

## CHAPTER E – URBAN SYSTEMS AND DESIGNATIONS

The City of Hamilton is an amalgamation of seven municipalities (six local and one regional). Most of the former municipalities contain compact cores that serve as focal areas for the local communities. Over time, these independent cores were connected to each other and beyond by way of major transportation spines comprised of roads, railways and transit lines. Today, the cores continue to be linked to each other and other important land uses such as the City's business parks, older industrial areas, commercial areas, and major institutional facilities. Nestled around these cores and between these spines are Hamilton's vibrant neighbourhoods and valued open spaces: the Niagara Escarpment, Cootes Paradise, Lake Ontario and the waterfront areas. This historic urban structure and the shape of the city we see today will continue to influence Hamilton's future.

The City of Hamilton is committed to managing urban growth and development that is sustainable, comprehensive, and recognizes a balance between the economy, the environment, and the community's social needs. This Plan provides direction for to ensure that a high quality environment is created in a sustainable manner. Growth and development within Hamilton requires balancing all of these facets. The City's sustainable development framework is guided by the Nine Directions, which are identified in Section A of this Plan. In addition to the Nine Directions, goals and principles identified within this Chapter shall provide further direction for growth and development within Hamilton's *urban area*.

## E.1.0 GOALS

The following goals shall apply to the urban systems and land use designations of this plan.

- a) Designate land uses to facilitate the development of a node and corridor based urban structure.
- b) Support and facilitate *development* and investment that contributes to the development of the overall urban structure.
- c) Accommodate growth through the development of compact, mixed use urban environments that support existing or planned transit, including *higher order transit*, and *active transportation*. (OPA 167)
- d) Develop *complete communities* where people can live, work, learn, and play.
- e) Plan and designate lands for a range of housing types and densities, taking into account *affordable* housing needs.
- f) Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic, and liveable urban places.
- g) Promote and support appropriate *residential intensification* throughout the *urban area* with focused attention to development in the *strategic growth areas* of the *Urban Nodes, Urban Corridors, and Major Transit Station Areas*. (OPA 167)
- h) Recognize that Hamilton's neighbourhoods will evolve over time to accommodate projected household growth, and changing demographics, and respond to the changing needs of complete communities. (OPA 167)
- i) Protect and enhance a system of linked natural areas.
- j) Protect Hamilton's existing and planned Employment Areas.
- k) Plan for and promote the *Downtown Urban Growth Centre* as the pre-eminent centre in Hamilton for commercial and office development.
- l) Protect land adjacent to John C. Munroe Airport for future expansion. **(OPA 35)**

## E.2.0 URBAN STRUCTURE

The urban structure builds upon the historic structure of the amalgamated city and forms the basis on which Hamilton's future is planned. The urban structure component of this Plan provides a policy approach for guiding long range growth and *development* challenges. The urban structure formally identifies how the City will physically grow over the long term and provides:

- a) a foundation for consistent decision making;
- b) a basis for infrastructure investment (i.e. water, wastewater, transportation and storm water);
- c) a basis for investment in community facilities (i.e. public health, social services, parks, culture and recreation);
- d) policy frameworks for employment land, commercial, and residential *development*; and,
- e) a general, high level land use vision for the City.

### 2.1 Urban Structure Principles

Hamilton's urban structure shall be a node and corridor structure guided by the following general principles:

- a) *Urban Nodes, Urban corridors* and delineated *Major Transit Station Areas* shall be the focus of *intensification* and reurbanization activities (i.e. population growth, private and public *redevelopment*, and infrastructure investment). (OPA 167)
- b) Nodes and corridors provide focal points of activity for Hamilton's local communities and neighbourhoods.
- c) Nodes and corridors are connected to each other and are internally served by various modes of transportation, including *higher order transit*.
- d) Nodes and corridors provide a vibrant pedestrian environment and facilitate *active transportation* through careful attention to urban design.
- e) Nodes and corridors evolve with higher residential densities and mixed use *developments* to achieve their planned functions and support existing and planned transit, including *higher-order transit*. (OPA 167)

### 2.2 Urban Structure Elements

**2.2.1** In order to most efficiently use land and resources, the City has developed an urban structure, identified on Schedule E – Urban Structure, that includes the following structural elements: (OPA 167)

- a) *Urban Nodes*:

- i) *Downtown Urban Growth Centre*;
  - ii) *Sub-Regional Service Nodes*; and,
  - iii) *Community Nodes*;
- b) *Urban Corridors*:
- i) *Primary Corridors*; and,
  - ii) *Secondary Corridors*;
- c) *Major Transit Station Areas (OPA 167)*
- d) *Major Activity Centres*;
- e) *Neighbourhoods*;
- f) *Employment Areas*; and,
- g) *Major Open Space*.

**2.2.2** In addition to the elements listed in Policy E.2.2.1, the major transportation and transit corridors, the John C. Munro International Airport, the Port of Hamilton, and the natural heritage system are also important to Hamilton's urban structure and are addressed in other sections of this Plan.

**2.2.3** The structural elements on Schedule E – Urban Structure and the associated policies of the urban structure provide direction for specific land use designations and policies contained within Chapter E of Volume 1, Volume 2 and Volume 3.

**2.2.4** Changes to the urban structure, including classification of elements, extensions and expansions of elements, or additions of new elements, shall be considered only during the five-year review of this Plan.

**2.2.5** The *Urban Nodes* and delineated *Major Transit Station Areas* referenced in Policy E.2.2.1 are *strategic growth areas* and *intensification* and higher-density mixed uses in a *transit-supportive* and *compact built form* shall be encouraged and promoted in these areas. (OPA 167)

**2.2.6** *Intensification, redevelopment*, and compact form will be encouraged generally throughout the *built-up area* in accordance with appropriate development standards. (OPA 167)

### **2.3 Urban Nodes**

*Urban Nodes* are intended to provide for a broad range and mix of uses in an area of higher density and activity than surrounding *Neighbourhoods*. Most *Urban Nodes* will have access to *higher order transit* and will exhibit a wide variety of land uses and densities designed and oriented to support and facilitate transit and *active transportation*. These *Urban Nodes* shall be designed and planned to provide a recognized sense of place to adjacent neighbourhoods.

This Plan sets out a hierarchy of *Urban Nodes*, including the more intensely developed Downtown Hamilton which acts as a node within the context of the Greater Golden Horseshoe, Sub-Regional Service Nodes which are major centres of retail activity to the City, and Community Nodes which act as focal points to a former local municipality or to a number of neighbourhoods.

### 2.3.1 Downtown Urban Growth Centre

2.3.1.1 The Downtown Hamilton area is identified as an Urban Growth Centre in the Province's Growth Plan for the Greater Golden Horseshoe. The *Downtown Urban Growth Centre* is identified on Schedule E – Urban Structure.

#### Function

2.3.1.2 The *Downtown Urban Growth Centre* shall be the pre-eminent node in Hamilton due to its scale, density, range of uses, function and identity by residents of the City as the Downtown and accordingly, it shall be planned for a range of uses appropriate to its role as the City's pre-eminent node.

2.3.1.3 The *Downtown Urban Growth Centre* shall provide services to residents across the City as well as to neighbouring municipalities.

2.3.1.4 The *Downtown Urban Growth Centre* shall function as a major employment centre for the City. *Major office* space for business, professional, and government services shall be directed to the *Downtown Urban Growth Centre*. (OPA 167)

2.3.1.5 The *Downtown Urban Growth Centre* shall serve a regional retail function by providing retail stores and services which 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 serve Downtown residents.

2.3.1.6 The *Downtown Urban Growth Centre* shall function as a residential neighbourhood with a large and diverse population. A range of housing types, including *affordable* housing and *housing with supports*, shall be encouraged as set out in the Downtown Hamilton Secondary Plan and other associated secondary plans and policies of this Plan.

2.3.1.7 The *Downtown Urban Growth Centre* shall be promoted as the centre for major public facilities, *cultural facilities* and uses, and major entertainment uses, and shall function as the cultural and institutional centre of the City.

2.3.1.8 The *Downtown Urban Growth Centre* shall function as a major transit hub for the City with a GO rail station and *higher order transit* systems extending out from the Centre.

#### Scale

2.3.1.9 The *Downtown Urban Growth Centre* shall generally have the highest aggregate density within the City with a minimum target density of 500 persons and jobs per hectare. The *Downtown Urban Growth Centre* may evolve over time to a higher density without an amendment to this Plan. (OPA 167)

2.3.1.10 Approximately 30% of the City-wide *residential intensification* over the time period of this Plan which equates to approximately 30,000 new dwelling units will be accommodated within the *Downtown Urban Growth Centre*. (OPA 167)

- 2.3.1.11 The *Downtown Urban Growth Centre* shall be planned and encouraged to accommodate in excess of 100,000 square metres of retail floor space.
- 2.3.1.12 Detailed policies on permitted building heights and densities shall be set out in the Downtown Hamilton Secondary Plan, other secondary plans covering lands within the *Downtown Urban Growth Centre*, and other policies of this Plan.

### Design

- 2.3.1.13 The *Downtown Urban Growth Centre* shall be designed with a strong pedestrian focus to create a comfortable and animated pedestrian environment.
- 2.3.1.14 The *Downtown Urban Growth Centre* shall be designed to accommodate all modes of transportation with a focus on *higher order transit* and *active transportation* including pedestrian and cycling trips within the Downtown and between the Downtown and the surrounding Neighbourhoods. (OPA 167)
- 2.3.1.15 Parking shall continue to be provided within the *Downtown Urban Growth Centre* to serve the needs of residents, employees, and consumers, and shall increasingly be provided in underground or above ground structures where feasible.
- 2.3.1.16 Reduced parking requirements shall be considered to encourage a broader range of uses and densities and to support transit.

### 2.3.2 Sub-Regional Service Nodes

- 2.3.2.1 Sub-Regional Service Nodes include the Limeridge and Eastgate Nodes as identified on Schedule E – Urban Structure.

### Function

- 2.3.2.2 Sub-Regional Service Nodes shall provide a range of uses that allow for access to housing, jobs, services, and recreation in close proximity to each other and may be accessible by *higher order transit*.
- 2.3.2.3 Sub-Regional Service Nodes shall provide a regional retail function by providing retail stores and services to serve the needs of residents across the City and surrounding area as well as serving the weekly and daily shopping needs of residents within the Node and in surrounding neighbourhoods.
- 2.3.2.4 Sub-Regional Service Nodes shall function as employment centres providing a range of employment largely in population serving offices, retail, personal services, and local institutions.
- 2.3.2.5 Sub-Regional Service Nodes shall function as vibrant, mixed use areas with a large and diverse population. A range of housing types, including *affordable* housing and *housing with supports*, shall be encouraged. The predominant form of new housing shall be in medium and high density buildings.
- 2.3.2.6 Sub-Regional Service Nodes play an important role in the future transit network in the City. Sub-Regional Service Nodes will contain major transit stations. The Nodes shall be designed to accommodate an increasing number of residents, visitors, and employees arriving via transit and other modes of transportation.

**Scale**

- 2.3.2.7 Sub-Regional Service Nodes shall be planned to achieve a target density of 150 to 200 persons and jobs per hectare measured across each node. (OPA 167)
- 2.3.2.8 Sub-Regional Service Nodes shall be planned to accommodate a significant proportion of the City-wide *residential intensification* over the time period of this Plan in accordance with Policy B.2.4.1.3.
- 2.3.2.9 The Sub-Regional Service Nodes shall contain a range of building heights and densities. To achieve the density targets, new *development* shall predominantly be in the form of multiple storey buildings with a mix of uses preferred.
- 2.3.2.10 The Sub-Regional Service Nodes shall be planned and encouraged to accommodate in excess of 100,000 square metres of retail floor space each.
- 2.3.2.11 Detailed secondary plans shall be undertaken for the Sub-Regional Service Nodes to provide greater direction on mix of uses, heights, densities, built form, and design, and shall be coordinated with *higher order transit* planning projects. Pending the completion of secondary plans for the Sub-Regional Service Nodes, the land use designations and policies set out in Chapter E – Urban Systems and Designations shall provide direction for *development* proposals. (OPA 167)

**Design**

- 2.3.2.12 The Sub-Regional Service Nodes shall develop a pedestrian focus, particularly on the key retail and mixed use streets within the Nodes. A comfortable pedestrian environment shall be achieved through infilling with retail, service commercial, residential, and mixed use buildings.
- 2.3.2.13 Secondary plans prepared for each Node shall identify *pedestrian focus streets*. On *pedestrian focus streets*, buildings shall be built to the streetline with store fronts and other active uses opening onto the street. New *development* in other areas of the Nodes shall be designed and built to create a comfortable pedestrian environment. (OPA 69)
- 2.3.2.14 Sub-Regional Service Nodes shall contain a broad mix of uses, which will be achieved largely through a greater infusion of residential uses. The mixing of uses should be in the form of mixed use buildings or a mix of uses on the same property. *Redevelopment* of larger sites provides significant opportunities to transform the character of a Node. Therefore, on sites greater than 2.5 hectares, a mix of uses shall be required in major redevelopments. Addition of a parking structure in conjunction with an existing building shall not be considered a major redevelopment.
- 2.3.2.15 Sub-Regional Service Nodes shall be designed to provide for a transition of built form to adjacent Neighbourhoods and *Urban Corridors*.
- 2.3.2.16 Streets within Sub-Regional Service Nodes shall be designed to improve and promote *active transportation* within the Nodes and between other Nodes and surrounding Neighbourhoods.
- 2.3.2.17 To accommodate additional densities and support transit, parking areas shall, where feasible, be accommodated in underground or above ground structures.

Surface parking shall be screened from the primary pedestrian streets by buildings.

- 2.3.2.18 Reductions in parking requirements shall be considered to encourage a broader range of uses and densities and to support transit.

### 2.3.3 Community Nodes

- 2.3.3.1 The following areas are identified as Community Nodes on Schedule E – Urban Structure:

- a) the downtowns of the former municipalities of Dundas, Ancaster, Flamborough (Waterdown), and Stoney Creek;
- b) Centre Mall area, Meadowlands area, the East Mountain/Heritage Green Centre and the Upper James Street/Rymal Road area; and,
- c) the Elfrida node.

