

**Authority:** Item 17, Economic Development  
and Planning Committee  
Report 07-021(PED07 074(a))  
CM: December 12, 2007

**Bill No. 348**

## **CITY OF HAMILTON**

### **BY-LAW NO. 07-348**

To Adopt:

Amendment No. 1 to the Downtown Hamilton, Community Downtowns and  
Business Improvement Areas Community Improvement Plan

**WHEREAS** By-law 07-061, passed on the 28<sup>th</sup> day of February, 2007, as amended  
by By-law 07-347, designated the Downtown and Community Renewal Community  
Improvement Project Area;

**AND WHEREAS** Section 28 of the *Planning Act* entitled Community Improvement  
states that where a by-law has been passed to designate a community  
improvement project area, the Council may provide for the preparation of a plan  
suitable for adoption as a community improvement plan for the community  
improvement project area;

**AND WHEREAS** By-law 07-062 passed on the 28<sup>th</sup> day of February, 2007 adopted  
and approved the Downtown Hamilton, Community Downtowns and Business  
Improvement Areas Community Improvement Plan;

**AND WHEREAS** Council, by its Economic Development and Planning Committee,  
held a public meeting on December 4, 2007 to discuss and receive public input  
regarding an amendment to the Downtown Hamilton, Community Downtowns and  
Business Improvement Areas Community Improvement Plan, and has taken other  
steps required to amend the Plan, prior to the enactment of this by-law, as required  
by the *Planning Act*;

**AND WHEREAS** the City has prepared an amendment to the Downtown Hamilton,  
Community Downtowns and Business Improvement Areas Community  
Improvement Plan, attached hereto as Schedule 1 and forming part of this By-law.

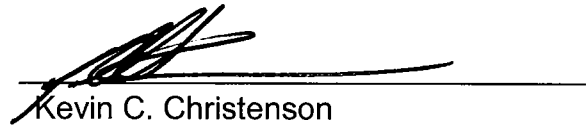
**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Amendment No. 1 to the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan, consisting of Schedule 1 hereto annexed and forming part of this by-law, is hereby adopted and approved.
2. Schedule 'A' to By-law 07-062 is hereby amended as set out in Schedule 1 to this By-law.

**PASSED and ENACTED** this 12<sup>th</sup> day of December, 2007



Fred Eisenberger  
Mayor



Kevin C. Christenson  
City Clerk

## **Amendment No. 1**

**to the**

### **Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan**

The following text constitutes Amendment No. 1 to the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan.

#### Purpose

- To expand the areas in which the Main Street Housing Loan and Grant Program applies.
- To add an arts component to the Commercial Property Improvement Grant Program.
- To rename the Community Improvement Plan, among other clerical and administrative changes to the Plan.

#### Location

The lands affected by the amendment are contained within the Downtown Hamilton Community Downtowns and Business Improvement Areas Community Improvement Project Area, designated by By-law 07-061 as amended by By-law 07-347

#### Basis

- The expansion of the Main Street Housing Loan and Grant Program is consistent with the the goals and objectives of the Community Improvement Plan, including improving the housing stock and increasing population in the expansion areas.
- The addition of the Urban Artwalk as an arts component of the Commercial Property Improvement Grant Program is consistent with the goals and objectives of the Community Improvement Plan, and implements initiatives relating to Public Art. The introduction of the Urban Artwalk as component of the Commercial Property Improvement Grant facilitates the administration of the program.
- The new name of the Community Improvement Plan more accurately reflects the areas to which the Plan applies.

- The changes are consistent with the Provincial Policy Statement, and conform to the Greenbelt Plan and the Places to Grow Growth Plan for the Greater Golden Horseshoe.
- The changes are consistent with the general intent of the Official Plans for the former Regional Municipality of Hamilton-Wentworth and the City of Hamilton.

### Actual Changes

1. The **Title** of the Community Improvement Plan is amended as follows:

- a) The “Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan” is renamed the “Downtown and Community Renewal Community Improvement Plan”.

2. **Section 1.0** is amended as follows:

- a) In Section 1.0(i), the words “Downtown Hamilton, the City’s Community Downtowns and the City’s Business Improvement Areas (BIAs) as identified within the Community Improvement Project Areas;” are deleted and replaced with “Downtown Hamilton, the Community Downtowns in Ancaster, Binbrook, Dundas, Stoney Creek and Waterdown, Business Improvement Areas, and “main street” corridors, as identified in the Downtown and Community Renewal Community Improvement Project Area;”
- b) In Section 1.0(iv), the words “for Downtown Hamilton, Community Downtowns and BIAs.” are deleted and replaced with “within the Downtown and Community Renewal Community Improvement Project Area.”
- c) In the third paragraph of Section 1.0, the words “Downtown Hamilton, the City’s Community Downtowns as well as the City’s BIAs.” are deleted and replaced with “the Downtown and Community Renewal Community Improvement Project Area.”
- d) In the last paragraph of Section 1.0, the words “Downtowns and BIAs.” are deleted and replaced with “Downtowns, BIAs, nodes and corridors.”

