CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Strategic Services and Special Projects Division

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<th>TO:</th>
<th>Chair and Members Planning Committee</th>
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<td>WARD(S) AFFECTED:</td>
<td>CITY WIDE</td>
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| COMMITTEE DATE: | November 8, 2011 |

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<th>SUBJECT/REPORT NO:</th>
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<td>Housekeeping Amendments to Comprehensive Zoning By-law 05-200, Official Plan Amendments to Clarify Employment Area Policies on Ancillary Uses, Modify General Commercial Official Plan Designation and Zoning on 5365 Twenty Road East to Also Permit Manufacturing; and, Modify the Prestige Business Park (M3) Zone on a Property Located at the South-West Corner of Twenty Road East and Glover Road, Related to Setbacks and Parking (PED11199) (City Wide)</td>
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<th>SUBMITTED BY:</th>
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<tr>
<td>Tim McCabe</td>
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<td>General Manager</td>
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<td>Planning and Economic Development Department</td>
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<th>PREPARED BY:</th>
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<tr>
<td>Al Fletcher 905-546-2424 Ext. 5802</td>
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<th>RECOMMENDATION:</th>
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<td>(a) That approval be given to <strong>City Initiative CI-11-C</strong> to provide housekeeping amendments to the City's Comprehensive Zoning By-law known as Zoning By-law 05-200.</td>
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<td>(i) That the attached draft Zoning By-law, marked as Appendix “A” to Report PED11199, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.</td>
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<td>(b) That approval be given to Official Plan Amendment No. ___ of the former Town of Ancaster Official Plan; Official Plan Amendment No. ___ of the former Town of Dundas Official Plan; Official Plan Amendment No. ___ of the former Town of Flamborough Official Plan; Official Plan Amendment No. ___ of the former Township of Glanbrook Official Plan, and, Official Plan Amendment No. ___ of the former City of Stoney Creek Official Plan, (City Initiative 11-D), attached as</td>
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SUBJECT: Housekeeping Amendments to Comprehensive Zoning By-law 05-200, Official Plan Amendments to Clarify Employment Area Policies on Ancillary Uses, Modify General Commercial Official Plan Designations and Zoning on 5365 Twenty Road East to Also Permit Manufacturing and Modify the Prestige Business Park (M3) Zone on a Property located at the South-West Corner of Twenty Road East and Glover Road, Related to Setbacks and Parking (PED11199) (City Wide) - Page 2 of 12

Appendix “B” to Report PED11199, to amend the Industrial/Business Park ancillary use policies in each of these Official Plans;

(c) That approval be given to Official Plan Amendment No. ___ to the former Township of Glanbrook, (City Initiative 11-E), attached as Appendix “C” to Report PED11199, to allow for a special policy allowing limited manufacturing uses on lands located at 5365 Twenty Road East;

(d) That approval be given to Official Plan Amendment No. ___ to the Urban Hamilton Official Plan, (City Initiative 11-D), attached as Appendix “D” to Report PED11199, to amend the Employment Area ancillary use policies;

(e) That approval be given to Official Plan Amendment No. ___ to the Urban Hamilton Official Plan, (City Initiative 11-E), attached as Appendix “E” to Report PED11199, to allow for limited manufacturing uses on lands located at 5366 Twenty Road East;

(f) That the by-laws of adoption for the Urban Hamilton Official Plan, as set out in recommendations (d) and (e) above, be held in abeyance until such time as the Urban Hamilton Official Plan is in effect;

(g) That approval be given to City Initiative CI-11-E for a change in zoning from General Commercial “C3-116” and “C3-117” Zone to General Commercial “C3-271” Zone, in the Township of Glanbrook Zoning By-law No. 464, to permit manufacturing as an additional use, with prohibited manufacturing uses, on lands located at 5365 Twenty Road East (Glanbrook), as shown on Appendix “F” to Report PED11199, on the following basis:

(i) That the draft By-laws, attached as Appendix “F” to Report PED11199, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the Township of Glanbrook, upon finalization of Official Plan Amendment No. ____.

(h) That approval be given to City Initiative CI-11-F for a change in zoning from Prestige Business Park (M3) Zone to Prestige Business Park with a Special Exception (M3, 49) Zone, in the City of Hamilton Zoning By-law No. 05-200, to permit a reduction in the maximum building setback, on lands located at the south-
Executive Summary

The purpose of this report is to address three City Initiatives:

1. Housekeeping Amendments (Comprehensive Zoning By-law)

Consistent with the development of the new Comprehensive Zoning By-law, staff has been monitoring the issues that arise due to wording, interpretation or errors in implementing the intent of the new zones. As the Zoning By-law is being transferred to the Planning Division, a thorough review of the wording throughout the By-law was undertaken resulting in identified housekeeping amendments needed related to the following:

- Administrative changes;
- Correction to wording and numbering;
- Clarification of wording for easier understanding;
- Removal Medical Office as a use in the By-law (Medical Clinic to remain);
- Removal of redundant wording due to changes in wording; and,
- Add Special Exception to recognize an existing legal office building on 1425 Cormorant Road (Ancaster).

A broader discussion on the above issues is provided in the report.


Through the resolution of the appeals to the Industrial Zones, a commitment was made to Council to provide clarification and amendments to the Official Plan policies to ensure ancillary uses are limited within the Employment Areas. The proposed amendments
include within this report provide the policy direction to limit ancillary uses within Employment Areas that will be used in reviewing any new development applications. Amendments to all the Official Plans are required to provide consistency across the City.

3. 5365 Twenty Road East

As part of the City’s efforts to assemble a preferred land parcel for a large manufacturing operation, Maple Leaf Foods, additional lands beyond the zoned industrial lands are required. The General Commercial lands within the interior of the former North Glanbrook Industrial Business Park were considered. Through discussions with a property owner, the prospective purchaser of lands within the Red Hill Business Park, the opportunity has arisen to permit restricted manufacturing uses on lands designated as General Commercial and meet the land needs for the prospective purchaser. The effect of the Site Specific Official Plan policy and modified Zoning essentially amounts to an expansion of the Red Hill Business Park Employment Area. To implement this direction, site specific Official Plan Amendments and a rezoning are required to add manufacturing as a permitted use. Prohibited uses, even as an accessory use, include slaughtering, eviscerating, rendering, etc.

