While the former Official Plan of the Regional Municipality of Hamilton-Wentworth provides higher level policy direction for the six existing business parks (excluding WHID), the former lower-tier Official Plans provide policies which vary for similar types of employment areas (i.e. older industrial areas and business parks). New policies and zones will apply more consistency for the same types of employment areas, reflect the recommendations of the Hemson Report (2006) and GRIDS, satisfy recent provincial requirements, and conform to the proposed Urban Structure Plan.

A review of other municipalities' more recent Official Plan policies for employment areas and discussions with various City Departments/Divisions indicates a desire to provide new employment area policies for the City of Hamilton which are flexible to encourage greater economic opportunities and which control uses in terms of their impacts, rather than policies which are overly prescriptive in terms of the uses permitted and their location requirements. This approach provides the necessary guidance from the policies for new zoning, which by nature is prescriptive in the range of permitted uses and associated regulations.

Within the amalgamated City as described in Section 3.1 of the Background of this Report (Employment Areas), and based on the findings of the Comprehensive Employment Study in Section 4.1 of the Background, there are two types of employment areas which differ significantly in character: the older industrial areas and the business parks. As the challenges and opportunities differ between these types of employment areas, staff recommends two new Official Plan designations as shown on Appendix “D”, being the Employment Area – Industrial Land designation applying to the older areas, and the Employment Area – Business Park designation applying to the non-airport business parks. In a subsequent report, staff will discuss a third designation, being the Employment Area – Airport Business Park designation which will recognize the more unique policies being developed for this business park through the new Secondary Plan. The Employment Area – Industrial Land designation and the Employment Area – Business Park designation are discussed in the following sections of the Analysis/Rationale of this Report and the policies are provided in Appendix “C”.

Based on the policy issues of compatibility, image/design and orderly development which are discussed in the following sections of this Report, staff recommend two zones to implement the Employment Area – Industrial Land designation [General Industrial (M5) Zone and Light Industrial (M6) Zone] and five zones to implement the Employment Area – Business Park designation [Research and Development (M1) Zone, General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Business Park Support (M4) Zone, and Light Industrial (M6) Zone]. The proposed zones are contained in Appendix “E”. The zoning for the Employment Area – Airport Business Park designation will be reported on separately.

The General Industrial (M5) Zone is designed to be applied to the interior of the older heavier industrial areas such as the Bayfront and East Hamilton. The Light Industrial (M6) Zone is intended to be applied primarily as a transition zone between sensitive
land uses within future Neighbourhood and Institutional zones and heavy industrial uses in the M5 Zone. An example of this transitional zoning application is provided in Appendix “F” of this Report.

The City’s current Research and Development (M1) Zone which was passed by Council in 2006 for the West Hamilton Innovation District would remain unchanged, except for minor technical amendments to ensure conformity with the new Official Plan, pending the outcome of the appeal at the OMB. All of the remaining six business parks would have the General Business Park (M2) Zone applied to the interiors which allows a broad range of employment uses, including some heavier manufacturing uses, and the Prestige Business Park (M3) Zone applied at the edges of the parks along prominent arterial roads and expressways such as the QEW, which allows a more selective range of uses complementary to higher design standards and which includes light industrial uses since this zone will be adjacent Neighbourhood and Institutional zones in some cases. The Business Park Support (M4) Zone is intended to apply to locations likely on the edge of the parks along arterials and at collectors into the park; this zone provides a range of uses to support businesses and employees of the park. In some situations internal to the business parks, such as within the north-western portion of the North Glanbrook Business Park, a modified Light industrial (M6) Zone would also be applied as a transition between sensitive land uses within the Neighbourhood and Institutional zones and the heavier industrial uses permitted by the M2 Zone within the interior of the business parks.

The range of permitted uses and provisions for these policies and zones are discussed in the Section 3.0 below.

1.1 Hamilton Port Authority Lands

The former City of Hamilton Official Plan designates the Hamilton Port Authority lands as Shipping and Navigation Uses and Special Shipping and Navigation Uses which are also reflected on the proposed Official Plan designations for employment areas in Appendix “D”. The current policies for these designations were reached by agreement between the Authority and the City and reflect the Federal mandate of the Authority over their land ownership. The uses permitted include the movement, management, safety and convenience of ships; uses involving the carriage of goods or passengers to other modes of transportation; related storage and processing; and a variety of other related uses. A number of site specific policies relating to the use of certain piers also apply.

The Hamilton Port Authority also has its own Land Use Plan and specific development plans (i.e. Fisherman’s Pier Development Plan) applying to the area. Discussions with the Authority indicate their intent to update their Land Use Plan. Staff will be monitoring the update over the next year to determine if amendments should be made to the City’s Official Plan.

In the absence of any needed amendments due to the above update, staff recommend retaining the current former City of Hamilton Official Plan designations and policies for these lands. A site specific zoning in the City’s new Comprehensive Zoning By-law will be required to implement these policies which will be reviewed by
the Authority and presented to the Economic Development and Planning Committee as the Zoning By-law Reform program proceeds.

2.0 ROLE OF EXISTING SECONDARY AND NEIGHBOURHOOD PLANS

Currently, there are six Secondary Plans with employment area type designations which are part of the Official Plans of former lower-tier municipalities:

- Setting Sail Secondary Plan for West Harbour in the Hamilton Official Plan (under appeal);
- Ainslie Wood Westdale Secondary Plan in the Hamilton Official Plan;
- West Hamilton Innovation District Secondary Plan in the Hamilton Official Plan (partially under appeal);
- Clappisons Corners Industrial Business Park Secondary Plan in the Flamborough Official Plan;
- North Glanbrook Industrial-Business Park Secondary Plan in the Glanbrook Official Plan; and,

The three Secondary Plans within the former City of Hamilton are recent (some entirely or partially under appeal) and they provide more detailed policies than the parent policies in the Hamilton Official Plan. The Secondary Plans for the Clappisons Corners Industrial Business Park and North Glanbrook Industrial-Business Park are older and provide policies for the only conventional business parks in their former municipalities. The Secondary Plan for the Airport Industrial-Business Park is unique compared to the Secondary Plans for other business parks because it is oriented towards airport industrial and commercial uses; this plan is to be replaced and expanded by a new Secondary Plan being developed by the Airport Employment Growth District Study. Consequently, staff recommend retention of the Secondary Plans within the former City of Hamilton as these plans are more recent; they may require only minor/technical amendments to ensure conformity with the proposed policies in this Report. Staff recommend repeal of the remaining Secondary Plans which would be replaced entirely with the new policies for the Employment Area – Business Park designation as provided in Appendix “C” and the Employment Area – Airport Business Park to be provided in a future report. This approach does not preclude the undertaking of new Secondary Plans for employment areas if deemed appropriate. It should be noted that a substantial portion of the employment area designations in the Clappisons Corners Industrial Business Park Secondary Plan has already been recommended for deletion as part of the proposed Urban Structure Plan, due to the developing power centres at the northeast and southeast corners of Highways 5 and 6.

Secondary Plans provide a greater level of detail than the policies of the parent Official Plan. For example, the range of uses permitted in the West Hamilton Innovation District Secondary Plan is primarily oriented towards research and development uses compared to the broader range of uses in Policy 3.1 of Appendix “C” for the Employment Area - Business Park designation. Employment Area General Provision 1.0 a) of the proposed policies provides direction that Secondary Plans may
further scope the range of permitted uses and other policy matters proposed in the parent Official Plan.

The current Neighbourhood Plans which exist apply to many neighbourhoods in the former City of Hamilton and some within the former City of Stoney Creek, and certain industrial sectors in the former City of Hamilton. While they have no status under the Planning Act, these plans are Council approved. They have been valuable by providing additional guidance, particularly for new plans of subdivision and on related servicing issues. The existing Neighbourhood Plans will be amended to conform to the new Official Plan policies and zoning once finally approved.

3.0 RANGE OF PERMITTED USES AND ASSOCIATED PROVISIONS

The City’s new Official Plan policies and zones must satisfy the recent Provincial requirements, including conformity to the Places to Grow Growth Plan, in terms of the range of permitted uses and associated provisions (see Background – Section 3.2). As defined by the Growth Plan, employment areas are: “Areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.” The Growth Plan specifically indicates that major retail uses are non-employment uses for the purpose of its conversion policies. The proposed policies and zones in Appendices “C” and “E”, respectively, conform to the permitted uses in the Growth Plan for employment areas.

Based on the approach to the Official Plan policies and zones outlined in Section 1.0 of the Analysis/Rationale of this Report, one Official Plan designation with two zones are recommended for the older industrial areas and one Official Plan designation with five zones are recommended for the business parks. The remainder of Section 3.0 outlines the recommended policy and zoning provisions which are unique and common to these two types of employment areas. Specific policy and zoning provisions are also discussed in relation to Sensitive Land Uses, Eco-Development Standards, and General Design Issues in Sections 4.0, 5.0, and 6.0 which follow.


Older Industrial Areas

The proposed Employment Area – Industrial Land designation for the Official Plan to apply to the older industrial areas (Appendix “D”) of the City is implemented by the proposed General Industrial (M5) Zone and Light Industrial (M6) Zone.

General Industrial (M5) Zone

In accordance with the proposed policy direction, the General Industrial (M5) Zone is designed to apply to the interior of the older industrial areas and allows the broadest range of uses of all the employment area zones, including heavy industrial uses, and includes for example, all types of manufacturing, transport terminals (truck cartage), warehousing, storage or salvage yards, research and development, and office uses. Other uses which support industry in general are permitted, such as labour
association halls, commercial schools (i.e. trade schools), and commercial motor vehicle and equipment sales. Lastly, uses which support the businesses and employees of the employment area are permitted, including for example, financial establishments, restaurants, and personal services (i.e. hair salons). The M5 Zone is the least restrictive of all the zones in recognition of the existing heavy industrial uses and the Hemson Study’s (2006) conclusion that it is important to retain these areas for attracting traditional industrial uses not widely permitted in other 905 municipalities. The associated zone provisions are discussed in Section 3.2 below.

**Light Industrial (M6) Zone**

The proposed Official Plan policies incorporate provisions to separate designated sensitive land uses from heavier industrial uses and require regard for the corresponding MOE Guidelines (see Section 4.0 of the Analysis/Rationale). The proposed Light Industrial (M6) Zone is intended to implement these policies to provide transitional uses within the older industrial areas between the M5 Zone which permits heavier industrial uses in the interior and adjacent sensitive land uses within the Neighbourhood and Institutional zones. An example of the application of the M6 Zone along Barton Street is provided in Appendix “F”. The M6 Zone deletes the heavier industrial uses with potential noxious impacts permitted in the M5 Zone, thereby permitting only light industrial uses, and provides provisions to ensure compatibility with uses in the Neighbourhood and Institutional zones. Uses such as building or contracting establishments, bulk fuel and oil storage establishments, transport terminals, and heavy manufacturing uses whether accessory or not to a principle use, are prohibited in the M6 Zone. Staff note that the proposed M6 Zone may result in the down-zoning of some of the older industrial areas to prohibit heavier industrial uses that are currently permitted. The zone provisions require a maximum height of 11 m which may be increased with distance from lots in a Neighbourhood or Institutional zone, minimum planting strip widths along the streets of 3 m, minimum setbacks for buildings with light manufacturing of 20 m and for outside storage and assembly of 70 m from Neighbourhood and Institutional zones (in accordance with MOE Guidelines – see Section 4.0 of Analysis/Rationale), a minimum setback for loading of 7 m from lots in Neighbourhood and Institutional zones, and a minimum 1.8 m high visual barrier abutting lots in Neighbourhood and Institutional zones. These provisions are in addition to the recommended standard requirements for screening of outside storage and assembly. These provisions are comparable to those required by other municipalities which were surveyed by staff.

