Present: Chair T. Whitehead  
Councillors: B. Bratina, B. Clark, S. Duvall, L. Ferguson,  
B. McHattie, M. Pearson, D. Mitchell, C. Collins, T. Jackson  
Absent with Regrets: Councillor Pasuta - Illness  
Staff Present: T. McCabe, General Manager – Planning and Economic Development  
A. Rawlings, S. Paparella - City Clerk's Office  

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 08-023 AND RESPECTFULLY RECOMMENDS:  

1. New Official Plan Policies for Urban Structure (PED08118(a)) (City Wide) (Item 6.1)  
(a) That the draft Urban Structure policies and associated Schedule, attached as Appendix “C” to Report PED08118(a), for inclusion in the new Official Plan (OP) in June 2009, be received.  
(b) That Report PED08011(a) be tabled to Spring of 2009, until such time as the first comprehensive draft of the Urban Official Plan, is presented.  
(c) That the presentation from Trinity Development Group Inc., be referred to Legal Counsel for their comments and be considered in Closed Session, at a future Economic Development & Planning Committee meeting.
2. Communication from Victor Doyle, Ministry of Municipal Affairs and Housing, respecting Draft Urban Structure Plan and policies for Employment Areas (Item 6.1.1)

That the communication from Victor Doyle, Ministry of Municipal Affairs and Housing, respecting Draft Urban Structure Plan and policies for Employment Areas, be received.

3. New Official Plan Policies for Cultural Heritage (PED08282) (City Wide) (Item 6.2)

(a) That the draft Cultural Heritage Official Plan policies and associated appendix maps, attached as Appendix ‘A’ to Report PED08282, for inclusion in the new Official Plan in June 2009, be received.

(b) That further consultation be carried out with the Hamilton-Halton Homebuilders’ Association regarding the Cultural Heritage Official Plan policies.

4. New Official Plan Policies and Zoning for Employment Areas (PED08146(a)) (City Wide) (Item 6.3)

(a) That the revised draft Employment Area Official Plan (OP) policies, attached as Appendix “A” to Report PED08146(a) and associated Schedule E-1 – Urban Area Land Use Designations, attached as Appendix “B” to Report PED08146(a), and the revised draft Conversion and Retention of Employment Lands Official Plan policies, attached as Appendix “C” to Report PED08146(a), for inclusion in the new urban Official Plan (OP) in June 2009, be endorsed.

(b) That the correspondence from John Ariens, IBI Group, respecting the inclusion of “a place of assembly” in employment zones, be received and referred to staff for review and a report back to the Economic Development & Planning Committee.

5. Planning Study of Private Waste Disposal Sites (PED08064(a)) (City Wide) (Item 6.4)

(a) That Report PED08064(a) be referred to the first appropriate Committee of the Whole.

Council – December 10, 2008
(b) That staff be directed to contact the Ministry of the Environment to obtain a comprehensive list of all private waste disposal sites within the City of Hamilton.

(c) That staff be directed to provide the list noted in (b) above, along with the implications of prohibiting private waste sites in Hamilton, and report back to the same meeting of Committee of the Whole.

6. **New Official Plan Policies for Housing (PED08283) (City Wide) (Item 7.1)**

(a) That Report PED08283 respecting the new Official Plan (OP) polices for housing be received.

(b) That staff be authorized to consult with the general public, land owners, and various stakeholders on the lands affected by the proposed Official Plan (OP) policies for housing.

7. **New Integrated Transportation Network Official Plan Policies (PED08284) (City Wide) (Item 7.2)**

(a) That Report PED08284 respecting the new Official Plan (OP) policies for the integrated Transportation Network be received.

(b) That staff be authorized to consult with the general public, land owners, and various stakeholders regarding proposed Official Plan (OP) transportation policies.

8. **Proposed Urban Official Plan Policies for the Natural Heritage System (PED08285) (City Wide) (Item 7.3)**

(a) That Report PED08285 respecting the proposed Urban Official Plan (OP) Policies for the Natural Heritage System be received.

(b) That staff be authorized to consult with the general public, land owners, and various stakeholders on the lands affected by the proposed Urban Official Plan (OP) Policies for the Natural Heritage System.

9. **Proposed Official Plan Policies and Zoning for Commercial and Mixed Use Areas (PED08286) (City Wide) (Item 7.4)**

(a) That Report PED08286 respecting the proposed Official Plan Policies and Zoning for Commercial and Mixed Use Areas be received.

*Council – December 10, 2008*
(b) That staff be authorized to consult with the general public, land owners, and various stakeholders on the lands affected by the proposed Official Plan policies for commercial and mixed use areas attached as Appendix “A” to Report PED08286.

10. New Official Plan Policies for Neighbourhood Designation (PED08287) (City Wide) (Item 7.5)

(a) That Report PED08287 respecting new Official Plan (OP) Policies for Neighbourhood Designation be received.

(b) That staff be authorized to consult with the general public, land owners, and various stakeholders on the lands affected by the proposed Official Plan (OP) Policies for the Neighbourhood designation.

11. Rural Zoning Update (PED08307) (City Wide) (Item 8.1)

That Report PED08307, Rural Zoning Update, be received for Information.

12. Correspondence from Ministry of Municipal Affairs and Housing (June 20, 2008) – Employment Land Budget (PED08066(b)) (Item 8.2)

That Report PED08066(b) – Correspondence from Ministry of Municipal Affairs and Housing (June 20, 2008), be tabled to the January 20, 2009 meeting of the Economic Development & Planning Committee.

13. Information Report – Public Consultation (PED08074(a)) (City Wide) (Item 8.3)

That Report PED08074(a), Information Report – Public Consultation, be received for Information.

FOR THE INFORMATION OF COUNCIL:

Councillor M. Pearson assumed the Chair for the beginning of the meeting, as Councillor Whitehead had another meeting that he was required to attend. Subsequently, Councillor Whitehead returned to the Committee meeting and resumed the Chair.

Council – December 10, 2008
(a) **CHANGES TO THE AGENDA (Item 1)**

The Clerk advised of the following changes:

There will be additional handouts provided by some of the presenters. Following the advertising of this meeting, there is a list of speakers who wish to appear before Committee today. A list has been provided to all members of the Economic Development & Planning Committee for their reference and has been posted on the board outside.

*(Mitchell/Ferguson)*

That the Agenda for the November 27, 2008 meeting of the Economic Development & Planning Committee be approved, as amended.

(b) **Opening Comments from the General Manager of the Planning and Economic Development Department**

Tim McCabe, General Manager, of the Planning and Economic Development Department, provided an overview of the new Urban Official Plan. Mr. McCabe thanked all of his staff for their hard work and dedication with respect to the Urban Official Plan, and noted in particular, the input of the following staff members:

- B. Janssen
- J. Hickey-Evans
- A. Fletcher
- R. Walters
- S. Hamilton
- C. Newbold
- K. Maxwell
- D. Cuming
- R. Martin
- L. King
- R. Clackett
- J. Strutt
- S. Celini
- L. Alexander
- C. Plosz

(c) **DECLARATIONS OF INTEREST (Item 2)**

None.

(d) **APPROVAL OF MINUTES (Item 3)**

None.
(e) New Official Plan Policies for Urban Structure (PED08118(a)) (City Wide) (Item 6.1) and Communication from Victor Doyle, Ministry of Municipal Affairs and Housing, respecting Draft Urban Structure Plan and policies for employment areas (Item 6.1)

Christine Newbold provided an overview with the aid of a PowerPoint presentation. Highlights of the presentation included, but were not limited to, the following:

- The Provincial planning Context;
- The G.R.I.D.S. planning context;
- Purpose and elements of Urban Structures Policies;
- Three Components of the Urban Structure Policies:
  - Policy directions for managing Hamilton’s growth;
  - Guiding principles (goals) for Hamilton’s Urban Structure and urban land uses; and,
  - Policy direction for structure components;
- Policy Framework for Managing Growth;
- Guiding Principles/Goals for Urban Structure and Land Use;
- Policy Directions for Planning the Major Structural Elements of the City;
- Sub Regional Service Nodes;
- Downtown Urban Growth Centre;
- Community Nodes;
- Urban Corridors;
- Major Activity Centres;
- Employment Areas;
- Neighbourhoods;
- Open Space;
- Urban Structure Implementation; and,
- How Urban Structure Policies are to be used.

Chair Pearson invited the speakers who had registered to speak to Committee:

(i) Maria Gatzios, representing the Twenty Road Landowners Group, addressed Committee. Her comments included, but were not limited to, the following:

- No need to expand urban boundaries.
- MMAH comments do not support special policy approach. Municipalities must carry out a comprehensive 5 year review and an official plan process.