#### Function

- 2.3.3.2 Within each Community Node a range of uses shall be provided that allow for access to housing, employment, services, and recreation in close proximity to each other and transit. The Community Nodes shall provide services to residents within the former area municipalities and surrounding neighbourhoods in a mixed use environment.
- 2.3.3.3 Community Nodes shall provide community scale retail stores and services to the residents within the Node and surrounding neighbourhoods.
- 2.3.3.4 Community Nodes shall provide an employment function consisting primarily of employment in retail, services, local institutions, and government services.
- 2.3.3.5 Community Nodes shall function as vibrant, mixed use areas containing a range of housing opportunities, including *affordable* housing and *housing with supports*. The unique characteristics of the individual Community Nodes lend themselves to a range of built forms.
- 2.3.3.6 Community Nodes shall be linked to the *higher order transit* system through connecting conventional transit or by *higher order transit*, where possible. Where possible, the City shall direct local routes through the Community Nodes. (OPA 167)

#### Scale

- 2.3.3.7 Community Nodes shall generally be planned to achieve a target density of 100 to 150 persons and jobs per hectare measured across each node. (OPA 167)
- 2.3.3.8 Community Nodes shall be planned to accommodate some *residential intensification* over the time period of this Plan. The location, scale and amount of *residential intensification* shall be established through detailed secondary plans described in Policy E.2.3.3.11.
- 2.3.3.9 The built form shall largely be in medium and low rise, mixed use buildings. Along the commercial and mixed use streets, single use commercial buildings shall be permitted along with residential housing forms on the periphery of the Nodes.

However, the intent of this Plan is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial uses at grade.

- 2.3.3.10 A Community Node shall be planned to accommodate generally between 25,000 and 100,000 square metres of retail floor space.
- 2.3.3.11 Detailed secondary plans shall be undertaken for Community Nodes to establish boundaries and provide greater direction on mix of uses, heights, densities, built form, and design. Pending the completion of secondary plans for Community Nodes, the land use designations and policies set out in this Chapter shall provide direction for *development* proposals. (OPA 64)
- 2.3.3.12 Notwithstanding Policy E.2.3.3.7, through the preparation of a Secondary plan, a lower density target for a Community Node may be established where the Secondary Plan process determines it is appropriate based on to the character of the adjacent Neighbourhood, other infrastructure, or transportation constraints as follows;
- a) For the Ancaster Community Node, a target density in the range of 50 persons and jobs per hectare shall apply due to transportation constraints and the existing character of the adjacent neighbourhoods.

### Design

- 2.3.3.13 The Community Nodes shall be planned to have a strong pedestrian focus.
- 2.3.3.14 In the historic former downtowns, a strong pedestrian focus is long established and shall be enhanced where necessary.
- 2.3.3.15 In the newer Community Nodes, a strong pedestrian focus shall evolve over time through infilling of retail, service commercial and mixed use buildings while being sensitive to the character and density of surrounding residential areas.
- 2.3.3.16 *Pedestrian focus* streets shall be identified in each Community Node. On *Pedestrian focus* streets, buildings shall be built to the streetline with store fronts and other active uses opening onto the street.
- 2.3.3.17 The Community Node shall contain a broad mix of uses. Where possible, this mix of land uses should include *developments* either as mixed use buildings or a mix of uses on the same property. *Redevelopment* of larger sites provides significant opportunities to transform the character of a Node. Therefore, on sites greater than 2.5 hectares, a mix of uses shall be required in major redevelopments.
- 2.3.3.18 New *development* shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building heights and by locating and designing new *development* to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.
- 2.3.3.19 Streets within the Community Nodes shall be designed to provide strong pedestrian linkages and *active transportation* opportunities between the surrounding Neighbourhoods and the Nodes.
- 2.3.3.20 Automobile access will continue to be important to Community Nodes but it shall be balanced with the need to improve pedestrian and transit access and opportunities for *active transportation*.

- 2.3.3.21 Parking shall be provided through on-street parking, in parking structures, and in surface lots to the rear or sides of commercial buildings.
- 2.3.3.22 Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support transit.

### 2.4 Urban Corridors

*Urban Corridors* follow several major streets throughout the City and will continue to link our communities together as they have in the past. Corridors have traditionally included a mix of uses providing locations for businesses and housing as well as physical and social focal points for the adjacent neighbourhoods. The intent of this Plan is to maintain and enhance the mixed use nature of the City's corridors while recognizing that segments of individual corridors will differ in character and function and will evolve over time. The City's corridors provide a significant opportunity for creating vibrant pedestrian and transit oriented places through investment in infrastructure, *residential intensification*, infill and *redevelopment*, and careful attention to urban design.

- 2.4.1 *Priority transit corridor*, primary corridors and secondary corridors are identified on Schedule E – Urban Structure. (OPA 167)

#### Function

- 2.4.2 *Urban Corridors* are a separate structural element from the Neighbourhoods, which are set out in Section E.2.6, however in many locations, *Urban Corridors* function as an integral part of the surrounding Neighbourhood, and serve as a central focal point.
- 2.4.3 *Urban Corridors* shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by *higher order transit* on the Primary Corridors.
- 2.4.4 Primary Corridors shall serve to link two or more nodes, *major activity centres*, or *employment areas*.
- 2.4.5 Secondary Corridors shall serve to link nodes and *employment areas*, or Primary Corridors.
- 2.4.6 *Urban Corridors* shall function as commercial spines providing retail stores and commercial services that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods. Small scale retail stores that cater to a broader regional market may be also permitted.

- 2.4.7** Portions of the *Urban Corridors* shall be designated to permit arterial commercial type uses as set out in Section E.4.8 – Arterial Commercial Designation. Permitted uses include retail stores which are land extensive, require outdoor storage or have a warehouse-type character as well as services catering to the traveling or drive-by consumer.
- 2.4.8** Primary Corridors shall be served by the higher order of transit service. Secondary Corridors may be served by a *higher order transit service*.
- 2.4.9** A potential eastward extension of the Secondary Corridor along Highway 8 to link up to any future intermodal transit station in the vicinity of Fifty Road and the QEW may be considered.

#### Scale

- 2.4.10** The built form along the *Urban Corridors* shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.
- 2.4.11** *Urban Corridors* shall be a focus for *intensification* through the Neighbourhoods which they traverse. However, it is anticipated that *intensification* will also occur within the surrounding Neighbourhoods, particularly on sites along other arterial roads that are not designated as *Urban Corridors*.
- 2.4.12** Secondary Corridors are currently characterized, in large measure, by single use buildings. The intent of this Plan is to evolve the Secondary Corridors to an increasing proportion of multiple storey, mixed use buildings in small cluster locations with at grade retail and service commercial uses.
- 2.4.13** Corridor studies or secondary planning may be undertaken for the *Urban Corridors*, or portions, to provide greater direction on mix of uses, heights, densities, built form, and design. Pending the completion of such studies, the land use designations and policies set out in Chapter E – Urban Systems and Designations and Volume 2 shall provide direction for *development* proposals. (OPA 65)

#### Design

- 2.4.14** *Urban Corridors* shall provide a comfortable and attractive pedestrian experience. (OPA 65)
- 2.4.15** Corridor studies and secondary planning shall make recommendations for *active transportation* connections including pedestrian improvements to individual sections of a corridor. (OPA 65)
- 2.4.16** *New development* shall respect the existing built form of adjacent neighbourhoods where appropriate by providing a gradation in building height. *New development* shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods. (OPA 98)

- 2.4.17** Reductions in parking requirements shall be considered in order to encourage a broader range of uses and densities to support existing and planned transit routes. (OPA 98)

**2.5 Major Transit Station Areas (OPA 167)**

A *Major Transit Station Area* is the area including and around any existing or planned *higher order transit* station or stop. Within the City, *Major Transit Station Areas* will include the Hamilton Centre and West Harbour GO Stations, the future Centennial GO Station and future *higher order transit* station areas along the *priority transit corridor*. (OPA 167)

- 2.5.1 Approved *higher order transit* station or stop locations for *Major Transit Station Areas* are shown on Appendix B – Major Transportation Facilities and Routes. *Major Transit Station Areas* will be delineated through a future Amendment to this Plan. (OPA 167)
- 2.5.2 The *priority transit corridor* is identified on Schedule E – Urban Structure and Appendix B – Major Transportation Facilities and Routes. (OPA 167)
- 2.5.3 Planned densities of future *Major Transit Station Areas* on the *priority transit corridor* shall be a minimum of 160 residents and jobs combined per hectare, or a lower target as approved by the Province, to be identified through a future Amendment to this plan. (OPA 167)
- 2.5.4 *Major Transit Stations Areas* that are not on the *priority transit corridor* shall be planned to achieve a mix of uses and densities which are supportive of *higher-order transit*. (OPA 167)
- 2.5.5 The City shall delineate the boundaries of *Protected Major Transit Station Areas* within which an inclusionary zoning framework may be implemented. (OPA 167)

**2.6 Major Activity Centres**

*Major Activity Centres* are a significant urban structural element in the City. They act in many respects as mixed use nodal areas with a high level of in- commuting. However, their primary functions are largely dual purpose (education and health care), providing regional scale services. *Major Activity Centres* are major employment generators.

- 2.6.1** The locations of *Major Activity Centres* are identified on Schedule E – Urban Structure and include:
- a) McMaster University and McMaster University Medical Centre; and,
  - b) Mohawk College and St. Joseph’s Hospital (mountain campus).

**Function**

- 2.6.2** *Major Activity Centres* shall primarily accommodate major institutional uses but also provide for *ancillary* residential, recreation, research and office uses.
- 2.6.3** *Major Activity Centres* shall be served by a range of transportation modes. (OPA 128)

- 2.6.4** *Major Activity Centres* shall be linked by *Primary Urban Corridors* to other Urban Nodes including the Downtown and shall be served by the *higher order transit* service in recognition of the high ridership rates by students and employees.

### Scale and Design

- 2.6.5** The land use policies in Chapter E shall set out detailed policies on scale, massing, design, and the permitted uses for *Major Activity Centres*.

## 2.7 Neighbourhoods

Neighbourhoods are where the majority of Hamiltonians live, learn, shop, socialize, and play. A key component of Hamilton's urban structure, the Neighbourhoods element is an all encompassing element representing the concept of *complete community* at the structural level. Neighbourhoods occupy the greatest proportion of the City, containing a mix of low, medium, and high rise residential areas; various types of roads, parks, open spaces, and commercial areas; and institutions such schools and places of worship.

The Neighbourhoods are bordered and bisected, in a number of locations by *Urban Corridors*. These corridors are a separate structural element from the Neighbourhoods, but in many locations function as an integral part of the surrounding Neighbourhood, often serving as the central focal point.

Hamilton's neighbourhoods are, by and large, regarded as stable. However, that does not mean these areas are static. These neighbourhoods will see some physical change over time. Neighbourhoods will evolve as older residents move out, younger residents and families move in, homes are renovated or rebuilt, infill *development* occurs, commercial areas are invigorated, or underutilized commercial areas redeveloped. *Residential intensification* within Neighbourhoods is part of the evolution of a neighbourhood and can happen at a range of scales and densities provided the *intensification* is *compatible* with and respects the built form and character of the surrounding neighbourhood.

- 2.7.1** Neighbourhoods are identified on Schedule E – Urban Structure.

### Function

- 2.7.2** Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.
- 2.7.3** The Neighbourhood element of the urban structure shall be implemented through land use designations shown on Schedule E-1 – Urban Land Use Designations.
- 2.7.4** The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including *affordable housing* and *housing with supports*.
- 2.7.5** The Neighbourhoods element of the urban structure shall permit a range of commercial uses including retail stores and services. These commercial uses may be clustered into plaza forms or in main street configurations. Over time, some of these commercial areas may evolve into a mixed use form, where appropriate. Commercial uses that cater to a broader regional market shall be

directed to appropriate *Urban Nodes*. The Neighbourhoods element of the urban structure permits a broader range of commercial areas than the Neighbourhoods Designation. The different types of commercial areas are designated on Schedule E-1 – Land Use Designations. The policies of Section E.4.0 – Commercial and Mixed Use Designations, Section E.3.0 – Neighbourhoods Designation, and applicable secondary plans of Volume 2 shall provide specific direction on the scale of commercial uses in the various commercial and mixed use designations.

- 2.7.6** The Neighbourhoods element of the urban structure shall permit arterial commercial type uses in appropriate locations through specific land use designations as specified in Section E.4.0 – Commercial and Mixed Use Designations and where designated on Schedule E-1 – Urban Land Use Designations. These uses include services catering to the traveling or drive-by consumer as well as retail stores, which are land extensive, require outdoor storage, or have a warehouse-type character, and cannot be appropriately accommodated in the *Urban Nodes*.

### Scale

- 2.7.7** Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes *compatible* with the existing character or function of the neighbourhood shall be permitted. Applications for *development* and *residential intensification* within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.

## 2.8 Employment Areas

*Employment Areas* are the primary employment generators in the City and the location of diverse areas of employment. These employment areas range from the historic, heavy industrial, and port employment areas to planned business parks.

- 2.8.1** *Employment Areas* are identified on Schedule E – Urban Structure.

### Function

- 2.8.2** *Employment Areas* shall provide employment through a broad range of uses, including traditional industrial uses, research and *development* uses, and other uses. Uses which support the businesses and employees of the employment area shall be permitted. *Major retail* uses or residential uses shall not be permitted. The permitted uses shall be described in more detail in Section E.5.0 – Employment Area Designations. (OPA 166)
- 2.8.3** *Employment Areas* shall provide for a diverse range of employment opportunities in proximity to the City's major infrastructure including the Port, the Airport, and the highway and transit network. It is important to provide a range of opportunities in order to meet the varying locational and market requirements for businesses including regionally significant industries.
- 2.8.4** To meet the long-term market demands and locational requirements of the various industrial sectors, existing *Employment Areas* shall be retained.

**Scale and Design**

- 2.8.5 Smaller scale office buildings shall be permitted within all *Employment Areas*; however, they shall be restricted in function and scale.
- 2.8.6 *Employment Areas* shall be planned and designed to be easily accessible by a range of transportation modes including the automobile, transit, and *active transportation*.
- 2.8.7 *Employment Areas* shall be planned and designed to maximize access to *major goods movement facilities and corridors* to ensure efficiency of goods movement within the *Employment Areas*. Goods movement includes maximizing access to the highway network, the port, and the airport. (OPA 167)
- 2.8.8 *Employment Areas* shall be designed to improve the aesthetics from the public realm. Lands facing the QEW and service roads and at intersections of the QEW shall be designed such that the placement of buildings, accesses, and landscaping enhance the entrances and image of the City.

**2.9 Major Open Space**

The Major Open Space system identified on Schedule E – Urban Structure includes the predominant natural and open space features that form part of a continuous system throughout the *urban area*. These features are comprised of the Niagara Escarpment and associated environmentally significant areas, the Red Hill Valley, Cootes Paradise, and Waterfront areas including, the West Harbour Area and the Waterfront Trail, Confederation Park, and the Hamilton Beach Recreational Trail.

**Function**

- 2.9.1 The Major Open Space system provides for a variety of passive and active recreational opportunities for residents and visitors to the City.
- 2.9.2 The Major Open Space system is not the *urban area* natural heritage system, although some of its features shall also form part of the natural heritage system. Schedule B – Natural Heritage System delineates the Natural Heritage System.