**Business Parks**

The Employment Area – Business Park designation proposed for the Official Plan (Appendix “D”) is implemented by 5 potential zones being the Research and Development (M1) Zone (WHID only), General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Business Park Support (M4) Zone, and in some cases, a modified Light Industrial (M6) Zone.
General Business Park (M2) Zone

In accordance with the proposed Official Plan policies, the General Business Park (M2) Zone is intended to be applied to the interior of the business parks, excluding WHID. The zone permits a range of employment uses including some heavier manufacturing such as stamping, blanking or punch-pressing of metal; warehousing; repair services; transport terminals; and research and development uses. Uses which support industry in general such as commercial schools are also permitted within the M2 Zone. Although some heavier industrial uses are permitted (i.e. transport terminals which need locations in suburban areas near expressways), discussions with Economic Development and Real Estate staff and feedback from the ICI Brokers favours prohibiting uses such as storage/salvage yards and dry cleaning plants which are unsightly or which exhibit odours to maintain an appropriate park image and to discourage complaints among users. Support uses for the businesses and employees of the park and offices (see Section 3.2 below) are not permitted in this zone. The design guidelines applying to this zone and business parks in general are discussed in Section 6.0 of the Analysis/Rationale below. Among zone provisions more unique to the M2 Zone, is the requirement for a reduced minimum 3 m yard adjacent streets to allow for more compact development within which must be located a 3 m wide planting strip to maintain a business park image throughout the park. Other requirements such as the screening of outside storage and assembly are discussed in Section 3.2 below.

Prestige Business Park (M3) Zone

At the edges of most business parks along prominent arterial roads and expressways such as the QEW, the proposed Official Plan policies for design (see Section 6.0 of Analysis/Rationale) direct that the highest quality design standards for the park be at these locations to enhance the image of the business parks and the City in general. The proposed Prestige Business Park (M3) Zone is intended to implement these policies by permitting a more selective range of uses on large lots (minimum 60 m width and 4000 sq. m area) to showcase a corporate image for the park (i.e. research and development, office, light manufacturing). Uses such as transport terminals which are difficult to screen are prohibited. Zone provisions implementing the design objectives include a minimum 6 m wide planting strip adjacent streets and expressways, maximum yards between a street and a principle building of 25 m to accommodate the required landscaping and to discourage larger parking areas, provisions which prohibit loading adjacent a street or expressway, and provisions for outside storage and assembly areas which prohibit them adjacent streets and MTO rights-of-way and which require appropriate screening, including not allowing outside storage to exceed the height of the required screening. As the M3 Zone may be applied adjacent Neighbourhood and Institutional zones, similar provisions as in the Light Industrial (M6) Zone have been added for setbacks for buildings for light manufacturing and for outside storage and assembly areas. Additional design matters will be implemented through Site Plan Control as discussed in Section 6.0 of the Analysis/Rationale.
Business Park Support (M4) Zone

In order to ensure that business parks are primarily developed for employment uses such as manufacturing, office, and research and development, staff recommend that the supporting uses for employees and businesses of the parks be grouped at locations along arterial roads and at collectors into the parks. The proposed Official Plan policies and Business Park Support (M4) Zone implement this objective. Only uses which support the park are permitted within the M4 Zone. The proposed zone provisions are discussed in Section 3.2 below.

3.2 Official Plan Policies and Zone Provisions Common to all Designations/Zones

Offices

While offices are a permitted use within employment areas in accordance with Provincial policies, the Places to Grow Growth Plan requires that major office development (generally defined as freestanding office buildings of 10,000 sq. m/107,600 sq. ft. or greater or with 500 jobs or more) be located in the Urban Growth Centres, at major transit station areas, in areas with existing frequent transit service, or where there is existing or planned higher order transit service. Discussions with various City Departments/Divisions indicates a desire to further limit the amount of offices in employment areas, and in the case of business parks their location, in order to encourage the establishment of offices within the various nodes and corridors, including the Downtown. The establishment of offices within the nodes and corridors is important for sustaining transit ridership and for encouraging employment opportunities in proximity to residences. As cited in the Hemson Study (2006), major offices and smaller industrial multiples with significant office space are not expected to be a large part of the City’s overall market given its position at the edge of the metropolitan area.

Given the above, offices are recommended in all of the employment areas, excluding potential gateway sites (i.e. at the QEW/Centennial Parkway) and excluding the Airport Business Park, at a maximum 2,000 sq. m Gross Floor Area per free-standing building. Increased amounts of office development may be allowed at these other locations to a maximum of 10,000 sq. m per free-standing building, pending advancement of the new Commercial policies for the Urban Area and advancement of the Airport Employment Growth District Study. Offices are to be permitted within the Prestige Business Park (M3) Zone as this use is considered important for prestige development, and within the Business Park Support (M4) Zone as a service for the business parks. However, offices are prohibited elsewhere in the business parks to support their primary location within the nodes and corridors. In recognition of the redevelopment constraints for the older industrial areas as outlined in Section 4.1 of the Background of this Report, offices are recommended anywhere in these areas within both the General Industrial (M5) Zone and the Light Industrial (M6) Zone to encourage the adaptive re-use of existing buildings.

The above requirements for offices are contained in Policies 2.2 f) and 3.2 h) of Appendix “C” and in provisions for the M3, M4, M5, and M6 Zones in Appendix “E”.

Retail

Retail uses are only permitted by the Provincial Places to Grow Growth Plan as an associated use in employment areas; major retail uses are not permitted in employment areas unless already legally existing or deemed appropriate through a Municipal Comprehensive Review. Staff recommend that all new principle retail uses where permitted, be restricted to a maximum Gross Floor Area of 500 sq. m. to permit only smaller retail uses likely to serve the needs of employees of the employment areas. The approach to retail uses in the new Comprehensive Zoning By-law is to avoid specific types of retail store definitions due to interpretation and enforcement problems. In the policies and both M5 and M6 zones for the older employment areas, small retail uses are permitted anywhere to encourage adaptive re-use. For business parks, excluding WHID, small retail uses are only permitted by the proposed Official Plan policies and the Business Park Support (M4) Zone with other supporting uses for the park.

Accessory Office and Retail

A review of the former City of Hamilton Zoning By-laws and other municipalities' Zoning By-laws indicates similar approaches to incorporating provisions to ensure that the amounts of accessory office and retail uses for employment uses, such as manufacturing, remains accessory and does not constitute a principle use. Accessory office uses are essential for administrative operations for many employment uses and staff recommends a maximum 25% of the total Gross Floor Area of development, commensurate with the total scale of an operation. However, in the case of accessory retail uses, staff recommends a maximum of 25% of the total GFA with an upset limit of 500 sq. m GFA in order to ensure that these types of accessory uses are truly complementary and do not function as principle uses with larger operations. In the case of warehouses, staff recommends a prohibition on accessory retail use as no products are manufactured.

Lot Areas and Widths

The findings of the Hemson Study (2006) as described in Section 4.1 of the Background of this Report and discussions with the Economic Development and Real Estate Division, indicate that present and future demand in both older industrial areas and business parks is for primarily larger industrial uses on large sites. Larger minimum lot areas and widths are recommended to ensure an adequate supply of large lots to meet demand.

A survey of former City of Hamilton and other municipalities’ zoning requirements shows that minimum lot sizes in employment areas generally range from 2000 to 4000 sq. m and minimum widths generally range from 30 m to 60 m. In recognition of the need for large employment area lots in Hamilton, staff recommend minimum lot widths and areas of 45 m and 3000 sq. m for the older industrial areas, and 60 m and 4,000 sq. m for the business parks (excluding WHID). A larger lot width and area is also desirable for the proposed Prestige Business Park (M3) Zone to encourage larger prestige uses. However, these provisions will only apply to new lots in both areas to ensure that building permits can still be issued for existing smaller lots. The
new Comprehensive Zoning By-law will contain vacuum clauses (general zoning provision recognizing lots which legally complied with the prior regulations) to recognize these non-complying situations. Recognition of existing undersized lots will also support the operation of smaller scale uses.

Density of Development

Discussions with Public Works staff indicate that the City’s new master servicing studies propose to maintain the current level of servicing for the older industrial areas and those business parks which are substantially developed. Business parks not fully developed are classified as Greenfield Areas by the Province’s Places to Grow Growth Plan. As outlined in Section 4.1 of the Background in this Report, a density for employment areas within Greenbelt Areas of 37 jobs per hectare has been recommended by staff and endorsed by the Economic Development and Planning Committee. This density has been used in the new master servicing plans for the Greenfield Areas of the employment areas and will be included in the Official Plan’s Urban Area Goals for employment areas (to be reported on at a later date).

A maximum density of development in the proposed zoning for employment areas is recommended to ensure adequate servicing for development and the necessary on-site surface area for parking, storm water absorption and landscaping. The City has recently experienced problems with existing zoning not being supported by adequate servicing in parts of Waterdown and in the Twenty Road catchment area, albeit for uses other than employment uses. However, once zoning is in place, there is an expectation by purchasers and developers that adequate servicing is also available. With no maximum height requirement applying to some of the proposed zoning for employment areas and multi-storey buildings allowed (i.e. offices), the density of development cannot be controlled with only minimum yards. Zoning is also the most appropriate mechanism under the Planning Act for controlling densities.

A review of other municipalities’ zoning provisions shows that for most employment type zones (including office uses), the maximum Floor Area Ratio generally ranges from 0.45 to 0.6 (ratio of maximum gross floor area to lot area). Feedback from the ICI Brokers indicated that a maximum Floor Area Ratio of 0.6 was typically too large for one-storey floor plates because parking and other on-site requirements could not be accommodated. However, such a requirement is designed to regulate both single and multi-storey developments and these other on-site requirements are separately regulated through the proposed zoning, subdivision and site plan control processes. Staff recommend a maximum Floor Area Ratio of 0.6 which has been reviewed by Public Works and Development Engineering staff as acceptable in meeting the proposed servicing levels for employment areas. This density accommodates the goal of 37 jobs per hectare in the Greenfield Area and the proposed level of servicing.

Location & Screening of Outside Storage and Assembly

With the exception of the interior of the older industrial areas where such uses as storage and salvage yards are permitted and the West Hamilton Innovation District which has special zoning regulations, and in the interests of aesthetics, the recommended policies and zoning for all other employment areas require that all
outside storage and assembly not exceed 30% of the lot area with a minimum 500 sq. m Gross Floor Area building to ensure that such uses are accessory in nature and do not comprise a principle use. Additionally, such uses are not permitted within a front yard or within the minimum setbacks from a flankage street or a MTO Right-of-Way. The storage of transport trailers in connection with transport terminals [not permitted in the Prestige Business Park (M3) Zone or the Light Industrial (M6) Zone] is not considered outside storage.

Discussions with Economic Development and Real Estate staff indicate previous complaints in business parks regarding the lack of screening of outside storage and assembly between properties. In recognition of these complaints and to ensure compatibility between employment uses and adjacent Neighbourhood and Institutional zones, the zoning provisions require that outdoor storage and assembly be screened from all lot lines by a minimum 1.8 m high visual barrier or by a building or structure. In the case of the Prestige Business Park (M3) Zone, the provisions also require that outside storage not exceed the height of the screening.