Council – December 10, 2008
• Any reference to the Elfrida area should be left out of both the urban and rural official plans, at this time.
• Will be objecting to the special policy approach if it goes forward for approval.
• Request that staff be directed review an additional neighbourhood node at Upper James and Rymal Road.

(ii) Ed Fothergill, Hamilton Chamber of Commerce, addressed Committee. His comments included, but were not limited to, the following:

• The Chamber feels that there is an immediate need to generate opportunities for future employment growth within the City, need to adjust the assessment base away from the continued dependence on the residential sector, need to minimize the need for out-commuting, to generate jobs, and to re-establish the city as a self sustaining, healthy community.
• The plan should incorporate policies and opportunities for proper movement of goods.
• The Chamber requests that the consideration of an appropriate land use designation for lands located between the existing Urban Area and the Greenbelt be deferred pending further discussion between the City of Hamilton and the Province.
• That staff be directed to meet with representatives of the Chamber of Commerce and the Province to formulate appropriate designation and staging policies for this area.

Copies of the presentation were provided to members of Committee and were provided for the public record.

(iii) Mike Foley, Associate Vice President, Trinity Development Group, addressed Committee. His comments included, but were not limited to, the following:

Mr. Foley requested that it be noted for the record that while he is a Director of the Hamilton Chamber of Commerce, when the Chamber agreed to the presentation from Mr. Fothergill, he declared a conflict and had not voted on this item.

Mr. Foley commented that Trinity Development Inc. owns land within the WHID area and that they wish to develop this land. He noted that they had offered the lands to McMaster at cost, but McMaster had refused.
He explained that Trinity wishes to move ahead with the development of these lands and that they had a grocery store and a home improvement store ready to move forward.

On a Motion (Clark/McHattie), the presentation, by Mike Foley, Associate Vice President, Trinity Development Group, was referred to Legal Counsel for a response back to Committee in Closed Session.

(iv) Tom Nugent addressed Committee. His comments included, but were not limited to, the following:

- Would like GRIDS revisited.
- Twenty Road should be included in the Urban area.
- Feels that in order to minimize the effects of greenhouse gases, people who work in the Twenty Road area could get to work by walking, taking public transportation or riding their bicycles to work.

(v) John MacLennan addressed Committee. His comments included, but were not limited to, the following:

- Need to encouraging infill within the existing City boundaries.
- Need to upgrade and continue the use of the existing housing stock.
- Need to maintain farmland as a valuable resource and not expand the Urban boundaries.

(vi) Michael Desnoyers, Hamiltonians for Progressive Development, addressed Committee. His comments included, but were not limited to, the following:

- Concern about the acceptance of Report PED08011(a) at today's meeting, as the issues raised by the Ministry have not yet been resolved.
- Report should be referred back to staff in order to address the Ministry's issues then go out to for public consultation.
- Vision 2020 said no to the Urban Boundary Expansion and need to maintain agricultural land, but we are proposing expansion as part of this document.
- Committee has requested, but not yet received, the staff report respecting energy issues, inappropriate to proceed until we know what energy impacts will be.
- He has lost confidence in Council to administer the policies they endorse.

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Considers that Report PED08011(a) is in violation of Places to Grow.
Concern that Council approved conversion of four major employment areas in June, we should protect employment lands not convert them.

(vii) Don Mclean addressed Committee. His comments included, but were not limited to, the following:

- Raised concerns about advertising for this meeting, noted that advertising for Metrolinx was much better.
- Noted that Places to Grow provides hope for the future, but the current reports do not reflect that.
- Suggested need for further public consultation, organized in different ways.
- Critical of GRIDS process.
- Urban growth is not the way to go.
- Need to engage community to get them to understand the benefits of intensification.

(viii) Michael Bryan, Planning Consultant for Silvestri Investments, addressed Committee. His comments included, but were not limited to, the following:

- Agreed with comments made by Maria Gatzios, Council can look at changes to GRIDS and that expansion at Twenty Road is better than expansion in Elfrida.
- Noted that Silvestri lands are easily developable simply by extension of Upper Wentworth.
- These lands should be included in GRIDS for the following reasons:
  - Integration with existing community;
  - Use of existing infrastructure;
  - These lands are very similar to infill development;
  - Outside airport noise zones;
  - Non-prime agricultural lands;
  - Community facilities including schools, police station, community centre, YMCA and parks already exist in area;
  - Area also includes servicing opportunities, future rapid transit, and existing commercial.

Copies of the presentation were provided to the Clerk for the public record.
Sheri Selway, addressed Committee. Her comments included, but were not limited to, the following:

- Chair of the North End Neighbours.
- Noted that NEN has been working with the City on Setting Sail policies and that reports on today’s agenda are possibly heading in a different direction.
- Concerned that NEN has not been consulted about the current report.
- Public should be consulted prior to report rather than afterward.

Chair Whitehead asked if there were further persons who wished to address Committee.

There were no other members of the public who wished to speak to this matter.

Committee discussed the issue and had additional information supplied by staff. Points raised included, but were not limited to, the following:

- The Rural Official Plan is still with the Province and has not yet been approved.
- Rural Official Plan may be amended by the Province, but not rejected.
- Further expansion to the Urban boundary, including Twenty Road, cannot be looked at for another 5 years.
- Elfrida is noted as the next future growth area in the Rural Official Plan.
- Proposed 250 jobs/population figures in the Downtown are in accord, with the approved Downtown Secondary Plan, Secondary Plan can be reviewed in the future to consider higher targets.
- During the Official Plan process, staff is encouraging additional input from the various community associations and groups. All Councillors were requested to provide contact information to staff.

The following motion (Bratina/McHattie) was withdrawn:

That the intensification number for the Downtown Core be raised to a target of 400.

Committee received the Report PED08011(a), as amended
(f) New Official Plan Policies for Cultural Heritage (PED08282) (City Wide) (Item 6.2)

Kirsten Maxwell provided an overview with the aid of a PowerPoint presentation. Highlights of the presentation included, but were not limited to, the following:

- Heritage issues in the Planning Act;
- Provincial Policy Statement and Directions;
- Key Issues and Challenges;
- Proposed Key Policy Directions; and,
- Cultural Heritage Landscapes.

Chair Whitehead noted that there were no registered speakers, but that a letter from Karen Judith Wilkins, Sulphur Springs Road, Ancaster, had been received and distributed today.

He asked if there were any persons who wished to address Committee.

Doug Duke, Executive Officer of the Hamilton-Halton Homebuilders Association, addressed committee. His comments included, but were not limited to, the following:

- HHHBA has represents over 300 companies, including builders, developers, skilled trades, suppliers and related service professionals.
- Maintaining a health housing market is essential to a strong and vibrant community.
- The industry has some specific concerns with respect to the Cultural Heritage Policies.
- The HHHBA recognizes and supports need to develop a more uniform approach to the conservation of significant heritage resources in the community. HHHBA also understands the need to align City policy with provincial legislation; however, the policy as written and if exercised to the extreme, will result in projected delays and increased costs, which would affect the development community, and home buyers.
- With the great deal of uncertainty respecting the “Inventoried Properties that May or May Not be on the Register”, and the “Properties, which are not yet Identified, but May be of Cultural Interest” classifications, added costs, responsibility and delays could occur.
- Potential for unrealistic burden, as it implies that one proponent can impose requirements on the actions of a neighbour through the City’s use of the Policy.
- Section E.U.2.1 – requirements are quite restrictive and are not conducive to intensification.
• The HHHBA supports need for clear and consistent policy that protects but the proposals could be onerous and costly, and preserves our natural heritage resources.
• Overly stringent guidelines will limit the ability to creatively intensify the City.
• HHHBA requested that Committee recommend amendments to the policy in order to eliminate areas of uncertainty and ambiguity.

A copy of the presentation was provided to the Clerk for the public record.

Committee discussed the issue and had additional information supplied by staff. Points raised included, but were not limited to, the following:

• When archaeological Master Plan is completed, staff will ask the Province to delegate the approval of archaeological studies, to speed up the process.
• Not all Planning Act applications will require an archaeological study.
• Staff not aware of any Provincial assistance to cover the costs of applicants’ archaeological studies.
• Requirement to follow the Provincial regulations.

Committee directed that staff consult with the HHHBA and approved the staff recommendation, as amended.

Mr. McCabe requested the HHHBA put their specific concerns in writing for staff.