4. Rezoning of Property at South-West Corner of Twenty Road East and Glover Road

The purpose of this rezoning is to improve the design alternatives for industrial development of the subject lands, for which the City has had a role in the land assembly. While the new Industrial Zones have already been implemented for this property, every new development concept cannot be anticipated and each development is evaluated on its own merits, using the new zones as a base for evaluation. To allow a large manufacturing operation to locate on the subject lands, greater setbacks from Twenty Road East and Glover Road than the required maximum setbacks would permit a more a aesthetic, compatible design adjacent to residential. A rezoning is required to implement this exception to the maximum setback.

Alternatives for Consideration – See Page 10 or Not Applicable

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)**

**Financial:** Not applicable

**Staffing:** Not applicable
SUBJECT: Housekeeping Amendments to Comprehensive Zoning By-law 05-200, Official Plan Amendments to Clarify Employment Area Policies on Ancillary Uses, Modify General Commercial Official Plan Designations and Zoning on 5365 Twenty Road East to Also Permit Manufacturing and Modify the Prestige Business Park (M3) Zone on a Property located at the South-West Corner of Twenty Road East and Glover Road, Related to Setbacks and Parking (PED11199) (City Wide) - Page 5 of 12

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for Official Plan Amendments and Zoning By-law Amendments. Public Notice as per the Planning Act has been provided in the Hamilton Spectator. As this was a City-initiated Official Plan Amendment and Zoning By-law with City-wide effects, as well as the site specific Official Plan Amendment and Zoning By-laws for Twenty Road East and Glover Road properties; no notification by mail or sign on the property was required, per Council policies.

However, at the time of writing of this report, a community meeting in Glanbrook was being planned for before the formal public meeting. Staff intends to be in attendance at this meeting to explain the Official Plan Amendments and Zoning changes.

HISTORICAL BACKGROUND (Chronology of events)

1. Housekeeping Amendments

Since the implementation of the first phase of the Comprehensive Zoning By-law, staff committed to ensure the document is monitored so that it remains relevant, implementing the intent and any corrections are completed in a timely manner. The Comprehensive Zoning By-law 05-200 interpretation and administration is being transferred to the Planning Division so that all Planners can be knowledgeable with the By-law as part of the review of development applications. Through the training and thorough review of the By-law, various modifications are being proposed to be changed to provide for consistency, ease of interpretation and ensuring the intent of the By-law is implemented.

2. Amendments to the Employment Policies to Clarify Ancillary Uses in Employment Areas

Through the implementation of the new Industrial Zones, in May 2010, and the results of defending the new Zones at the Ontario Municipal Board in June 2011, staff committed to bring forward revisions to the Employment Area Official Plan policies to implement the intent of limiting ancillary uses within the Employment Areas.
SUBJECT: Housekeeping Amendments to Comprehensive Zoning By-law 05-200, Official Plan Amendments to Clarify Employment Area Policies on Ancillary Uses, Modify General Commercial Official Plan Designations and Zoning on 5365 Twenty Road East to Also Permit Manufacturing and Modify the Prestige Business Park (M3) Zone on a Property located at the South-West Corner of Twenty Road East and Glover Road, Related to Setbacks and Parking (PED11199) (City Wide) - Page 6 of 12

3. 5365 Twenty Road East

The City has been working on a land assembly for Maple Leaf Foods which would provide for the opportunity to create a large parcel of land for the future development of its 400,000 sq. ft.+ plant. Through discussions with a property owner and prospective purchaser of lands within the Red Hill Business Park, the opportunity has arisen to modify the General Commercial designation and related zoning to permit restricted manufacturing, inclusive of the prohibited uses within the abutting Prestige Business Park (M3) Zone, within former Township of Glanbrook, which includes the prohibition of slaughtering, eviscerating, rendering, etc. The redesignation would increase the opportunities for employment-type uses on a large parcel of land contiguous to the Dartnall Road extension. It should be emphasized that Maple Leaf Foods does not need the rezoning of 5365 Twenty Road East. The rezoning will allow for a more aesthetically pleasing design, more compatible with the adjacent residents of Glover Road.

4. Rezone of Property at South-West Corner of Twenty Road East and Glover Road

As mentioned, the City has been working on a land assembly which would provide the opportunity to create a large parcel of land for the future development of a large manufacturing operation (Maple Leaf Foods). The purpose of this rezoning is to allow a large manufacturing operation to locate at a greater setback from Twenty Road East and Glover Road than the maximum setback of 25 metres. Amending this regulation will allow for a design that is more aesthetically pleasing design, more compatible with the adjacent residents of Glover Road.

POLICY IMPLICATIONS

1. No policy implications.
2. Changes in Urban Official Plan and all former Official Plan policies are proposed to clarify wording and intent of limiting ancillary uses within the Employment Areas.
3. Changes in the Urban Official Plan and former Township of Glanbrook Official Plan policies are proposed to permit restricted manufacturing within the General Commercial designation.
4. No policy implications.
SUBJECT: Housekeeping Amendments to Comprehensive Zoning By-law 05-200, Official Plan Amendments to Clarify Employment Area Policies on Ancillary Uses, Modify General Commercial Official Plan Designations and Zoning on 5365 Twenty Road East to Also Permit Manufacturing and Modify the Prestige Business Park (M3) Zone on a Property located at the South-West Corner of Twenty Road East and Glover Road, Related to Setbacks and Parking (PED11199) (City Wide) - Page 7 of 12

RELEVANT CONSULTATION

1. Changes to the Comprehensive Zoning By-law were as a result and done in discussions with several Departments within the City.
2. Development of the policy changes came as a result of the resolution of the appeals through the Ontario Municipal Board.
3. & 4. Development of the policy and zoning changes came as a result of discussion with the property owner, prospective purchaser, and Economic Development and Real Estate.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1) Zoning By-law Housekeeping Amendments

Thorough a review of the Comprehensive Zoning By-law, which has been approved in several stages with evolving planning of the Zones and regulations, as well as monitoring of the use of the By-law and its interpretation, amendments are required to provide consistency and maintain the easy interpretation and use of the By-law.