In accordance with the MOE Guideline relating to sensitive land uses (see Section 4.0 of Analysis/Rationale), a special minimum setback is recommended for outside storage and assembly from a Neighbourhood or Institutional Zone in the Prestige Business Park (M3) Zone and in the Light Industrial (M6) Zone.

**Loading**

With the exception of the General Industrial (M5) Zone which would apply to the interior of the older industrial areas and the Business Park Support (M4) Zone which does not allow industrial type uses, all of the remaining zones proposed, for aesthetic reasons and/or to buffer sensitive land uses, prohibit loading within the front yard or within the minimum setback from a flankage street, and where applicable, prohibit loading within 7 m of a lot in a Neighbourhood or Institutional zone. Loading is also prohibited within 14 m of a MTO Right-of-Way.

**Minimum Yards & Planting Strips**

All of the proposed zones require the same minimum interior side yard of 3 m and the Business Park Support (M4) Zone requires a minimum rear yard of 3 m to ensure adequate space for access, maintenance and drainage. Minimum rear yards of 12 m are required for all of the zones permitting industrial type uses to ensure adequate space for turning movements and loading by transport trucks.

The proposed General Business Park (M2) Zone and Business Park Support (M4) Zone apply to all business parks (excluding WHID). The proposed Light Industrial (M6) Zone allows transitional uses between heavier industrial uses and sensitive land uses in the Neighbourhood and Institutional zones and will be applied to the older industrial areas and some business parks. These zones require minimum yards adjacent public streets of 3 m allowing the opportunity for more compact development and space for a required minimum 3 m wide planting strip to maintain a quality image for the business parks and to complement the streetscapes of adjacent Neighbourhood and Institutional zones. The Prestige Business Park (M3) Zone,
Business Park Support (M4) Zone, and the Light Industrial (M6) Zone also require a minimum 1.8 m high visual barrier along a lot line abutting a Neighbourhood or Institutional Zone and a minimum 3 m wide planting strip abutting such lots to provide screening for sensitive land uses.

The proposed General Industrial (M5) Zone which applies to the interior of the older heavier industrial areas requires a minimum yard adjacent the streets of 3 m allowing for compact development with adequate space for street maintenance (i.e. to swing a back-hoe). Through a proposed site specific zone exception, a minimum 1.5 m wide planting strip is required adjacent the at-grade portions of Burlington Street East (excluding below the above-grade portions) to satisfy the design objectives in Section 6.0 below. The M5 Zone does not require planting strips in other parts of the older industrial areas given the existing heavy industrial character.

The proposed Prestige Business Park (M3) Zone requires larger minimum yards adjacent public streets of 6 m with a minimum required planting strip width of 6 metres within, in recognition of further enhancing the image of the business parks and the City in accordance with the design objectives. A maximum yard adjacent the streets of 25 m for principle buildings ensures space for the planting strips and for small parking lots and discourages large parking lots adjacent the streets.

All zones adjacent a MTO Right-of-Way require a minimum 14 m setback in accordance with MTO requirements and a minimum 6 m wide planting strip along the Right-of-Way to enhance the image of business parks and the City.

Additional setbacks are required to satisfy MOE Guidelines (see Section 4.0 below).

**Height**

In recognition of increased ceiling heights in the GTA as noted in the Hemson Study (2006) and based on discussions with the Economic Development and Real Estate and Industrial Parks and Airport Development Divisions, staff recommend that all of the proposed zones with the exception of the General Business Park (M2) Zone that applies to the interior of the business parks and the General Industrial (M5) Zone that applies to the interior of the older industrial areas, allow a maximum height of 11 m which may be equivalently increased as the distance from a lot in a Neighbourhood or Institutional zone increases. No height limit is recommended for the M2 and M5 zones as they will not be applied adjacent sensitive land uses. This represents a substantial increase in height compared to the maximum heights in some of the former City of Hamilton Zoning By-laws. Certain roof-top equipment and accessory wind turbines and solar panels are exempt from the maximum height requirements.

Within 110 m of the brow of the Niagara Escarpment, the current maximum height limit of 11 m is recommended to be retained in all zones to satisfy policies of the NEC Plan.
4.0 SENSITIVE LAND USES

In 1995, the Ministry of the Environment published Guideline D-6 “Compatibility Between Industrial Facilities and Sensitive Land Uses” under the authority of various statutes, including the Planning Act. The Guideline applies to all types of proposed, committed and/or existing industrial land uses which have the potential to produce point source and/or fugitive air emissions such as noise, vibration, odour, dust and other emissions through normal operations, procedures, maintenance or storage activities, and/or from associated traffic/transportation. Although not a legislative requirement, staff regularly consult the Guideline to ensure good land use planning and implement it when evaluating site specific applications for Zoning By-law Amendments and Site Plan Control approvals. The mitigation measures recommended in this Guideline are separate from the MOE’s Certificate of Approval process for satisfying air and noise standards.

The Guideline defines sensitive land uses as recreational uses which are deemed by the Municipality or Provincial agency to be sensitive and as any building or associated amenity area where humans or the natural environment may be adversely affected by industrial emissions and cites a variety of residential and institutional uses as examples. Three classes of industrial uses are defined based on the degree of adverse impact, with Class I being the least adverse, Class II having a mid-adverse level, and Class III being the most adverse. The Guideline provides potential influence areas (distances from sensitive land uses) that are used as a flag to require studies to substantiate the absence of problems. The Guideline also recommends the following minimum separation distances between sensitive land uses and industrial classes: 20 metres from Class I, 70 metres from Class II, and 300 metres from Class III industrial uses.

Discussions with various City Departments/Divisions indicate a desire for flexibility in implementing these guidelines given that Hamilton has a long history of heavier industrial uses in proximity to sensitive land uses and given that most of the current employment areas are substantially built out. Employment Area General Provision 1.0 c) of the proposed Official Plan policies (Appendix “C”) provides direction that sensitive land uses within the Neighbourhood and Institutional designations shall be protected from adverse impacts from industry by a variety mechanisms ranging from separation to technological mitigation. The policy recognizes separation as the preferred approach and requires regard for the MOE Guideline and in addressing potential adverse impacts not addressed by the Guideline. In order to protect the current investment in employment areas, Employment Area General Provision 1.0 d) of the proposed policies recognizes that the onus for ensuring compatibility will be on new sensitive land uses where industrial uses already exist.

The above policy approach is intended to be primarily implemented through the mapping exercise for the new zoning which will be reported on to Committee in the Fall of 2008. Appendix “E” contains the provisions for the proposed Prestige Business Park (M3) Zone and Light Industrial (M6) Zone which require a minimum setback of 20 m for a building containing Class I manufacturing uses from a Neighbourhood or Institutional Zone. Outside storage and assembly areas which are classified as Class II industrial uses, require a minimum 70 m setback from these
sensitive use zones. As part of the mapping exercise for the new zoning, staff will apply the M3 and M6 Zones between sensitive use zones and the proposed heavier industrial use zones, being the M2 and M5 Zones in Appendix “E”. As discussed in Section 3.1 of the Analysis/Rationale of this Report, the M3 and M6 Zones contain a number of other provisions to ensure compatibility with Neighbourhood and Institutional zones.

Of special note, day care centres are considered a sensitive use by the MOE Guidelines and not permitted as a principle use in any of the proposed zones. However, they are permitted as an accessory use.

5.0 ECO-DEVELOPMENT STANDARDS

The Planning Act identifies the supply, efficient use and conservation of energy and water as a matter of Provincial Interest which must be regarded by municipalities in making decisions under the Act. Additionally, both the Provincial Policy Statement and the Province’s Places to Grow Growth Plan provide policies regarding water and energy conservation. In particular, the latter requires municipalities to develop and implement Official Plan policies that support land use patterns and urban design standards that encourage and support energy-efficient buildings and opportunities for co-generation. Eco-development standards are presently being considered by Development Engineering staff for the proposed Criteria and Guidelines for Stormwater Infrastructure Design and the Engineering Guidelines for Servicing Lands under Development Applications, and are currently included within the City’s Stormwater Master Plan. Future revisions to the City’s Site Plan Guidelines and various financial incentive programs can also be used to further implement these types of standards. Discussions with various City Departments/Divisions indicate benefits to both the City and developers in implementing these standards which reduce the impacts of new development on existing servicing infrastructure and which also allow increased densities of development.

Employment Area General Provision 1.0 g) of the proposed Official Plan policies in Appendix “C” provides direction that eco-development standards are encouraged by the City in employment areas. Examples include: LEED certifications; preferential parking near main entrances for energy conserving vehicles (i.e. identified at the Site Plan Control stage for car pooling, Smart Cars and hybrid vehicles); permitted accessory uses and regulations allowing for wind turbines, solar panels, and geothermal energy production; green roofs, and on-site stormwater management, including permeable surfaces in parking areas. Recognition is also provided in the policy for allowing increased densities of development in exchange for mitigating the related servicing impacts. This policy direction can be implemented through zoning, site plan approvals and subdivision approvals.

All of the proposed zones in Appendix “E” implement the above policy to varying degrees by allowing accessory power generation uses, including exemptions from maximum height requirements; requiring generous landscaping; and a maximum gross floor area relative to lot size (maximum Floor Area Ratio of 0.6) to permit area for on-site absorption of rain water and to ensure adequate municipal servicing. Permeable materials will be determined at the Site Plan Control stage; gravel and
other materials which generate dust or tracking off-site will not be permitted. Private power generation (not from waste) is included as a principle use in the General Business Park (M2) Zone and in the General Industrial (M5) Zone.

6.0 GENERAL DESIGN ISSUES

Discussions with staff from Economic Development and Real Estate and Community Planning and Design and with the ICI Brokers have resulted in a consensus of requiring a higher calibre of design along certain streets within employment areas. These streets include along the outer edges of the business parks along prominent arterial roads and expressways (i.e. QEW) in order to present a quality image for the parks and the City; at the interface with sensitive land uses in the Neighbourhood and Institutional designations (i.e. along the north side of Barton Street) in order to complement the sensitive land uses; and along the non-elevated portions of Burlington Street East which is a major entrance into the Bayfront. Higher design standards are to be implemented through the placement of buildings, parking, loading, outside storage and assembly, lighting and enhanced landscaping in order to create a safe and attractive environment for pedestrians and vehicles. With the exception of the non-elevated portions of Burlington Street East which runs through an established heavy industrial area, a compatible range of uses (i.e. light industrial or prestige uses) which are able to complement these design standards are also recommended. The non-elevated portions of Burlington Street East should be given special attention to develop pedestrian amenities, including sidewalks, within and along the street for the employees of that area.

Along all the above-noted streets, staff recommend at a minimum, that no building facade facing these streets be finished in flat concrete block or metal or vinyl siding, with appropriate treatments to be identified at the Site Plan Control stage.

“Prestige” standards are recommended at the exterior of business parks along prominent arterial roads and expressways (i.e. QEW in Stoney Creek) where the highest quality design within the parks will be encouraged. The principal facade of the buildings with the main pedestrian entrance and windows are to face the arterial streets and the facades facing expressways are to emphasize a strong corporate presence. Enhanced landscaping is recommended along all streets in these areas with major parking areas to be discouraged between principal buildings and arterial streets or expressways.