(g) **New Official Plan Policies and Zoning for Employment Areas (PED08146(a)) (City Wide) (Item 6.3)**

Chair Whitehead noted that an additional letter had been received and distributed today from John Ariens, IBI Group.

Robert Walters provided an overview of the report with the aid of a PowerPoint presentation.

Highlights of the presentation included, but were not limited to, the following:

• The City is in compliance with Places to Grow.
• Zoning included in the report is for information only, at this point.
• Report does not address the Airport or the Harbour.

Chair Whitehead invited the speakers who had registered to speak to Committee:

(i) **Ed Fothergill** was on the speakers list, but was no longer in attendance.
Don Maclean addressed Committee. His comments included, but were not limited to, the following:

- Committee/Council has to make decisions that are right for the public good.
- Concern that Brownfields are being left unimproved, that staff definition is incorrect.
- Hamilton planning is not forward looking, but responds to the development community.
- Concern about previous Council direction to convert four employment areas to commercial.
- Need for better public participation.

Michael Desnoyers was on the speakers list, but was no longer in attendance.

Chair Whitehead asked if there were further persons who wished to address Committee.

There were no other members of the public who wished to speak to this matter.

Committee discussed the issue and had additional information supplied by staff. Points raised included, but were not limited to, the following:

- Should hotels be allowed in older industrial areas and in business parks.
- Should concentration of offices be only in the downtown.

Chair Whitehead requested that Committee members advise staff, respecting minor typographical changes required in the appendices to the report, after the meeting.

Committee agreed that the letter from John Ariens should be referred to staff for their review.

Committee approved the staff recommendation, as amended. Councillors B. Clark and B. McHattie wished to be recorded as opposed.

Planning Study of Private Waste Disposal Sites (PED08064(a)) (City Wide) (Item 6.4)

Robert Walters was present to assist Committee.
Chair Whitehead noted that there were no registered speakers and asked if there were any persons who wished to address Committee.

No one came forward to address the issue.

Committee discussed the issue and noted that this item should be forwarded to Committee of the Whole to allow all members of Council to participate in the discussion and vote on this matter.

Councillor Collins proposed amendments to the staff recommendation to include a listing of all private waste disposal sites in the City, and what are the implications to the City if they wanted to discontinue this use.

Councillor Mitchell noted the need to move forward quickly with this item, as there is an outstanding City land transaction for the Glanbrook Industrial Park.

Committee referred the report, with the added direction, to the first appropriate Committee of the Whole meeting.

(i) **New Official Plan Policies for Housing (PED08283) (City Wide) (Item 7.1)**

Kirsten Maxwell was present to assist Committee with this item.

Chair Whitehead asked if there were any members of the public who wished address Committee.

There were no members of the public who wished to speak to this matter.

Committee approved the staff recommendation.

(j) **New Integrated Transportation Network Official Plan Policies (PED08284) (City Wide) (Item 7.2)**

Ric Martins was present to assist Committee with this item.

Chair Whitehead asked if there were any members of the public who wished address Committee.

There were no members of the public who wished to speak to this matter.

Committee approved the staff recommendation.
Proposed Urban Official Plan Policies for the Natural Heritage System (PED08285) (City Wide) (Item 7.3)

Cathy Plosz was present to assist Committee with this item.

Chair Whitehead asked if there were any members of the public who wished to address Committee.

There were no members of the public who wished to speak to this matter.

Committee approved the staff recommendation.

Proposed Official Plan Policies and Zoning for Commercial and Mixed Use Areas (PED08286) (City Wide) (Item 7.4)

Joanne Hickey-Evans and Paul Lowes, Sorenson Gravely Lowes, the City’s consultants, were present to assist Committee with this item.

There were no members of the public who wished to speak to this matter.

Committee approved the staff recommendation.

New Official Plan Policies for Neighbourhood Designation (PED08287) (City Wide) (Item 7.5)

Robert Walters was present to assist Committee with this item.

Chair Whitehead asked if there were any members of the public who wished to address Committee.

There were no members of the public who wished to speak to this matter.

Committee approved the staff recommendation.

Rural Zoning Update (PED08307) (City Wide) (Item 8.1)

Al Fletcher was in attendance to assist Committee with this item.

Committee received the staff report.

Council – December 10, 2008
Committee discussed the issue and referred the item to the January 20, 2009 Economic Development & Planning Committee.

(p) Information Report – Public Consultation (PED08074(a)) (City Wide) (Item 8.3)

Bill Janssen provided an overview of the required Statutory Public Open House and Public Meetings for the approval of the Official Plan. It is expected that at least three days will be required for the Public Meetings and that a Special Council will be needed at the end of June, 2009, in order to meet the Provincial deadlines.

Chair Whitehead requested members of Committee to consider their preferences for the timing of these meetings, and to provide this information to Mr. McCabe.

Committee received the staff report.

On a Motion (Pearson/Ferguson), the communications from today’s meeting were received.

Chair Whitehead thanked everyone for their involvement in today’s meeting.

(q) MOTIONS (Item 9)

None

(r) NOTICES OF MOTION (Item 10)

Councillor B. McHattie introduced the following Notice of Motion, and requested that it be circulated, prior to the December 2, 2008 Economic Development & Planning Committee meeting:
10.1 Potential Added Intensification to the Downtown Urban Growth Centre

That staff be directed to review the feasibility of increasing the Downtown Urban Growth Centre density from 250 persons and jobs per hectare to 400 persons and jobs per hectare, including potential changes needed to the Downtown Secondary Plan; and, to provide examples from other downtowns such as Guelph, Waterloo and Mississauga, and report back to the Economic Development & Planning Committee.

(s) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

None.

(t) PRIVATE AND CONFIDENTIAL (Item 12)

None.

(u) ADJOURNMENT (Item 13)

There being no further business, the Economic Development and Planning Committee adjourned at 4:30 p.m.

Respectfully submitted,

Terry Whitehead, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Coordinator
Economic Development and Planning Committee
November 27, 2008
REVISED DRAFT OFFICIAL PLAN POLICIES

E. EMPLOYMENT AREA DESIGNATIONS

Employment Area Goals:

a) To recognize and support the contribution of older industrial areas and existing and newly developing business parks, such as the West Hamilton Innovation District.

b) To maintain an adequate supply of zoned and serviced employment lands of varying parcel sizes to meet the City’s projected employment growth forecast and to promote economic development and competitiveness.

c) To support the industry clusters identified by the City’s Economic Development Strategy, including manufacturing, biosciences, goods movement, and environmental technologies.

d) To protect Employment Area designations from non-employment functions and to support the employment functions of the City’s Downtown, nodes and corridors. New Major Retail uses shall be prohibited and office uses shall be restricted in size.

e) To minimize land use conflicts between heavy industrial uses and sensitive land uses.

f) To facilitate the remediation of brownfield sites to enable employment use redevelopment.

g) To provide for enhanced design in Employment Areas adjacent to major expressways and arterial roads.

h) To recognize the major role that the Port of Hamilton plays in the City’s economy, being one of the largest in the country and one of the finest inland ports on the continent. The City shall work in consultation with the Hamilton Port Authority to maintain this role and to harmonize City and Port Authority plans.

i) To support the development of Employment Areas which are transit-supportive, and which have compact built form, and reduced surface parking.

j) To design and develop Employment Areas to be easily accessible with a high degree of connectivity between all modes of transportation such as transit, active transportation, and automobiles.
k) To facilitate the movement of goods in employment areas through an integrated goods movement network which includes efficient access to Provincial highways, the City’s road network, rail, John C. Munro Hamilton International Airport, and the Port of Hamilton, where such facilities exist and are feasible and appropriate for moving goods.

l) Employment Areas within proximity of John C. Munro Hamilton International Airport, and their expansion through amendment to this Plan, shall be promoted by ensuring a range of uses that create synergies and by providing adequate servicing.

1.0 EMPLOYMENT AREA GENERAL PROVISIONS


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

a) Major Retail uses shall be prohibited.

b) New development within Employment Area designations shall enhance the quality of the public realm along all public roads within and bounding business parks; and along the Queen-Elizabeth Way, the non-elevated portions of Burlington Street East and public roads between Employment Areas 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 heavy industrial uses within Employment Area designations as follows:

i) Regard shall be had to the Ministry of the Environment’s guidelines regarding compatibility between industrial facilities and sensitive land uses, and in mitigating the potential adverse impacts not addressed by the guidelines.
ii) The proponent of either a new sensitive land use within a Neighbourhood or Institutional designation or a new industrial facility within an Employment Area designation shall be responsible for addressing and implementing the necessary mitigation measures to both the City’s and the Ministry of the Environment’s satisfaction.

iii) The preferred approach to mitigation shall be the establishment of a separation distance and/or an appropriate transitional land use through the Zoning By-law.

iv) Other mitigation measures which may be appropriate include, screening, barriers, landscaping, mechanical or other technological mitigation, traffic mitigation, and lighting control.

d) A number of existing heavy industrial uses are located within Employment Area designations and within proximity to existing sensitive land uses. To recognize their historical development, their importance as major employers, and to encourage the retention of some of these uses, they may be recognized as permitted uses in the Zoning By-law, and if so, shall be permitted to expand.