The amendments can be categorized as follows:

a) Administrative Changes

- Change in wording to reflect how Holding provisions are shown on the Zoning Schedules; and,
- Changes to numbering to remove duplication or wrong numbering.

b) Addition of Definition

The use of “Animal Shelter” within the zones has had various interpretations and through the addition of a definition, clarity is provided as to the intention of the use.

c) Clarification of Wording

Several portions of the By-law have provided wording that require clarification to ensure that the intent of the definition, regulation or wording is correctly interpreted and implemented, including:
SUBJECT: Housekeeping Amendments to Comprehensive Zoning By-law 05-200, Official Plan Amendments to Clarify Employment Area Policies on Ancillary Uses, Modify General Commercial Official Plan Designations and Zoning on 5365 Twenty Road East to Also Permit Manufacturing and Modify the Prestige Business Park (M3) Zone on a Property located at the South-West Corner of Twenty Road East and Glover Road, Related to Setbacks and Parking (PED11199) (City Wide) - Page 8 of 12

i) Not including mechanical rooms as part of gross floor area which as a result could require additional parking for areas which do not generate employees or habitable space;

ii) Removal of minimum area requirements from the landscaping area definition, which can be regulated through site plan approval;

iii) Clarification that hotel and duplex dwelling permit uses specifically permit tandem parking but the definition does of parking space does not and as such tandem parking must not withstand the definition of parking space;

iv) Adding maximum floor areas for retail spaces permitted within the Motor Vehicle Service Station;

v) Adding prohibited uses such as rock crushing and concrete crushing as part of Prestige Business Park (M3) Zone since a Certificate of Approval for waste is not required for this use nor is the use appropriate within the Prestige area;

vi) Permitting two buildings on a property in Downtown Zones provided first building maintains an appropriate built form along the street line; and,

vii) Removal of Medical Office within the Zoning By-law. The changing medical facilities including multiple Doctors, Physician Assistants, Nurse Practitioners where once was a sole doctor’s office means more often doctor’s office operate more as a clinic and thus no need to have both uses.

d) After the implementation of the new Industrial Zones, an oversight was found where the property at 1425 Cormorant Road (Ancaster) has an existing 3 storey office building on the property, which was not recognized in the new Industrial Zones. As a legal non-conforming office building any change or alteration would require an application through the Committee of Adjustment which is neither practical nor appropriate. To correct the oversight, staff are proposing that as part of the housekeeping amendment a rezoning be undertaken to legalize the existing use of the property.

The proposed housekeeping amendments are consistent with Provincial legislation as well as the existing Official Plan policies and future Urban Official Plan.

2) Official Plan Amendments to Clarify Ancillary Uses in Employment Areas

As part of the Ontario Municipal Board hearing (June 2011) and the settlements, the policies related to ancillary uses had to be clarified to more specifically reflect the intent of the original drafting and development of the Industrial Zones. As a result, the policies include specific text amendments including locational criteria which provide a policy direction to limit the ancillary uses within the Employment Areas.
Amendments are required to the former Towns of Ancaster, Dundas, and Flamborough, the former Township of Glanbrook and the former Cities of Hamilton and Stoney Creek Official Plans (see Appendix “B”). A similar amendment is required to the Urban Hamilton Official Plan (see Appendix “D”); however, the by-law of adoption will be held in abeyance until such time as the Plan appeals have been resolved.

The amended policies provides staff with the policy direction to evaluate any new development applications for ancillary uses within the Employment Areas.

The general text amendments are consistent with the Provincial Policy Statement and conform to Growth Plan for the Greater Golden Horseshoe.

3) 5366 Twenty Road East (Official Plan and Zoning By-law Amendments)

The property at 5366 Twenty Road East is located on lands designated General Commercial in the Glanbrook Official Plan, within the former North Glanbrook Industrial Business Park, now Red Hill Business Park. The General Commercial designation permits a range of commercial uses from small commercial stores to large warehouse retail uses. The City has been working to assemble lands to provide for a large contiguous parcel of land that can accommodate a site for manufacturing operations, including portions of the subject property as well as abutting industrially zoned lands. By permitting manufacturing within the General Commercial designation as well as within the zoning, the opportunities for additional industrial development are increased. Commercially designated lands are more easily converted whereas large contiguous industrial lands are in demand within the City.

Amendments are required to former Township of Glanbrook Official Plan (see Appendix “C”) and Zoning By-law No. 464 (see Appendix “F”). A similar amendment is required to the Urban Hamilton Official Plan (see Appendix “E”); however, the by-law of adoption will be held in abeyance until such time as the Plan appeals have been resolved.

4) South-West Corner of Twenty Road East and Glover Road (Zoning By-law Amendment)

The new Industrial Zones were implemented with a consistent vision and policy direction across the City and become the zoning to which to evaluate any new development proposal. Not every new development or design can be anticipated when developing the new zoning and each development needs to be evaluated on its own merits. As part of the City’s efforts to assemble land for Maple Leaf Foods, the...
development proposal has been evaluated against the regulations of the Prestige Business Park (M3) Zone currently on the assembled lands. The proposed development requires greater flexibility in maximum setbacks from the street. This will have the following design advantages to the development:

- Move of the plant further to the west on the property away from the residential;
- Move the loading areas further west away from the residential; and,
- Allow for the building to be better placed behind the proposed berm abutting the residential.

The design of the proposed development has a building setback beyond the maximum setbacks established in the M3 Zone; however this does move the manufacturing building a greater distance away from existing residential uses located just outside the Red Hill Business Park on Glover Road and should be supported.

The proposed Zoning By-law Amendment is consistent with Provincial legislation as well as in conformity with the existing Official Plans and future Urban Official Plan.

**ALTERNATIVES FOR CONSIDERATION:**
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

1. Housekeeping Amendments – should the amendments not be undertaken, the new Comprehensive Zoning By-law would not be consistent and may lead to interpretations which do not implement the intent of the By-law.