**Scale**

- 2.9.3 In addition to the Major Open Space system, there are parks, open spaces, and natural features which contribute to the recreation and aesthetics of the City. The specific open space land use designations and policies within the Neighbourhoods and applicable Secondary plans are set out in Section C.3.3 – Open Space Designations, and Volume 2.

### E.3.0 NEIGHBOURHOODS DESIGNATION

Hamilton's neighbourhoods are diverse, ranging from old, historic areas of the City, to newly developed subdivisions. Each neighbourhood has its own unique character. Together, neighbourhoods create the rich mosaic of the City.

Neighbourhoods provide the context for daily life for citizens. Neighbourhoods are “living areas” - places where we live, learn, play and socialize on a daily basis. The designation “Neighbourhoods” recognizes that our neighbourhoods are made up of more than just homes, but include a variety of land uses. The mix of uses is important in a neighbourhood. Also important are the relationships between these uses, the locations of the uses, how they function together, how they are designed, and how they are accessed by local residents.

The intent of the Neighbourhoods designation is to describe neighbourhood functions, identify appropriate scales of *development* and design requirements for various land uses, and allow for the continued evolution of neighbourhoods.

#### 3.1 Policy Goals

The following goals apply to the Neighbourhoods land use designation:

- 3.1.1 Develop compact, mixed use, transit-supportive, and *active transportation* friendly neighbourhoods.
- 3.1.2 Develop neighbourhoods as part of a *complete community*, where people can live, work, shop, learn, and play.
- 3.1.3 Plan and designate lands for a range of housing types and densities, taking into account *affordable* housing needs.
- 3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- 3.1.5 Promote and support *residential intensification* of appropriate scale and in appropriate locations throughout the neighbourhoods.

#### 3.2 Neighbourhoods Designation – General Policies

##### Function

- 3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- 3.2.2 The Neighbourhoods designation applies to lands generally greater than 4 hectares in size designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations.
- 3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
  - a) residential dwellings, including second dwelling units and *housing with supports*;

- b) open space and parks;
- c) local *community facilities/services*; and,
- d) local commercial uses.

### Scale and Design

- 3.2.4** The existing character of established Neighbourhoods designated areas shall be maintained. *Residential intensification* within these areas shall enhance and be *compatible* with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- 3.2.5** Individual supporting uses in the Neighbourhoods designation shall be no greater than 4 hectares in size.
- 3.2.6** Supporting uses such as local commercial, *community facilities/services*, and open space and parks, should be clustered to create a focal point for the neighbourhood and to facilitate access by all forms of transportation.
- 3.2.7** The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:
- a) *New development* on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.
  - b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
  - c) Adequate and direct pedestrian access and linkages to *community facilities/services* and local commercial uses shall be provided.
  - d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.
  - e) *Development* shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.
- 3.2.8** Proposals for supporting uses, except local commercial uses, within the Neighbourhoods designation shall be evaluated on the following criteria:
- a) *compatibility* with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking, and landscaping;
  - b) access to a collector or major or minor arterial road shall be preferred;
  - c) provision of adequate off-street parking with appropriate buffering and landscaping from residential uses;
  - d) compliance with Section B.3.3 – Urban Design Policies and B.3.5 – Community Facilities/Services Policies; and,

e) adjacency and integration with parks to provide an attractive extension of parks and maximize the use of parkland facilities.

- 3.2.9** New elementary schools may be located adjoining parks provided the School Board provides adequate outdoor space on their lands to meet their needs.
- 3.2.10** Schools shall be designed to be accessible to those children they serve with minimum exposure to traffic hazards. Adequate bus loading and unloading facilities both on and off-site shall be incorporated into the design as needed.
- 3.2.11** To maintain existing neighbourhood character and to provide for pedestrian friendly environments, reduced right-of-way widths may be permitted in accordance with Section C.4.5 – Roads Network.
- 3.2.12** Innovative neighbourhood designs incorporating energy and environmental design standards and the conservation of natural resources shall be promoted in accordance with Section B.3.3 – Urban Design Policies and Section B.3.7 – Energy and Environmental Design Policies.
- 3.2.13** The City supports *residential intensification* on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Division of Land, and other applicable policies.
- 3.2.14** New *housing with supports* shall be permitted within the Neighbourhoods designation in accordance with the locational and design criteria of the residential category to which the density and built form best complies.
- 3.2.15** The City shall encourage the adaptive reuse of the existing building stock for appropriate land uses. Rezoning applications for new uses shall be evaluated to ensure compatibility with surrounding land uses.

### **3.3 Residential Uses – General Policies**

Three categories of residential land use are described in this section but are not designated on Schedule E-1 – Urban Land Use Designations. These residential categories provide general location, scale, and design directions for the purposes of secondary planning and zoning. These categories may also be applied in the *redevelopment* of larger sites.

- 3.3.1** Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.
- 3.3.2** *Development or redevelopment* adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are *compatible* with existing and future uses in the surrounding area.
- 3.3.3** *Secondary dwelling units* shall not be included in the calculation of residential density. (OPA 142)

### 3.4 Low Density Residential

#### Function

- 3.4.1** The preferred location for low density residential uses is within the interior of neighbourhoods.
- 3.4.2** Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- 3.4.3** Uses permitted in low density residential areas:
- a) shall include single-detached, semi-detached, duplex, triplex, fourplex, and street townhouse dwellings; and, (OPA 167)
  - b) may include *multiple dwellings* containing a maximum of 6 units for lots in proximity to collector roads or arterial roads (OPA 167)

#### Scale

- 3.4.4** For low density residential areas the maximum *net residential density* for the purpose of estimating unit yield and/or population growth, as part of the preparation of Secondary Plans, Special Policy Areas, Infrastructure Master Plans and Community Plans shall be 60 units per hectare. (OPA 167)
- 3.4.5** For low density residential areas, the maximum height shall be three storeys.

#### Design

- 3.4.6** *Development* in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots adjacent to major or minor arterial roads shall be discouraged. (OPA 142)
  - b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible.
  - c) A mix of lot widths and sizes *compatible* with streetscape character; and a mix of dwelling unit types and sizes *compatible* in exterior design, including character, scale, appearance and design features; shall be encouraged. *Development* shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure *compatibility*.
  - d) *Development*, including the creation of infill lots involving the creation of new public streets or extensions, shall generally proceed by way of plan of subdivision. Such plans shall achieve the logical and sequential extension of streets and municipal services and an efficient lotting pattern.
  - e) For *multiple dwellings* described by policy E.3.4.3 b), development should have access to a collector or arterial road from a local road where only a small number of low density residential dwellings are located on that portion of the local road. (OPA 167)

### 3.5 Medium Density Residential

#### Function

- 3.5.1** Medium density residential areas are characterized by *multiple dwelling* forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- 3.5.2** Uses permitted in medium density residential areas shall include all forms of *multiple dwellings*. (OPA 167)
- 3.5.3** Notwithstanding Policy E.3.5.2, street townhouses shall be permitted:
- a) for lands in Central Hamilton, identified on Appendix G – Boundaries Map;
  - b) by secondary plan designations and policies in Central Hamilton, identified on Appendix G – Boundaries Map; and,
  - c) by secondary plan designations and policies. (OPA 167)
- 3.5.4** Local commercial uses may be permitted on the ground floor of buildings containing *multiple dwellings*, subject to the provisions of Section E.3.8 – Local Commercial. (OPA 167)
- 3.5.5** Medium density residential uses shall be located within safe and convenient walking distance of existing or planned *community facilities*, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- 3.5.6** Medium density residential built forms may function as transitions between high and low profile residential uses.

#### Scale

- 3.5.7** For medium density residential uses, the *net residential density* for the purpose of estimating unit yield and/or population growth, as part of the preparation of Secondary Plans, Special Policy Areas, Infrastructure Master Plans and Community Plans, shall be greater than 60 units per hectare and not greater than 100 units per hectare. (OPA 167)
- 3.5.8** For medium density residential uses, the maximum height shall be six storeys, but the height may be increased to 12 storeys without an amendment to this Plan, provided the Applicant demonstrates that: (OPA 167)
- a) the *development* shall provide for a mix of unit sizes to accommodate a range of household sizes and income levels, to be implemented through the Zoning By-law; (OPA 167)
  - b) the *development* shall incorporate sustainable building and design principles including but not limited to the use of locally sourced and/or recycled materials, water conservation, energy efficiency techniques, and *low impact development* approaches; (OPA 167)

- c) the *development* shall not unduly overshadow or block light on adjacent *sensitive land* uses the public realm and outdoor private amenity areas; (OPA 167)
- d) buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and, (OPA 167)
- e) buildings are stepped back from the street to minimize the height appearance from the street, where necessary. (OPA 167)

### Design

**3.5.9** *Development* within the medium density residential category shall be evaluated on the basis of the following criteria:

- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
- b) *Development* shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
- c) *Development* shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be *compatible* with existing and future uses in the surrounding area.
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) The City may require studies, in accordance with Chapter F – Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.
- f) The orientation, design, and massing of a building or structure higher than six storeys shall take into account the impact on public view corridors and general public views of the area of the Niagara Escarpment, waterfront, *cultural heritage resources*, *cultural heritage landscapes*, and other parts of the City as identified through secondary plans or other studies, through the submission of a Visual Impact Assessment to the satisfaction of the City. (OPA 167)

## 3.6 High Density Residential

### Function

**3.6.1** High density residential areas are characterized by *multiple dwelling forms* on the periphery of neighbourhoods in proximity to major or minor arterial roads.

- 3.6.2** Uses permitted in high density residential areas include *multiple dwellings*, except street townhouses.
- 3.6.3** Local commercial uses may also be permitted on the ground floor of buildings containing *multiple dwellings*, provided the provisions of Section E.3.8 – Local Commercial are satisfied.
- 3.6.4** High density residential uses shall be located within safe and convenient walking distance of existing or planned *community facilities/services*, including public transit, schools, and active or passive recreational facilities.
- 3.6.5** Proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses.

### Scale

- 3.6.6** In high density residential areas, for the purpose of estimating unit yield and/or population growth, as part of the preparation of Secondary Plans, Special Policy Areas, Infrastructure Master Plans and Community Plans, the *net residential densities*, identified on Appendix G – Boundaries Map shall be: (OPA 167)
- a) greater than 100 units per hectare and not greater than 500 units per hectare in Central Hamilton; and,
  - b) greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.
- 3.6.7** For high density residential uses, the maximum height shall be 30 storeys. For high density residential uses below the Niagara Escarpment, building height shall not exceed the height of the top of the Niagara Escarpment, nearest to the development site. Applicants shall demonstrate that the proposed development shall not exceed the height of the top of the Niagara Escarpment through the submission of a height elevation survey depicting the proposed building in profile to the height of the top of the escarpment located nearest to the development site, to the satisfaction of the City. (OPA 167)

### Design

- 3.6.8** *Development* within the high density residential category shall be evaluated on the basis of the following criteria:
- a) *Development* should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted indirect access to a collector or major or minor arterial roads from a local road upon which only a small number of low density residential dwellings are fronting on the local road. (OPA 109)
  - b) *Multiple dwellings* greater than 12 storeys shall not generally be permitted immediately adjacent to low density residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening, progressive building step backs, and/or other design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses. (OPA 167)

- c) High profile *development* may be considered appropriate, subject to the other policies of this Plan, where it would result in the preservation of natural heritage system features or public view corridors which may otherwise be compromised by more dispersed, lower profile *development*.
- d) *Development* shall:
  - i) provide adequate landscaping, amenity features, on-site parking, and buffering where required;
  - ii) be *compatible* with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures;
  - iii) provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets;
  - iv) provide for a mix of unit sizes to accommodate a range of household sizes and income levels, to be implemented through the Zoning By-law; and, (OPA 167)
  - v) incorporate sustainable building and design principles including but not limited to use of locally sourced and/or recycled materials, water conservation and energy efficient techniques and *low impact development* approaches. (OPA 167)
- e) In accordance with the policies of Section B.3.3 – Urban Design Policies, *development* shall contribute to an attractive public realm by minimizing the view of the following elements from the abutting public streets (excluding public alleys):
  - i) surface parking areas;
  - ii) parking structures;
  - iii) utility and service structures such as garbage enclosures; and,
  - iv) expanses of blank walls.
- f) The City may require studies, in accordance with Chapter F - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design and massing of a building or structure shall not:
  - i) unduly overshadow or block light on adjacent *sensitive land* uses the public realm and outdoor private amenity areas; and, (OPA 167)
  - ii) or result in the loss of privacy of adjacent residential uses. (OPA 167)
- g) The orientation, design, and massing of a building or structure higher than 12 storeys shall take into account the impact on public view corridors and general public views of the area of the Niagara Escarpment, waterfront, *cultural heritage resources*, *cultural heritage landscapes*, and other parts of the City as identified through secondary plans or other studies, through the submission of a Visual Impact Assessment to the satisfaction of the City (OPA

167)

### 3.7 Residential Greenfield Design

- 3.7.1** New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character.
- 3.7.2** New greenfield communities shall be designed to include a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point.
- 3.7.3** The configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the greenfield community to the focal point and adjacent neighbourhoods.
- 3.7.4** The City may consider alternative development standards in new residential *development in greenfield areas*. Such alternative development standards may include:
- a) reduced road right-of-way widths;
  - b) reduced boulevard widths;
  - c) use of public lanes, private lanes, and on-street parking to promote more compact residential *development* and to provide more attractive streetscapes;
  - d) greater reliance on common open space areas to facilitate more compact *development* patterns; and,
  - e) alternative standards for the spacing and location of underground infrastructure.
- 3.7.5** New residential *development in greenfield areas* shall generally be designed and planned to:
- a) minimize changes to existing topography;
  - b) preserve existing trees and natural features; and,
  - c) be *compatible* with, and maintain public views and vistas to prominent City features and landmarks, including the Niagara Escarpment, the waterfronts of Lake Ontario and Hamilton Harbour, Cootes Paradise, and Dundas Valley, or as identified through secondary plans, cultural heritage management plans, *cultural heritage conservation plan statements*, or other studies.
- 3.7.6** New *development or redevelopment* adjacent to open spaces shall:
- a) minimize the impacts on natural heritage features;
  - b) maintain or enhance public access to trails, bikeways, and parks within these features;
  - c) preserve or enhance public views to these features; and,

d) use native plant material adjacent to these features.

**3.7.7** Prior to registration of a plan of subdivision, the City may require the owner to prepare urban design and/or architectural guidelines to the satisfaction of the City. The City may undertake *architectural control* to ensure compliance with the approved urban design or architectural guidelines.