Employment Area General Provision 1.0 b), Employment Area – Industrial Land Provisions 2.2 a) to c) and e) and Employment Area – Business Park Provisions 3.2 a) to e) of the proposed Official Plan Policies in Appendix “C”, support this recommended policy direction on design.

The proposed zones in Appendix “E” contain a number of provisions to implement the above policy approach towards design. The range of permitted uses in the Light Industrial (M6) Zone are intended to support the design objectives for employment areas adjacent Neighbourhood and Institutional zones, and the range of permitted uses in the Prestige Business Park (M3) Zone are intended to support the design objectives at the edges of the business Parks (excluding WHID) along prominent
arterial roads and expressways. Both zones prohibit heavy manufacturing uses that have noxious impacts and permit uses in general that are more aesthetically pleasing, excluding for example, transport terminals, storage or salvage yards, and bulk fuel and oil storage establishments. Research and development, office, and light manufacturing are expected to be primarily developed within the Prestige Business Park (M3) Zone.

All of the proposed zones, require a minimum 14 m setback for buildings and structures from MTO Rights-of-Way in accordance with MTO requirements, with a minimum 6 m wide planting strip along the Right-of-Way and no loading within the building/structure setback. The Light Industrial (M6) Zone to be applied adjacent Neighbourhood and Institutional zones requires a 3 m wide planting strip along public streets. Staff recommend that an exception be added to the General Industrial (M5) Zone which would require a minimum 1.5 m wide planting strip along the non-elevated portions of Burlington Street East.

For the Prestige Business Park (M3) Zone, a large minimum lot area of 4000 sq. m. and large minimum lot width of 60 m are required to encourage prestige type uses. Compared to the other proposed zones, the M3 Zone requires a larger minimum yard facing a street and wider minimum planting strips along the streets, of 6 metres each. The M3 Zone also provides for a maximum yard for a principle building from a street of 25 m to accommodate the required landscaping and only a single aisle of double-loaded parking, to discourage larger parking areas along arterial streets and expressways.

All of the zones permitting industrial type uses, except the M5 Zone applying to the interior of the older industrial areas, prohibit loading areas, and outdoor storage and assembly adjacent the public streets. Outdoor storage and assembly areas are required to be screened from all lot lines and a maximum of 30% of lot area for these accessory uses is permitted. The Prestige Business Park (M3) Zone prohibits outside storage higher than the required screening.

Other design issues are intended to be addressed as part of the Site Plan Control process.

7.0 PARKING STANDARDS

The majority of the recommended parking standards in Appendix “G” for the permitted uses within employment areas are based on the “City-Wide and Downtown Parking and Loading Study” by Marshall Macklin Monaghan (MMM), dated October 2005, for the City’s new Comprehensive Zoning By-law.

While the majority of recommended parking standards in Appendix “G” are based on the MMM study, for certain uses, the MMM standards have been modified by staff. Any modifications to the MMM standards are to maintain consistency with the minimum parking standards in the City’s recent Zoning By-law 05-200, which are not seen as unique to the Downtown and applicable to all areas of the City; to apply parking standards to particular traffic generating uses within a building as in the case of building or contracting yards and salvage yards (i.e. retail floor area versus storage
areas); or to apply a parking standard for a use not considered by the study based on a survey of other municipalities’ standards.

In the case of warehousing, staff recognizes that this use is becoming increasingly more automated with a consequent reduction in the numbers of employees. However, a review of the minimum parking standards for this use in other municipalities’ zoning indicates dramatic variations, from 1 parking space per 200 sq. m GFA in Windsor, London and Guelph to 1 parking space per 1,500 sq. m GFA in Kitchener. MMM’s recommended standard for warehouse use is the highest encountered at 1 space per 115 sq. m GFA which is based on the former City of Hamilton’s Zoning By-law 6593. Staff recommend that a minimum parking rate of 1 space per 30 sq. m be applied to the accessory office component only of a warehouse, which is the same approach taken by staff for building and contracting yards (above).

Areas where staff’s recommended parking standards differ from the MMM standards are detailed in the attached Appendix “G”.

8.0 NON-COMPLYING SITUATIONS

As part of the next step in the process for new Official Plan policies for employment areas, staff will need to review the current Special Policy Areas (which provide exceptions to standard policies) to determine whether or not they can or should be carried forward in the new policies. Special Policy Areas may also be required to support the zoning exceptions noted below.

As substantial portions of the City’s current employment areas are developed, the use of vacuum clauses (general zoning provision recognizing developments/lots which legally complied with the prior regulations) and/or site specific zoning exceptions (at the mapping stage) in the City’s new Comprehensive Zoning By-law will be needed to recognize certain existing situations, to avoid the need for a site specific rezoning or minor variance application, and to facilitate the issuance of building permits. Staff have reviewed all of the existing zoning provisions which differ from those recommended and identify the following situations:

- In some cases there are legally created vacant lots or built lots which are undersized in terms of the recommended minimum lot widths and areas or upon which existing buildings and structures do not meet other recommended zone provisions such as minimum setbacks. In order to facilitate the issuance of building permits for new buildings or expansions which otherwise meet the recommended requirements, a vacuum clause in the new Zoning By-law is recommended to recognize these non-complying situations.

- In some cases there are established patterns of development within plans of subdivision within the City’s business parks where current zone provisions differ from those recommended and compliance with the new provisions would impact the character of the established area (i.e. significant differences in front yard setbacks). In these cases, staff recommend that exceptions be added to the zoning at the mapping stage to ensure compatibility.
• Appendix “D” of the proposed Official Plan designations shows a proposed Employment Area – Industrial Land designation for 6 properties on Glen Road and Tope Crescent which comprise industrial uses and which are recommended to be retained in an employment area designation due to proximity to Highway 403. A site specific Light Industrial (M6) Zone may be required to permit a broader range of light industrial uses due to the small lot areas.

• In the absence of amendments needed to the Official Plan due to the Hamilton Port Authority’s update of its Land Use Plan, staff recommend retaining the current policies for the Authority’s lands. However, site specific zoning will be required to implement these policies as the current zoning by-law will be repealed.

• Within current employment areas of the City, there are many properties with legal major retail and other service type uses existing. While new major retail and other non-employment uses are not permitted by the proposed Official Plan policies, these existing uses will need to be recognized by exceptions in the zoning to avoid the uncertainty which arises with a non-conforming status. However, expansions will not be permitted by new zoning.

• While the standard Prestige Business Park (M3) Zone does not allow heavy manufacturing uses as most of this zoning will be in proximity to designated sensitive land uses, there are locations such as adjacent the QEW where no sensitive land uses exist and certain heavier manufacturing uses would conform with the design objectives for this zone. Zoning exceptions will be required to allow such uses as breweries and other like uses which have a strong corporate presence.

9.0 OTHER OFFICIAL PLAN POLICIES

Five Official Plan policies have been included in Appendix “C” which support other City objectives and Provincial requirements.

Employment Area General Provisions 1.0 e), h), i) and j) support: compliance with Provincial environmental standards; transit supportive employment areas and active (pedestrian/bicycle) transportation modes; the Planning and Economic Development Department’s proposed staging of development strategy which supports the City’s Shovel Ready Industrial Lands Initiative; and, the relocation of non-compatible uses over the longer term such as the residential enclaves that exist within the Bayfront industrial area. The Provincial environmental standards cited are regulated by the Province. Transit/other transportation modes and staging of development are primarily implemented through the subdivision and site plan approval processes. The relocation of existing residential enclaves will be encouraged by making them legal non-conforming to the proposed zoning.

In order to ensure the orderly development of the remaining undeveloped lands within business parks, Employment Area Business Park Provision 3.2 f) requires that lot creation within the business parks will generally be through a plan of subdivision and that consents will only be allowed where the subject land already fronts an existing
public road with adequate servicing and subject to the other criteria in subsections 51(24) and 53(1) of the Planning Act relating to subdivision and consent approvals.

Report PED08066a scheduled for the Committee of the Whole meeting on June 23, 2008, recommends additional draft Official Plan policies affecting employment areas. These policies support the protection and preservation of employment areas, identify criteria for a municipally initiated comprehensive review required prior to the conversion of these areas, define “regeneration area”, and add Special Policy Areas with zoning criteria for certain converted sites to allow the continuation of industrial uses until alternative uses are proposed.

**ALTERNATIVES FOR CONSIDERATION:**

If new Official Plan policies and zoning for employment areas are not adopted/passed by Council, the City will not meet Provincial legislative requirements to be consistent with the Provincial Policy Statement and to conform to the Provincial Places to Grow Growth Plan.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: N/A

Staffing: N/A

Legal: N/A

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

New Employment Area Official Plan policies and zoning must be consistent with the PPS. Section 1.1 of the PPS details policies for “managing and directing land use to achieve efficient development and land use patterns”, which include:

“b) accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs;”

Furthermore, Section 1.3.1 of the PPS pertaining to Employment Areas requires municipalities to promote economic development and competitiveness by:

“a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;

b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
c) planning for, protecting and preserving employment areas for current and future uses; and

d) ensuring the necessary infrastructure is provided to support current and projected needs.”

The proposed Official Plan policies and zones are consistent with the above policies. They provide a broad range of employment uses as defined by the PPS at appropriate locations to ensure compatibility and which accommodate the City’s Economic Development Strategy and the conclusions of the Hemson Study (2006). The policies and zones protect the supply of employment lands to meet 2031 Provincial targets and among other things, ensure the necessary infrastructure with a maximum density of development.

**Provincial Places to Grow Growth Plan**

The proposed Official Plan policies and zones are required to conform to the Provincial Growth Plan. Employment Area policies applicable to the City of Hamilton are detailed in Section 2.2.6 and include:

“1. An adequate supply of lands providing locations for a variety of appropriate employment uses will be maintained to accommodate the growth forecasts in Schedule 3.

2. Municipalities will promote economic development and competitiveness by –
   a) providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs
   b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses
   c) planning for, protecting and preserving employment areas for current and future uses
   d) ensuring the necessary infrastructure is provided to support current and forecasted employment needs.

4. Major office and appropriate major institutional development should be located in urban growth centres, major transit station areas, or areas with existing frequent transit service, or existing or planned higher order transit service.

5. Municipalities may permit the conversion of lands within employment areas, to non-employment uses, only through a municipal comprehensive review where it has been demonstrated that – …………

For the purposes of this policy, major retail uses are considered non-employment uses.
9. Municipalities are encouraged to designate and preserve lands within settlement areas in the vicinity of existing major highway interchanges, ports, rail yards and airports as areas for manufacturing, warehousing, and associated retail, office and ancillary facilities, where appropriate.

10. In planning lands for employment, municipalities will facilitate the development of transit-supportive, compact built form and minimize surface parking.”

The Plan provides the following definition for “Employment Area”:

“Areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.”

The Plan also provides the following definition for “Major Office”:

“Major office is generally defined as freestanding office buildings of 10,000 m² or greater, or with 500 jobs or more.”

The proposed Official Plan policies and zones conform to the above policies; they provide a broad range of employment uses as defined by the Plan at appropriate locations to ensure compatibility and which accommodate the City’s Economic Development Strategy and the conclusions of the Hemson Study (2006). The policies and zones protect the supply of employment lands to meet 2031 Provincial targets as specified in the Plan and among other things, ensure the necessary infrastructure with a maximum density of development. In accordance with the Growth Plan, new major retail and major office uses are not permitted by the proposed policies and zones; office uses have been further limited which supports Policy 2.2.6.4 above. Policy 2.2.6.9 is supported by the range of uses within the proposed two Official Plan designations which are appropriately located near the port, rail lines and expressways. Transit supportive, compact built form is supported directly by the recommended policies and zone provisions, including the eco-development standards, maximum density, reduced parking standards in some cases, and small minimum yards.