2. Amendments to the Employment Policies to Clarify Ancillary Uses in Employment Areas – should the amendments not be undertaken, the existing policies permit the opportunity for greater opportunities of new ancillary uses locating within the Employment Areas across the City.

3. 5365 Twenty Road East – should the amendments not be approved, the existing industrial lands already zoned at Twenty Road East and Glover Road will be used for the new plant, thus moving the building closer to Glover Road.
4. Rezone of Property at South-West Corner of Twenty Road East and Glover Road – should the amendment not be approved, the company will design the new plant in accordance with the existing regulations and be located closer to the adjacent residential.

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


**Skilled, Innovative & Respectful Organization**
- A culture of excellence
- A skilled, adaptive and diverse workforce, i.e. more flexible staff
- Housekeeping Amendments will provide for clearer, consistent wording to provide for easier interpretation of the Comprehensive Zoning By-law.

**Financial Sustainability**
- Effective and sustainable Growth Management
- Expansion of Employment Land opportunities provides for great opportunity for non-residential tax assessment.

**Growing Our Economy**
- Newly created or revitalized employment sites
- Competitive business environment
- The Housekeeping amendments provide for a more user friendly and consistent By-law for interpretation. The expansion of the Red Hill Business Park provides for greater opportunities to attract employment type uses.
**SUBJECT:** Housekeeping Amendments to Comprehensive Zoning By-law 05-200, Official Plan Amendments to Clarify Employment Area Policies on Ancillary Uses, Modify General Commercial Official Plan Designations and Zoning on 5365 Twenty Road East to Also Permit Manufacturing and Modify the Prestige Business Park (M3) Zone on a Property located at the South-West Corner of Twenty Road East and Glover Road, Related to Setbacks and Parking (PED11199) (City Wide)

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<th>Zoning By-law Amendment to the City of Hamilton By-law 05-200.</th>
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<td>Appendix “C”</td>
<td>Official Plan Amendment to the former Township of Glanbrook for lands located at 5366 Twenty Road East.</td>
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<td>Appendix “E”</td>
<td>Official Plan Amendment to the Urban Hamilton Official Plan for lands located at 5366 Twenty Road East.</td>
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<td>Appendix “F”</td>
<td>Zoning By-law Amendment to Township of Glanbrook Zoning By-law No. 464, for lands located at 5366 Twenty Road East.</td>
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WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS it was desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS this By-law provides for housekeeping amendments to By-law 05-200, as hereinafter described and depicted;

AND WHEREAS the Council of the City of Hamilton, in adopting Section [Section] of Report [Report] of the Planning Committee at its meeting held on the [Date] day of [Month], 2011, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

1. That Section 2.4 d), of By-law 05-200 be amended by deleting the words "a circle numerical reference followed by an "H"", and replacing it with "an circle “H” followed by a numerical reference”;

2. That Section 3, of By-law 05-200, be amended by adding the following definition:
Appendix “A” to Report PED111199
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“Animal Shelter shall mean the use of land, building, structure or part thereof for emergency accommodation of animals.”

3. That Section 3, of By-law 05-200, be amended by deleting ‘a combination’ between the words “selling” and “of lumber” in the definition of Building and Lumber Supply Establishment.

4. That Section 3, of By-law 05-200 be amended by deleting the words “c) Is not less than 28 square metres” and renumbering “d)” to “c)” within the definition of Landscaped Area.

5. That Section 3, of By-law 05-200, be amended by deleting the definition of Motor Vehicle – Commercial in its entirety and replacing in its entirety with the following:

“Motor Vehicle – Commercial shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses, tractors and tow trucks used for hauling purposes on the highways, but does not include:

(a) a commercial motor vehicle, other than a bus, having a gross weight or registered gross weight of not more than 4,500 kilograms, an ambulance, a fire apparatus, a hearse, a casket wagon, a mobile crane, a motor home or a vehicle commonly known as a tow truck,

(b) a commercial motor vehicle leased for no longer than thirty days by an individual for the transportation of goods kept for that individual’s personal use or the gratuitous carriage of passengers,

(c) a commercial motor vehicle operated under a permit and number plates that is not transporting passengers or goods,
(d) a commercial motor vehicle operated under the authority of an In-Transit permit, and;

(e) a bus that is used for personal purposes without compensation.”

6. That Section 3, of By-law 05-200, be amended by replacing the word “distribution” with the word “warehousing” in the definition of Computer, Electronic and Data Processing Establishment.

7. That Section 3, of By-law 05-200, be amended by replacing the word “car wash” with the word “Motor Vehicle Washing Establishment” in the definition of Drive-Through Facility.

8. That Section 3, of By-law 05-200, be amended by deleting the words “An exhibition facility shall in no way be construed to include a conference and convention centre” from the definition of Exhibition Facility.

9. That Section 3, of By-law 05-200, be amended by adding the words “but shall not include any area devoted to mechanical equipment” after the words “on a lot” in the definition of Gross Floor Area.

10. That Section 3, of By-law 05-200, be amended by deleting the definition of Landscaping in its entirety and replacing it with the following:

   “Shall mean outdoor space for use, enjoyment and recreation and shall include natural vegetation areas and constructed areas such as patios, decks, playgrounds, pathways, outdoor recreational amenities, fencing, decorative architectural features and retaining walls.”

11. That Section 3, of By-law 05-200, be amended by deleting the words “motor vehicle washing establishment” from the definition of Motor Vehicle Service Station.

12. That Section 3, of By-law 05-200, be amended by deleting the words “jointly” and “three or more” in the definition of Medical Clinic.

13. That Section 3, of By-law 05-200, be amended by deleting “Medical Office” and its definition in its entirety.

14. That Section 3, of By-law 05-200, be amended by adding the words “and shall include low level architectural walls or features” after the word “buffer” in the definition of Planting Strip.
15. That Section 3, of By-law 05-200, be amended by adding the word “retail” between the words “fitness club” and “or a Labour” within the definition of Private Club or Lodge.

16. That Section 3, of By-law 05-200, be amended by adding the words “but shall not include a maisonette” between the words “of the building” and “Each townhouse” within the definition of Street Townhouse Dwelling.

