TO: Chair and Members Planning Committee  
WARD(S) AFFECTED: WARD 11

COMMITTEE DATE: December 6, 2011

SUBJECT/REPORT NO:  
Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook) (PED11209) (Ward 11)

SUBMITTED BY:  
Tim McCabe  
General Manager  
Planning and Economic Development Department

PREPARED BY:  
Peter De Iulio  
(905) 546-2424, Ext. 1345

SIGNATURE:

RECOMMENDATION

That approval be given to Zoning Application ZAC-10-051, as Amended, by Prime Limousine Services Inc., Zafar Choudry, Owner, for a change in zoning from the Deferred Development “DD” Zone to the Airport-Related Business-Holding “H-M5-270” Zone, with a Special Exception and Holding Provision, in the Township of Glanbrook Zoning By-law No. 464, to add a Transportation Depot as a permitted use on the lands located at 2674 Upper James Street (Glanbrook), as shown on Appendix “A” to Report PED11209, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED11209, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS), and conforms with the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the Township of Glanbrook Official Plan.
The purpose of this application is for a change in zoning to add a limousine operation or Transportation Depot, with accessory drivers lounge, as a permitted use. The draft Zoning By-law proposes to place a Holding designation on the property to ensure that the redevelopment of the property does not create an access or traffic conflict on Upper James Street, and the submission of an archaeological assessment. In order to remove the Holding provision, a Site Plan Control application, to identify the parking and movement of the limousines and drivers personal vehicles, must be completed.

The application can be supported since it is consistent with the Provincial Policy Statement, and conforms to Places to Grow, the Hamilton-Wentworth Official Plan, the Township of Glanbrook Official Plan, and the new Urban Hamilton Official Plan and, in particular, the Airport Employment Growth District Secondary Plan and implementing Airside Industrial (M7) Zone in Zoning By-law No. 05-200, as amended by By-law No. 10-288. The proposed limousine operation is considered to be a Transportation Depot, which is a permitted use in the (M7) Zone of Zoning By-law No. 05-200. The proposal is compatible with existing and proposed development in the area, and represents good planning.

Alternatives for Consideration - See Page 12.

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in zoning.

Chronology:

June 9, 2010: Pre-consultation by Prime Limousine Services Inc. with the City of Hamilton to determine application requirements.
October 13, 2010: By-law No. 10-287 approved by Council to adopt amendments to the Hamilton-Wentworth, Ancaster, and Glanbrook Official Plans to establish the Airport Employment Growth District. By-law No. 10-288 passed by Council to incorporate new industrial zones into Zoning By-law No. 05-200 with respect to the Airport Employment Growth District. By-law No. 10-288 was subsequently appealed to the Ontario Municipal Board.

December 23, 2010: Submission of Application ZAC-10-051 by Prime Limousine Services Inc.

January 24, 2011: Application ZAC-10-051 deemed complete.

February 8, 2011: Circulation of Notice of Complete Application and Preliminary Circulation to all residents within 120 metres of the subject lands.

November 10, 2011: Sign Posting Notice issued to Applicant.

November 18, 2011: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands and all residents who provided written comments.

Proposal

The Application is for a change in zoning from the Deferred Development “DD” Zone to the Airport-Related Business-Holding “H-M5-270” Zone, with site-specific modifications, in Glanbrook Zoning By-law No. 464, to add a Transportation Depot, with accessory drivers lounge, as a permitted use. While the proposed use is permitted in the new Airside Industrial (M7) Zone, since that Zone is currently under appeal, a change to the existing By-law No. 464 is required.