Former Regional Municipality of Hamilton-Wentworth Official Plan

The former Regional Municipality of Hamilton-Wentworth Official Plan has only one employment land designation, “Business Parks”. This designation applies to the Flamborough, Ancaster, Airport, North Glanbrook, East Hamilton, and Stoney Creek business parks. The Business Park policies of the Plan allow uses, including, manufacturing, construction, wholesaling, truck terminals, research and development and associated office uses. The intended function of these sites is to accommodate firms that require relatively low density sites. The Plan also permits some commercial uses which include service commercial uses such as banks, restaurants, and professional offices. The plan directs the lower tier municipalities to further refine their industrial policies and allowable uses.
Former Local Official Plans

Generally, all the former local municipalities allow a range of employment/industrial uses including manufacturing, processing, warehousing and related service commercial uses within designated employment areas. Some municipalities place a greater emphasis on permitting manufacturing related uses while others are more focused on permitting office and business related uses. Other common policies include promoting appropriate development/design standards. Some of the former local plans differ in terms of the range of industrial and commercial uses and/or the intensity permitted or include specific servicing policies. For example:

- Heavier manufacturing uses with emissions such as dust, odour, noise, etc. are not permitted in the Ancaster Business Park.

- The Flamborough Official Plan differs from other lower tier Official Plans in that it has several employment related designations. The employment policies also allow a wider range of commercial uses in the employment area within the Prestige Industrial – Commercial and General Industrial-Commercial designations. Many of these commercial uses which include new major retail uses, are no longer permitted by Provincial policy within employment areas unless determined appropriate through a Municipal Comprehensive Review.

- The intent of the "Airport Industrial - Business Park" policies is to permit airport related uses such as transportation and cargo services, light manufacturing or assembly, wholesale distribution, warehouse storage and communications and utilities activities. Staff will be reporting on future parent Official Plan policies for this business park, separately.

- Special Policy Areas 11 and 11a of the Hamilton Official Plan apply to the outer areas of the Bayfront industrial area, and to parts of the East Hamilton and East Mountain industrial areas. These lands are intended to be used for light industrial uses and to adhere to higher architectural quality and building design. SPA 11a also allows business and professional offices and home improvement uses. The proposed Official Plan policies and Light Industrial (M6) Zone maintain the intent of these former policies in protecting adjacent sensitive land uses, but prohibit and new home improvement (retail) uses.

The former Regional and lower tier Official Plan policies for employment areas must be revised to satisfy current City objectives and Provincial requirements.

**RELEVANT CONSULTATION:**

All relevant Planning & Economic Development staff and the following Departments and Agencies were consulted on the proposed Official Plan policies and zones:

- Capital Planning and Implementation Division, Public Works Department;
Consultations with City staff identified key issues to be addressed in accordance with their mandates and provided comments on initial drafts of the proposed Official Plan policies and zones.

The Hamilton Port Authority indicated its desire to be circulated all future versions of the proposed Official Plan policies and zones and to retain the permitted uses and development rights afforded by the City’s current Official Plan policies and zones applying to the Authority’s ownership. The Authority indicated that it would likely update its Land Use Plan over the next year.

Public Consultation

On March 12, 2008, staff presented initial drafts of the proposed Official Plan policies and zones to the Business Development Committee of the Hamilton Chamber of Commerce. The forum allowed staff to present the Provincial and local planning context for employment areas and for the BDC to indicate concerns. Issues raised included, accommodating a range of employment uses, including heavy manufacturing. Other concerns included ensuring that policy and zoning remained flexible to allow for shifts in economic conditions/trends while still being mindful of the local context and prohibiting inappropriate uses in given areas.

Also on March 12, 2008, staff gave a similar presentation and employment overview to the Hamilton Industrial Commercial and Investment (ICI) Real Estate Brokers. Generally, this group had questions regarding the types of uses/industries to be allowed in the business parks, questions concerning the current status of the existing business parks (i.e. amount of uptake), concerns about permitting too much floor area, and some concerns about the amount of required landscaping in business parks.

In addition to the above, information panels about the proposed Official Plan policies and zones were provided at the conversion analyses Open Houses held on April 7 and 15, 2008.

Recommendation (a) of this Report requests that staff be directed to engage the public in additional consultation.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No

Prior to presenting final recommendations for new Official Plan policies and zoning for employment areas, staff will be seeking input from the general public, land owners, public bodies and other stakeholders.
Environmental Well-Being is enhanced. ☑ Yes ☐ No
The proposed Official Plan policies and zones for employment lands promote eco-development standards, regard for MOE Guidelines relating to separation distances from sensitive land uses, and compliance with other City and Provincial environmental standards.

Economic Well-Being is enhanced. ☑ Yes ☐ No
The proposed Official Plan policies and zones for employment lands implement City objectives to promote economic development and competitiveness and in meeting Provincial employment growth forecasts.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No

N/A

RW/RM/dkm
Attachs. (7)
Information Report

To: Chair and Members
   Economic Development and Planning Committee
   PED08074

From: Tim McCabe
   General Manager
   Planning and Economic Development Department

Telephone: 905-546-4339
   Facsimile: 905-546-4364
   E-mail: tjmccabe@hamilton.ca

Date: February 27, 2008

Re: Work Program – Official Plan (OP) and Zoning By-law (PED08074) (City Wide)

Council Direction:

Not applicable.

Information:

In October 2007, as part of the reorganization of the Planning and Economic Development Department, the Official Plan Review and Zoning By-law Reform Sections were brought together into the new Strategic Services/Special Projects Division. The primary purpose for this was to bring additional staff resources to ensure the new Official Plan and comprehensive Zoning By-law are completed in a timely manner.

Based on Provincial legislation, the City must complete a new Official Plan by June 2009, after which the City has three (3) years from adoption to implement a new comprehensive Zoning By-law. However, it is proposed that by bringing forward both Official Plan policies and Zoning By-law regulations, a complete planning regulatory framework will be implemented for the City at the same time. The exception to this process will likely be the Neighbourhood (residential) Zones due to the magnitude of the public consultation and the mapping that is required to be completed.

The purpose of this Information Report is to summarize the work program which will have most of the new draft Official Plan policies and zoning completed for public consultation by year end, 2008. Specific stakeholder consultation is currently underway, to be completed early in 2009 depending on the policy area, in order to ensure that affected internal and external stakeholders agree with the principles of the new direction. Through the Summer of 2008, an intensive public consultation program will be put in place to ensure all residents, stakeholders and affected parties are aware of the draft policies/zoning and provide opportunities for feedback and discussion.
Staff will gather the information, hold one-on-one meetings, make necessary revisions and hold a Formal Open House, in Spring 2009, as required by Provincial legislation. Opportunities for alternative methods of consultation will also be examined, for example, web site, questionnaires, mail circulation, etc. The input will be gathered, analyzed and revisions be undertaken.

Provincial legislation requires that the City have a new Official Plan adopted by June 2009. It is staff’s intent that we will then present the new Official Plan and Zoning By-law to the Economic Development and Planning Committee through a series of three formal Public Meetings between May and June 2009.

**Background:**

In 2001, the new City of Hamilton was created through the amalgamation of the former municipalities. Currently, the City is under the jurisdiction of seven Official Plans and six Zoning By-laws all with similarities and differences. Provincial legislation requires that a new Official Plan, conforming to the new legislation, be approved by Council by June 2009. The City has three years from the date of approval of the new Official Plan to implement a new Zoning By-law. It is the intent that the much of the new zoning be approved concurrently with the new Official Plan policies to show how the vision will be implemented.

Since amalgamation, substantial work has been undertaken on developing a new Official Plan and comprehensive Zoning By-law. Significant changes to Provincial legislation have occurred during the past 2-3 years which require the Official Plan and implementing zoning to be brought into conformity.

**Official Plan**

Work has been completed on the new Official Plan including the following components being implemented:

- Growth Related Integrated Development Strategy (GRIDS);
- Open Space and Parks Policies; and,
- Rural Hamilton Policies.

Reports have been completed providing direction on Employment Areas, Commercial Structure and Residential Intensification. Work has been completed on Draft Cultural Heritage policies as well as Employment Area polices and the Urban Structure Plan.

**Zoning By-law**

Work has been completed on the new Comprehensive Zoning By-law including:

- Structure of the new Zoning By-law;
- Downtown Zones;
- Open Space and Parks Zones;
- Institutional Zones; and,
Research and Development Employment Zone.

Draft Zones and mapping has been completed, or well underway, for the Rural Area, Employment Areas, Commercial Areas and some limited research on Residential Zones.

**Work Program Process to Completion**

It is staff’s intent that the process remains as transparent as possible, as well as have Committee and Council well informed at the point of completion of key steps throughout this process. Prior to any public consultation on key policy areas, reports will be brought to Committee for review and to obtain direction from Committee to undertake Public Consultation. Project updates/information reports will be other means of providing communication to the Committee on the progress of other related issues. It is proposed that issue specific meetings with Committee will be held to seek input on the proposed policies and to address any issues related to implementation through new zoning. Key dates and progress of the OP and Zoning work is contained in Appendix A to Report PED08074.

**Public Consultation**

The Work Program proposes to have draft Official Plan policies and zoning completed for public consultation through early 2009. Specific stakeholder consultation will occur prior, to ensure that affected internal Departments and external stakeholder (e.g. agencies, Chamber of Commerce, Hamilton Halton Home Builders Association, Community groups) “buy-in” to the new direction.

Through the Summer of 2008, an intensive Public Consultation Program will be put in place to ensure all residents, stakeholders and affected parties are aware of the draft policies and zoning. Consideration will be given for the preparation of the following methods to engage all interested parties:

- Updated Web Site including all information;
- Preparation of hard copies of all information to be made available in the Planning and Economic Development Department, Clerk’s Division, Municipal Service Centres and libraries;
- Direct mailings, for example to all Employment Area and Commercial property owners;
- Prepare presentation materials, co-ordinate locations for all Open Houses; and/or,
- Survey/Questionnaire for key policy areas.

Specific to the Policy Areas, and where possible, in co-ordination with other policy areas, informal Public Information Centres, will be held to review draft policy and zoning. Due to property specific issues, it is expected that following the Public Information Centres, one-on-one meetings with property owners and other stakeholders will be necessary to review potential impacts.
Once Public Information Centres have occurred, staff will report back to Committee with recommended draft policy and zoning. At this time, staff will seek endorsement from Committee and Council but not formal adoption or By-law enactment. Staff will then “park” policy and zone sections until the information to be brought forward at the time of the formal Open House(s) as a complete Official Plan.

**Formal Open House**

As per changes to the Planning Act (Bill 51), the City is required to hold one formal Public Open House(s) for the adoption of a new Official Plan and implementing Zoning By-law. At this Open House, the entire Official Plan and implementing Zoning By-law will be presented and recorded. It is proposed that staff will report to Committee for endorsement and direction to hold the Open House in March - April 2009.