17. That Section 3, of By-law 05-200, be amended by deleting the words “but shall not include a Commercial School or Educational Establishment” from the definition of Trade School.

18. That Section 3, of By-law 05-200, be amended by deleting the words “and shall also include courier service facilities” from the definition of Transportation Depot.

19. That Section 4.3, of By-law 05-200, be amended by deleting c) in its entirety.

20. That Section 4.6 (d), of By-law 05-200, be amended by adding the words “whichever the lesser” between the words “of the required yard” and “;and,”.

21. That Section 4.9, of By-law 05-200, be amended to rename the section from “Air Conditioners and Pumps” to “Mechanical and Unitary Equipment”.

22. That Section 4.12 c), of By-law 05-200, be amended by replacing the word “an” to “any”.

23. That Section 4.18 b), of By-law 05-200, be amended by deleting the word “or”.

24. That Section 4.19, of By-law 05-200, be amended by replacing the words “and shall consist” with the words “and shall not be located within 3.0 metres of a street line. A visual barrier shall consist”.

25. That Section 4.20 b) Location Requirements and c) Prohibition of Commercial Entertainment and Recreation, of By-law 05-200, and be amended by being renumbered c) and d), respectively.

26. That Section 4.20 d), of By-law 05-200, be amended by deleting the words “or commercial entertainment” between “for commercial entertainment” and “or commercial recreation”.
27. That Section 4.21 c), of By-law 05-200, be amended by adding the words "Dwelling Unit(s)" between the words "Duplex Dwellings," and "Multiple Dwellings".

28. That Section 4.21 d), of By-law 05-200, be amended by adding the words "Dwelling Unit(s)" between the words "Duplex Dwellings," and "Multiple Dwellings".

29. That Section 5.1 a) v), of By-law 05-200, be deleted in its entirety and replaced with the following:

   "v) Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following:

   a) Shall not be located within 3.0 metres of a street line,

   b) Shall provide a 3.0 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle; and,

   c) Where a Planting Strip is provide, as per b) above, any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 0.6 metres."

30. That Section 5.1 b) iv), of By-law 05-200, be amended by deleting the word "iv)" between the words "Subsection" and "above" and replacing it with "iii)".

31. That Section 5.1.b) x), of By-law 05-200, be deleted in its entirety and be replaced with the following:

   "x) Notwithstanding the definition of "parking space" within Section 3 of this By-law and i) above, in the case of a duplex dwelling, the required parking may be arranged in tandem."

32. That Section 5.2 g), of By-law 05-200, be deleted in its entirety and be replaced with the following:

   "x) Notwithstanding the definition of "parking space" within Section 3 of this By-law, in the case of Hotels, required parking provided in accordance with Section 5.6 may be arranged as tandem or stacked parking, provided there is the continued use of a valet service."

33. That Section 5.6 a), of By-law 05-200, be amended by deleting the parking requirement for Place of Worship.
34. That Section 5.6 a) iv., of By-law 05-200, be amended by deleting the use "Medical Office".

35. That Section 5.6 c), of By-law 05-200, be amended by removing the words "plus 1 for each 200.0 square metres of gross floor area, which accommodates the remainder of the use" within the parking requirement for a Waste Management Facility.

36. That Section 5.6 c) iv., of By-law 05-200, be amended by deleting the use "Medical Office".

37. That Section 6.1.1, of By-law 05-200, be amended by deleting the use "Medical Office".

38. That Section 6.1.3 g), of By-law 05-200, be amended by deleting the words "enclosed parking structure or enclosed parking facility" and replacing them with "commercial parking facility or a fully enclosed building".

39. That Section 6.1.3 h), of By-law 05-200, be deleted in its entirety and the following subsections "i)" and "j)" be renumbered to "h)" and "i)" respectively.

40. That Section 6.2.1, of By-law 05-200, be amended by deleting the use "Medical Office".

41. That Section 6.3.1, of By-law 05-200, be amended by deleting the use "Medical Office".

42. That Section 6.4.1, of By-law 05-200, be amended by deleting the use "Medical Office".

43. That Section 6.4.3, of By-law 05-200, be amended by renumbering subsections "j)" and "k)" to "k)" and "l)" respectively and that the following subsection be added:

   "j) Restrictions of Uses within a Building The following uses shall only be permitted above the ground floor, except for access, accessory office and utility areas:

       Dwelling Unit(s)
       Multiple Dwelling"
44. That Section 6.5.1, of By-law 05-200, be amended by replacing the word "Street Townhouse" with "Street Townhouse Dwelling".

45. That Section 8.3.1, of By-law 05-200, be amended by deleting the use "Medical Office".

46. That Section 8.3.2.2, of By-law 05-200, be amended by deleting the words "Medical Office".

47. That Section 8.3.2.2 c), of By-law 05-200, be amended by adding the words "Retirement Home or Long Term Care Facility" after "Educational Establishment".

48. That Section 9.1.1, of By-law 05-200, be amended by deleting the use "Medical Office".

49. That Section 9.1.2, of By-law 05-200, be deleted in its entirety and replaced with the following:

"9.1.2 PROHIBITED USES"

i) Notwithstanding Section 9.1.1, the following types of manufacturing uses, except if these uses are considered only as an accessory use to another permitted manufacturing use:

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

ii) Notwithstanding Section 9.1.1, the following uses are prohibited, even as accessory uses:

Day Nursery
Drive Through Facility
Dwelling Unit
Place of Worship

50. That Section 9.1.3 a), of By-law 05-200, be deleted in its entirety and replaced with the following:

"a) Maximum Yard Abutting a Street

i) Maximum 2.0 metres for the ground floor of a building, except here a visibility triangle shall be provided for a driveway access;

ii) Where a building(s) exists on a lot in conformity with i) above, with a ground floor façade being equal to 25% or more of the measurement of any street line, section ii) above shall not apply to any additional building(s); and,

iii) Notwithstanding i) and ii) above, for any lot abutting the existing Frid Street and Chatham Street, no minimum or maximum yard shall apply."