### **3.8 Local Commercial**

#### **Function**

**3.8.1** Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhoods designation.

**3.8.2** The following uses shall be permitted:

- a) retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service; (OPA 64)
- b) medical offices or clinic, provided it has direct access to an arterial road and is adjacent to other local commercial uses; and,
- c) residential uses, in accordance with Policy E.3.8.10

**3.8.3** Drive-through facilities accessory to commercial uses shall be regulated through the Zoning By-law and site plan approval to ensure *compatibility* with adjacent uses, in accordance with Policy E.3.8.17

#### **Scale**

**3.8.4** Local commercial uses may be permitted in the following built forms:

- a) small single-use buildings such as those occupied by a convenience store or a medical office;
- b) a plaza form at varying scales containing multiple commercial uses;
- c) a main street configuration with multiple commercial uses; or,
- d) multiple storey buildings with the local commercial uses on the ground floor and residential units above.

**3.8.5** The City shall encourage numbers and sizes of local commercial uses to adequately serve local residents.

**3.8.6** Local commercial uses may be permitted on a range of site areas not exceeding 4 hectares and at a range of scales not exceeding a total gross floor area of 10,000 square metres per site. All adjacent parcels and parcels at the intersection of roadways developed for local commercial uses shall be considered as one local commercial site.

**3.8.7** Where additional commercial space is approved in a local commercial area in the Neighbourhoods designation which in the aggregate is significantly greater than 10,000 square metres, the City shall consider, at the five year review of the Official Plan, an amendment to redesignate the entirety of the local commercial area to an appropriate Commercial designation.

**3.8.8** Local commercial uses shall comply with the following provisions:

- a) The gross floor area for any individual office shall not exceed 500 square metres.
- b) The total maximum gross floor area and height for a development located on a particular site shall be determined through secondary plans or corridor studies where applicable, and Zoning By-laws.

### Design

**3.8.9** *Development and redevelopment* of local commercial uses shall:

- a) front and have access to a major arterial, minor arterial, or collector road;
- b) provide safe and convenient access for pedestrians and cyclists; and,
- c) be *compatible* with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.

**3.8.10** Residential units located in the same building as local commercial uses shall generally be located above the ground floor. Some components of the residential use may be located in ground floor areas in the rear of buildings. All commercial space shall be located on the ground floor with the primary entrances to the commercial space through the principal façade of the building.

**3.8.11** New local commercial uses shall be planned and designed to be integrated with and easily accessible from the surrounding neighbourhood.

**3.8.12** New local commercial uses and properties shall be clustered and generally located at intersections with arterial and collector roads.

**3.8.13** New local commercial buildings or uses which could result in strip commercial development shall not be permitted, but new local commercial buildings or uses may be permitted within or as an expansion of an existing main street area provided such buildings or uses:

- a) are located up to the street or in line with other buildings along the main street;
- b) strengthen the pedestrian focus of the main street and assist in creating a vibrant and active street;
- c) provide an active storefront along the street with the main entrance of each building or store and substantial fenestration facing onto the street; and,

- d) do not exacerbate an oversupply of retail space in the neighbourhood or along the main street.

**3.8.14** New local commercial buildings or uses in areas other than those referred to in E.3.8.13 shall:

- a) be located close to the street to create a strong pedestrian orientation particularly along adjoining collector roads;
- b) provide a principal entrance facing the arterial and collector road;
- c) provide direct access from the sidewalk;
- d) provide windows and signage facing the street; and,
- e) provide for a consistent minimum setback.

**3.8.15** Office uses are intended to be part of local commercial clusters, therefore, conversions of dwellings to accommodate offices identified in Policy E.3.8.2 a) shall not be permitted in scattered locations along arterial and collector roads.

**3.8.16** Notwithstanding Policy E.3.8.15 conversions of dwellings to accommodate offices identified in Policy E.3.8.2 a) may be permitted provided the following criteria shall be met:

- a) the block face between two roads in which the conversion is proposed is not occupied predominantly by residential uses;
- b) the conversion shall not create access problems or result in transportation impacts;
- c) the use shall be clustered with other similar uses or other non-residential uses;
- d) the required parking is accommodated in the side or rear yard; and,
- e) appropriate landscaped buffering, as specified in the implementing Zoning By-law, is provided between the parking and adjacent residential uses.

**3.8.17** No parking, drive-throughs, or stacking lanes should be permitted between buildings and the public sidewalk.

**3.8.18** On-street parking may be permitted along adjacent collector roads and contribute to the required parking.

### **3.9 Open Space and Parks**

**3.9.1** Open space and parks shall be provided in accordance with Sections B.3.5.3 - Parkland Policies and C.3.3 - Open Space Designations.

### **3.10 Community Facilities/Services**

#### **Function**

**3.10.1** *Community facilities/services* uses include public and private uses serving the cultural, religious, health, welfare, and educational needs of a neighbourhood. *Community facilities/services* may include community and recreation centres,

arenas, parks, healthcare and social service facilities, long term care facilities, day care centres, seniors' centres, emergency medical services, fire services, police services, *cultural facilities*, places of worship, museums, schools, universities and colleges, and libraries. (OPA 64)

- 3.10.2** The City shall encourage a diverse range of *community facility/service* uses and promote the sharing of facilities and resources as capacities permit.
- 3.10.3** Existing secondary schools on sites of 4 hectares or less shall be permitted to expand subject to the applicable policies of Section B.3.5 – Community Facilities/Services Policies.
- 3.10.4** The City shall collaborate with other *community facilities/services* organizations to facilitate the provision of a wide range of services in close proximity to residents.

## E.4.0 COMMERCIAL AND MIXED USE DESIGNATIONS

The Commercial and Mixed Use designations play an important role in achieving the planned function of the *Urban Node* and *Urban Corridor* elements of the urban structure. Combining commercial uses with *residential intensification* creates significant nodes of day-long activity which support the City's investments in transit and infrastructure.

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. Areas with properly located and designed commercial and mixed uses become functionally diverse people places serving a range of functions.

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

To achieve these functions, many commercial uses and areas are to be located primarily in mixed use designations which are located within the Urban Nodes and Corridors. Smaller main street commercial areas, which can be part of the Neighbourhoods element of the Urban Structure, are also designated Mixed Use.

The Mixed Use designations support the development of *Urban Nodes* and *Corridors*. The retail and service commercial uses permitted in the Mixed Use designations are a key component of the planned function since 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.

The District Commercial designation is intended to provide retail and service commercial uses which cater to the weekly and daily shopping needs of residents in the surrounding neighbourhoods. New and redeveloped District Commercial centres are intended to create street character that improves and enhances the pedestrian experience.

The Arterial Commercial designation is intended to cater to the traveling or drive-by consumer as well as provide for land extensive retail stores which require outdoor storage or sales and cannot be appropriately accommodated in the other designations.

### 4.1 Policy Goals

The following goals shall apply to the Commercial and Mixed Use designations:

- 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 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.
- 4.1.4 Maintain an appropriate distribution of retail and commercial services in each neighbourhood in order to meet the day-to-day and weekly shopping needs of residents and in locations which are highly accessible by *active transportation*, and transit, as well as the automobile.
- 4.1.5 Maintain an appropriate distribution of retail and commercial services across the City to meet the discretionary and occasional shopping needs of the public in locations highly accessible by transit as well as the automobile.
- 4.1.6 Direct land extensive retail uses which require outdoor storage or sales to areas designated Arterial Commercial areas.

## 4.2 Commercial and Mixed Use Designations – General Policies

### Function

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

- 4.2.1 The Official Plan includes five categories of Commercial and Mixed Use designations as follows:
  - a) Downtown Mixed Use;
  - b) Mixed Use - High Density;
  - c) Mixed Use - Medium Density;
  - d) District Commercial; and,
  - e) Arterial Commercial.
- 4.2.2 The Commercial and Mixed Use designations specified in Policy E.4.2.1 shall apply to lands generally 4 hectares or greater, designated Commercial or Mixed Use on Schedule E-1 - Urban Land Use Designations. Lands used for commercial and mixed use purposes less than 4 hectares shall be permitted within the Neighbourhoods designation subject to Section E.3.0 – Neighbourhoods Designation.

### Permitted Uses

- 4.2.3 Local and neighbourhood serving retail and service commercial uses shall also be permitted in the Neighbourhoods designation, and a limited amount of *ancillary* and service commercial uses shall be permitted in the Employment Area designations.
- 4.2.4 The majority of retail and service commercial uses shall be directed to the Mixed Use designations in the *Urban Nodes* and *Urban Corridors*. The Mixed Use designations also apply to smaller mixed use areas outside the *Urban Nodes* and *Urban Corridors*. These smaller mixed use areas are intended to serve the needs of the surrounding neighbourhoods.

- 4.2.5** 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.
- 4.2.6** A limited range and scale of retail and service commercial uses catering to the traveling consumer, are land extensive retail establishments, or cannot be appropriately accommodated in areas designated Mixed Use, shall be permitted in and directed to the Arterial Commercial designation.
- 4.2.7** Existing traditional shopping streets shall be encouraged to flourish and diversify to meet the broader social, business, and entertainment needs of the community.

#### Scale

- 4.2.8** Applications for retail and service commercial uses or areas greater than 25,000 square metres 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*.
- 4.2.9** Notwithstanding Policies E.4.2.3 and E.4.2.6, four major commercial areas currently exist in the City of Hamilton that exceed 25,000 square metres of retail and commercial service space, but are not anticipated to evolve into mixed use areas during the life of this Plan. These four areas are not identified as *Urban Nodes* or *Urban Corridors*, are within the Neighbourhood element of the Urban Structure on Schedule E – Urban Structure, are designated District Commercial on Schedule E-1 – Urban Land Use Designations and have area or site specific requirements contained in Volume 2 or Volume 3. The amount or type of retail uses in these locations shall not be expanded without an amendment to the Urban Structure. The four major commercial areas are located:
- a) in the area of Garner Road, Shaver Road, McClure Road, and Wilson Street West (part of Duff's Corners);
  - b) in the area east of Highway 6, the Niagara Escarpment, the pipeline easement, and Borer's Creek (part of Clappison's Corners);
  - c) in the area south of the QEW, west of Fifty Road, north of the CNR Railway, east of Winona Road, and east and south of Vince Mazza Way; and, (OPA 158)
  - d) at 502 to 560 Centennial Parkway North. (OPA 92)
- 4.2.10** It is not the intent of this Plan to create additional major commercial areas exceeding 25,000 square metres of retail and commercial space which are not mixed use.
- 4.2.11** Official Plan amendment applications for retail or service commercial development exceeding 5,000 square metres of gross floor area shall be required to undertake a commercial needs and impact assessment, in accordance with Policy F.3.2.7 - Commercial Needs and Impact Assessment. The Commercial Needs and Impact Assessment shall assess the impact of the proposal on designated 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.

### 4.3 Pedestrian Focus Streets (OPA 69)

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

The most successful commercial areas are streets 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 shoppers and entice them to stay longer in the shopping area. The longer shoppers stay the more vibrant and successful a retail area will become.

*Pedestrian focus streets* are intended to cater to the pedestrian by creating a comfortable, active and visually stimulating walking environment. *Pedestrian focus 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 lands designated Downtown Mixed Use, Mixed Use – High Density and Medium Density on Schedule E-1 – Urban Land Use Designations, the following streets shall be planned as *pedestrian focus streets*: (OPA 102)

**Table E.4.3.1: Pedestrian Focus Streets**

Street	From	To
<b>Ancaster</b>		
Wilson Street East (OPA 24)	Redding Road	Rousseaux Street
<b>Dundas</b>		
King Street	York Road	Market Street
<b>Flamborough</b>		
Franklin street	Dundas Street	Griffin Street
Dundas Street	West side of Grindstone Creek (OPA 165)	About 155 metres west of Hamilton Street (OPA 165)
Mill Street	Griffin Street	South of Church Street (OPA 64)
Main Street	Griffin Street (OPA 165)	South of Church Street (OPA 64)
Flamboro Street	Barton Street	Dundas Street
Hamilton Street North (OPA 165)	Dundas Street	White Oak Drive
<b>Glanbrook</b>		
Highway 56	Maggie Johnson Drive	Windwood Drive
Binbrook Road	Kaufman Drive	Eastern boundary of Secondary Plan Area
<b>Hamilton</b>		
Bay Street, east side only	King Street	Queen Street

(OPA 102)		
King Street West (OPA 11)	Longwood Road	Sterling Street
	Dundurn Street	Pearl Street
King Street (OPA 11)	Wellington Street	Queen Street
King Street, south side only (OPA 102)	Wellington Street	West Avenue
King William Street (OPA 102)	James Street	John Street
James Street North/South	CN Railway Tracks	Markland Avenue
Kenilworth Avenue North	Barton Street East (OPA 69)	Roxborough Avenue (OPA 69)
Locke Street South (OPA 11)	Railway Overpass	Herkimer Street
Barton Street East (OPA 69)	Sherman Avenue North (OPA 69)	Wellington Street North (OPA 69)
Ottawa Street	Barton Street	Main Street East
Concession Street	East 33 <sup>rd</sup> Street	East 15 <sup>th</sup> Street
Upper James Street	Brucedale Avenue	Fennell Avenue
Upper Wellington Street	Inverness Avenue (just north)	Queensdale Avenue
Queenston Road (OPA 92)	Nash Road	East side of Centennial Parkway
Centennial Parkway (OPA 92)	South side of Queenston Road	Railway line north of Bancroft Street
York Boulevard, south side only (OPA 102)	Bay Street	James Street
<b>Stoney Creek</b>		
King Street	Faircourt Drive	Applewood Avenue

**4.3.2** Secondary plans and corridor studies shall confirm the locations and refine the boundaries for *pedestrian focus streets*.

**4.3.3** In areas designated Mixed Use - High Density and in the newer areas designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations, secondary plans shall identify new *pedestrian focus streets*. The secondary plan shall contain policies and urban design guidelines to address Policy E.4.3.4.

**4.3.4** In addition to the policies of the specific Commercial and Mixed Use designations, the following policies shall apply to *pedestrian focus streets*:

- a) A minimum of 75% of the block face located between two roads shall be developed with buildings.
- b) Buildings shall be built up to the streetline and parking, driveways or lanes shall not be permitted between the buildings and the street, except as set out in E.4.3.4 g).
- c) Each building or store front shall face onto the *pedestrian focus street* with the main entrance of each building or store and substantial fenestration facing on to the street.

- d) Notwithstanding Policy E.4.6.9 Mixed Use – Medium Density Designation, only commercial uses shall be permitted on the ground floor, and a place of worship and day nursery shall only be permitted above the ground floor of a building facing a *Pedestrian Focus Street*. (OPA 69)(OPA 155)
- e) On-street parking shall be provided where feasible and appropriate.
- f) A minimum height of two storeys shall be encouraged.
- g) Single use buildings exceeding a ground floor area of 5,000 square metres shall generally be directed to the interior of a property with smaller stores oriented onto the *pedestrian focus 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.
- h) Sidewalks shall be required on both sides of the street and shall be of sufficient width to:
  - i) accommodate anticipated pedestrian volumes;
  - ii) comfortably and safely accommodate the needs of persons with disabilities and seniors;
  - iii) ensure sufficient space for coordinated street furnishings, public utilities, and tree plantings; and,
  - iv) accommodate sidewalk cafés, kiosks, and street vendors where possible.
- i) Transit shelters and stops shall be provided, where appropriate;
- 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) Hotels shall be encouraged to locate on *pedestrian focus streets* with the main façade and entrance facing the *pedestrian focus street*. The main automobile arrival areas may be located on a *pedestrian focus street* provided the pedestrian circulation is accommodated.