**Public Meeting - New Official Plan and Zoning By-law**

Staff will take the input gathered from the Open House, analyze and make any necessary revisions. Given the magnitude of the approval of an entire new Official Plan and implementing zoning, staff is proposing to present the policy and zoning recommendations through a series of formal Public Meetings. It is proposed that the final Formal Public Meeting will be divided into three Public Meetings to be held in May - June 2009, at Economic Development and Planning Committee.

This proposed process provides the following benefits:

- manage the amount of policy and zoning recommendations being presented and reviewed by Committee;
- provide for delegations focussed only on the policy and zoning being presented; and,
- provide the opportunity for any unanswered questions to be reviewed by staff and brought back before Committee for further consideration.

---

Tim McCabe  
General Manager  
Planning and Economic Development Department

AF:dkm  
Attach. (1)
## Official Plan and Zoning By-law – Work Program
### Major Steps

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Notes:

1. The Urban Structure Plan will be completed by July 2008, provide direction for the remaining policy areas and implementation of the Urban Structure policies will be adopted at the time of the new Official Plan.

2. Timing of the Transportation and Transit policies is to be co-ordinated with Metrolinx Regional Transportation Plan expected to be completed in the Fall 2008.

3. There will be various dates for Information Reports to Council and co-ordination with other Public Information Centres for the “Other Areas”.

AF
Mar. 03/08
DRAFT OFFICIAL PLAN POLICIES

E. EMPLOYMENT AREA


It is the intent of this Plan to maintain an adequate supply of lands for the City to meet its projected employment growth forecast and to promote economic development and competitiveness. Through the policies of this Plan, provincial policies, and the requirements of the Planning Act, Employment Area designations shall be protected from non-employment functions. Accordingly, in order to support the employment functions of the City’s Downtown and its mixed-use nodes and corridors, new major retail uses shall be prohibited and new office uses shall be limited within Employment Area designations.

The City’s Economic Development Strategy has identified a number of industry clusters which will be accommodated within these designations, including advanced manufacturing, food and beverage processing, port related industry business, businesses which benefit from airport proximity, and biotechnology. Various City programs and incentives to attract investment with an adequate supply of zoned and serviced lands, will allow the City to accommodate its projected growth and attract its targeted industry clusters within Employment Area designations.

Manufacturing will continue to play a significant role in the City’s economy despite major structural changes relating to globalization of production. In this regard, the City shall provide appropriate locations for this use with the necessary transportation links, ensure that land use conflicts with other sensitive land uses are minimized, ensure an appropriate range of parcel sizes, and facilitate the remediation of brownfield sites to enable industrial redevelopment.

The City’s port will also continue to play a major role in its economy, being one of the largest in the country and one of the finest inland ports on the continent. The City will work in consultation with the Hamilton Port Authority to maintain this role and to harmonize City and Port Authority plans.
As part of the Province’s biotechnology corridor between Ottawa and London, the City will provide appropriate locations for this technology, including the development of the West Hamilton Innovation District.

Employment areas within proximity of the airport, and their expansion through amendment to this Plan, will be promoted by ensuring a range of uses that create synergies and by providing adequate servicing.

1.0 Employment Area General Provisions

Within all Employment Area designations, the following general provisions shall apply:

a) Secondary Plans, as applicable, and Zoning By-laws shall be used to further define the range of permitted uses and associated regulations, locations, phasing of development, built form and other design standards that apply to Employment Area designations. Secondary Plans and Zoning By-laws may prohibit or limit certain uses permitted by this Plan.

b) New development within Employment Area designations shall enhance the quality of the public realm along all public streets within and bounding business parks; and along the Queen-Elizabeth Way, the non-elevated portions of Burlington Street East and public streets between Employment Area and Neighbourhood or Institutional designations within older industrial areas. The design and placement of buildings, structures, parking, loading, outside storage and assembly areas, lighting and landscaping shall provide a safe, functional and visually attractive environment for pedestrians and vehicles.

c) Sensitive land uses within Neighbourhood and Institutional designations shall be protected from the potential adverse impacts of heavier industrial uses within Employment Areas through measures including separation, screening, barriers, landscaping, mechanical or other technological mitigation, traffic mitigation, and lighting control. The preferred approach between heavier industrial uses and sensitive land uses will be to require a separation distance through the Zoning By-law, which could comprise an appropriate transitional land use. Regard will be had to the Ministry of the Environment's guidelines regarding compatibility between industrial facilities and sensitive land uses. Regard will also be had to mitigating any potential adverse impacts on sensitive land uses not addressed by these guidelines.
d) Where a new sensitive land use within a Neighbourhood or Institutional designation is introduced within proximity of an existing industrial use, the needs of industry will take priority and the onus will be on the new sensitive land use to ensure compatibility.

e) New industrial uses shall comply with all Provincial standards respecting noise, vibration, air contaminants, water, wastewater, stormwater and other environmental issues.

f) New development shall be planned with regard to existing and planned transportation and servicing infrastructure.

g) Eco-development standards shall be encouraged, including developments with certification under the Leadership in Energy and Environmental Design (LEED) program; preferential parking for energy conserving and higher occupancy vehicles; accessory wind, solar and geo-thermal power; roof top gardens; urban Best Management Practices for stormwater management as recommended by the City’s Stormwater Master Plan; and other on-site mitigation measures designed to conserve natural resources and reduce servicing impacts. The City shall encourage such development standards through its Criteria and Guidelines for Stormwater Infrastructure Design, Engineering Guidelines for Servicing Lands under Development Applications, Site Plan Guidelines, Stormwater Master Plan, and through various financial incentive programs. Eco-development standards may allow for increased net densities if it can be demonstrated that adequate servicing and the other necessary development requirements will be maintained, to the City’s satisfaction.

h) Employment Area designations shall be designed and developed to be easily accessible by a range of transportation modes, including the automobile, transit and active transportation.

i) The City’s Staging of Development Strategy which is reviewed by Council on an annual basis in conjunction with its capital budget shall be used to prioritize development approvals in relation to municipal servicing requirements.

j) The relocation of existing non-compatible uses within Employment Area designations shall be encouraged.
2.0 EMPLOYMENT AREA – INDUSTRIAL LAND DESIGNATION

The Employment Area – Industrial Land designation applies to older industrial areas of the City, which includes the Bayfront Employment Area, East Hamilton Employment Area, Dundas Employment Area, and the Glen Road/Tops Crescent Employment Area, characterized by a variety of industrial uses, many in older purpose designed facilities on a variety of parcel sizes. These areas will continue to play an important role for the City in accommodating traditional industrial type uses and those which benefit from port access. These Employment Areas are not seen as accommodating major employment growth. Planning for this designation must be flexible to allow for new employment uses and supporting uses through redevelopment and the adaptation of existing structures while ensuring that sensitive land uses within proximity are protected from noxious and incompatible impacts.

2.1 Employment Area – Industrial Land Permitted Uses

The following uses are permitted on lands designated Employment Area – Industrial Land on Schedule E – Urban Area Land Use Designations, subject to the provisions in Section 2.2:

a) Full range of manufacturing uses, warehousing, repair service, building or contracting yards, transportation terminals, research and development, office, communication, private power generation, dry cleaning plants, salvage/storage yards, and motor vehicle repair and wrecking.

b) Uses which support the businesses and employees of the above and industry in general, including but not limited to, hotels, health and recreational facilities, financial establishments, restaurants, personal services, motor vehicle service stations and washing, retail establishments, labour association halls, conference and convention centres, commercial schools, commercial parking facilities, commercial motor vehicle and equipment sales, and commercial rental establishments.

c) Accessory uses, including but not limited to, retail and office.

2.2 Employment Area – Industrial Land Other Provisions

Within the Employment Area – Industrial Land designation, the following provisions shall apply:

a) New development and the redevelopment of existing sites visible from the Queen Elizabeth Way and from the non-elevated portions of Burlington Street East shall be encouraged to provide enhanced
landscaping, including tree planting, and higher quality building design to improve the City’s and the Employment Area’s image.

b) The City shall promote an improved pedestrian environment within and along the non-elevated portions of Burlington Street East, with elements such as pedestrian amenities/sidewalks, landscaping/street trees, and gateway features.

c) Compatible uses with complementary development standards, including enhanced landscaping, shall be located adjacent lands designated Neighbourhood and Institutional. Outdoor storage, assembly and loading areas shall be suitably located and buffered from these adjacent lands.

d) Sensitive land uses within Neighbourhood and Institutional designations in proximity to Barton Street shall be buffered from heavier industrial uses by transitional employment area uses.

e) Along the Queen Elizabeth Way, the non-elevated portions of Burlington Street East and public streets bounding a Neighbourhood or Institutional designation, no building facade within an Employment Area – Industrial Land designation which is visible from these streets shall be finished in flat concrete block, or metal or vinyl siding. Appropriate facade appearance at these locations shall be determined at the Site Plan Control stage.

f) Offices may be allowed up to 2,000 square metres gross floor area per free-standing building.

g) Retail establishments shall be limited in size to serve the businesses and employees of the area.

h) Uses which encourage the adaptive re-use of existing buildings including uses which support the employees and businesses of the employment area and industry in general, shall be permitted.

3.0 EMPLOYMENT AREA – BUSINESS PARK DESIGNATION

The Employment Area – Business Park designation applies to the City’s business parks, excluding the Airport Business Park. These areas are planned for a broad range of employment uses compatible with the design policies for business parks. Research and development uses in particular, will play a primary role in the redevelopment of lands within the West Hamilton Innovation District from former older industrial uses. These areas are well served by roadway infrastructure and are generally more able to accommodate proper buffering from sensitive land uses.
Lands designated Employment Area – Business Park which are undeveloped, underutilized, or within the West Hamilton Innovation District, are planned for major employment growth in accordance with the Density Targets in Section C3.3.2 of this Plan.

3.1 Employment Area Business Park Permitted Uses

The following uses are permitted on lands designated Employment Area – Business Park on Schedule E – Urban Area Land Use Designations, subject to the provisions in Section 3.2:

a) Manufacturing, warehousing, repair service, building or contracting yards, transportation terminals, research and development, office, communication, and private power generation. Salvage/storage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited.

b) Uses which support industry in general, including but not limited to, labour association halls, conference and convention centres, commercial schools, commercial motor vehicle and equipment sales, and commercial rental establishments.

c) Uses which support the businesses and employees of the business park, including but not limited to, hotels, health and recreational facilities, financial establishments, restaurants, personal services, motor vehicle service stations and washing, retail establishments, and commercial parking facilities.

d) Accessory uses, including but not limited to, retail and office.