51. That Section 9.1.3 d), of By-law 05-200, be deleted in its entirety and replaced with the following:

d) Parking

i) In accordance with the requirements of
Section 5;

ii) Notwithstanding Section 5.6 c) iv. Of this By-law, no parking shall be required for any of the following uses:

Financial Establishment;
Personal Services;
Restaurant; and
Retail

52. That Section 9.1.3 e), of By-law 05-200, be deleted in its entirety and replaced with the following:

e) Location and Screening of Outdoor Storage and Outdoor Assembly

Outdoor Storage and Outdoor Assembly of goods, materials or equipment shall be permitted in conjunction with a building and the following regulations shall apply:

i) Outdoor Storage and Outdoor Assembly shall not be permitted in a Front Yard or a required Flankage Yard;

ii) Outdoor Storage and Outdoor Assembly shall not exceed 85% of the total lot area;

iii) Outdoor Storage and Outdoor Assembly shall be screened from view from any abutting street by a Visual Barrier in accordance with Section 4.19 of this By-law.

53. That Section 9.1.3 f), of By-law 05-200, be deleted in its entirety and replaced with the following:

"f) Size and i) Location
Restriction of Commercial and Institutional Uses within a Building

Except where located within an existing Planned Business Centre, the following uses shall only be permitted on the ground floor of a building in which the building has a minimum gross floor area of 2,000 square metres having a minimum 2 storey building height:
In the case of i) above, the second storey shall not be less than 75% of the gross floor area of the ground floor; and,

iii) In addition to i) above, an individual retail establishment shall be restricted to a maximum gross floor area of 500 square metres.”

54. That Section 9.1.3 i), of By-law 05-200, be amended by adding the following regulation:

“i) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area

   i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser; and

   ii) notwithstanding i) above, retail or accessory retail associated with a motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres.”

55. That Section 9.2.1, of By-law 05-200, be amended by deleting the words “Dry Cleaning Plant”.

56. That Section 9.2.3 d), of By-law 05-200, be amended by deleting the words “only as an accessory use” and be replaced with “in conjunction with a building”.

57. That Section 9.2.3 h), of By-law 05-200, be deleted in its entirety and replaced with the following:

“h) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area

   i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser; and

   ii) notwithstanding i) above, retail or accessory retail associated with a
motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres.

58. That Section 9.3.2, of By-law 05-200, be amended by adding "Concrete Crushing" and "Rock Crushing" uses to the Prohibited Uses.

59. That Section 9.3.3 b), of By-law 05-200, be amended by adding the following subsection:

"iii) Where a building(s) exists on a lot in conformity with i) and ii) above, with a ground floor façade being equal to 25% or more of the measurement of any street line, section ii) above shall not apply to any additional building(s)."

60. That Section 9.3.3 j) ii), of By-law 05-200, be amended by replacing "9.3.3 j)" with "9.3.3 i)".

61. That Section 9.3.3 k), of By-law 05-200, be amended by deleting the words "only as an accessory use" and be replaced with "in conjunction with a building".

62. That Section 9.3.3 m), of By-law 05-200, be deleted in its entirety and replaced with the following:

"m) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area

i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser; and

ii) notwithstanding i) above, retail or accessory retail associated with a motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres."

63. That Section 9.3.3 q) ii), of By-law 05-200, be amended by replacing "9.3.3 c) ii)" with "9.3.3 b) ii".

64. That Section 9.4.1, of By-law 05-200, be amended by deleting the use "Medical Office".

65. That Section 9.4.2, of By-law 05-200, be amended by adding "Concrete Crushing" and "Rock Crushing" uses to the Prohibited Uses.
66. That Section 9.4.3 b), of By-law 05-200, be amended by adding the following subsection:

"iii) Where a building(s) exists on a lot in conformity with i) and ii) above, with a ground floor façade being equal to 25% or more of the measurement of any street line, section ii) above shall not apply to any additional building(s)."

67. That Section 9.4.3 d) ii), of By-law 05-200, be amended by replacing "9.4.3 d)" with "9.4.3 c)".

68. That Section 9.4.3 g), of By-law 05-200, be amended by deleting the words "and Medical Office".

69. That Section 9.4.3 m), of By-law 05-200, be amended by deleting the words "only as an accessory use" and be replaced with "in conjunction with a building".

70. That Section 9.4.3 o), of By-law 05-200, be deleted in its entirety and replaced with the following:

"o) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area

i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser; and,

ii) notwithstanding i) above, retail or accessory retail associated with a motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres."

71. That Section 9.4.3 r) ii), of By-law 05-200, be amended by replacing "9.4.3 c) ii)" with "9.4.3 b) ii)".

72. That Section 9.5.1, of By-law 05-200, be amended by deleting the words "Dry Cleaning Plant".

73. That Section 9.5.3 h), of By-law 05-200, be deleted in its entirety and replaced with the following:

"h) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area

i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser; and,
ii) notwithstanding i) above, retail or accessory retail associated with a motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres.'

74. That Section 9.6.1, of By-law 05-200, be amended by deleting the use "Medical Office".

75. That Section 9.6.3 h), of By-law 05-200, be amended by deleting the words "and Medical Office".

76. That Section 9.6.3 m), of By-law 05-200, be amended by deleting the words "only as an accessory use" and be replaced with "in conjunction with a building".

77. That Section 9.6.3 n), of By-law 05-200, be deleted in its entirety and replaced with the following:

"n) Location and Size of Outdoor Display of goods, materials or equipment shall be permitted only as an accessory use and the following regulations shall apply:

i) Outdoor Display shall be permitted in a yard abutting a street, but shall be no closer than 3.0 metres to the lot line;

ii) In addition to i) above, the area devoted to Outdoor Display shall be limited to a combined maximum of 25% the Landscaped Area required by Section 9.6.3 k) i) above."

78. That Section 9.6.3 o), of By-law 05-200, be deleted in its entirety and replaced with the following:

"o) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area

i) 25% of the gross floor area of the principal use or 500.0 square metres gross floor area, whichever is the lesser; and,

ii) notwithstanding i) above, retail or accessory retail associated with a
motor vehicle service station shall be limited to a maximum gross floor area of 280 square metres.