**4.3.5** In addition to Table E.4.3.1, lands adjoining a *Pedestrian Focus Street* may also be identified as belonging to a *Pedestrian Focus Street*, and policies under this section shall also apply. (OPA 69)

### **4.4 Downtown Mixed Use Designation**

The area designated Downtown Mixed Use is the historic downtown of Hamilton. Its boundaries coincide with the Downtown Hamilton Secondary Plan, it 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.

**Function**

- 4.4.1** 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 Downtown residents.
- 4.4.2** The area designated Downtown Mixed Use shall also serve as a central focus for the City by 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.
- 4.4.3** Increasing the number of people who work and live the Downtown shall enhance the day and night activity and contribute to its planned function as a vibrant people place.

**Permitted Uses**

- 4.4.4** The following uses shall be permitted on lands designated Downtown Mixed Use on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses such as retail stores, auto and home centres, *home improvement supply stores*, offices including *major offices*, personal services, live work units, artist studios, financial establishments, restaurants, and medical clinics; (OPA 64)
  - b) institutional uses such as hospitals, universities, government offices, places of worship, and schools;
  - c) arts, cultural, entertainment, and recreational uses;
  - d) accommodation, such as hotels, motels, conference and convention centres; and,
  - e) residential uses.
- 4.4.5** Notwithstanding Policy E.4.4.4, the full range of uses shall not be permitted throughout the lands designated Downtown Mixed Use. The Downtown Secondary Plan and zoning by-law establish more detailed land use designations and permitted uses which apply to specific areas of the Downtown.

**Prohibited Uses**

- 4.4.6** Notwithstanding Policy E.4.4.4, the following uses shall be prohibited on lands designated Downtown Mixed Use on Schedule E-1 – Urban Land Use Designations: (OPA 64)
- a) drive-through facilities;
  - b) gas bars and car washes;
  - c) vehicular service stations as a primary use;
  - d) vehicle dealerships; and,
  - e) garden centres as a primary use.

**Scale**

**4.4.7** Permitted density and heights shall be set out in the secondary plan for the lands designated Downtown Mixed Use.

**4.4.8** Within the area designated Downtown Mixed Use, a higher density form of housing shall be encouraged, 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 Secondary Plan.

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

**Design**

**4.4.10** The Downtown Mixed Use area shall be designed as a pedestrian focused area with a high level of pedestrian comfort and amenities. Buildings 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 focus 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 create a comfortable pedestrian environment.

**4.4.11** Building mass shall consider the pedestrian nature of the area designated Downtown Mixed Use. Massing techniques such as stepped back or terraced floors may be required.

**4.4.12** Streetscape plans shall provide details for upgraded streetscape treatments, especially on *pedestrian focus streets*.

**4.4.13** Streets within the Downtown Mixed Use area shall be designed to accommodate the automobile, transit and *active transportation*, including pedestrian and bicycle trips within the Downtown and from the surrounding Neighbourhoods. Along *pedestrian focus streets*, sidewalk widths shall be maximized where possible and a broad range of sidewalk activities, permitted where space allows, to promote sidewalk cafés, sidewalk kiosks, street vendors, and performers.

**4.4.14** Reduced parking requirements shall be considered in recognition of the high level of transit service to the area designated Downtown Mixed Use.

**4.4.15** Applications to amend this Plan and/or the City's Zoning By-law to permit a drive-through facility in a Downtown Mixed Use designation shall require demonstration that the proposed drive-through facility:

- a) cannot be located in other potential locations outside the Downtown Mixed Use designation;
- b) addresses the applicable policies of the Downtown Hamilton Secondary Plan;
- c) complies with the requirements of policies E.4.3.4 for drive through facilities located on *pedestrian focus streets*, including demonstration that the proposed drive-through facility:

- i) Does not change the existing and planned streetscape character;
  - ii) Maintains the pedestrian environment; and
  - iii) Does not comprise the safe, efficient and comfortable movement of pedestrians.
- d) shall not preclude the planned function and design intent for the *pedestrian focus street* including:
- i) A comfortable, active and visually stimulating walking and shopping environment;
  - ii) A streetscape with buildings and storefronts oriented to the street;
- e) shall not have an adverse impact on surrounding residential neighbourhoods including potential noise and traffic impacts;
- f) addresses the design principles of Section B.3.3.2, the built form policies of Section B.3.3.3, the Access and Circulation policies of Section B.3.3.9.

#### 4.5 Mixed Use - High Density Designation

Lands designated Mixed Use - High Density are located in the two Sub-regional Service Nodes at Limeridge and Eastgate, and in the Centre Mall Community Node. The Mixed Use - High Density designation permits a full range of retail, service commercial, entertainment, office and high density residential uses. The range of retail uses are intended to appeal to a broad regional market and serve residents across the City and the surrounding area. The designation also provides day-to-day retail facilities and services to residents in the immediate area. New *development* should enhance the pedestrian ambience of the area and create a people place through the design and physical arrangement of retail and service commercial uses.

##### Function

- 4.5.1** The range and breadth of commercial uses are intended to serve a regional market as well as provide day-to-day retail goods and services to residents in the immediate area.
- 4.5.2** Areas designated Mixed Use - High Density shall serve as a focus for 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.
- 4.5.3** Areas designated Mixed Use - High Density shall evolve into compact, mixed use people places 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.
- 4.5.4** It is also the function of the areas designated Mixed Use - High Density to serve as vibrant people places with increased day and night activity through the introduction of residential *development*. Residential *development* enhances the function of these areas as major transit hubs.

**Permitted Uses**

**4.5.5** The following uses shall be permitted on lands designated Mixed Use - High Density on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses such as retail stores, auto and home centres, *home improvement supply stores*, offices, medical clinics, personal services, financial establishments, live work units, artist studios, restaurants, gas bars and drive-through facilities; (OPA 64)
- b) Notwithstanding Policy E.4.5.5 a), drive-through facilities on *pedestrian focus streets* shall only be permitted in accordance with Section E.4.5.21 and all other applicable policies of this Plan.
- c) institutional uses such as hospitals, places of worship, and schools;
- d) arts, cultural, entertainment, and recreational uses;
- e) hotels, conference and convention centres;
- f) *multiple dwellings*; and,
- g) *accessory uses*.

**Prohibited Uses**

**4.5.6** Notwithstanding Policy E.4.5.5, the following uses shall be prohibited on lands designated Mixed Use - High Density on Schedule E-1 – Urban Land Use Designations:

- a) gas bars and car washes on *pedestrian focus streets*;
- b) vehicle dealerships; and,
- c) garden centres as a primary use.

**Scale**

**4.5.7** Areas designated Mixed Use - High Density shall contain a range of building heights and densities. To achieve the density targets set out in Sections E.2.3.2 – Sub-Regional Service Nodes and E.2.3.3 – Community Nodes, new *development* shall predominantly be in the form of multiple storey buildings with a mix of uses preferred.

**4.5.8** Secondary plans shall provide greater direction on mix of uses, heights, densities, built form and design and shall establish a minimum density for commercial, residential and mixed use buildings.

**4.5.9** Until the secondary plan is approved, the minimum density for residential and mixed use buildings shall be 100 units per hectare with lower density built forms abutting existing low density residential areas.

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

**4.5.11** All offices within the Mixed Use - High Density designation shall not exceed 4,000 square metres of gross floor area for each free standing building. (OPA 167)

**Design**

- 4.5.12** Areas designated Mixed Use - High Density are intended to develop in a *compact urban form* with a streetscape design and building arrangement supporting pedestrian use and circulation and the creation of a vibrant people place.
- 4.5.13** Secondary plans and associated studies undertaken for the Sub-regional Service Node shall identify an appropriate street(s) to serve as a *pedestrian focus street* along with detailed streetscape, built form, phasing policies, and urban design guidelines to specify the intended built form and the creation of a vibrant and active pedestrian oriented shopping street.
- 4.5.14** Applications for new *development* shall demonstrate how the policies for a *pedestrian focus street* where applicable, and the creation of a vibrant people place are being achieved.
- 4.5.15** On non-*pedestrian focus streets*, buildings shall be located close to the street with no parking, drive-throughs, or stacking lanes between the building and the street. Larger single use buildings over 5,000 square metres may be situated in the interior or at the rear of the site with smaller foot print buildings located up to the street. Alternatively, larger stores could be located up to the streetline provided they have a consistent setbacks with adjacent built forms, have multiple entrances and fenestrations, or other similar means to animate the streetscape.
- 4.5.16** Secondary plans shall establish minimum and maximum setbacks on non-*pedestrian focus streets* as well as minimum block-face requirements that may be less than those on the *pedestrian focus streets* but recognize the intended mixed use built form for the area.
- 4.5.17** *Development* applications shall be encouraged to provide a mix of uses on the site.
- 4.5.18** In the absence of a secondary plan or the designation of *pedestrian focus street*, each applicant for new *development* shall submit a concept plan for the property that addresses how:
- a) the creation of a vibrant people place are being achieved;
  - b) the public and private realm can be improved to enhance the pedestrian experience; and,
  - c) 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*.
- 4.5.19** 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.

**4.5.20** Reduced parking requirements shall be considered to take advantage of the higher level of transit service to the Sub-Regional Service Nodes.

**4.5.21** Applications to amend this Plan and/or the City's Zoning By-law to permit a drive-through facility on a *pedestrian focus street* in a Mixed Use – High Density designation shall require demonstration that the proposed drive-through facility:

- a) cannot be located in other potential locations in the Mixed Use-High Density designation which are not part of the *pedestrian focus street*;
- b) complies with the requirements of policies E.4.3.4 including demonstration that the proposed drive-through facility:
  - i) Does not change the existing and planned streetscape character;
  - ii) Maintains the pedestrian environment; and
  - iii) Does not comprise the safe, efficient and comfortable movement of pedestrians.
- c) shall not preclude the planned function and design intent for the *pedestrian focus street* including:
  - i) A comfortable, active and visually stimulating walking and shopping environment;
  - ii) A streetscape with buildings and storefronts oriented to the street;
- d) shall not have an adverse impact on surrounding residential neighbourhoods including potential noise and traffic impacts;
- e) addresses the design principles of Section B.3.3.2, the built form policies of Section B.3.3.3, the Access and Circulation policies of Section B.3.3.9.

### **4.6 Mixed Use – Medium Density Designation**

The Mixed Use – Medium Density designation is found within the Community Nodes, *Urban Corridors*, and Neighbourhood elements of the Urban Structure. The intent of the Mixed Use – Medium Density designation is to permit a full range of retail, service commercial, entertainment, and residential accommodation at a moderate scale and to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial uses at grade. The designation recognizes the traditional mixed use main streets in the City (outside of the Downtown Mixed Use area), 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. Increasing the number of people who work and live within the area designated Mixed Use – Medium Density will also contribute to the planned function of the area as a people place. (OPA 142)

#### **Function**

**4.6.1** The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide 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.

- 4.6.2** The Mixed Use - Medium Density designation shall be applied to traditional 'main street' commercial areas outside of the area designated Downtown Mixed Use, and to promote the continuation of these areas as pedestrian oriented mixed use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm.
- 4.6.3** Newer areas designated Mixed Use - Medium Density shall evolve over time into compact, mixed use people places where people can live, work, and shop.
- 4.6.4** It is also the function of areas designated Mixed Use - Medium Density to serve as vibrant people places with increased day and night activity through the introduction of residential *development*. Residential *development* enhances the function of these areas as *transit supportive* nodes and corridors.

#### Permitted Uses

- 4.6.5** The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses such as retail stores, auto and home centres, *home improvement supply stores*, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities; (OPA 64)
  - b) Notwithstanding Policy E.4.6.5 a), drive-through facilities on *pedestrian focus streets* shall only be permitted in accordance with Section E.4.6.29 and all other applicable policies of this Plan.
  - c) institutional uses such as hospitals, places of worship, and schools;
  - d) arts, cultural, entertainment, and recreational uses;
  - e) hotels;
  - f) *multiple dwellings*; and,
  - g) *accessory* uses.

#### Prohibited Uses

- 4.6.6** The following uses shall be prohibited on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:
- a) gas bars and car washes on *pedestrian focus streets*;
  - b) vehicle dealerships; and,
  - c) garden centres as a primary use.

#### Scale

- 4.6.7** Lands designated Mixed Use - Medium Density shall contain a range of densities and building heights to a maximum of six storeys, which shall be set out in the

implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law. (OPA 142)

**4.6.8** Additional height up to a total of 12 storeys may be permitted without an amendment to this Plan, provided the applicant demonstrates:

- a) The *development* shall provide for a mix of unit sizes to accommodate a range of household sizes and income levels, to be implemented through the Zoning By-law; (OPA 167)
- b) The *development* shall incorporate sustainable building and design principles including but not limited to use of locally sourced and/ or recycled materials, water conservation and energy efficient techniques and *low impact development* approaches: (OPA 167)
- c) there are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods;
- d) buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,
- e) buildings are stepped back from the street to minimize the height appearance from the street, where necessary.

**4.6.9** The predominant built form shall be mid rise and low rise mixed use buildings that have retail and service commercial stores at grade. Single use commercial buildings and medium density ground related housing forms shall also be permitted, except for *pedestrian focus streets* as listed by Policy E.4.3.1.1. (OPA 65)(OPA 142)

**4.6.10** Permitted uses shall be located in single or mixed use buildings.

**4.6.11** The amount of retail and service commercial space within each area designated Mixed Use - Medium Density shall generally range from 25,000 to 100,000 square metres of floor area. Designations within this range shall be reflected on Schedule E - Urban Structure as *Urban Corridors* or *Community Nodes*.

**4.6.12** Areas designated Mixed Use - Medium Density with retail and service commercial floor area greater than approximately 100,000 square metres shall require an amendment to Section E.2.0 - Urban Structure, to create an additional Sub-Regional Service Node.

**4.6.13** Some commercial areas within the Mixed Use - Medium Density designation and identified as the Neighbourhoods element of the Urban Structure may contain less than 25,000 square metres of retail and service commercial floor area. It is not the intent to substantially increase the commercial floor area in these areas. Increasing the size of the retail and service commercial space within these designations substantially beyond 25,000 square metres shall require an amendment to the Urban Structure.