Details of Submitted Application:

Location: 2674 Upper James Street (Glanbrook)

Owner/Applicant: Prime Limousine Services Inc. / IBI Group - Sergio Manchia

Property Description:

Frontage: Approximately 30.48 metres

Depth: Approximately 130.6 metres

Area: Approximately 3,980.6 square metres
### EXISTING LAND USE AND ZONING:

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<th>Existing Land Uses</th>
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<tr>
<td><strong>Subject Lands:</strong></td>
<td>Single Detached Dwelling</td>
<td>Deferred Development “DD” Zone (By-law No. 464)</td>
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<td>Airside Industrial (M7) Zone (By-law No. 05-200, as amended by By-law No. 10-288, currently under appeal)</td>
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<td><strong>Surrounding Lands:</strong></td>
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<td>Hamilton International</td>
<td>Deferred Development “DD” Zone (By-law No. 464)</td>
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<td>Airport access Road</td>
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<td>East</td>
<td>Cameron Motor Sports (Outdoor Amusement Centre)</td>
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<td>Vacant</td>
<td>Private Open Space “OS1-007” Zone (By-law No. 464)</td>
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<td>Hamilton International</td>
<td>Institutional “I” Zone (By-law No. 464)</td>
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<td>Airport</td>
<td>Airport “AT” Zone (By-law No. 464)</td>
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Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
POLICY IMPLICATIONS

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that promote economic development (Policy 1.3.1).

In addition, the definition for employment area is as follows:

“Employment Area - Areas designated in an Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. (Provincial Policy Statement, 2005)”

Staff has reviewed the application and is satisfied that the proposed Transportation Depot and accessory drivers lounge is consistent with the definition of Employment Area.

Places to Grow

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). The application is consistent with the policies governing Employment Lands (Policies 2.2.6.1, 2.2.6.2, 2.2.6.9, and, 2.2.6.10). In addition, the definition for employment area is taken from the PPS.

Staff has reviewed the application in terms of Policy 2.2.6.2.b, and is satisfied that the proposed Transportation Depot and accessory drivers lounge is consistent with the definition of Employment Area.

Based on the foregoing, the proposal conforms with the principles and policies of Places to Grow.

Hamilton-Wentworth Official Plan

The subject property is designated “Business Parks” in the Hamilton-Wentworth Official Plan. Policy C-3.1.3 sets out that the main function of the “Business Parks” is to accommodate firms that require relatively low-density sites with the locational or other advantages that come from being in a particular Business Park. It goes on to state that the intent is for “Business Parks” to augment rather than compete with other employment areas in the Region.
Policy C-3.1.4.1(b) then sets out additional policies for employment lands near the airport, identified as “Airport Business Park”, which permit certain airport-related uses, including but not limited to: airport transportation and cargo services and C-3.1.4.1(e) ancillary and service uses supporting the above.

Staff notes that the application is to convert an existing single detached dwelling to operate a limousine service, with an accessory drivers lounge. The existing legal non-conforming dwelling is being converted to accommodate a use that will be permitted once the Council-approved Zoning By-law No. 10-288 comes into force and effect. The applicant is removing a legal non-conforming, sensitive land use, from a property located at the end of the east-west runway of the Hamilton International Airport, and replacing it with a use contemplated in the development of the Airport Industrial - Business Park Secondary Plan and permitted in the Airside Industrial (M7) Zone in By-law No. 05-200 (as amended by By-law No. 10-288, which is currently under appeal). Staff is satisfied that the proposal conforms to the Hamilton-Wentworth Official Plan.

**Township of Glanbrook Official Plan**

The subject property is located in the “Urban Area” and is designated “Airport Industrial - Business Park” on Schedule “A” Land Use Plan in the Township of Glanbrook Official Plan. The following policies, among others, apply:

“B.2.6.1 The permitted uses on the lands designated Airport Industrial - Business Park on Schedule “A” - Land Use Plan shall be limited to the following:

(b) Airport-related commercial uses, including but not limited to, hotels and motels, convention and exposition centres, restaurants, catering services, commercial storage facilities, automobile rental, leasing and servicing, gas stations, taxi terminals, places of entertainment and financial institutions;