79. That Map 1529 of Schedule “A”, of By-law 05-200, be amended to include additional zone boundaries, for the property known as 1425 Cormorant Road, the extent and boundaries of the lands attached to this By-law as Schedule “A” and be zoned “General Business Park (M2) Zone” with Special Exception 435 attached to the property.

80. That Special Exception 12 c) of Schedule “C”, of By-law 05-200, be amended by deleting the words “Medical Office”.

81. That Special Exception 368 b. of Schedule “C”, of By-law 05-200, be amended by deleting subsection b. in its entirety and, "c." and "d." be renumbered to "b." and "c." respectively.

82. That Special Exception 387 of Schedule “C”, of By-law 05-200, be amended by replacing "9.6.3 j) i)" with "9.6.3 k) i)" and by replacing "9.6.3 l) v)" with "9.6.3 m) v)".

83. That Special Exception 411 of Schedule “C”, of By-law 05-200, be amended by replacing "9.6.3 l) iv)" with "9.6.3 m) iv)".

84. That Special Exception 418 of Schedule “C”, of By-law 05-200, be amended by replacing "9.6.3 j)" with "9.6.3 k)".

85. That Special Exception 425 of Schedule “C”, of By-law 05-200, be amended as follows:

a. That "and described as 280, 328, 338 Trinity Church Road" be added between the words “Zoning Maps” and “the following”
b. That Section a. ii) be deleted in its entirety.
c. That Section “c.” be renamed to “d.” and Section “b.” be renamed to “c.”
d. That the following Section be added to Special Exception 425:

   “b. Notwithstanding Section 9.3.3, the following regulation shall apply:

   i) Minimum Lot Width 25.0 metres”

86. That Special Exception 428 of Schedule “C”, of By-law 05-200, be amended by deleting “Section 9.3.3 j) i) and Section j) ii)” of Section b., and replacing it with “Section 9.3.3 i) i), Section i) ii) and Section 5.1 v)".
87. That Special Exception 434 of Schedule "C", of By-law 05-200, be amended by adding "1149, 1200" after the word "Map" and by adding "620 South Service Road" after the words "680 Tradewind Drive".

88. That Special Exception 437 of Schedule "C", of By-law 05-200, be amended by deleting b. in its entirety and that "c." be renumbered to "b.".

89. That Schedule "C" – Special Exceptions, of By-law 05-200, be amended by adding the following Special Exception:

"435 In addition to Section 9.2.1 and Section 9.2.3, on those lands zoned General Business Park (M2) Zone, identified on Map 1529 of Schedule "A" – Zoning Maps and described as 1425 Cormorant Road, the following shall also apply:

i) The following uses shall also be permitted;

   a. Office
   b. Industrial Administration Office
   c. Surveying, Engineering, Planning or Design Business

ii) Gross Floor Area for Office Use - Maximum gross floor area for Office use within an individual building, excluding accessory office, shall be limited to 3,000 square metres."

90. 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.

R. Bratina                             R. Caterini
Mayor                                Clerk

CI-11-C
This is Schedule "A" to By-Law No. 11-
Passed the .......... day of ...................., 2011

Schedule "A"

Map Forming Part of
By-Law No. 11-_____
to Amend By-law No. 05-200
Map1529

Subject Property
1425 Cormorant Road

Lands to be rezoned by adding
Special Exception 435

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Date: August 16, 2011
Planner/Technician: AF/LMM

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
DRAFT Amendments
to the

Towns of Ancaster, Dundas, and Flamborough, the former Township of Glanbrook and the former Cities of Hamilton and Stoney Creek Official Plans

The following text constitutes:

1. Official Plan Amendment No. XX to the former Town of Ancaster Official Plan;
2. Official Plan Amendment No. XX to the former Town of Dundas Official Plan;
3. Official Plan Amendment No. XX to the former Town of Flamborough Official Plan;
4. Official Plan Amendment No. XX to the former Township of Glanbrook Official Plan;
5. Official Plan Amendment No. XX to the former City of Hamilton Official Plan; and,
6. Official Plan Amendment No. XX to the former City of Stoney Creek Official Plan.

1.0 Purpose:

The purpose of the Amendments is to undertake general text amendments to provide clearer direction for the location of ancillary uses within Employment areas.

2.0 Location:

The lands subject to this Amendment are all lands within the urban area that are designated Industrial/Light Industrial, Industrial-Business Park, Prestige Industrial – Business and North Glanbrook Industrial Business Park

3.0 Basis:

As part of the Ontario Municipal Board hearing and the settlements, the policies related to ancillary uses had to be clarified to more specifically reflect the intent of the original drafting and development of the industrial zones. As a result, the policies include specific locational criteria which focus the ancillary uses and allow the Zoning By-law to be more restrictive depending on a number of criteria, such as the surrounding land uses.

The general text amendments are consistent with the Provincial Policy Statement and conform to Growth Plan for the Greater Golden Horseshoe.
4.0 **Actual Changes:**

4.1 **Former Town of Ancaster Official Plan**

**Text Changes**

a) Modify Policy 4.6.1.1 by:

i) deleting the word 'shall' and replacing it with the word 'may';

ii) adding the words ', in accordance with the Zoning By-law' after the word 'Schedule B':

so the entire policy reads as follows:

> 4.6.1.1 The following uses shall may be permitted on lands designated Industrial on Schedule B, in accordance with the Zoning By-law:

b) Delete Policy 4.6.3 are replace it with the following new policy:

> 4.6.3 In addition to Policy 4.6.1.1 iii), ancillary uses may be permitted within the Industrial Areas provided the following conditions are met:

i) the uses shall be determined through the Zoning By-law in accordance with the policies of this Plan;

ii) Notwithstanding Policy 4.6.3.i), the Zoning-By-law may:

(a) permit a limited number of restaurants where a need for the use can be justified; or,

(b) restrict or limit the number of ancillary uses from occupying Industrial Areas.

iii) the need for the uses to support the businesses and employees within the Industrial Area has been determined;

iv) the uses shall only be located along the exterior of the Industrial Area and should generally be located at intersections of arterial or collector roads; and,

v) 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 4.6.1.1 i).
4.2 Former Town of Dundas Official Plan