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) Within Employment Areas designations, the City supports innovative designs and eco-development standards for energy efficiency and the conservation of natural resources. These standards shall include, but not be limited to:

i) Sustainability tools such as certification under the Leadership in Energy and Environmental Design (LEED) program.

ii) Designs which encourage the use of energy conserving vehicles.

iii) Developments which use accessory wind, solar and geo-thermal power.

iv) Green roofs.

v) On-site storm water quality and quantity management, subject to master storm water management plans.
vi) Other eco-development standards as contained in the City’s Criteria and Guidelines for Stormwater Infrastructure Design, Engineering and Financial Guidelines for Servicing Development, Site Plan Guidelines, Stormwater Master Plan, and as supported through the City’s various financial incentive programs.

h) Employment Area designations shall be designed and developed to be easily accessible by various types of transportation modes, such as roads, transit and active transportation and good movement vehicles.

i) It is a policy of this Plan to promote the relocation of existing non-compatible non-employment uses within Employment Area designations. Notwithstanding this policy, such existing uses legally constructed within these designations prior to the date of approval of this Plan, may be recognized in the Zoning By-law as permitted uses with expansion on the same lot.

2.0 EMPLOYMENT AREA – INDUSTRIAL LAND DESIGNATION

The Employment Area – Industrial Land designation applies to older industrial areas of the City which are characterized by a variety of industrial uses, many in older purpose designed facilities on a variety of parcel sizes. These areas shall continue to play an important role for the City in accommodating traditional industrial type uses and those which benefit from access to the Port of Hamilton. 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.

The Employment Area – Industrial Land designation applies to the Bayfront, East Hamilton, Dundas, and the Glen Road/Tope Crescent Employment Areas.

Employment Area - Industrial Land - Function

2.1. The following uses are permitted on lands designated Employment Area – Industrial Land on Schedule E-1 – Urban Area Land Use Designations:

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 primarily support industry, and businesses and employees within the Employment Area, 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.

**Employment Area - Industrial Land – Scale**

2.2.1 All offices within the Employment Area – Industrial Land designation shall be limited in size to 2000 square metres gross floor area per free standing building.

2.2.2 Retail establishments shall serve the businesses and employees of the Employment Area and be limited to 500 square metres gross floor area.

**Employment Area – Industrial Land - Design**

2.3 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 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/road trees, and gateway features.

c) A range of compatible employment uses shall be permitted adjacent lands designated Neighbourhood and Institutional. Outdoor storage, assembly and loading areas shall be appropriately located and buffered from these adjacent lands.

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

e) Along the Queen Elizabeth Way, the non-elevated portions of Burlington Street East and public roads bounding a Neighbourhood or Institutional designation, new building facades within an Employment Area – Industrial Land designation which are visible from these roads shall be finished with high quality materials to be determined at the Site Plan Control stage.
3.0 EMPLOYMENT AREA – BUSINESS PARK DESIGNATION

Business Parks are planned for a broad range of employment uses compatible with the design policies for business parks. Research and development uses in particular, shall 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 A2.2.2 – Employment Targets of this Plan.

The Employment Area – Business Park designation applies to the City’s business parks, excluding the Airport Business Park.

Employment Area - Business Park - Function

3.1. The following uses shall be permitted on lands designated Employment Area – Business Park on Schedule E-1 – Urban Area Land Use Designations:

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 primarily support industry, 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 primarily support businesses and employees within business parks, 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.

Employment Area - Business Park - Scale
3.2.1 Offices within the Employment Area – Business Park designation shall comply with the following criteria:

a) Offices shall only be permitted where prestige uses for a business park are permitted by Policy 3.3.c) and where the supporting uses for the business park are permitted by Policy 3.3.f).

b) All offices except Industrial Administrative Offices and consulting offices related to development services, shall be limited to a combined maximum gross floor area of 2,000 square metres per free standing building.

c) Industrial Administrative Offices and consulting offices related to development services shall be limited to a combined maximum gross floor area of 9,999 square metres per free standing building and such offices shall only be permitted where prestige uses for a business park are permitted by Policy 3.3.c).

3.2.2 Retail establishments shall serve the businesses and employees of the Employment Area and be limited to 500 square metres gross floor area and shall only be permitted where the supporting uses for the business park are permitted by Policy 3.3 f).

Employment Area - Business Park - Design

3.3 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 from public roads, 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 roads, and screened from view of the roads and adjacent properties.

c) Prestige business park uses, such as offices for industrial administration or development consulting services, research and development, and light manufacturing, with higher design standards, shall be required within view of arterial roads such as but not limited to Stone Church Road, Rymal Road,
the Trinity Church Road Extension, Garner Road, north and south of Highway 2, and other Provincial Highways, in order to further promote and enhance the image of the business park and the City. The following criteria apply:

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

(ii) For developments that front on an arterial road, the principle facade incorporating the main pedestrian entrance and windows of buildings shall face this road.

(iii) The facade of buildings facing expressways shall be encouraged to incorporate architectural design elements and landscaping which are attractive and emphasize a strong corporate presence.

(iv) Enhanced landscaping strips shall be required along the road frontages, and major parking areas shall be discouraged between principal buildings and roads.

d) A range of compatible employment uses shall be permitted adjacent lands designated Neighbourhood and Institutional. Outdoor storage, assembly and loading areas shall be appropriately located and buffered from these adjacent lands.

e) Building facades, which are visible from arterial roads, such as but not limited to Stone Church Road, Rymal Road, the Trinity Church Road Extension, Garner Road, north and south of Highway 2, other Provincial Highways, and adjacent to designated Neighbourhood and Institutional areas, shall be finished with high quality materials to be determined at the Site Plan Control stage.

f) 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 roads and/or collector roads into the business parks.

4.0 EMPLOYMENT AREA – AIRPORT BUSINESS PARK DESIGNATION

[Current former Town of Glanbrook Official Plan policies to be retained until completion of the new Secondary Plan]

5.0 EMPLOYMENT AREA – SHIPPING AND NAVIGATION / SPECIAL SHIPPING AND NAVIGATION DESIGNATIONS
6.0 SPECIAL POLICY AREAS

a) Special Policy Area 4 as identified in the former City of Hamilton Official Plan for the lands near the intersection of Eastport Drive and Burlington Street which apply to the Employment Area-Shipping & Navigation designation (and other designations) to permit a visitor centre, museum, trail centre and information centre uses with special policies relating to the requirement for a Record of Site Condition (Open Space designation only), an Environmental Impact Statement, and Urban Design Guidelines.

b) Special Policy Area 35 as identified in the former City of Hamilton Official Plan for the lands near the intersection of Pritchard Road and Highland Road West to permit the establishment of an Observation and Detention Home.

c) A new Special Policy Area shall be established within the southeast quadrant of Highways 5 and 6 to permit public recreational uses.

7.0 POLICIES FOR SECTION F – IMPLEMENTATION OF THE PLAN

a) Secondary Plans, as applicable, and Zoning By-laws may 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) 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.
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Proposed Official Plan Policies for Conversion and Retention of Employment Lands

Volume 1 - Section E - Employment Land Use Policies

A. The City shall protect and preserve its “Employment Area” designations to promote economic development and competitiveness. A privately initiated official plan amendment for a redesignation from “Employment Area” to a non-employment designation, the creation of a Special Policy Area or the addition of land uses that do not comply with the intent of the Employment Area designation, shall be prohibited.

B. The City shall identify at the time of an official plan review, if there is a need to undertake a Municipally Initiated Comprehensive Review for employment lands. To determine the need for a review, the City shall have regard for the following matters:

   1. Changes to the employment growth targets as prescribed by Provincial legislation; and,
   2. Changes in the available employment land supply; and,
   3. The need to meet other planning objectives such as the City’s commercial planned function or residential land needs.