3.2 Employment Area Business Park Other Provisions

Within the Employment Area – Business Park designation, the following provisions shall apply:

a) New development and the redevelopment of existing sites throughout lands designated Employment Area – Business Park, shall contribute to a quality image for the business park by incorporating quality building and landscaping designs in those areas adjacent and visible public streets, and complement the landscape qualities of adjacent sites.

b) Outdoor storage and assembly areas, loading areas, and larger parking areas within lands designated Employment Area –
Business Park, shall generally be located at the sides or rear of buildings, away from public streets, and screened from view of the streets and adjacent properties.

c) Prestige business park uses and standards for development shall be required within view of prominent arterial streets and expressways such as the Queen Elizabeth Way, in order to further promote and enhance the image of the business park and the City. Development shall comply with the following criteria:

i) Development at these locations shall be of the highest quality design and materials within the business park.

ii) For developments with frontage on one or more arterial streets, the principle facade incorporating the main pedestrian entrance will face an arterial street and windows of buildings will face all such streets.

iii) The facade of buildings facing expressways shall incorporate design elements which are attractive and which emphasize a strong corporate presence.

iv) Enhanced landscaping strips shall be required along the street frontages.

v) Major parking areas shall be discouraged between principal buildings and streets.

d) Compatible uses with complementary development standards, including enhanced landscaping, shall be located adjacent lands designated Neighbourhood and Institutional. Outdoor storage, assembly and loading areas shall be suitably located and buffered from these adjacent lands.

e) Along prominent arterial streets and expressways and adjacent lands designated Neighbourhood and Institutional, no building facade which is visible from these streets shall be finished in flat concrete block, metal or vinyl siding. Appropriate facade appearance at these locations shall be determined at the Site Plan Control stage.

f) Generally, development will proceed through plans of subdivision. Lot creation through consents to sever will only occur where the subject land fronts an existing maintained public road, adequate servicing is available, and all other provisions of the Planning Act as applicable, are satisfied.
g) Those uses which serve the businesses and employees of the business park as described in Policy 3.1 c), except uses such as commercial parking facilities which may require larger parcels of land, shall be grouped together at locations fronting arterial streets and/or collector streets into the business parks.

h) Offices may be allowed up to 2,000 square metres gross floor area per free-standing building and shall only be permitted where prestige business park uses are permitted by Policy 3.2 c) and where the supporting uses for the business park are permitted by Policy 3.2 g).

i) Retail establishments shall be limited in size to serve the businesses and employees of the area.

4.0 EMPLOYMENT AREA – AIRPORT BUSINESS PARK DESIGNATION

[Draft policies to be provided in the Fall of 2008]

5.0 EMPLOYMENT AREA – SHIPPING AND NAVIGATION / SPECIAL SHIPPING AND NAVIGATION DESIGNATIONS

[Current former City of Hamilton policies to be retained]
DRAFT EMPLOYMENT AREA ZONES
(Excluding Airport Business Park & Hamilton Harbour Authority Lands)

RESEARCH AND DEVELOPMENT (M1) ZONE
(Currently in effect for the West Hamilton Innovation District – No Substantive Amendments Proposed)

GENERAL BUSINESS PARK (M2) ZONE
(Generally Applies to the Interior of Business Parks, excluding WHID)

PERMITTED USES

Building or Contracting Establishment
Commercial Motor Vehicle and Equipment Sales
Commercial Parking Facility
Commercial Rental Establishment
Commercial School
Communications Establishment
Conference or Convention Centre
Labour Association Hall
Manufacturing
Motor Vehicle Repair Establishment
Motor Vehicle Washing
Private Power Generation (non-waste disposal site)
Repair Service
Research and Development Establishment
Transport Terminal
Warehouse
Accessory uses, buildings and structures

PROHIBITED USES

The following types of manufacturing are prohibited, unless accessory to a Principle Use:

Beverage Distillation; Breweries; Manufacturing of Asbestos, Phosphate or Sulphur Products; Primary Production of Chemicals, Synthetic Rubber, Plastic, Asphalt, not including mixing, blending, treatment or similar process; Processing or Refining of Petroleum or Coal; Processing, Milling or Packaging of Animal Feed; Slaughtering, Eviscerating, Rendering or Cleaning of Meat, Poultry or Fish or by-products thereof; Smelting, Refining, Rolling, Forging, or Extruding of Ore or Metal; Tanning or Chemical Processing of Pelts or Leather; Vulcanizing of Rubber or Rubber Products; Explosives Manufacturing; Pulp and Paper Mills.
REGULATIONS

a) Minimum Lot Width 60.0 metres
b) Minimum Lot Area 4000.0 square metres
c) Maximum Floor Area Ratio 0.6
d) Maximum Height No maximum, except 11 metres within 110 metres of the Niagara Escarpment brow
e) Minimum Front Yard 3.0 metres
f) Minimum Flankage Yard 3.0 metres
g) Minimum Side Yard 3.0 metres
h) Minimum Rear Yard 12.0 metres
i) Minimum Planting Strip Width 3.0 metres width shall be maintained abutting a street except for the area used for access driveways

j) Outside Storage and Outside Assembly Accessory to a Principle Use Maximum 30% of lot area providing a minimum 500.0 square metres of Gross Floor Area of a Principle Use is provided and it shall not be permitted in a Front Yard or within 3.0 metres of a Flankage Lot Line and it must be screened from view from all lot lines by a Visual Barrier in accordance with Section 4.19 or by a building or structure.

k) Maximum Accessory Office 25% of the total Gross Floor Area of the Principle Use

l) Maximum Accessory Retail and Display Area 25% of the Gross Floor Area of the Principle Use or 500.0 square metres Gross Floor Area
whichever is the lesser, except that no Accessory Retail or Display Area shall be permitted for a Warehouse.

m) Loading

Shall not be permitted in a Front Yard or within 3.0 metres of a Flankage lot line.

PRESTIGE BUSINESS PARK (M3) ZONE
(Applies around the edges of Business Parks along prominent arterial streets and expressways)

PERMITTED USES

Commercial Motor Vehicle and Equipment Sales
Commercial Rental Establishment
Commercial School
Communications Establishment
Conference or Convention Centre
Labour Association Hall
Manufacturing
Office
Research and Development Establishment
Warehouse
Accessory uses, buildings and structures

PROHIBITED USES

The following types of manufacturing are prohibited, unless accessory to a Principle Use:

Beverage Distillation; Breweries; Manufacturing of Asbestos, Phosphate or Sulphur Products; Primary Production of Chemicals, Synthetic Rubber, Plastic, Asphalt or Cement, not including mixing, blending, treatment or similar process; Processing or Refining of Petroleum or Coal; Processing, Milling or Packaging of Animal Feed; Slaughtering, Eviscerating, Rendering or Cleaning of Meat, Poultry or Fish or by-products thereof; Smelting, Refining, Rolling, Forging, or Extruding of Ore or Metal; Stamping, Blanking or Punch-Pressing of Metal; Tanning or Chemical Processing of Pelts or Leather; Vulcanizing of Rubber or Rubber Products; Explosives Manufacturing; Pulp and Paper Mills.

REGULATIONS

a) Minimum Lot Width 60.0 metres
b) Minimum Lot Area 4000.0 square metres

c) Maximum Floor Area Ratio 0.6

d) Maximum Gross Floor Area for Office 2000.0 square metres per free-standing building

e) Maximum Height 11.0 metres within 110.0 metres of the Niagara Escarpment brow, and in all other cases 11.0 metres which may be equivalently increased as the distance from a lot in a Neighbourhood or Institutional Zone increases beyond the minimum yard requirement

f) Minimum Front Yard 6.0 metres

g) Maximum Front Yard 25.0 metres

h) Minimum Flankage Yard 6.0 metres

i) Maximum Flankage Yard 25.0 metres

j) Minimum Side Yard 3.0 metres

k) Minimum Rear Yard 12.0 metres

l) Minimum setback from an MTO Right-of-way 14.0 metres

m) Minimum setback for a building or structure used for manufacturing from a lot in a Neighbourhood or Institutional Zone 20.0 metres

n) Minimum setback for Outside Storage and Assembly Accessory to a Principle Use from a lot in a Neighbourhood or Institutional Zone 70.0 metres

o) Minimum Planting Strip Width 6.0 metres width shall be maintained abutting a street
except for the area used for access driveways, and a minimum 3.0 metres width shall be maintained abutting a lot in a Neighbourhood or Institutional Zone.

<table>
<thead>
<tr>
<th>p) Outside Storage and Assembly Accessory to a Principle Use</th>
<th>Maximum 30% of lot area providing a minimum 500 square metres of Gross Floor Area of a Principle Use is provided and it shall not be permitted in a Front Yard or within 6 metres of a Flankage lot line or within 14.0 metres of a MTO Right-of-Way and it must be screened from view from all lot lines by a Visual Barrier in accordance with Section 4.19 or by a building or structure. No outside storage shall exceed the height of the required screening.</th>
</tr>
</thead>
<tbody>
<tr>
<td>q) Screening abutting a lot in a Neighbourhood or Institutional Zone</td>
<td>Shall be maintained in accordance with Section 4.19 set 3.0 metres back from a public street</td>
</tr>
<tr>
<td>r) Maximum Accessory Office</td>
<td>25% of the total Gross Floor Area of the Principle Use</td>
</tr>
<tr>
<td>s) Maximum Accessory Retail and Display Area</td>
<td>25% of the Gross Floor Area of the Principle Use or 500.0 square metres Gross Floor Area whichever is the lesser, except that no Accessory Retail or Display Area shall be permitted for a Warehouse.</td>
</tr>
<tr>
<td>t) Loading</td>
<td>Loading shall not be permitted in a Front Yard, within 6.0 metres of a Flankage lot line, within 14.0</td>
</tr>
</tbody>
</table>
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metres of a MTO Right-of-Way, or within 7.0 metres of a lot in a Neighbourhood or Institutional Zone.

BUSINESS PARK SUPPORT (M4) ZONE
(Locations on Arterial and/or Collector Streets within the Business Parks)

PERMITTED USES

Commercial Parking Facility
Commercial Recreation
Financial Establishment
Hotel
Medical Clinic
Medical Office
Motor Vehicle Service Station
Office
Personal Services
Restaurant
Retail
Accessory uses, buildings and structures

REGULATIONS

a) Minimum Lot Width 60.0 metres
b) Minimum Lot Area 4000.0 square metres
c) Maximum Floor Area Ratio 0.6
d) Maximum Gross Floor Area for Office 2000.0 square metres per free-standing building
e) Maximum Gross Floor Area for Retail 500.0 square metres
f) Maximum Height 11.0 metres within 110.0 metres of the Niagara Escarpment brow, and in all other cases 11.0 metres which may be equivalently increased as the distance from a lot in a
Neighbourhood or Institutional Zone increases beyond the minimum yard requirement

- **g)** Minimum Front Yard: 3.0 metres
- **h)** Minimum Flankage Yard: 3.0 metres
- **i)** Minimum Side Yard: 3.0 metres
- **j)** Minimum Rear Yard: 3.0 metres
- **k)** Minimum Planting Strip Width: 3.0 metres width shall be maintained abutting a street except for the area used for access driveways, and abutting a lot in a Neighbourhood or Institutional Zone

Shall be maintained in accordance with Section 4.19 set 3.0 metres back from a public street

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**GENERAL INDUSTRIAL (M5) ZONE**
*(Applies to interior of the Bayfront and East Hamilton Industrial Areas)*

**PERMITTED USES**

- Building or Contracting Establishment
- Bulk Fuel and Oil Storage Establishment
- Commercial Motor Vehicle and Equipment Sales
- Commercial Parking Facility
- Commercial Recreation
- Commercial Rental Establishment
- Commercial School
- Communications Establishment
- Conference or Convention Centre
- Dry Cleaning Plant
- Financial Establishment
- Hotel
- Labour Association Hall
Manufacturing
Medical Clinic
Medical Office
Motor Vehicle Repair Establishment
Motor Vehicle Service Station
Motor Vehicle Washing
Motor Vehicle Wrecking Establishment
Office
Personal Services
Private Power Generation (non Waste Disposal Site)
Repair Service
Research and Development Establishment
Restaurant
Retail
Salvage or Storage Yard
Transport Terminal
Warehouse
Accessory uses, buildings and structures

REGULATIONS

a) Minimum Lot Width 45.0 metres

b) Minimum Lot Area 3000.0 square metres

c) Maximum Floor Area Ratio 0.6

d) Maximum Gross Floor Area
   for Office 2000.0 square metres per free-standing building

e) Maximum Gross Floor Area
   for Retail 500.0 square metres

f) Maximum Height No maximum

g) Minimum Front Yard 3.0 metres

h) Minimum Flankage Yard 3.0 metres

i) Minimum Side Yard 3.0 metres

j) Minimum Rear Yard 12.0 metres

k) Minimum setback from a MTO Right-of-Way 14.0 metres
l) Minimum Planting Strip Width 6.0 metres adjacent a MTO Right-of-Way

m) Maximum Accessory Office 25% of the total Gross Floor Area of the Principle Use

n) Maximum Accessory Retail and Display Area 25% of the Gross Floor Area of the Principle Use or 500.0 square metres Gross Floor Area whichever is the lesser, except that no Accessory Retail or Display Area shall be permitted for a Warehouse.

o) Loading Shall not be permitted within 14.0 metres of a MTO Right-of-Way

EXCEPTIONS

a) A minimum 1.5 metre wide planting strip shall be maintained: abutting the non-elevated portions of Burlington Street East, abutting a public street on a lot also abutting a lot in a Neighbourhood or Institutional Zone, and abutting a public street on a lot opposite a lot in a Neighbourhood or Institutional Zone, except for the area used for access driveways, as shown by Exception Numbers on future zoning maps.