3. **Section 2.0** is amended as follows:

- a) In the first paragraph of Section 2.0, the words “This new Downtown Hamilton, Community Downtowns and BIAs” are deleted and replaced with “The Downtown and Community Renewal”.
- b) After the first paragraph of Section 2.2, a new section is added as follows:

“Section 2.3 Main Street Corridors

In addition to the Downtowns and BIAs, “main street” corridors have also been identified as a Downtown and Community Renewal Community Improvement Project Area. Although they are not located within a designated downtown area or organized in a BIA, these corridors exhibit similar characteristics and face similar challenges. They generally have a mix of land uses predominated by ground-floor commercial uses, in buildings situated close to the street upon relatively small properties. The identified areas are primarily located within the lower, inner City where the population has been declining and buildings are underutilized, and in areas close to McMaster University and Mohawk College where there is a need to provide student housing alternatives along the corridors outside of interior, established residential neighbourhoods. There is opportunity for community improvement initiatives to address these issues, and make use of existing infrastructure and transit routes along the corridors.”

- c) A new heading “Section 2.4 Amendments” is inserted between the new Section 2.3 and the two paragraphs preceeding Section 3.0.

4. **Section 3.0** is amended as follows:

- a) In Section 3.2, the words “Official Plan” are added to the end of the second sentence in the second paragraph.
- b) In the fourth paragraph of Section 3.2, the words “Downtowns and BIAs” are deleted and replaced with “Downtowns, BIAs and “main street” corridors”
- c) In the first paragraph of Section 3.4, the words “each of the Community Downtowns and Business Improvement Areas are” are deleted and replaced with “the Downtown and Community Renewal Community Improvement Project Area is”

- d) In the fourth paragraph of Section 3.4, the words “Downtown Hamilton, Community Downtowns and BIAs” are deleted and replaced with “Downtown and Community Renewal”

5. **Section 4.0** is amended as follows:

- a) In Section 4.0, the following text is inserted as the thirteenth bullet point in the list of Community Improvement Project Areas:

- “The Main Street Corridors Community Improvement Project Area – This area includes various corridors that exhibit “main street” characteristics, including a mix of land uses predominated by ground-floor commercial uses, in buildings situated close to the street upon relatively small properties, and are located outside of a designated downtown or BIA. The corridors are identified more precisely in the Downtown and Community Renewal Community Improvement Project Area By-law, and are generally described as residential and commercial properties along the following streets:
  - i. Barton Street East, between James Street and the Barton Village BIA, including abutting properties designated ‘Prime Retail’ on Schedule M-2 of the Setting Sail Secondary Plan for West Harbour, and between Sherman Avenue and Walter Avenue;
  - ii. Cannon Street, on the north side between Railway Street and Hughson Street, where properties are designated ‘Prime Retail’ or ‘Local Commercial’ on Schedule M-2 of the Setting Sail Secondary Plan for West Harbour;
  - iii. James Street North, between Strachan Street and Burlington Street;
  - iv. Kenilworth Avenue, between Main Street and Barton Street;
  - v. King Street East, between Main Street at the Delta and Victoria Avenue;
  - vi. King Street West, between Queen Street and Breadalbane Street, and between Highway 403 and the Westdale BIA;
  - vii. Main Street East, between Victoria Avenue and Rosewood Road;
  - viii. Main Street West, between Highway 403 and Osler Drive, including abutting properties designated ‘Mixed Use’ on Schedule 1 of the Ainslie Wood Westdale Secondary Plan;
  - ix. Parkdale Avenue, between Queenston Road and Barton Street;
  - x. Queenston Road, between the Main Street traffic circle and Reid Avenue;

- xi. Upper James Street, between Queensdale Avenue and Fennell Avenue; and,
- xii. York Boulevard, on the south side between Queen Street and Dundurn Street, and on the north side between Queen Street and Inchbury Street, including abutting properties designated 'Mixed Use' on Schedule M-2 of the Setting Sail Secondary Plan for West Harbour.

Properties abutting those listed above may be included in the Main Street Corridors Community Improvement Project Area provided that they are situated between the "main street" and a parallel, public alleyway."

- b) In the fifth paragraph of Section 4.0, the words "Downtown Hamilton, Community Downtowns and Business Improvement Areas" are deleted and replaced with "Downtown and Community Renewal"
- c) In the sixth paragraph of Section 4.0, the words "Downtown Hamilton, Community Downtowns and BIAs" are deleted and replaced with "Downtown and Community Renewal"
- d) In the sixth paragraph of Section 4.0, the words "Downtown Hamilton, the Community Downtowns and the BIAs" are deleted and replaced with "the Downtown and Community Renewal Community Improvement Project Area"

**6. Section 6.0** is amended as follows:

- a) In the heading "6.0 Goals of the Downtown Hamilton, Community Downtowns & Business Improvement Areas Community Improvement Plan", the words "Downtown Hamilton, Community Downtowns & Business Improvement Areas" are deleted.
- b) In the first sentence of Section 6.0, the words "Downtown Hamilton, Community Downtowns and BIAs" are deleted.
- c) In Section 6.0e), the words "Downtown Hamilton, Community Downtowns and Business Improvement Areas;" are deleted and replaced with "the Downtown and Community Renewal Community Improvement Project Area;"

**7. Section 7.0** is amended as follows:

- a) In the heading "7.0 Objectives of the Downtown Hamilton, Community Downtowns & Business Improvement Areas

Community Improvement Plan”, the words “Downtown Hamilton, Community Downtowns & Business Improvement Areas” are deleted.