B.2.6.8 All existing residential development within the Airport Industrial - Business Park shall be encouraged to be redeveloped in conformity with the permitted uses identified in Section B.2.6.1 of this Plan and in conformity with the other relevant policies of this Plan. However, it is recognized that the redevelopment of these existing residential uses may occur over a relatively lengthy period of time and, in some cases, may not occur. All development in the Airport Industrial - Business Park shall be adequately separated, screened, and buffered from existing residential and institutional uses in or abutting the Park, whether or not these uses are expected to be redeveloped;
SUBJECT: Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook) (PED11209) (Ward 11) - Page 7 of 13

B.2.6.10 All development in the Airport Industrial - Business Park shall adhere to and satisfy the Noise Exposure Forecast land use compatibility policies and requirements of the Ministry of Municipal Affairs and the Canada Mortgage and Housing Corporation;

B.2.6.13 All development in the Airport Industrial - Business Park shall be adequately regulated by suitable provisions in the implementing Zoning By-law, which may establish various industrial and commercial zones with appropriate regulations regarding lot size and dimensions, setbacks, building size and character, off-street parking and loading facilities, landscaping and buffering, and signage; and,

B.2.6.14 All new development and redevelopment in the Airport Industrial - Business Park shall be subject to Site Plan Control, pursuant to Section 40 of the Planning Act and Section G.8 of this Plan."

As the proposal is to convert the existing dwelling for a Transportation Depot, with accessory driver’s lounge, staff is satisfied that the application conforms to the policies of the Glanbrook Official Plan.

Airport Industrial - Business Park Secondary Plan

The subject property is designated “Airport-Related Commercial” on Schedule “A” - Land Use Plan in the Township of Glanbrook Airport Industrial - Business Park Secondary Plan. This Secondary Plan is not approved as an amendment to the Glanbrook Official Plan under the Planning Act; rather, it is Council-approved similar to Neighbourhood Plans. The following policies, among others, apply:

“3.4.1 The permitted uses on the lands designated Airport-Related Commercial on Schedule A - Land Use Plan shall be limited to the following:

(f) Taxi terminals;

(i) Ancillary buildings, structures and uses to the above permitted uses; and,

3.4.5 All existing residential development within the Airport-Related Commercial lands shall be encouraged to be redeveloped in conformity with the permitted uses identified in Sub-section 3.4.1 of this Secondary Plan and in conformity with the other relevant policies of this plan. However, it is recognized that the redevelopment of these existing residential uses may occur over a relatively lengthy period of time and, in some cases, may not occur. All development on the Airport-Related Commercial lands shall be adequately separated, screened, and buffered from existing residential uses…”
In addition, Policy 3.4 sets out that access to the “Airport-Related Commercial” lands is to be primarily via new internal public roads rather than direct access to Highway No. 6. The proposed conversion of the existing dwelling will make use of the existing access to Highway No. 6, now Upper James Street, and the structure to the rear of the dwelling is set back approximately 56m from the rear lot line, which exceeds the minimum required rear yard setback of 9m in the “H-M5-270” Zone, and would not prejudice the construction of a new internal street at the rear of the lots, as contemplated on Schedule “A” - Land Use Plan (see Appendix “C”), at such time as redevelopment of the surrounding properties permits the construction of an internal street.

As the proposal is to convert the existing dwelling for a Transportation Depot, with an accessory driver's lounge, staff is satisfied that the application conforms to the policies of the Airport Industrial - Business Park Secondary Plan.

**New Urban Hamilton Official Plan**

The new Urban Hamilton Official Plan was adopted by Council on July 9, 2009, and was approved by the Minister of Municipal Affairs and Housing on March 16, 2011. The Ministerial Approval has been appealed to the Ontario Municipal Board, and the plan is not yet in full force and effect. The subject lands are designated “Employment Areas” on Schedule E, Urban Structure, and “Airport Business Park” on Schedule E-1, Urban Land Use Designations. Staff notes that both the “Airport Business Park” and “Employment Areas” designations permit a range of uses, including airport related commercial and transportation uses. As the subject proposal is to permit the conversion of the existing legal, non-conforming dwelling as a transportation depot and accessory drivers lounge, staff is satisfied that the proposal would conform to the new Urban Hamilton Official Plan.