C. Following the completion of a Municipally Initiated Comprehensive Review, as deemed necessary by Policy B above, and in accordance with the Planning Act, there is no appeal with respect to the refusal or failure to adopt an Official Plan amendment and/or Zoning By-law amendment for the redesignation or conversion of employment lands, or for an application that proposes non-employment uses within employment areas.

D. Notwithstanding Policy B, if a major change in an Employment Area has taken place prior to the initiation of an official plan review, Council may direct that a Municipally Initiated Comprehensive Review for City-wide employment lands be undertaken.

Section F - Implementation Section of the Official Plan

A Municipally Initiated Comprehensive Review for employment lands shall:

   1. Update the employment land supply budget, in accordance with the Provincial growth targets, employment land supply and demand, and any other matters that are relevant to the amount of employment lands required in the City;
   2. Establish and apply a set of criteria that would be used to determine potential conversion sites or regeneration areas;
3. Ensure that the Municipally Initiated Comprehensive Review conforms to Provincial legislation; and,

4. Identify the necessary Official Plan changes required to implement the findings of the Municipally Initiated Comprehensive Review.

Section G – Glossary of the new Official Plan

Regeneration Area

A “regeneration area” is an area identified by the municipality, through a Municipally Initiated Comprehensive Review of employment lands, as an area in transition, which may redevelop for non-employment land uses. A “regeneration area” retains an employment designation until such time as the municipality initiates further studies to determine the appropriate alternatives for non-employment land uses.

Municipally Initiated Comprehensive Review

A “municipally initiated comprehensive review” is a plan, undertaken by the City, which comprehensively applies the policies and schedules of the Places to Grow Growth Plan, the Provincial Policy Statement and the Official Plan. It can be undertaken on specific land use components, such as residential, employment, or undertaken as one comprehensive plan.
E.4 COMMERCIAL AND MIXED USE POLICIES

The Commercial and Mixed Use Area designations play an important role in achieving the planned function of the Urban Node and Urban Corridor components of the Urban Structure set out in Section E.2.

Commercial uses are a key component in the urban structure of the City. Retail stores, restaurants and other service commercial uses contribute to the health and vitality of the City and to the city streets. Vibrant retail areas can become vibrant mixed use areas where people live, work, shop and play. Properly located and designed, commercial and mixed uses become functionally diverse people places servicing a diverse range of functions.

Combining commercial uses with residential intensification creates significant nodes of day-long activity which support the City’s investments in transit and infrastructure.

Some of the most sought after neighbourhoods in a city are often due to the vibrancy of a nearby commercial mixed use area. These areas become the defining element of a neighbourhood. These areas create a sense of place for residents whether at a city wide level or a neighbourhood level.

To achieve these functions major commercial uses and areas are to be located primary in mixed use designations which located within the Urban Nodes and Corridors as set out in the Urban structure in Section E of this Plan.

The mixed use designations are intended to contribute to and achieve the breadth and extent of uses planned for the Urban Nodes and Urban Corridors. The retail and service commercial uses permitted in the Mixed Use Area designations are also a key component of the planned function for of the Urban Nodes and Urban Corridors as these uses provide a service to the surrounding communities and neighbourhoods, attract people to the Nodes and Corridors and create the street activity fundamental to a vibrant and viable mixed use Node or Corridor.

4.1 Commercial and Mixed Use Goals

Commercial and Mixed Use policies shall be applied to achieve the following goals:

4.1.1. Create and retain vibrant mixed use areas that accommodate a range of uses and are accessible by automobile, transit and active transportation.
4.1.2 Direct the majority of retail commercial uses to mixed use areas that are well served by transit and which serve as a central place for the City, a portion of the city or for one or more neighbourhoods.

4.1.3 Create comfortable, walkable and stimulating pedestrian streets along key roads within the mixed use areas.

4.2 General Commercial and Mixed Use Policies:

4.2.1 The Official Plan designates five categories of commercial and mixed use areas as follows:

- Downtown Mixed Use Area;
- Mixed Use High Density Area;
- Mixed Use Medium Density Area;
- District Commercial Area; and
- Arterial Commercial Area.

4.2.2 In addition, local and neighbourhood serving retail and service commercial uses shall also permitted in the Neighbourhoods designation and a limited amount of ancillary and service commercial uses shall be permitted in the Employment Area designation.

4.2.3 The majority of retail and service commercial uses shall be directed to the Mixed Use Area designations in the Urban Nodes and Urban Corridors. The Mixed Use Area designations also apply to smaller mixed use areas outside the Urban Nodes and Urban Corridors. These mixed use areas are intended to serve the needs of the surrounding neighbourhoods.

4.2.4 A more limited range of retail uses shall be permitted in the District Commercial designation to serve the day-to-day and weekly shopping needs of residents in the surrounding neighbourhood but in a primarily non-mixed use environment.

4.2.5 A limited range of retail and service commercial uses which cater to the traveling consumer or which are land extensive retail establishments which cannot be appropriately accommodated in the Mixed Use areas are permitted in and directed to the Arterial Commercial designation.

4.2.6 Applications for retail and service commercial uses over 25,000 sq. m. in gross floor area that are not of an arterial commercial nature shall require an amendment to the urban structure to create a new Urban Node or extension of an Urban Corridor.

4.2.7 Notwithstanding Sections E.4.2.3 and E.4.2.6, two major commercial areas currently exist in the City of Hamilton that are not anticipated to evolve into mixed use areas during the life of this Plan. These areas, located at Duff’s Corners and Clappison’s Corners, are within the Neighbourhood component.
of the Urban Structure and are designated Mixed Use Medium Density Area. The amount or breadth of retail uses in these locations shall not be expanded without an amendment to the Urban Structure Plan.

4.2.8 Retail patterns have evolved over time and shall continue to change in the future. The policies of the Plan are intended to be flexible for landowners to adapt to these changes as they occur while achieving the planned urban structure for the City.

4.2.9 Existing traditional shopping streets shall be encouraged to flourish and diversify to meet the broader social, business and entertainment needs of the community.

4.2.10 New retail developments shall be required to address the impact on existing retail areas and the potential for negative impacts to the planned function of these areas. Impact on planned function may include store closures; loss of vitality within the Node or Corridor which may affect the attraction or success of other land uses; or diminishment of the role and function of the structural element or the designation.

4.2.11 Official Plan Amendment applications for retail or service commercial development exceeding 5,000 sq. m. of gross floor area shall be required to undertake a market needs assessment and demonstrate that there shall be no negative impact on the planned function of existing and designated commercial and mixed use areas or on the planned function of the Urban Nodes and Urban Corridors. This study shall be prepared according to Terms of Reference established by the City.

4.2.12 The policies of this Plan shall be further implemented through Secondary Plans where necessary and through the Zoning by-law.

4.3 **Pedestrian Predominant Streets**

The most successful commercial areas are those that cater to and stimulate the shopper. Shopping is only partially the action of buying goods and services; it is also entertainment. A vibrant, stimulating and comfortable shopping and walking environment can entertain the shopper and entice them to stay longer in the shopping area. The longer a shopper stays, the more vibrant and successful a retail area will become.

Attractive and comfortable pedestrian streets also create a sense of place for residents.

Pedestrian Predominant Streets represent areas intended to cater to the pedestrian by creating a comfortable, active and visually stimulating walking environment. Pedestrian Predominant Streets shall have wide sidewalks, buildings oriented to the public sidewalk, outdoor cafes and a high level of streetscape design and activity. These areas include the main street retail
areas of the former downtowns as well as other historic main street areas and future areas designed to have similar pedestrian oriented character.