**4.6.14** All offices within the Mixed Use - Medium Density designation shall not exceed 4,000 square metres of gross floor area for each free standing building. (OPA 167)

**4.6.15** Although residential *development* is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan.

### Design

**4.6.16** New *development* shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.

**4.6.17** Areas designated Mixed Use - Medium Density are intended to develop in a *compact urban form* with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.

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

**4.6.19** To strengthen the pedestrian focus in areas where it does not currently 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 focus street*.

**4.6.20** The City may initiate a secondary plan for each of the non-main street area designated Mixed Use - Medium Density. The secondary plan shall:

- a) identify an appropriate street(s) to serve as a *pedestrian focus 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; and,
- c) establish minimum and maximum setbacks on all streets as well as minimum block-face requirements which may vary by street.

**4.6.21** On non-*pedestrian focus streets*, buildings shall be located close to the street with no parking, drive-throughs, or stacking lanes between the building and the street. Larger single use buildings over 5,000 square metres 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.

**4.6.22** *Development* applications shall be encouraged to provide a mix of uses on the site.

**4.6.23** In the absence of a secondary plan or the designation of *pedestrian focus streets*, each applicant for new *development* shall submit a concept plan for the property that addresses how:

- a) the creation of a vibrant people place are being achieved;
  - b) the public and private realm can be improved to enhance the pedestrian experience; and,
  - c) 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*.
- 4.6.24** 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.
- 4.6.25** Areas designated Mixed Use - Medium Density shall be integrated with the surrounding neighbourhoods through frequent street and pedestrian linkages.
- 4.6.26** 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*.
- 4.6.27** Reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.
- 4.6.28** Some historic commercial main streets have more commercial space than can be supported by the surrounding market area. In these locations, residential *development* and conversion shall be encouraged on the fringes outside of the *pedestrian focus streets*.
- 4.6.29** The orientation, design, and massing of a building or structure higher than six storeys shall take into account the impact on public view corridors and general public views of the area of the Niagara Escarpment, waterfront, *cultural heritage resources*, *cultural heritage landscapes*, and other parts of the City as identified through secondary plans or other studies, through the submission of a Visual Impact Assessment to the satisfaction of the City. (OPA 167)
- 4.6.30** Applications to amend this Plan and/or the City's Zoning By-law to permit a drive-through facility on a *pedestrian focus street* in a Mixed Use – Medium Density designation shall require demonstration that the proposed drive-through facility:
- a) cannot be located in other potential locations in the Mixed Use-Medium Density designation which are not part of the *pedestrian focus street*;
  - b) complies with the requirements of policies E.4.3.4 including demonstration that the proposed drive-through facility:
    - i) Does not change the existing and planned streetscape character;
    - ii) Maintains the pedestrian environment; and

- iii) Does not compromise the safe, efficient and comfortable movement of pedestrians.
- c) shall not preclude the planned function and design intent for the *pedestrian focus street* including:
  - i) A comfortable, active and visually stimulating walking and shopping environment;
  - ii) A streetscape with buildings and storefronts oriented to the street;
- d) shall not have an adverse impact on surrounding residential neighbourhoods including potential noise and traffic impacts;
- e) addresses the design principles of Section B.3.3.2, the built form policies of Section B.3.3.3, the Access and Circulation policies of Section B.3.3.9.

**4.6.31** (Previously C.4.6.30) Deleted by OPA 142

## **4.7 District Commercial Designation**

Areas designated District Commercial are intended to provide retail and service commercial uses to the immediate neighbourhood. 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 forms but new areas or expansions and *redevelopment* of existing areas can create an improved street presence by bringing the stores up to the edge of the street.

### **Function**

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

### **Permitted Uses**

- 4.7.2** The following uses shall be permitted on lands designated District Commercial on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses including retail stores, personal services, financial establishments, live work units, restaurants, including gas bars, car washes, and service stations;
  - b) medical clinics and offices provided they are located above the first storey; (OPA 64)
  - c) residential uses provided they are located above the first storey of a mixed use building; and,
  - d) accessory uses.

### **Prohibited Uses**

**4.7.3** Notwithstanding Policy E.4.7.2, the following uses shall be prohibited on lands designated District Commercial on Schedule E-1 – Urban Land Use Designations:

- a) vehicle dealerships;
- b) garden centres as a primary use; and,
- c) a single use over 10,000 square metres in floor area.

### Scale

**4.7.4** The specific permitted heights and densities shall depend on the area and may be further refined through detailed secondary plans or the Zoning By-law.

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

**4.7.6** The preferred location of a new District Commercial designated area is at the intersection of a collector road and a major or minor arterial road.

**4.7.7** The maximum amount of retail and service commercial floor space permitted in an area designated District Commercial shall be 25,000 square metres.

**4.7.8** Office uses on the same lot, shall not exceed 2,000 square metres.

**4.7.9** Although residential *development* is permitted and encouraged, it is not the intent of the Plan for the District Commercial designated areas to lose the planned retail and service commercial function set out in this Plan.

### Design

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

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

**4.7.12** Where buildings are located up to the street in accordance with Policy E.4.7.11, the principal entrances shall face the public street providing direct access from the sidewalk. The windows and signage shall also face the street and buildings should have a consistent minimal setback.

**4.7.13** No parking, driveways, lanes, stacking lanes, or aisles should be permitted between buildings and the public sidewalk except as provided for in Policy E.4.7.16.

**4.7.14** Drive-throughs, car washes, service stations, and gas bars shall be permitted provided they meet the requirements of Policy E.4.7.13 and are located away from the pedestrian- oriented area identified in Policy E.4.7.11.

**4.7.15** Parking lots abutting the street shall be screened with low walls, and/or landscape materials to provide a sense of enclosure along the setback line.

**4.7.16** Single use stores greater than 5,000 square metres 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 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.

**4.7.17** On-street parking may be permitted along adjacent collector roads and contribute to the required parking.

## **4.8 Arterial Commercial Designation**

The Arterial Commercial designation is intended to provide for a range of uses catering to the traveling or drive-by consumer as well as retail stores, which are land extensive and require outdoor storage or sales and cannot be appropriately accommodated in the other designations.

### **Function**

**4.8.1** The range of permitted uses is intended to cater to the traveling or drive-by consumer. As well, the designation is intended to accommodate a limited range of land extensive retail stores which require outdoor storage or sales.

### **Permitted Uses**

**4.8.2** The following uses shall be permitted on lands designated Arterial Commercial on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses including banquet halls, funeral homes, (OPA 69) restaurants, garden centres, furniture stores, building and lumber supply establishment, home improvement supply store, and retail primarily for the sale of building supplies;
- b) automotive related uses primarily for vehicle sales, service and rental, parts sales, gas bars, car washes, and service stations;
- c) commercial recreational uses, commercial entertainment uses, excluding performing arts theatre and cinema (OPA 69);
- d) industrial supply and service and contractor sales;
- e) accommodation, excluding residential uses;
- f) enclosed storage including mini warehousing; and,
- g) accessory uses.

### **Prohibited Uses**

**4.8.3** Notwithstanding Policy E.4.8.2, the following uses shall be prohibited on lands designated Arterial Commercial on Schedule E-1 – Urban Land Use Designations:

- a) department stores;

- b) food stores;
- c) residential uses; and,
- d) stores primarily selling apparel, housewares, electronics, sporting goods, or general merchandise.

### **Design**

- 4.8.4** Site plan standards shall be developed to address the unique siting and design challenges of areas designated Arterial Commercial including those inherent in siting and buffering large buildings, large parking lots, blank building walls, and drive-throughs. As well, landscape standards shall be developed to provide buffer plantings along boulevards and within the site to address these matters.
- 4.8.5** Setbacks and siting shall be addressed in detail through secondary plan policies, the implementing Zoning By-law, and site plan approval. Pedestrian walkways shall be included within the site and between sites so pedestrians may comfortably access Arterial Commercial designated properties.
- 4.8.6** Areas designated Arterial Commercial shall be designed to improve the aesthetics from the public realm.
- 4.8.7** Lands fronting on the QEW or at interchanges of the QEW shall be designed such that the placement of buildings, accesses, and landscaping enhances the entrance to the City in accordance with Policy B.3.3.4 – Gateways.

### **Other Policies**

- 4.8.8** Mineral aggregate resources are present in the Ancaster Business Park/Wilson-Garner area. The City supports and encourages the recovery of these resources through the sequential use of the developable land in this area, whereby mineral aggregate resources are extracted prior to, or in conjunction with, development of the area.

## E.5.0 EMPLOYMENT AREA DESIGNATIONS

### 5.1 Policy Goals

The following goals shall apply to Employment Area designations:

- 5.1.1 Recognize and support the contribution of older industrial areas and existing and newly developing business parks, such as the West Hamilton Innovation District and the Airport Employment Growth District (OPA 35).
- 5.1.2 Maintain an adequate supply of zoned and serviced employment lands of varying parcel sizes in various locations to meet the City's projected employment growth forecast and to promote economic development and competitiveness.
- 5.1.3 Support the industry clusters, identified by the City's Economic Development Strategy, such as manufacturing, biosciences, goods movement, and environmental technologies.
- 5.1.4 Protect lands designated Employment Area from non-employment uses 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 function and scale.
- 5.1.5 Minimize land use conflicts between heavy industrial uses and *sensitive land uses*.
- 5.1.6 Facilitate the remediation of *brownfield sites* to enable employment use *redevelopment*.
- 5.1.7 Provide for enhanced design in lands designated Employment Area adjacent to major expressways and arterial roads.
- 5.1.8 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.
- 5.1.9 Support the *development* of Employment Areas which are transit-supportive with reduced surface parking.
- 5.1.10 Design and develop lands designated Employment Area to be easily accessible with a high degree of connectivity between all modes of transportation such as transit, *active transportation*, and automobiles.
- 5.1.11 Facilitate the movement of goods in Employment Areas through efficient access to *major goods movement facilities and corridors*, including provincial highways, the City's road network, rail, John C. Munro International Airport, and the Hamilton Oshawa Port Authority, where such facilities exist and are feasible and appropriate for moving goods. (OPA 167)
- 5.1.12 Employment Areas within proximity of John C. Munro 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.

- 5.1.13** Facilitate Hamilton's waste management system by providing clear direction on planning for and the management and disposal of waste produced within the City's boundaries. In this regard, both public and private *waste management facilities* play strategic roles in the City's overall waste management system.
- 5.1.14** Encourage public and private partnerships that will contribute to a sustainable waste management system, including state-of-the-art recycling facilities, organics processing facilities and the promotion of new methods of waste disposal, including energy from waste.
- 5.1.15** Implement the recommendations of the Solid Waste Management Master Plan, where appropriate.
- 5.1.16** Encourage efficient use of existing *employment areas* by increasing employment densities, and through the establishment of minimum density targets which reflect opportunities for *intensification* of employment area uses on sites that support *active transportation* and are served by existing or planned transit. (OPA 167)
- 5.1.17** Recognize that all *employment areas*, including those within and outside of *provincially significant employment zones*, contribute to the local economy of Hamilton and the regional economy of the GTHA, and shall be protected for the long-term. (OPA 167)
- 5.1.18** Support the local and regional *agri-food network* by providing locations for logistical management and processing of agricultural products in close proximity to *major goods movement facilities and corridors*. (OPA 167)

## **5.2 Employment Area Designations – General Policies**

### **Function**

- 5.2.1** Employment Area designations include lands designated on Schedule E-1 – Urban Land Use Designations as follows:
- a) Employment Area – Industrial Land;
  - b) Employment Area – Business Park;
  - c) Employment Area – Airport Employment Growth District (OPA 35); and,
  - d) Employment Area – Shipping and Navigation.
- 5.2.2** The Employment Area designations specified in policy E.5.2.1 apply to lands generally greater than 4 hectares in size and designated Employment on Schedule E-1 – Urban Land Use Designations.
- 5.2.3** Notwithstanding Policy E.5.2.2, there may be areas that are less than 4 hectares in size designated as Employment Areas on Schedule E-1 – Urban Land Use Designations.

### **Permitted Uses**

- 5.2.4** Uses permitted in the Employment Area designations may include clusters of business and economic activities such as, manufacturing, research and development, transport terminal, *building or contracting supply establishment*,

tradesperson's shop, warehousing, *waste management facilities*, private power generation, limited agricultural uses, office, and accessory uses. *Ancillary* uses which primarily support businesses and employees within the Employment Area may also be permitted. Permitted uses specific to the four Employment Area designations are contained in Policies E.5.3.2, E.5.4.3, E.5.5.1, E.5.5.2 and E.5.6.1. (OPA 23) (OPA 109)

**5.2.5** A *building and lumber supply establishment* may be permitted provided it meets the following criteria:

- a) In addition to the requirements of Sections E.5.3.5 and E.5.4.7 – Design, sites located on the exterior of the Employment Area or at or along strategic entrance points to the Employment Area shall be required to meet additional design standards, such as enhanced landscaping and screening of outdoor storage and assembly areas, which shall be implemented through the Zoning By-law. Outdoor storage in the front yard shall be discouraged.

### Prohibited Uses

**5.2.6** The following uses shall be prohibited on lands designated Employment Area on Schedule E-1 – Urban Land Use Designations:

- a) *major retail uses*;
- b) residential uses; and,
- c) other *sensitive land uses* that are not ancillary to the primary employment uses (OPA 167)

### 5.2.7 General Provisions

5.2.7.1 The following provisions apply to all lands designated Employment Area – Industrial Land, Employment Area – Business Park, Employment Area – Airport Employment Growth District, and Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations (OPA 35)

- a) New *development* within Employment Area designations shall enhance the quality of the public realm along all public roads within and bounding business parks, along the QEW, the non-elevated portions of Burlington Street East and public roads between lands designated Employment Area and lands designated Neighbourhoods or Institutional 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.
- b) *Sensitive land uses* shall be protected from the potential adverse impacts of *major facilities*, and *major facilities* shall be protected from *sensitive land uses* as follows: (OPA 167, MMAH Mod. 36)
  - i) The City shall follow provincial guidelines concerning land use compatibility between industrial facilities and *sensitive land uses*. *Major facilities*, *sensitive land uses*, *major retail uses* and *major office uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety, to ensure the long-term viability of *major facilities* in accordance with

provincial guidelines, standards and procedures. (OPA 167, MMAH Mod. 36)

- ii) Where avoidance of impacts is not possible in accordance with Policy E.5.2.7.1 b) i), the City shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent *sensitive land uses* are only permitted if the development of proposed adjacent *sensitive land uses*, *major retail uses* and *major office uses* are only permitted if the development proponent submits a Land Use Compatibility Study to the satisfaction of the City detailing that following are demonstrated in accordance with provincial guidelines, standards and procedures: (OPA 167, MMAH Mod. 36)
  - 1. there is an identified need for the proposed use; (OPA 167)
  - 2. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; (OPA 167)
  - 3. *adverse effects* to the proposed sensitive land use are minimized and mitigated; and, (OPA 167)
  - 4. potential impacts to industrial, manufacturing or other uses are minimized and mitigated. (OPA 167)
- iii) The proponent of either a new *sensitive land use* within the Neighbourhoods, Institutional or Commercial and Mixed Use designations, or a new industrial facility within an Employment Area designation, shall be responsible for addressing and implementing the necessary mitigation measures to the satisfaction of the City.
- iv) The preferred approach to mitigation shall be the establishment of a separation distance and/or an appropriate transitional land use. In some cases, noxious manufacturing uses may be prohibited through the Zoning By-law.
- v) Other mitigation measures which may be appropriate include: screening, barriers, landscaping, mechanical or other technological mitigation, traffic mitigation, and lighting control.
- c) 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, these existing heavy industrial uses may be recognized as legal non-conforming or permitted uses in the Zoning By-law.
- d) Industrial uses, including expansions, shall comply with all provincial standards respecting noise, vibration, air contaminants, water, wastewater, storm water and other environmental issues.
- e) *Waste management facilities* shall include the following uses: *waste processing facilities*, *waste transfer facilities*, *hazardous waste management facilities*, and *waste disposal facilities*.