**RELEVANT CONSULTATION**

The following Departments/Agencies had no comments or objections:

- Operations and Waste Management Division, Public Works Department.
- Budgets and Finance Division, Corporate Services Department.
- Hamilton Municipal Parking System.
- Niagara Peninsula Conservation Authority.
- Hydro One Networks Inc.
Traffic Engineering Section, Environment and Sustainable Infrastructure Division, Public Works Department:

Traffic Engineering has indicated that there is insufficient information regarding the number of limousines to be parked on the property and the movement of traffic on the site. Staff notes that Policy B.2.6.14 requires that all development or redevelopment in the Airport Industrial - Business Park is subject to Site Plan Control. These concerns can be resolved through the Site Plan Control application, to the satisfaction of the Manager of Development Planning.

Public Consultation

In accordance with the new provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and preliminary circulation was circulated to 16 property owners within 120 metres of the subject property on February 8, 2011. To date, no formal responses have been received. In addition, a Public Notice Sign was erected on the property on September 20, 2011, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement;

   (ii) It conforms with Places to Grow, the Hamilton-Wentworth Official Plan, the Township of Glanbrook Official Plan, and Airport Industrial - Business Park Secondary Plan;

   (iii) It provides for the adaptive reuse of an existing dwelling, while removing a sensitive land use from lands directly abutting Hamilton International Airport; and,

   (iv) It is compatible with the existing and planned uses in the surrounding area.

2. The proposed change in zoning is to facilitate the redevelopment of the property to permit a Transportation Depot, with accessory driver’s lounge. The site is zoned Deferred Development “DD” Zone, which does not permit the proposed Transportation Depot. The property abuts the Hamilton International Airport to the west, single detached dwellings to the north and south, and an outdoor amusement facility to the east. The property currently contains a single detached dwelling with a
parking area in front. The proposed use is not out of character with the established and permitted surrounding uses, nor will it create a conflict with the existing uses.

3. Hamilton Zoning By-law No. 05-200, as amended by By-law No. 10-128, defines a Transportation Depot as follows:

“Transportation Depot” shall mean the use of land where commercial motor vehicles pick up and discharge fare-paying passengers or dispatch vehicles for such purpose and shall include, but not be limited to, courier service facilities. (By-law 10-128, May 26, 2010)

By-law No. 05-200, as amended by By-law No. 10-288, rezoned the subject lands to the Airside Industrial (M7) Zone, which permits a Transportation Depot. By-law No. 10-288 has been approved by Council and appealed to the Ontario Municipal Board and, as such, is not in full force and effect. Staff is satisfied that the proposed Transportation Depot is an appropriate use for the property and helps implement Council’s vision for the Airport Business Park. Accordingly, staff supports the addition of a Transportation Depot as a permitted use.

4. During the review of the application, further modifications to the By-law were identified to deal with existing conditions on the property. The following modifications were identified:

Lot Frontage:

The Airport-Related Business “M5” Zone, in Glanbrook By-law No. 464, requires a minimum lot frontage of 60m, however, the subject lands have an existing frontage of approximately 30.48m and there are no readily available opportunities to purchase land to increase the frontage of the subject lands. Accordingly, staff has included a site-specific modification to the draft Zoning By-law to recognize the existing frontage of 30m. Staff notes that the proposed Airside Industrial (M7) Zone in Zoning By-law No. 05-200 does not have a minimum lot frontage requirement and, in accordance with Section 4.12 c) of the By-law, the reduced frontage would be recognized and permitted.

Lot Area:

The Airport-Related Business “M5” Zone, in Glanbrook By-law No. 464, requires a minimum lot area of 0.4ha, however, the subject lands have an existing area of approximately 0.3ha and there are no readily available opportunities to purchase land to increase the lot area of the subject lands. Accordingly, staff has included a site-specific modification to the draft Zoning By-law to recognize the existing lot area of 0.3ha. Staff notes that the minimum lot area requirement is the same in the proposed Airside Industrial (M7) Zone in Zoning By-law No. 05-200 and, in
accordance with Section 4.12 c) of the By-law, the reduced lot area would be recognized and permitted.