4.3.1 Within the Mixed Use Medium Density Area designations, the following streets shall be planned as Pedestrian Predominant Streets:

<table>
<thead>
<tr>
<th>Street</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ancaster</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilson Street East</td>
<td>Halson Street</td>
<td>Rousseaux Street</td>
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<tr>
<td>Dundas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>King Street</td>
<td>York Street</td>
<td>Market Street</td>
</tr>
<tr>
<td>Flamborough</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Franklin street</td>
<td>Dundas Street</td>
<td>Griffin Street</td>
</tr>
<tr>
<td>Dundas Street (Hwy 5)</td>
<td>Mill Street</td>
<td>Hamilton Drive</td>
</tr>
<tr>
<td>Mill Street</td>
<td>Griffin Street</td>
<td>Cedar Street (just south)</td>
</tr>
<tr>
<td>Main Street</td>
<td>Barton Street</td>
<td>Cedar Street (just south)</td>
</tr>
<tr>
<td>Flamborough Street</td>
<td>Barton Street</td>
<td>Dundas Street</td>
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<tr>
<td>Hamilton</td>
<td></td>
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<tr>
<td>King Street</td>
<td>Longwood Road</td>
<td>Sterling Street</td>
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<td></td>
<td>Wellington Street</td>
<td>Queen Street</td>
</tr>
<tr>
<td>James Street North/South</td>
<td>Burlington Street</td>
<td>Markland Avenue</td>
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<tr>
<td>Locke Street</td>
<td>Main Street West</td>
<td>Herkimer Street</td>
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<tr>
<td>Barton Street</td>
<td>Sherman Avenue</td>
<td>Wellington Street</td>
</tr>
<tr>
<td>Ottawa Street</td>
<td>Barton Street</td>
<td>Main Street East</td>
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<tr>
<td>Concession Street</td>
<td>East 33rd Street</td>
<td>East 15th Street</td>
</tr>
<tr>
<td>Upper James Street</td>
<td>Brucedale Avenue</td>
<td>Fennell Avenue</td>
</tr>
<tr>
<td>Upper Wellington Street</td>
<td>Inverness Avenue</td>
<td>Queensdale Avenue</td>
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<tr>
<td></td>
<td>(just north)</td>
<td></td>
</tr>
<tr>
<td>Stoney Creek</td>
<td></td>
<td></td>
</tr>
<tr>
<td>King Street</td>
<td>Mountain</td>
<td>Lake Avenue</td>
</tr>
</tbody>
</table>

4.3.2 Secondary Plans and Corridor Studies shall confirm the locations and refine the boundaries for Pedestrian Predominant Streets.

4.3.3 In the Mixed Use High Density Areas and in the newer Mixed Use Medium Density Areas, Secondary Plans shall identify future Pedestrian Predominant Streets and describe how applications for new development will be required to achieve the desired design of these streets.

4.3.4 In addition to the policies of the specific land use designation, the following policies shall apply to Pedestrian Predominant Streets:
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a) A minimum of 75% of the block face shall be developed for buildings.

b) Buildings shall be built up to the streetline and parking, driveways or lanes shall be discouraged from being located between the buildings and the street.

c) Each store front shall face onto the Pedestrian Predominant Street with the main door of each store and substantial fenestration facing on to the street.

d) Drive-throughs shall not be permitted.

e) Residential uses shall not be permitted on the ground floor of a building facing on to a Pedestrian Predominant Street.

f) On street parking shall be provided where feasible and appropriate.

g) A minimum height of 2 storeys shall be encouraged.

h) Single use buildings exceeding a ground floor area of 5,000 sq.m. shall generally be directed to the interior of a property with smaller stores oriented onto the Pedestrian Predominant Street in front of the larger stores. Alternatively, larger stores could be located up to the streetline provided they are lined with smaller stores, multiple entrances or other similar means to animate the streetscape.

i) Sidewalks shall be of sufficient width to:

a) accommodate anticipated pedestrian volumes;

b) comfortably and safely accommodate the needs of persons with disabilities and the elderly;

c) ensure sufficient space for coordinated street furnishings, public utilities, and tree plantings; and,

d) accommodate sidewalk cafes, kiosks, and street vendors where possible.

j) New buildings and spaces shall be designed to reflect a human scale of development; contribute to public safety and security; and create a significantly enhanced pedestrian environment.

k) New buildings shall be encouraged to have awnings, canopies, arcades or front porches to provide weather protection.

l) New buildings should have a consistent setback.
m) Hotels shall be encouraged to locate on Pedestrian Predominant Streets with the main façade and entrance facing the Pedestrian Predominant Street. The main automobile arrival areas shall be oriented to the side or rear of the building, wherever possible.

4.4 DOWNTOWN MIXED USE AREA

The Downtown Mixed Use Area is the historic downtown of Hamilton. It coincides with the Downtown Hamilton Secondary Plan, which is intended to have a full range of retail, service commercial, institutional, cultural, entertainment and office uses as well as a range of residential uses. The range and breadth of retail uses are intended to appeal to a broad regional market and serve residents across the City and the surrounding area as well as providing day-to-day retail goods and services to serve Downtown residents.

4.4.1 Function

4.4.1.1 The range and breadth of commercial uses are intended to serve a broad regional market and also provide day-to-day retail goods and services to serve Downtown residents.

4.4.1.2 The Downtown Mixed Use Area shall also serve as a central focus for the City creating a sense of place. Retail and service commercial uses are a key element in maintaining that function and ensuring the continued vibrancy of the Downtown. New commercial development shall be designed and oriented to enhance the streetlife of the Downtown.

4.4.1.3 Increasing the number of people who work and live within the Downtown will enhance the day and night activity in the Downtown and contribute to the planned function of the Downtown as a vibrant people place.

4.4.1.4 Permitted uses shall include the following:

a) Commercial uses such as retail stores, auto and home centres, home improvement centres, offices, personal services, live work units, artist studios, restaurants;

b) Institutional uses such as hospitals, universities, government offices, places or worship, schools;

c) Cultural, entertainment and recreational uses;

d) Accommodation, such as hotels, motels; and,

e) Residential uses.
4.4.1.5 Notwithstanding Policy 4.4.1.4, the following uses shall be prohibited;

a) Drive throughs;

b) Gas bars and car washes

c) Vehicular service stations as a primary use;

d) Vehicular dealerships;

e) Garden centres as a primary use.

4.4.1.6 The full range of uses in Section 4.4.1.4 shall not be permitted throughout the Downtown Mixed Use Area. Some parts of the Downtown Mixed Use Area consist of stable, low rise residential areas, as identified in the Downtown Hamilton Secondary Plan and it is the intent of the Plan that these areas remain. The Downtown Hamilton Secondary Plan and Zoning By-law shall establish more detailed land use designations and permitted uses, which apply to specific areas of the Downtown.

4.4.2 Scale

4.4.2.1 Permitted density and heights shall be set out in the Secondary Plan for the Downtown Mixed Use Area.

4.4.2.2 The Downtown Mixed Use Area shall encourage a higher density form of housing, including affordable housing, that may be integrated with business uses including retail and service commercial establishments on the ground floor, as further set out in the Downtown Hamilton Secondary Plan.

4.4.2.3 Permitted uses shall be located in both single and mixed use buildings.

4.4.3 Design

4.4.3.1 The Downtown Mixed Use Area shall be designed as a pedestrian focused area with a high level of pedestrian comfort and amenities. The built form shall generally be situated close to and oriented to the street. Retail buildings shall have store-fronts and other active uses opening onto the sidewalk. On the Pedestrian Predominant Streets, new development shall enhance pedestrian comfort and street activity and where possible increase the built block face. New development in other areas of the Downtown Mixed Use Area should be built to create a comfortable pedestrian environment.

4.4.3.2 Buildings shall be massed to be considerate of the pedestrian nature of the Downtown Mixed Use Area. Massing techniques such as stepped back or terraced floors may be required where appropriate as set out in the Downtown Hamilton Secondary Plan.
4.4.3.3 Streetscape plans shall provide details for upgraded streetscape treatments, especially on pedestrian predominant streets.

4.4.3.4 Streets within the Downtown Mixed Use Area shall be designed to cater to automobile, transit and active transportation including pedestrian and bicycle trips within the Downtown and from the surrounding Neighbourhoods. Along Pedestrian Predominant Streets, sidewalk widths shall be maximized where possible and a broad range of sidewalk activities promoted including, where space permits, sidewalk cafes, sidewalk kiosks, street vendors and performers.

4.4.3.5 Reductions in parking requirements shall be considered in recognition of the high level of transit service to the Downtown Mixed Use Area.

4.5 MIXED USE HIGH DENSITY AREA

The Mixed Use High Density Area is located in the two Sub-regional Service Nodes at Limeridge and East Gate. The Mixed Use High Density Area is intended to have a full range of retail, service commercial, entertainment, office and high density residential uses. The range and breadth of retail uses are intended to appeal to a broad regional market and serve residents across the City and the surrounding area as well as providing day-to-day retail facilities and services to residents in the immediate area. It is intended that new development, through the design and physical arrangement of retail and service commercial uses, enhance the pedestrian ambience of the area and create a people place.

4.5.1 Function

4.5.1.1 The range and breadth of commercial uses are intended to serve a broad regional market as well as providing day-to-day retail goods and services to residents in the immediate area.

4.5.1.2 The Mixed Use High Density Areas shall also serve as a focus for the surrounding communities creating a sense of place for those communities. Retail and service commercial uses are a key element in maintaining that function and ensuring the continued vibrancy of Sub-regional Service Nodes.