- f) *Waste disposal facilities* shall only be permitted by amendment to this Plan, subject to the completion of an Environmental Assessment, in accordance with the Environmental Assessment Act.
- g) Freight-intensive land uses shall be located in areas well served by major highways, airports, rail facilities and marine facilities. (OPA 167)
- h) *New development*, including expansion to existing *development*, shall be planned with regard to existing and planned transportation and servicing infrastructure.
- i) All *development* shall be designed and developed to be easily accessible by various types of transportation modes, such as roads, transit, *active transportation* and goods movement vehicles.
- j) The City shall provide for public transit, including maintenance of and expansion to routes, where appropriate, in order to service employees and businesses within Employment Areas.
- k) The City shall promote the relocation of existing non-compatible, non-employment uses within the Employment Area designations. Notwithstanding this policy, existing uses legally constructed within these designations prior to the date of approval of this Plan, excluding residential uses, may be recognized in the Zoning By-law as permitted uses with expansion permitted on the same lot.
- l) Employment Areas identified as *provincially significant employment zones* on Schedule H – Provincially Significant Employment Zones shall be subject to the policies of E.5.7 of this Plan and the policies of their Employment Area designation as identified on Schedule E-1 Urban Land Use Designations. (OPA 167)
- m) Conservation of any lands in the Employment Area designations to permit non-employment uses, including *major retail uses*, shall only be undertaken as part of a *Municipally Initiated Comprehensive Review* in accordance with Policy F.1.1.13. (OPA 167)

**5.2.8** The minimum density targets for the Employment Area designations shall be in accordance with policy A.2.3.3.5 – Employment Area Density Targets, Table A.3 – Employment Area Densities. (OPA 167)

**5.3 Employment Area – Industrial Land Designation**

The Employment Area – Industrial Land designation applies to older industrial areas of the City with 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 accommodating traditional industrial uses and those which benefit from access to the Port of Hamilton. Planning for this designation must be flexible to allow new employment uses and supporting uses through *redevelopment* and adaptation of existing structures, while ensuring that *sensitive land uses* are protected from noxious and incompatible impacts.

**Function**

**5.3.1** The range of permitted uses allow for a wide range of employment activity, including heavy industrial uses and transitional uses on lands traditionally used for industry. The Employment Area – Industrial Land designation applies to the Bayfront, East Hamilton, Dundas, and the Glen Road/Tope Crescent Employment Areas, identified on Schedule E-1 – Urban Land Use Designations.

### Permitted Uses

**5.3.2** The following uses may be permitted on lands designated Employment Area – Industrial Land on Schedule E-1 – Urban Land Use Designations, in accordance with the Zoning By-law: (OPA 109)

- a) full range of manufacturing uses, warehousing, repair service, *building or contracting supply establishments*, building and lumber supply establishments, transport terminals, research and development, communication establishment, private power generation, dry cleaning plants, salvage/storage yards, and motor vehicle repair and wrecking;
- b) limited office uses;
- c) *ancillary* uses which primarily support industry, businesses and employees within the Employment Area, including hotels, fitness centers, financial establishments, restaurants, personal services, motor vehicle service stations, retail establishments, labour association halls, conference and convention centres, trade schools, commercial parking facilities, commercial motor vehicle and equipment sales, and commercial rental establishments;
- d) limited agricultural uses including only a *cannabis growing and harvesting facility*, a greenhouse and an aquaponics facility; (OPA 23) (OPA 112)
- e) *waste processing facilities* and *waste transfer facilities*; and,
- f) *accessory* uses, such as limited retail and office.

5.3.2.1 In addition to Policy E.5.3.2 c), *ancillary* uses may be permitted within the Employment Area provided the following conditions are met:

- a) the uses shall be determined through the Zoning By-law in accordance with the policies of this Plan;
- b) Notwithstanding Policy E.5.3.2.1 a), the Zoning By-law may:
  - i) permit a limited number of restaurants where a need for the use can be justified; and
  - ii) restrict or limit the number of *ancillary* uses from occupying Employment Areas.
- c) the need for the uses to support the businesses and employees within the Employment Area has been determined;
- d) the uses shall only be located along the exterior of the Employment Area and should generally be located at intersections of arterial or collector roads; and,

- e) where possible, the uses should be clustered on single sites to limit the impact on the supply of developable lands for use permitted in Policy E.5.3.2 a). (OPA 109)

**Scale**

**5.3.3** Office uses within the Employment Area – Industrial Land designation shall be restricted in function, scale and type and shall be limited in size through the Zoning By-law.

**5.3.4** Retail establishments shall serve the businesses and employees of the Employment Area and shall be limited to 500 square metres of gross floor area for any individual business.

**Design**

**5.3.5** The following policies shall apply to the lands designated Employment Area – Industrial Land on Schedule E-1 – Urban Land Use Designations:

- a) New *development* and the *redevelopment* of existing sites visible from the QEW and from the non-elevated portions of Burlington Street East shall provide enhanced landscaping, including tree planting, and higher quality building design to improve both 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 encouraged to locate adjacent to lands designated Neighbourhoods, Institutional or Commercial and Mixed Use. Outdoor storage, assembly and loading areas shall be appropriately located and buffered from these adjacent lands.
- d) *Sensitive land uses* within the Neighbourhoods, Institutional or Commercial and Mixed Use designations, located in proximity to Barton Street East shall be buffered from heavy industrial uses by transitional employment uses.
- e) Along the QEW, the non-elevated portions of Burlington Street East and public roads bounding the Neighbourhoods, Institutional or Commercial and Mixed Use designations, new building façades within lands designated Employment Area – Industrial Land which are visible from these roads shall be finished with high quality materials which shall be determined through site plan control.

**Waste Management Facilities – General Policies**

**5.3.6** New waste management facilities shall be evaluated on the basis of the following criteria:

- a) compatibility between existing *sensitive land uses* and the proposed *waste management facility*;
- b) protection of public health and safety;
- c) protection of the natural heritage system and *cultural heritage resources*;

- d) capacity to effectively service prospective *waste management facilities*, including traffic management, adequate water and wastewater services and storm water management facilities;
  - e) appropriate site design, including: access, parking, building design and setbacks, outdoor storage, noise and odour abatement, and visual barrier requirements.
- 5.3.6.1 *Waste management facilities*, including expansions, shall be subject to the policies of Section F.1.19 – Complete Application Requirements and Formal Consultation.
- 5.3.6.2 The City shall provide comments to the Ontario Ministry of the Environment concerning applications for a Certificate of Approval for Waste Disposal site, as required under Part V of the Environmental Protection Act and/or any other applicable legislation for the approval of new *waste management facilities* or expansions or alterations to existing *waste management facilities* within the City of Hamilton.
- 5.3.6.3 Existing *waste management facilities* shall be recognized as permitted uses in the Zoning By-law.
- 5.3.6.4 Public *waste management facilities* that are subject to the Waste Management Projects Regulation, O. Reg. 101/07, as amended, or those required to complete a Municipal Class Environmental Assessment under the Environmental Assessment Act shall not be subject to policies E.5.3.7 and E.5.3.8 below.
- 5.3.6.5 *Waste management facilities*, including expansions, shall be subject to site plan control, in accordance with the policies in Section F.1.7 – Site Plan Control. This policy may be amended once the Green Energy Act is adopted.

### **Waste Processing Facilities and Waste Transfer Facilities**

- 5.3.7** *Waste processing facilities* and *waste transfer facilities*, including expansions, shall be located a minimum of 300 metres from a *sensitive land use* within the Neighbourhoods, Institutional or Commercial and Mixed Use designations.
- 5.3.7.1 Notwithstanding Policy E.5.3.7 above, *waste processing facilities* and *waste transfer facilities*, including expansions, may be permitted within 70 metres to 300 metres of a *sensitive land use* within the Neighbourhoods, Institutional or Commercial and Mixed Use designations, subject to amendment to the Zoning By-law. In addition to the requirements of Section F.1.19 – Complete Application Requirements and Formal Consultation, the applicant shall demonstrate, through a planning justification report or any other study as may be required by the City, an analysis of the following:
- a) the appropriateness of the proposed land use in relation to surrounding land uses;
  - b) mitigation of potential impacts to *sensitive land uses*, the natural environment or *cultural heritage resources* located within 300 metres of the proposed *waste management facility*, which shall include noise, odour, vibration, dust, traffic, air quality, litter, and vermin and pest control measures; and,

- c) on-site wastewater and storm water management measures.

### **Hazardous Waste Management Facilities**

**5.3.8** *Hazardous waste management facilities*, including expansions, shall only be permitted by amendment to this Plan and the Zoning By-law. In addition to the requirements of Section F.1.19 – Complete Application Requirements and Formal Consultation, the following shall apply:

- a) Facilities shall be set back a minimum of 300 metres from a *sensitive land use* within the Neighbourhoods, Institutional or Commercial and Mixed Use designations.
- b) The applicant shall demonstrate, through a planning justification report or any other study as may be required by the City, an analysis of the following:
  - i) the appropriateness of the proposed land use in relation to surrounding land uses;
  - ii) mitigation of potential impacts to *sensitive land uses*, the natural environment or *cultural heritage resources* located within 1000 metres of the proposed *waste management facility*, which shall include noise, odour, vibration, dust, traffic, air quality, litter, vermin and pest control measures;
  - iii) on-site wastewater and storm water management measures; and,
  - iv) an emergency management plan.

### **Cannabis Growing and Harvesting Facility (OPA 23) (OPA 112)**

**5.3.9** In addition to the requirements of Section E.5-Employment Area Designations, the following conditions shall apply to a *cannabis growing and harvesting facility*:

- a) the appropriate locations within the Employment Area-Industrial Land Designation and regulations for *cannabis growing and harvesting facility* shall be determined in accordance with the Zoning By-law;
- b) an appropriate setback between a *cannabis growing and harvesting facility* and a sensitive land use shall be established in the Zoning By-law;
- c) Deleted by OPA 142
- d) no outside storage shall be permitted; and,
- e) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
  - i) Odour and Dust Impact Assessment;
  - ii) Light Impact Assessment;

- iii) Transportation Impact Study;
- iv) Hydrogeological studies; and,
- v) any other appropriate studies, identified as part of the complete application and formal consultation process.

### Other Policies

**5.3.10** The City shall undertake the preparation of a secondary plan or land use strategy for lands, or portions thereof, in the Bayfront Industrial Area to establish the limits of a research and development business park, the permitted uses, urban design policies, implementation strategy and any other transportation or infrastructure requirements.

## 5.4 Employment Area – Business Park Designation

Business Parks are planned for a broad range of employment uses *compatible* with the design policies for business parks. These areas are well served by roadway infrastructure and are generally more able to accommodate proper buffering from *sensitive land uses*. The West Hamilton Innovation District is planned as a regional technology node, focussing on a range of research and development activities in science and technology.

### Function

**5.4.1** The range of employment uses allows for a wide variety of industrial activity and accommodates employment support uses, such as offices, that will foster the development of a prestige employment area. The Employment Area – Business Park designation applies to the City's business parks, excluding the Airport Business Park, identified on Schedule E-1 – Urban Land Use Designations.

**5.4.2** Lands designated Employment Area – Business Park which are undeveloped, underutilized, or within the West Hamilton Innovation District (including McMaster Innovation Park), are planned for major employment growth in accordance with the employment and density targets in Section A.2.3.2 – Employment Forecasts and Policy A.2.3.3.5 Employment Area Density Targets. (OPA 167)

### Permitted Uses

**5.4.3** The following uses may be permitted on lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations, in accordance with the Zoning By-law: **(OPA 109)**

- a) manufacturing, warehousing, repair service, *building or contracting supply establishments*, building and lumber supply establishments, transportation terminals, research and development, office, communication establishment, and private power generation. Salvage 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 labour association halls, conference and convention centres, trade schools, commercial motor vehicle and equipment sales, and commercial rental establishments;
- c) *ancillary* uses which primarily support businesses and employees within business parks, including hotels, health and recreational facilities, financial

establishments, restaurants, personal services, motor vehicle service stations and washing, retail establishments, and commercial parking facilities;

- d) limited agricultural uses including only a *cannabis growing and harvesting facility*, a greenhouse and an aquaponics facility; (OPA 23) (OPA 112)
- e) *waste processing facilities and waste transfer facilities*; and,
- f) *accessory uses*, such as limited retail and office.