Minimum Building Size:

The Airport-Related Business “M5” Zone, in Glanbrook By-law No. 464, requires a minimum building size of 555 sq.m. The existing building on the property is only 462 sq.m. Staff can support this reduction since it is considered to be minor and essentially recognizes an existing situation. In addition, staff notes that the proposed Airside Industrial (M7) Zone, in Zoning By-law No. 05-200, does not have a minimum building size requirement, and the existing building meets the requirement in the (M7) Zone to provide a minimum length of the ground floor façade of at least 60% (67% is provided).

Minimum Side Yard:

The Airport-Related Business “M5” Zone, in Glanbrook By-law No. 464, requires a minimum side yard setback of 7.5m and 15m where the side lot line abuts a Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes. The existing building on the property has an existing setback of 3.0m from the southerly lot line, and a northerly side yard setback to a residential property of approximately 6m. There are no new buildings proposed, and the existing driveway and parking area are oriented towards the southern side of the property, which abuts an access driveway for the Hamilton International Airport. Staff is satisfied that any impact from the parking, ingress, or egress of vehicles on the residential property to the north will be mitigated through landscaping and the parking layout, all of which will be implemented at the Site Plan stage. Accordingly, staff has included a site-specific modification to the draft Zoning By-law to recognize the existing southerly side yard and northerly side yard setbacks. Staff notes that the proposed Airside Industrial (M7) Zone, in Zoning By-law No. 05-200, does not have a minimum side yard setback requirement and, in accordance with Section 4.12 c) of the By-law, the reduced side yard setbacks would be recognized and permitted.

Minimum Loading Space:

The Airport-Related Business “M5” Zone, in Glanbrook By-law No. 464, requires loading spaces in accordance with Sub-section 7.36 of the By-law. This Sub-section requires 1 loading space for industrial uses with a gross floor area between 450 sq.m. and 2,300 sq.m. The applicant is proposing no loading space for the Transportation Depot. Given the nature of the proposed use, staff is of the opinion that the provision of no loading space is appropriate. Staff notes that Zoning By-law No. 05-200 does not have a minimum loading space requirement.
Landscaping:

As mentioned above, a site-specific provision has been added to reduce the northerly side yard setback to 6.0m. The Airport-Related Business “M5” Zone, in Glanbrook By-law No. 464, requires a minimum 7.5m wide landscaped area adjacent to any lot line that abuts a street line or any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes. Accordingly, a site-specific provision has been included to reduce the required landscaped area to 6.0m abutting the northerly lot line as well. Staff notes that the proposed Airside Industrial (M7) Zone in By-law No. 05-200 requires a minimum 3.0m wide landscaped area abutting a street. As this zoning has been approved by Council, staff is satisfied that a 3.0m wide landscaped area abutting the street is appropriate and the plantings for the landscaped area can be adequately secured through Site Plan Control. Accordingly, staff has included a site-specific modification to the draft Zoning By-law to require a 3.0m wide landscaped area abutting any street.

5. Staff has identified that the subject lands have archaeological potential. Accordingly, it is appropriate that a Holding provision be applied until such time as an Archaeological Assessment has been completed and any adverse impacts mitigated, as per the recommendations in the Report. Staff is aware that the applicant is not proposing any new construction for the proposed Transportation Depot; however, the change in zoning on the subject lands will not prohibit the removal, replacement, or alteration of the existing structure, so it is appropriate to investigate the archaeological potential at the rezoning stage. In addition, the Holding provision has been included to address any access/traffic issues, which will be reviewed through the Site Plan approval process. Accordingly, staff has included a Holding provision in the draft By-law.

ALTERNATIVES FOR CONSIDERATION

(Include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the application be denied, the property would remain zoned Deferred Development “DD” Zone, which permits agricultural uses and existing dwellings only.