4.5.1.3 The Mixed Use High Density Areas shall evolve over time into a compact, mixed use people place where people can live, work and shop. To achieve this function, new development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each Mixed Use High Density Area.

4.5.1.4 It is also the function of the Mixed Use High Density Areas to serve as vibrant people places with increased day and night activity through the introduction of
residential development within the designation. Such development will also enhance the function of these areas as major transit hubs.

4.5.1.5 Permitted Uses shall include the following:

   a) Commercial uses such as retail stores, auto and home centres, home improvement centres, offices, personal services, live work units, artist studios, restaurants, and gas bars;

   b) Institutional uses such as hospitals, places or worship, and schools;

   c) Entertainment and recreational uses;

   d) Accommodation, such as hotels, motels;; and,

   e) Residential uses.

4.5.1.6 Notwithstanding Policy 4.5.1.5, the following uses shall be prohibited:

   a) Drive through uses on pedestrian predominant streets;

   b) Vehicle dealerships; and,

   c) Garden Centres as a primary use.

4.5.2 Scale

4.5.2.1 The Mixed Use High Density Areas shall contain a range of building heights and densities. To achieve the density targets set out in Section E.2.4.2.2, new development shall predominantly be in the form of multiple storey buildings with a mix of uses preferred.

4.5.2.2 Secondary Plans shall provide greater direction on mix of uses, heights, densities, built form and design.

4.5.2.3 Permitted uses shall be located in both single and mixed use buildings.

4.5.2.4 Office uses, either in a stand-alone building or combination of multiple buildings, shall not exceed 10,000 sq.m.

4.5.3 Design

4.5.3.1 The Mixed Use High Density Areas are intended to develop in a compact form with a streetscape design and building arrangement that supports pedestrian use and circulation and creates a vibrant people place.

4.5.3.2 The Secondary Plan studies undertaken for the Sub-regional Service Node shall identify an appropriate street(s) to serve as a Pedestrian Predominant
Street along with detailed streetscape, built form and phasing policies to realize the intended built form and the creation of a vibrant and active pedestrian oriented shopping street.

4.5.3.3 Applications for new development shall demonstrate how the policies of this Plan for a pedestrian predominant street and the creation of a vibrant people place are being achieved.

4.5.3.4 On non-Pedestrian Predominant Streets, buildings shall be located close to the street with no parking, drive-throughs, or stacking lanes between the building and the street. Except that larger single use buildings over 5,000 sq. m. may be situated in the interior or at the rear of the site with smaller footprint buildings located up to the street. Alternatively, larger stores could be located up to the streetline provided they are lined with smaller stores, multiple entrances or other similar means to animate the streetscape.

4.5.3.5 Secondary Plans shall establish minimum and maximum setbacks on non-Pedestrian Predominant Streets as well as minimum block-face requirements that may be less than on the Pedestrian Predominant streets but recognize the intended mixed use built form for the area.

4.5.3.6 Every development application shall be encouraged to provide a mix of uses on the site.

4.5.3.6 In the absence of a Secondary Plan, each applicant for new development shall submit a design and intensification plan for their property, which shall demonstrate:

a) how the policies of this plan for a pedestrian predominant street and the creation of a vibrant people place are being achieved;

b) how the public and private realm can be improved to enhance the pedestrian experience;

c) how the property may accommodate a mix of uses and how it will intensify over time including addressing such matters as:

i) the provision of local roads and small blocks;

ii) the siting and orientation of buildings which do not preclude future intensification; and,

iii) the ability to achieve both short term and longer term intensification.

4.5.3.7 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building height and densities, and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.
4.5.3.8 Reductions in parking requirements shall be considered to take advantage of the higher level of transit service to the Sub-Regional Service Nodes.

4.6 MIXED USE MEDIUM DENSITY AREA

The Mixed Use Medium Density Area designation is found within the Community Nodes, Urban Corridors and Neighbourhood elements of the Urban Structure as set out in Section E.2.4. The intent of the Mixed Use Area Medium Density Area designation is to permit a full range of retail, service commercial, entertainment, and residential accommodation at a moderate scale. The designation recognizes the traditional mixed use main streets in the City (outside of the Downtown Urban Growth Centre) as well as other large commercial areas which serve the surrounding community or a series of neighbourhoods and which are intended to evolve and intensify into mixed use, pedestrian oriented areas.

4.6.1 Function

4.6.1.1 The range and breadth of commercial uses are intended to serve the surrounding community or series of neighbourhoods as well as providing day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community creating a sense of place for the community.

4.6.1.2 The Mixed Use Medium Density Area designation applies to traditional 'main street' commercial areas outside of the Downtown Urban Growth Centre. These areas shall continue to function as pedestrian oriented mixed use areas. Retail and service commercial uses are a key element in maintaining that function and ensuring the continued vibrancy of the pedestrian realm. New commercial development shall be designed and oriented to enhance the streetlife. Increasing the number of people who work and live within the area will also contribute to the planned function of the area as a people place.

4.6.1.3 Newer Mixed Use Medium Density Areas shall evolve over time into a compact, mixed use people place where people can live, work and shop. To achieve this function, new development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each Mixed Use Medium Density Area.

4.6.1.4 It is also the function of the Mixed Use Medium Density Areas to serve as vibrant people places with increased day and night activity through the introduction of residential development within the designation. Such development will also enhance the function of these areas as transit supportive nodes and corridors.
4.6.1.5 Permitted Uses shall include the following:

   a) Commercial uses such as retail stores, auto and home centres, home improvement centres, offices oriented to serving residents, personal services, live work units, artist studios, restaurants, and gas bars;

   b) Institutional uses such as hospitals, places or worship, and schools;

   c) Entertainment and recreational uses;

   d) Accommodation, such as hotels, motels; and,

   e) Residential uses.

4.6.1.6 Notwithstanding Policy 4.6.1.5, the following uses shall be prohibited:

   a) Drive through uses on pedestrian predominant streets;

   b) Vehicle dealerships;

   c) Garden Centres as a primary use.

4.6.1.8 Notwithstanding the mixed use policies of Section 4.7, the Mixed Use Medium Density designations at Clappison’s Corners and Duff’s Corners shall not permit residential development but shall address the other design policies of this section except for Section 4.6.3.4 i) and ii), 4.6.3.6, and 4.6.3.7 a) and c).

4.6.2 Scale

4.6.2.1 The Mixed Use Medium Density Area shall contain a range of building heights and densities to a maximum height of 6 stories, which shall be set out in the implementing zoning by-law.

4.6.2.2 Additional height up to a total of 8 stories may be permitted without an amendment to this Plan provided the applicant demonstrates:

   a) There are no adverse shadow impacts created on existing residential uses within adjacent Neighbourhood designations;

   b) Buildings are progressively stepped back from adjacent neighbourhood designated areas. The implementing zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,

   c) Buildings are stepped back from the street above the 6th storey to minimize the height appearance from the street.
4.6.2.3 The predominant built form shall largely be in mid rise and low rise, mixed use buildings. Single use commercial buildings shall be permitted along with medium density ground related housing forms. However, the intent of this Plan is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial stores at grade. The specific permitted heights and densities shall depend on the area and shall be established through detailed secondary plans.

4.6.2.4 Permitted uses shall be located in both single and mixed use buildings.

4.6.2.5 The amount of retail and service commercial space within each Mixed Use Medium Density designation shall generally range from 25,000 to 100,000 sq. m. of floor area. Areas with greater than approximately 100,000 sq. m. of floor area shall require an amendment to the Urban Structure set out in Section E.2 and on Schedule X, to create an additional Sub-Regional Service Node. Some Mixed Use Medium Density designations contained within the Neighbourhoods element of the Urban Structure may contain less than 25,000 sq. m. of commercial floor area. It is not the intent of this Plan to substantially increase the commercial floor area in these areas.

4.6.2.5 Office uses, either in a stand-alone building or combination of multiple buildings, shall not exceed 10,000 sq.m.

4.6.2.6 Notwithstanding the scale and design policies of this Section, until a Secondary Plan is completed, the existing policies of the Ancaster Official Plan shall apply to the Mixed Use Medium Density Area designation in downtown Ancaster.

4.6.3 Design

4.6.3.1 Mixed Use Medium Density Areas are intended to develop in a compact form with a streetscape design and building arrangement that supports pedestrian use and circulation and creates a vibrant people place.

4.6.3.2 In the historic former downtowns and main streets, a strong historic pedestrian focus is long established and shall be enhanced through new development.