**5.4.4** In addition to Policy E.5.4.3 c), *ancillary uses* may be permitted within the Employment Area provided the following conditions are met:

- a) the uses shall be determined through the Zoning By-law in accordance with the policies of this Plan;
- b) Notwithstanding Policy E.5.4.4 a), the Zoning By-law may:
  - i) permit a limited number of restaurants where a need for the use can be justified;
  - ii) restrict or limit the number of *ancillary uses* from occupying Employment Areas.
- c) the need for the uses to support the businesses and employees within the Employment Area has been determined;
- d) the uses shall only be located along the exterior of the Employment Area and should generally be located at intersections of arterial or collector roads; and,
- e) where possible, the uses should be clustered on single sites to limit the impact on the supply of developable lands for use permitted in Policy E.5.4.3 a). (OPA 109)

**Scale**

**5.4.5** Offices within the Employment Area – Business Park designation shall comply with the following criteria:

- a) Offices are prestige business park uses and shall generally be located along the exterior of *employment areas* at intersections of arterial or collector roads. (OPA 167)
- b) Offices shall be restricted in function, scale and type and shall be limited in size through the Zoning By-law. (OPA 167)
- c) Offices shall be limited to less than 4,000 square metres per free standing building. (OPA 167)
- d) Deleted by OPA 167

**5.4.6** Retail establishments shall serve the businesses and employees of the Employment Area, shall be limited to 500 square metres of gross floor area per lot, and shall only be permitted where the supporting uses for the business park are permitted by Policy E.5.4.4. (OPA 142)

### Design

**5.4.7** The following policies shall apply to the lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations:

- a) New *development* and *redevelopment* of existing sites shall contribute to a quality image for the business park by incorporating quality building and landscaping designs in those areas adjacent to and visible from public roads, and by complementing the landscape qualities of adjacent sites.
- b) Outdoor storage and assembly areas, loading areas, and larger parking areas shall generally be located at the sides or rear of buildings, away from public roads, and shall be screened from view of the roads and adjacent properties, with appropriate landscaping or fencing.
- c) Prestige business park uses, such as offices or industrial administrative offices, shall be required to achieve higher design standards when within view of an arterial road such as Stone Church Road, Rymal Road, Upper Red Hill Valley Parkway, 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 shall apply:
  - i) *Development* at these locations shall be of the highest quality design and materials within the business park.
  - ii) For developments that front, or have frontage on an arterial road, the principal façade shall incorporate windows and the main pedestrian entrance to the building. The main pedestrian entrance may be located on a collector or local road where the site configuration and building design restrict the location of the main pedestrian entrance along the arterial road.
  - iii) The façade 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 encouraged to locate adjacent to lands designated Neighbourhoods, Institutional or Commercial and Mixed Use. Outdoor storage, assembly and loading areas shall be appropriately located and buffered from these adjacent lands.
- e) Building façades which are visible from arterial roads, such as Stone Church Road, Rymal Road, Upper Red Hill Valley Parkway, Garner Road, north and south of Highway 2, other Provincial Highways, and adjacent to lands designated Neighbourhoods, Institutional or Commercial and Mixed Use shall be finished with high quality materials, which will be determined through site plan control.

### Waste Management Facilities

**5.4.8** Waste management facilities shall be subject to the policies in Section E.5.3.6, E.5.3.7, and E.5.3.8, inclusive.

**Cannabis Growing and Harvesting Facility (OPA 23)(OPA 112)**

**5.4.9** In addition to the requirements of Section E.5-Employment Area Designations, the following conditions shall apply to a *cannabis growing and harvesting facility*:

- a) the appropriate locations within the Employment Area – Business Park Designation and regulations for *cannabis growing and harvesting facility* shall be determined in accordance with the Zoning By-law;
- b) an appropriate setback between a *cannabis growing and harvesting facility* and a sensitive land use shall be established in the Zoning By-law;
- c) notwithstanding E.5.4.3, retail sales shall not be permitted;
- d) Deleted by OPA 142
- e) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
  - i) Odour and Dust Impact Assessment;
  - ii) Light Impact Assessment;
  - iii) Transportation Impact Study;
  - iv) Hydrogeological studies; and,
  - v) any other appropriate studies, identified as part of the complete application and formal consultation process.

**Other Policies**

**5.4.10** Mineral aggregate resources are present in the Ancaster Business Park/Wilson-Garner area. The City supports and encourages the recovery of these resources through the sequential use of the developable land in this area, whereby mineral aggregate resources are extracted prior to, or in conjunction with, development of the area.

**5.5 Employment Area – Airport Employment Growth District Designation (OPA 35)**

**5.5.1** The following uses shall be permitted on lands designated Employment Area – Airport Employment Growth District on Schedule E-1 – Urban Land Use Designations and in accordance with the Airport Employment Growth District Secondary Plan:

- a) manufacturing, warehousing, repair service, transportation terminals, research and development, high technology industry, fuel storage, communication establishments, and private power generation. Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited;
- b) airport-related industrial uses, including airport transportation and cargo services, benefiting from proximity to airport services;
- c) airport-related business uses, including hotels and motels, convention and exposition centres, labour association halls, trade schools, restaurants,

catering services, commercial motor vehicle and equipment sales, and commercial rental establishments, automobile rental, leasing and servicing, taxi terminals, commercial parking facilities and financial institutions;

- d) office;
- e) post-secondary school;
- f) accessory uses, such as restaurants and office;
- g) *ancillary* uses which primarily support businesses and employees within business parks, including, hotels, fitness and health facilities, financial establishments, restaurants, personal services, and gas bar, car washes commercial parking facilities; and,
- h) Limited agricultural uses, including only a *cannabis growing and harvesting facility*, a greenhouse and an aquaponics facility.

**5.5.2** The following uses shall only be permitted as temporary uses on lands designated Employment Area – Airport Employment Growth District on Schedule E-1 – Urban Land Use Designations:

- a) agricultural uses, excluding intensive livestock operations; and,
- b) golf courses and associated *ancillary* uses.

### Scale

**5.5.3** The size of the offices within the Employment Area – Airport Employment Growth District designation shall be determined by the Zoning By-law but shall be less than 4,000 square metres per free standing building. (OPA 64) (OPA 167)

**5.5.4** *Ancillary* uses shall only be permitted at strategic locations and may contain a gross floor area restriction, as identified in the Airport Employment Growth District Secondary Plan.

### Other Policies

**5.5.5.** The Airport Employment Growth District shall be developed in phases, as described in the Airport Employment Growth District Secondary Plan.

**5.5.6** The Airport Employment Growth District shall be developed in a coordinated and comprehensive manner. Wherever possible, development shall have regard to reducing the number of access points to the major boundary and major internal roadways, and to providing efficient internal traffic circulation, adequate off-street parking and loading facilities, adequate restrictions and screening of outside storage, and adequate landscaping and buffering requirements.

**5.5.7** All existing residential uses within the Airport Employment Growth District shall be ultimately be redeveloped in compliance with the use permitted in Policy E.5.5.1, and all other relevant policies of this Plan.

**5.5.8** All *development* in the Airport Employment Growth District shall be adequately separated, screened and buffered from existing residential and institutional uses in or abutting the Airport Employment Growth District.

**5.5.9** All development in the Airport Employment Growth District shall comply with Sections B.3.6.3 – Noise, Vibration and Emissions and C.4.8 – Airport. (OPA 128)

**5.5.10 Cannabis Growing and Harvesting Facility (OPA 112)**

E.5.5.10 In addition to the requirements of Section E.5 – Employment Area- Airport Employment Growth District Designation, the following conditions shall apply to a *cannabis growing and harvesting facility*:

- a) the appropriate locations within the Employment Area – Business Park Designation and regulations for *cannabis growing and harvesting facility* shall be determined in accordance with the Zoning By-law;
- b) an appropriate setback between a *cannabis growing and harvesting facility* and a sensitive land use shall be established in the Zoning By-law;
- c) Deleted by OPA 142
- d) no outside storage shall be permitted; and,
- e) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation, the following studies shall be submitted as part of an official plan amendment, zoning by-law amendment and site plan applications:
  - i) Odour and Dust Impact Assessment;
  - ii) Light Impact Assessment;
  - iii) Transportation Impact Study;
  - iv) Hydrogeological studies; and,
  - v) any other appropriate studies, identified as part of the complete application and formal consultation process.

**5.6 Employment Area – Shipping and Navigation Designation**

The City recognizes that the Port and harbour are integral and important elements of the social and economic fabric of the City of Hamilton and surrounding region. Accordingly, it is the intent of this Plan to recognize the role of the Port in this respect and in particular the activities of the Hamilton Port Authority in carrying out its mandate of shipping and navigation.

**5.6.1** The following uses shall be permitted on lands owned by the Hamilton Port Authority, specifically on Piers 10 to 15 inclusive, Piers 22 to 27 inclusive, and the canal reserve lands south of the Burlington Ship Canal, excluding Windemere Basin Special Policy Area, identified on Volume 3, Map 2a as “UHOS-1” and designated “Employment Area – Shipping and Navigation” on Volume 1, Schedule E-1 – Urban Land use Designations: (OPA 101) (OPA 109)

- a) uses such as the movement, management, safety and convenience of ships; uses involved in the carriage of goods or passengers to other modes of transportation;
- b) related storage and processing;
- c) vessel and barge docks;

- d) industry and commerce *ancillary* or necessary to the port;
- e) recreational boat facilities;
- f) *ancillary* uses including retail and restaurant, and,
- g) the provision of services such as security, employment, immigration, labour, administration, technical, food, fuel and maintenance.

**5.6.2** Retail and restaurants uses permitted in Policy E.5.6.1 f) shall support the local tourism industry and users of the port. The retail uses shall be limited to 500 square metres of gross floor area.

**5.6.3** Proposed land uses which abut lands designated Shipping and Navigation on Schedule E-1 – Urban Land Use Designations shall be *compatible* with the uses permitted in Policy E.5.6.1, and the uses permitted in Policy E.5.6.1 shall be protected from adverse impacts through adequate separation, screening, barriers, fencing and landscaping or other like measures.

**5.6.4** The Hamilton Port Authority shall develop Piers 25 to Pier 27 in an aesthetically pleasing manner, in accordance with Section B.3.3 – Urban Design Policies.

**5.6.5** The City of Hamilton agrees to consult with the Hamilton Port Authority prior to any future amendments to the Official Plan or Zoning By-law regarding lands designated Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land Use Designations.

**5.7 Provincially Significant Employment Zones (OPA 167)**

*Provincially Significant Employment Zones* are identified on Schedule H – Provincially Significant Employment Zones. (OPA 167)

5.7.1 The Minister may identify *provincially significant employment zones* and may provide specific direction for planning in those areas to be implemented through appropriate official plan policies and designations and economic development strategies. (OPA 167)

## E.6.0 INSTITUTIONAL DESIGNATION

The primary intent of the Institutional designation is to provide for a wide range of institutional uses which serve Hamilton's communities.

There are a number of public institutions whether they are individual buildings or groups of buildings in institutional campuses that form a significant part of the urban fabric of the City as well as the overall land use system. Many institutions are built as landmark buildings or become landmark buildings over time and are important to the City's identity and image and are integral to the City's economic strength, and quality of life.

### 6.1 Policy Goals

The following goals apply to the Institutional designation:

- 6.1.1 Support and partner with major institutions such as Hamilton Health Sciences, St. Josephs Healthcare, the Boards of Education, McMaster University, Mohawk College and Redeemer College/University, other levels of government and faith based organizations.
- 6.1.2 Encourage the development of individual institutions and institutional campuses as important community resources and recognized focal points in the urban fabric.
- 6.1.3 Ensure the integration and harmonious relationship between institutional areas and adjacent land use designations, particularly from a transportation and urban design perspective.
- 6.1.4 Support arts and *cultural facilities* in conjunction with institutional uses, as important components of quality of life.

### 6.2 General Policies

#### Function

- 6.2.1 The Institutional designation applies to lands greater than 4 hectares in size designated Institutional on Schedule E-1 - Urban Land Use Designations. Lands used for institutional purposes less than 4 hectares shall be permitted within the Neighbourhoods and Commercial Mixed Use designations subject to the provisions of this Plan. (OPA 64)

#### Permitted Uses

- 6.2.2 The following uses shall be permitted on lands designated Institutional on Schedule E-1 – Urban Land Use Designations:
  - a) educational facilities, except commercial schools;
  - b) religious facilities;
  - c) *cultural facilities*;
  - d) health care facilities;
  - e) long term care facilities;

- f) day care facilities;
- g) accessory uses; and,
- h) *ancillary* uses, in accordance with Policy E.6.2.3, E.6.2.4, and E.6.2.5. (OPA 64)

### **Ancillary Uses**

**6.2.3** Administrative offices of educational, religious, cultural, health, welfare, and governmental activities, not accessory to the institutional use on the same property, may be permitted provided the following conditions are met:

- a) The site shall be located on a major or minor arterial road as identified on Schedule C – Functional Road Classification.
- b) Adequate on-site parking shall be provided.

**6.2.4** Residential uses *ancillary* to an institutional use, such as student residences, convents, and continuing care projects may be permitted provided the following conditions are met:

- a) The site and/or building shall be designed to minimize negative impacts on institutional uses.
- b) Residential uses shall be developed in accordance with Section E.3.4 – Low Density Residential or Section E.3.5 – Medium Density Residential. The appropriate density shall be determined on a site by site basis provided it meets the applicable policies of Sections E.3.3 – Low Density Residential and E.3.5 – Medium Density residential, inclusive.
- c) Adequate on-site parking shall be provided.

**6.2.5** Recreational uses may be permitted provided the following conditions are met:

- a) The site and/or building shall be designed to minimize negative impacts on residential uses on adjacent lands designated Neighbourhoods.
- b) Adequate on-site parking shall be provided.

### **Other Uses**

**6.2.6** Notwithstanding Policy E.6.2.2, where institutional uses cease on lands designated Institutional, low density residential uses, parks and open space uses, or *community facilities/services* uses may be permitted without an amendment to this Plan, provided the uses are *compatible* with the surrounding area and are in keeping with the policies of this Plan. (OPA 64)

### **Design**

**6.2.7** In addition to the applicable policies of Section B.3.3 – Urban Design Policies, the design of individual buildings shall address the following matters:

- a) lighting to highlight design of building; and,

- b) the establishment and the use of multi-purpose spaces (e.g. community meeting rooms).

### **6.3 Other Provisions**

**6.3.1** When considering development proposals for new institutional uses or expansions to existing institutional uses within existing Institutional designations, the following criteria shall be evaluated:

- a) availability of sufficient off-street parking to meet projected demand, to minimize spill-over parking on adjacent local streets;
- b) provision of adequate and appropriate landscaping and buffering to effectively screen parking, loading and service areas from adjacent residential uses;
- c) the scale of the proposed institutional use and its *compatibility* with the character of established development in the surrounding area;
- d) the capability of the site for providing convenient access to public transit with all buildings located within a reasonable walking distance; and,
- e) use of underground parking or parking structures.

**6.3.2** Large institutions contained in a campus like setting shall be encouraged to undertake campus plans which address the following matters:

- a) design of individual buildings and their relationship to each other, including the location of future buildings;
- b) pedestrian linkages between buildings, pedestrian circulation plans, and attention to pedestrian environment, including the installation of *urban braille*;
- c) integration of bicycle facilities and transit stop/stations into the site or adjacent to the site;
- d) use of way-finding signage;
- e) location of lighting;
- f) location of entryways/gateways should be identified and marked with entryway features;
- g) traffic circulation both into and within the site; and,
- h) integration and relationship of the institutional buildings to adjacent land uses through building placement (peripheral campus buildings to address the public street) and built form.

### **E.7.0 AIRPORT RESERVE (OPA 35)**

The Official Plan contemplates the airport will require additional lands to provide for runway expansions and airfield operations during the lifetime of this Plan to ensure the long-term viability of the airport and that interim land uses are not appropriate which might create conflicts with the feasible expansion of the airport. As a result, certain lands must be reserved specifically for the airport's future needs.

- 7.1** The lands designated as Airport Reserve shall be subject to the policies of Volume 2 - Section B.8 - Airport Employment Growth District.