LIGHT INDUSTRIAL (M6) ZONE
(A Transitional Zone between the Neighbourhood/Institutional Zones and the M2 or M5 Zones in both Older Industrial Areas and Business Parks)

PERMITTED USES

*Commercial Parking Facility
*Commercial Recreation
Commercial School
Communications Establishment
Conference or Convention Centre
Labour Association Hall
*Financial Establishment
*Hotel
Manufacturing
*Medical Clinic
PROHIBITED USES

The following types of manufacturing are prohibited, whether or not accessory to a Principle Use:

Beverage Distillation; Breweries; Manufacturing of Asbestos, Phosphate or Sulphur Products; Primary Production of Chemicals, Synthetic Rubber, Plastic, Asphalt or Cement, not including mixing, blending, treatment or similar process; Processing or Refining of Petroleum or Coal; Processing, Milling or Packaging of Animal Feed; Slaughtering, Eviscerating, Rendering or Cleaning of Meat, Poultry or Fish or by-products thereof; Smelting, Refining, Rolling, Forging, or Extruding of Ore or Metal; Stamping, Blanking or Punch-Pressing of Metal; Tanning or Chemical Processing of Pelts or Leather; Vulcanizing of Rubber or Rubber Products; Explosives Manufacturing; Pulp and Paper Mills.

REGULATIONS

a) Minimum Lot Width 45.0 metres
b) Minimum Lot Area 3000.0 square metres
c) Maximum Floor Area Ratio 0.6
d) Maximum Gross Floor Area for Office 2000.0 square metres per free-standing building
e) Maximum Gross Floor Area for Retail 500.0 square metres
f) Maximum Height 11.0 metres within 110.0 metres of the Niagara Escarpment brow, and in all other cases 11.0 metres which may be equivalently increased as the distance from a lot in a
g) Minimum Front Yard 3.0 metres
h) Minimum Flankage Yard 3.0 metres
i) Minimum Side Yard 3.0 metres
j) Minimum Rear Yard 12.0 metres
k) Minimum setback for a building or structure used for manufacturing from a lot in a Neighbourhood or Institutional Zone 20.0 metres
l) Minimum setback for Outside Storage and Assembly Accessory to a Principle Use from a lot in a Neighbourhood or Institutional Zone 70.0 metres
m) Minimum Planting Strip Width 3.0 metres width shall be maintained abutting a street except for the area used for access driveways. A minimum 3.0 metre width shall be maintained abutting a lot in a Neighbourhood or Institutional Zone.

n) Outside Storage and Assembly Accessory to a Principle Use Maximum 30% of lot area providing a minimum 500 square metres of Gross Floor Area of a Principle Use is provided and it shall not be permitted in a Front Yard or within 3 metres of a Flankage Lot Line and it must be screened from view from all lot lines by a Visual Barrier in accordance with Section 4.19 or by a building or structure.
o) Screening abutting a lot in a Neighbourhood or Institutional Zone
   Shall be maintained in accordance with Section 4.19 set 3.0 metres back from a public street

p) Maximum Accessory Office
   25% of the total Gross Floor Area of the Principle Use

q) Maximum Accessory Retail and Display Area
   25% of the Gross Floor Area of the Principle Use or 500.0 square metres Gross Floor Area whichever is the lesser, except that no Accessory Retail or Display Area shall be permitted for a Warehouse.

r) Loading
   Loading shall not be permitted in a Front Yard or within 3.0 metres of a Flankage lot line or within 7.0 metres of a lot in a Neighbourhood or Institutional Zone.

EXCEPTIONS

a) Permitted Uses denoted by the symbol * shall not be permitted in a Business Park as shown by Exception Numbers on future zoning maps.
Example of Zoning Map

LEGEND
General Industrial (M5) Zone   Light Industrial (M6) Zone   Neighbourhood (N) Zone

Note: For conceptual purposes only - existing zones not shown.
### Recommended Parking Standards for Permitted Uses within Employment Areas

<table>
<thead>
<tr>
<th>Permitted Use</th>
<th>MMM Study Recommended Minimum Parking Rate</th>
<th>Staff Recommended Minimum Parking Rate</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building or Contracting Establishment</td>
<td>1 space/30 m² of GFA</td>
<td>1 space/30 m² of GFA for retail and office components only</td>
<td>Rate not to be applied to warehouse component</td>
</tr>
<tr>
<td>Bulk Fuel and Oil Storage Establishment</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Commercial Motor Vehicle Equipment and Sales</td>
<td>Not Provided</td>
<td>1 space per 32 m² of GFA</td>
<td>Based on review of other municipalities</td>
</tr>
<tr>
<td>Commercial Parking Facility</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Commercial Rental Establishment</td>
<td>Not Provided</td>
<td>1 space per 40 m² of GFA</td>
<td>Based on review of other municipalities</td>
</tr>
<tr>
<td>Commercial Recreation</td>
<td>1 space per 30 m² of GFA</td>
<td>1 space per 30 m² of GFA</td>
<td></td>
</tr>
<tr>
<td>Commercial School</td>
<td>4 spaces per classroom or 1 space /20 m² of GFA whichever is greater</td>
<td>4 spaces per classroom or 1 space /20 m² of GFA whichever is greater</td>
<td></td>
</tr>
<tr>
<td>Communications Establishment</td>
<td>Not Provided</td>
<td>1 space per 28 m² of GFA</td>
<td>Based on review of other municipalities</td>
</tr>
<tr>
<td>Conference or Convention Centre</td>
<td>0.17 spaces per person</td>
<td>1 space/50 m² of GFA</td>
<td>Rate consistent with rate in By-law 05-200 and spaces/ m² of GFA format more appropriate</td>
</tr>
<tr>
<td>Dry Cleaning Plant</td>
<td>1 space/20 m² of GFA - min 4 spaces</td>
<td>1 space/100 m² of GFA</td>
<td>A “plant” is different than an “establishment”. The operation of a dry cleaning plant requires less parking than a commercial dry cleaning establishment.</td>
</tr>
<tr>
<td>Financial Establishment</td>
<td>1 space/16 m² (without drive through)</td>
<td>1 space/16 m² (without drive through)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 space/30 m² (with drive through)</td>
<td>1 space/30 m² (with drive through)</td>
<td>(Separate requirement for other uses such as a bar, hall, meeting room, etc.)</td>
</tr>
<tr>
<td>Hotel</td>
<td>1 space/guest room</td>
<td>1 space/guest room</td>
<td></td>
</tr>
<tr>
<td>Labour Association Hall</td>
<td>0.17 spaces/person</td>
<td>1 space/50 m² of GFA</td>
<td>Same as Conference Centre above</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>1 space/100 m² for single tenant</td>
<td>1 space/100 m² for single tenant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 space/45 m² for multi-tenant</td>
<td>1 space/45 m² for multi-tenant</td>
<td></td>
</tr>
<tr>
<td>Medical Clinic</td>
<td>1 space/16 m²</td>
<td>1 space/16 m²</td>
<td></td>
</tr>
<tr>
<td>Medical Office</td>
<td>1 space/18.5 m²</td>
<td>1 space/18 m²</td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Repair Establishment</td>
<td>1 space/23.3 m² of GFA (service station, gas station)</td>
<td>1 space/23 m² of GFA (service station, gas station)</td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Service Station</td>
<td>1 space/bay + 2 vehicle storage/bay</td>
<td>1 space/bay + 2 vehicle storage/bay</td>
<td></td>
</tr>
<tr>
<td>Motor Vehicle Wrecking Establishment</td>
<td>1 space/115 m² of GFA</td>
<td>1 space/115 m² of GFA</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>1 space/30 m² GFA</td>
<td>1 space/30 m² GFA</td>
<td></td>
</tr>
<tr>
<td>Permitted Use</td>
<td>MMM Study Recommended Minimum Parking Rate</td>
<td>Staff Recommended Minimum Parking Rate</td>
<td>Comment</td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td>---------------------------------------------</td>
<td>----------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Personal Services</td>
<td>1 space/23 m² of GFA</td>
<td>1 space/23 m² of GFA</td>
<td></td>
</tr>
<tr>
<td>Private Power Generation (non-waste disposal site)</td>
<td>Not Provided</td>
<td>1 space/30 m² GFA for accessory office</td>
<td>Parking may be required for accessory office uses only - same rate as office applied to office component if applicable</td>
</tr>
<tr>
<td>Repair Service</td>
<td>1 space/115 m² GFA for single tenant buildings</td>
<td>1 space/115 m² GFA for single tenant buildings</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 space/45 m² GFA for industrial multiples</td>
<td>1 space/45 m² GFA for industrial multiples</td>
<td></td>
</tr>
<tr>
<td>Research and Development Establishment</td>
<td>Not Provided</td>
<td>1 space/50 m² of GFA</td>
<td>Same rate as permitted use in WHID Zoning</td>
</tr>
<tr>
<td>Restaurant</td>
<td>(Sit-down) 0.25 spaces per seat</td>
<td>(Sit-down) 1 space/7.5 m² of GFA</td>
<td>Sit-down rate changed to spaces/ GFA based on other municipalities</td>
</tr>
<tr>
<td></td>
<td>(Fast Food) 1 space/10 m² GFA</td>
<td>(Fast Food) 1 space/10 m² GFA</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Take Out) 1 space/15 m² (min. of 4)</td>
<td>(Take Out) 1 space/15 m² (min. of 4)</td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>1 space/23 m² of GFA</td>
<td>1 space/23 m² of GFA</td>
<td></td>
</tr>
<tr>
<td>Storage Yard</td>
<td>NA</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Salvage Yard</td>
<td>1 space/115 m² of GFA</td>
<td>1 space/115 m² of GFA</td>
<td></td>
</tr>
<tr>
<td>Transport Terminal</td>
<td>1 space/115 m² of GFA</td>
<td>1 space/115 m² of GFA</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td>1 space/115 m² of GFA</td>
<td>1 space/30 m² of GFA (for any accessory office component)</td>
<td>Parking is not required for principle warehouse component due to increasing automation</td>
</tr>
</tbody>
</table>