- b) In the first sentence of Section 7.0, the words “Downtown Hamilton, Community Downtowns and BIAs” are deleted.
- c) In Section 7.0a), the words “Downtowns and BIAs” are deleted and replaced with “Downtowns, BIAs and “main street” corridors;”
- d) In Section 7.0d), the word “designated” is inserted before the words “heritage buildings;”

8. **Section 8.0** is amended as follows:

- a) In the first paragraph of Section 8.0, following the words “Secondary Plans,” the word “and” is deleted and replaced with “including”; the words “for the Downtown Hamilton Community Improvement Project Area” are deleted; and, the words “Downtown Hamilton, the Community Downtowns and the City’s Business Improvement Areas.” are deleted and replaced with “the Downtown and Community Renewal Community Improvement Project Area.”
- b) In the first sentence of the second paragraph of Section 8.1.1, the words “for a maximum loan term of 5 years.” are deleted and replaced with “for the first five years and for the last six (6) months of the loan, interest shall be payable on the principal outstanding at the then prevailing rate established by Council for interest on tax arrears. The maximum loan term is five years and six months.”
- c) After the last paragraph of Section 8.1.3, a new section is added as follows:

“8.1.3.1 Urban Artwalk

The Urban Artwalk is intended to promote cultural arts by transforming commercial façades and public spaces into visual art works and special event performance venues. It is a collaborative effort among the City, BIAs, and private property owners, funded through a variety of ways, including the City of Hamilton Public Art Program administered by the Culture Section, and public/private partnerships.

Public/private partnerships for Urban Artwalk projects upon private property will be administered as an arts component of the Commercial Property Improvement Grant (CPIG) Program, for the



placement of visual art works on private property that are accessible to public view. The grant will be paid on a matching basis up to a maximum of \$10,000 per property for eligible art works. Artwalk applications will be evaluated and recommended through a juried review process prior to Council approval, as per the terms of the CPIG Program and the Artwalk Project Charter. As a pilot project, eligible properties will include those properties fronting the north and south sides of King William Street between James Street and Ferguson Avenue, in the Downtown Hamilton and International Village Business Improvement Areas. In the future, the Urban Artwalk may be expanded to other properties within Business Improvement Areas in the Downtown and Community Renewal Community Improvement Project Area, following Council's approval of an amendment to the CPIG Program description and terms (Appendix C).

- d) In the first paragraph, first sentence of Section 8.1.4, the words "Downtowns and Business Improvement Areas." are deleted and replaced with "Downtowns, BIAs, and other "main street" corridors as identified in the Downtown and Community Renewal Community Improvement Project Area."
- e) In the first paragraph, second sentence of Section 8.1.4, the words "including the Downtown Hamilton BIA, International Village BIA, King Street West BIA, and the portion of the Main West Esplanade BIA east of Queen Street," are added following the words "Community Improvement Project Area,"
- f) The words "on vacant land" are deleted from the second sentence in the second paragraph of Section 8.1.4.
- g) The words "and "main street" corridors." are added at the end of the second sentence in the second paragraph of Section 8.1.4.
- h) In the first sentence in the third paragraph of Section 8.1.4, the number "100,000" is deleted and replaced with the number "200,000"
- i) The words "for the first five years and for the last six (6) months of the loan, interest shall be payable on the principal outstanding at the then prevailing rate established by Council for interest on tax arrears" are added at the end of the third sentence in the third paragraph of Section 8.1.4.
- j) The words "and six months" are added at the end of the fourth sentence in the third paragraph of Section 8.1.4.

k) In the first paragraph of Section 8.3, the words "Downtown Hamilton, Community Downtowns and BIAs." are deleted and replaced with "the Downtown and Community Renewal Community Improvement Project Area."

l) The following sentence is added at the end of Section 8.5 Public Art:

"In addition, community improvement initiatives such as the Urban Artwalk will promote partnerships with the private sector for the purpose of implementing exterior art works in strategic locations accessible to the public."

9. **Section 9.0** is amended as follows:

a) In Section 9.0, the words "Downtown Hamilton, the City's Community Downtowns and the City's Business Improvement Areas." are deleted and replaced with "the Downtown and Community Renewal Community Improvement Project Area."

#### Implementation

The provisions of Section 6A of the former Hamilton-Wentworth Official Plan and Section 28 of the *Planning Act* give effect to this amendment.

This amendment constitutes Schedule 1 to By-law No. 07-348 passed on the 12th day of December, 2007.