It is noted that upon the resolution of appeals to City of Hamilton By-law No. 10-288, a By-law to amend Hamilton Zoning By-law No. 05-200, the property would be zoned Airside Industrial (M7) Zone. Any future use would then have to comply with the provisions of the zone and with By-law No. 05-200.
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the Township of Glanbrook” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities, and the Official Plan of the former regional municipality, continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 11- of the Planning Committee, at its meeting held on the 6th day of December, 2011, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “A”, appended to and forming part of By-law No. 464 (Glanbrook), is amended by changing the zoning from the Deferred Development “DD” Zone to the Airport-Related Business-Holding “H-M5-270” Zone, on the lands, the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this By-law.

2. That Section 44, “Exceptions to the Provisions of this By-law”, of Zoning By-law No. 464, be amended by adding the following:

“H-M5-270”

Notwithstanding Sub-section 34.1 Permitted Uses of Section 34: Airport-Related Business “M5” Zone. The following uses shall only be permitted on those lands zoned site-specific Airport-Related Business “M5-270”:

a) Airport-related industrial uses, including, airport transportation and cargo services, light manufacturing or assembly, wholesale and distribution warehouses, and communication and utility activities, which benefit from proximity to airport services;

(b) High technology industrial uses;

(c) Professional and business offices;

(d) Airport-related commercial uses, including, automobile rental, leasing and servicing, taxi terminals, and financial institutions;

(e) Transportation Depot; and,

(f) Uses, buildings, and structures accessory to the permitted uses in Paragraphs (a), (b), (c), (d), and (e) of this Sub-section including, but not restricted to, a drivers lounge.

Notwithstanding the minimum lot frontage, minimum lot area, side yard setback and landscaping regulations of Sub-section 34.3 REGULATIONS FOR USES PERMITTED IN PARAGRAPHS (a) to (f), INCLUSIVE, OF SUB-SECTION 34.1 of SECTION 34: AIRPORT-RELATED BUSINESS “M5” ZONE, the following regulations shall apply to those lands zoned site-specific Residential “M5-270”: 
1. REGULATIONS FOR USES PERMITTED IN PARAGRAPHS (a) to (f), INCLUSIVE, OF SUB-SECTION 34.1

(a) Minimum Lot Frontage: 30.0 metres.

(c) Minimum Lot Area: 0.3 hectares.

(d) Minimum Building Size: 400 square metres.

(g) Minimum Side Yard: 3.0 metres, except: a northerly Side Yard setback of 6.0m.

(k) Minimum Loading Requirements: Notwithstanding Sub-section 7.36 of this By-law, no loading space is required for a Transportation Depot.

(l) Minimum Landscaping Requirements:

(i) A landscaped area having a minimum width of 3.0 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street line (except driveways), and a landscaped area having a minimum width of 6.0 metres shall be provided and thereafter maintained adjacent to every portion of any lot line, exclusive of driveways and parking areas, that abuts any Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.

2. SPECIFIC DEFINITIONS

Specific definitions in this Exception shall be as follows:

(a) Transportation Depot - Shall mean the use of land where commercial motor vehicles pick up and discharge fare-paying passengers or dispatch vehicles for such purpose and shall include, but not be limited to, courier service facilities.

That the ‘H’ symbol applicable to the lands zoned “H-M5-270” may be removed by further amendment to this By-law at such time as the following matters have been completed:

(a) That a Site Plan Control application has been approved by the Manager of Development Planning.

(b) That an Archaeological Assessment has been completed and any identified impacts mitigated, to the satisfaction of the Manager of Community Planning and Design.
3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Airport-Related Business “M5” Zone provisions, subject to the special requirements referred to in Section 2.

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this __________ day of __________, 2011.

__________________________  __________________________
B. Bratina                  R. Caterini
Mayor                      Clerk

ZAR-10-051
## Schedule "A"

Map Forming Part of By-Law No. 11-____

to Amend By-law No. 464

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<td>Date: November 8, 2011</td>
<td>Planner/Technician: PD / NB</td>
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Subject Property

2674 Upper James Street

Change in zoning from the Deferred Development "DD" Zone to the Airport-Related Business-Holding "H-M5-270" Zone