4.6.3.3 To strengthen the pedestrian focus in areas where it does not exist, the City shall require infilling of retail, service commercial and mixed use buildings in a physical arrangement which assists in creating a vibrant and active street environment. Such buildings shall be located up to the street along a pedestrian predominant street.
4.6.3.4 The City may initiate a Secondary Plan study for each of the non-main street Mixed Use Medium Density Areas. Such study shall:

a) identify an appropriate street(s) to serve as a Pedestrian Predominant Street along with detailed streetscape, built form and phasing policies to realize the intended built form and the creation of a vibrant and active pedestrian oriented shopping street;

b) establish policies to guide the intensification of the site including phasing policies;

c) establish minimum and maximum setbacks on all streets as well as minimum block-face requirements which may vary by street.

4.6.3.5 On non-Pedestrian Predominant Streets, buildings shall be located close to the street with no parking, drive-throughs, or stacking lanes between the building and the street. Except that larger single use buildings over 5,000 sq. m. may be situated in the interior or at the rear of the site with smaller foot print buildings located close to the street. Alternatively, larger stores could be located up to the streetline provided they are lined with smaller stores, multiple entrances or other similar means to animate the streetscape.

4.6.3.6 Every development application shall be encouraged to provide a mix of uses on the site.

4.6.3.7 In the absence of a Secondary Plan, each applicant for new development shall submit a design and intensification plan for their property which shall demonstrate:

a) how the policies of this plan for a pedestrian predominant street and the creation of a vibrant people place are being achieved;

b) how the public and private realm can be improved to enhance the pedestrian experience;

c) how the property may accommodate a mix of uses and how it will intensify over time including addressing such matters as:

i) the provision of local roads and small blocks;

ii) the siting and orientation of buildings which do not preclude future intensification; and,

iii) the ability to achieve both short term and longer term intensification.
4.6.3.8 New development shall respect the existing built from of adjacent
neighbourhoods by providing a gradation in building height and densities, and
by locating and designing new development to minimize the effects of
shadowing and overview on properties in adjacent neighbourhoods.

4.6.3.9 Mixed Use Medium Density Areas shall be integrated with the surrounding
Neighbourhoods through frequent street and pedestrian linkages.

4.6.3.10 Automobile access shall continue to be an important mode of transportation
from the surrounding neighbourhoods, but it shall be balanced with the need
to improve pedestrian access and opportunities for active transportation.

4.6.3.11 Reductions in parking requirements shall be considered in order to encourage
a broader range of uses and take advantage of the higher level of transit
service.

4.7 DISTRICT COMMERCIAL AREA

District Commercial Areas are intended to provide retail and service
commercial uses to the immediate neighbourhood. The District Commercial
Areas shall contain a range of retail shops and services that cater primarily to
the weekly and daily shopping needs of residents in the surrounding
neighbourhoods. These retail shops and services may currently be clustered
in a plaza form but new areas or expansions and redevelopment of existing
areas shall create an improved street presence by bringing the smaller shops
up to the edge of the street.

4.7.1 Function

4.7.1.1 The range and breadth of retail uses are intended to serve the weekly and
daily shopping needs of residents in the surrounding neighbourhoods. The
District Commercial areas shall also serve as a focus for the adjacent
neighbourhood(s) creating a sense of place for the neighbourhood(s).

4.7.1.2 Permitted Uses shall include the following:

   a) Commercial uses including retail stores; personal services, live work units,
      restaurants, including drive throughs, gas bars, car washes and service
      stations;

   b) Offices provided they are located above the first storey.

4.7.1.3 Notwithstanding Policy 4.7.1.2, the following uses shall be prohibited:

   a) Vehicle dealerships;

   b) Garden Centres as a primary use;
c) A single user over 10,000 sq. m. in floor area.

4.7.2 Scale

4.7.2.1 The specific permitted heights and densities shall depend on the area and may be further refined through detailed secondary plans or the implementing zoning by-law.

4.7.2.2 The built form may include stand-alone stores, multiple unit commercial buildings or live-work buildings.

4.7.2.3 The preferred location of a new District Commercial Area is at the intersection of a major collector road and an arterial road.

4.7.2.4 Where additional commercial space is proposed in a local commercial area in the Neighbourhood Designation which in the aggregate is significantly greater than 10,000 sq. m., the City shall consider an Official Plan Amendment to convert the entirety of the local commercial area to a District Commercial Area.

4.7.3 Design

4.7.3.1 District Commercial Areas shall be planned and designed to be integrated with the surrounding neighbourhood and be easily accessible from the surrounding neighbourhood by a range of transportation modes including the automobile, transit and active transportation.

4.7.3.2 In new District Commercial Areas or for additions or redevelopments of existing District Commercial Areas, smaller retail buildings shall be located up to the street to create a strong pedestrian orientation particularly along adjoining collector roads.

4.7.3.3 Where buildings are located up to the street as per Section 4.7.3.2, the principal entrances shall face the public street providing direct access from the sidewalk so as to create a pleasant pedestrian shopping environment. The windows and signage shall also face the street and buildings should have a consistent minimal setback.

4.7.3.4 No parking, driveways, lanes, stacking lanes or aisles should be permitted between buildings and the public sidewalk except for in Section 4.7.3.7.

4.7.3.5 Drive-throughs, car washes, service stations and gas bars shall be permitted provided they meet the requirements of 4.7.3.4 and are located away from the pedestrian-oriented area as per Section 4.7.3.2.

4.7.3.6 Parking lots abutting the street should be screened with low walls, and landscape materials to provide a sense of enclosure along the setback line.
4.7.3.7 Single use stores greater than 5,000 sq. m. may be situated in the interior or at the rear of the site with smaller footprint buildings located close to the street. Alternatively, larger stores could be located up to the streetline along an arterial road or along a collector road provided in the latter situation they are lined with smaller stores, multiple entrances or other similar means to animate the streetscape along the collector road.

4.7.3.8 On-street parking may be permitted along adjacent collector roads.

4.8 **ARTERIAL COMMERCIAL**

The Arterial Commercial Area is intended to contain a range of buildings catering to the traveling or drive-by consumer as well as retail stores, which are land extensive, require outdoor storage or sales or have a quasi-industrial-retail character, and cannot be appropriately accommodated in the other designations.

4.8.1 **Function**

4.8.1.1 The range of permitted uses are intended to cater to the traveling or drive-by consumer. As well, the designated in intended to accommodate a limited range of land extensive retail stores which require outdoor storage or sales or have a quasi-industrial-retail character.

4.8.1.2 Permitted Uses shall include the following:

a) Commercial uses including banquet halls, restaurants including drive throughs, garden centres, furniture stores, home improvement centres, and home decor and other similar stores selling building supplies;

b) Automotive related uses including: vehicular sales, service and rental, parts sales, gas bars, car washes and service stations;

c) Industrial supply and service and Contractor sales;

d) Accommodation, excluding residential uses; and,

e) Enclosed storage including mini warehousing.

4.8.1.3 Notwithstanding Policy 4.8.1.2, the following uses shall be prohibited:

a) Department stores;

b) Food stores;

c) Residential uses; and,
d) Stores primarily selling apparel, housewares, electronics, sporting goods or general merchandise and the like.

4.8.2 Design

4.8.2.1 Areas designated Arterial Commercial shall have increased site plan standards to address siting and design criteria of these unique sites. Increased landscape standards shall be required to provide buffer plantings along the boulevard and within the site. Setbacks and siting shall be addressed in detail through Secondary Plan policies, implementing zoning and through site plan control. Pedestrian walkways shall be included within the site and between sites so pedestrians may comfortably access arterial commercial properties.

4.8.2.2 Arterial Commercial Areas shall be designed to improve the aesthetics from the public realm. Lands fronting on the QEW or at intersections of the QEW shall be designed such that the placement of buildings, accesses and landscaping enhances the entrance to the City.

Glossary

Home and Auto store means a store selling a combination of automotive parts, building supplies, gardening products and home products.

Home improvement store means a store selling a combination of lumber and a wide range of building supplies along with ancillary sales of construction tools, gardening products, and home products.

Home décor store means a store selling a limited and focused range of building supplies such as paints, carpets, tiles, bathroom fixtures, lighting fixtures and similar products.

Planned Function means the essential planning intent for an area and the role the area is intended to play in providing a planned service to the public. That planned service may be a direct service such as the provision of government or commercial services, entertainment, housing, employment or the provision of retail goods. It may also be the provision of an indirect service that is key element for a community or neighbourhood such as an opportunity for socialization, recreation, and as an informal meeting place.