Text Changes

a) Modify Policy 3.2.3.2 by:

i) deleting the word 'shall' in the first line and replacing it with the word 'may';

ii) adding the words ‘, in accordance with the Zoning By-law' after the word ‘Schedule A’:

so the entire policy reads as follows:

3.2.3.2 The following uses shall may be permitted on lands designated Industrial Area on Schedule A, in accordance with the Zoning By-law:

b) Add a new policy as follows:

3.2.3.9 In addition to Policy 3.2.3.2 iii), ancillary uses may be permitted within the Industrial 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 3.2.3.9a), the Zoning By-law may:

(i) permit a limited number of restaurants where a need for the use can be justified; or,

(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 Industrial Area has been determined;

d) the uses shall only be located along the exterior of the Industrial 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 3.2.3.2 a).
4.3 Former Town of Flamborough Official Plan

Text Changes

a) Modify Policy A.6.2.1.1 by:

i) deleting the word 'shall' in the first line and replacing it with the word 'may';

ii) adding the words ', in accordance with the Zoning By-law' after the word 'Schedule "A-1"':

so the entire policy reads as follows:

A.6.2.1.1 The following uses shall may be permitted on lands designated Prestige Industrial – Business on Schedule "A-1", in accordance with the Zoning By-law:

b) Delete Policy A.6.2.1.3 and replace it with the following new policy:

A.6.2.1.3 In addition to Policy A.6.2.1.1 (iii), ancillary uses may be permitted within the Prestige Industrial – Business Areas provided the following conditions are met:

i) the uses shall be determined through the Zoning By-law in accordance with the policies of this Plan;

ii) Notwithstanding Policy A.6.2.1.3(i), the Zoning By-law may:

(a) permit a limited number of restaurants where a need for the use can be justified; or,

(b) restrict or limit the number of ancillary uses from occupying Industrial Areas.

iii) the need for the uses to support the businesses and employees within the Prestige Industrial – Business Area has been determined;

iv) the uses shall only be located along the exterior of the Prestige Industrial – Business Area and should generally be located at intersections of arterial or collector roads; and,

v) 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 A.6.2.1.1(i).
4.4 **Former Township of Glanbrook Official Plan**

**Text Changes**

a) Modify Policy B.2.5.1 by:

   i) deleting the word 'shall' in the first line and replacing it with the word 'may';

   ii) adding the words ', in accordance with the Zoning By-law' after the word 'Schedule "A"':

   so the entire policy reads as follows:

   B.2.5.1 *The following uses shall may be permitted on lands designated North Glanbrook Industrial-Business Park on Schedule "A", in accordance with the Zoning By-law.*

b) Delete Policy B.2.5.2.3 and replace it with the following new policy:

   **B.2.5.2.3** *In addition to Policy B.2.5.1 (c), ancillary uses may be permitted within the North Glanbrook Industrial-Business Park 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 B.2.5.2.3 (a), the Zoning By-law may:*

      (i) *permit a limited number of restaurants where a need for the use can be justified; or,*

      (ii) *restrict or limit the number of ancillary uses from occupying Industrial Areas.*

   c) *the need for the uses to support the businesses and employees within the North Glanbrook Industrial-Business Park has been determined;*

   d) *the uses shall only be located along the exterior of the North Glanbrook Industrial-Business Park 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 B.2.5.1i).*
4.5 **Former City of Hamilton Official Plan**

a) Modify Policy A.2.3.1 by:

i) adding the words 'and zoned in accordance with the Zoning By-law' between the words 'Schedule “A”' and 'shall'; and,

ii) deleting the word 'shall' and replacing it with the word 'may';

A.2.3.1 *Uses permitted on lands designated Industrial on Schedule “A” and zoned in accordance with the Zoning By-law shall may include ....*

b) Add a new policy A.2.3.7A as follows:

A.2.3.7A In addition to Policy A.2.3.1 and A.2.3.6 iii), ancillary uses may be permitted within the Industrial Areas provided the following conditions are met:

i) the uses shall be determined through the Zoning By-law in accordance with the policies of this Plan;

ii) Notwithstanding Policy A.2.3.7A.i), the Zoning By-law may:

   (a) permit a limited number of restaurants where a need for the use can be justified; or,

   (b) restrict or limit the number of ancillary uses from occupying Industrial Areas.

iii) the need for the uses to support the businesses and employees within the Industrial Area has been determined;

iv) the uses shall only be located along the exterior of the Industrial Area and should generally be located at intersections of arterial or collector roads; and,

v) 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 A.2.3.1 and A.2.3.6 i).

c) Modify Policy A.2.3.10 to delete the first sentence “Ancillary uses which serve the businesses and employees of the LIGHT INDUSTRIAL CLASSIFICATION as described in Policy 2.3.9 iii), shall be encouraged to locate fronting arterial roads or collectors roads into the industrial area.”
d) Add a new policy A.2.3.10A as follows:

A.2.3.10A In addition to Policy A.2.3.1, and A.2.3.9.iii), ancillary uses may be permitted within the Light Industrial Classification provided the following conditions are met:

i) the uses shall be determined through the Zoning By-law in accordance with the policies of this Plan;

ii) Notwithstanding Policy A.2.3.10A i), the Zoning By-law may:

(a) permit a limited number of restaurants where a need for the use can be justified; or,

(b) restrict or limit the number of ancillary uses from occupying Industrial Areas.

iii) the need for the uses to support the businesses and employees within the Light Industrial Classification has been determined;

iv) the uses shall only be located along the exterior of the Light Industrial Classification and should generally be located at intersections of arterial or collector roads; and,

v) 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 A.2.3.1 and A.2.3.9 i).

4.6 Former City of Stoney Creek Official Plan

Text Changes

a) Modify Policy A.4.2.1.1 by:

i) deleting the word ‘shall’ in the first line and replacing it with the word ‘may’;

ii) adding the words ‘, in accordance with the Zoning By-law’ after the word ‘Schedule “A”’:

so the entire policy reads as follows:

A.4.2.1.1 The following uses shall may be permitted on lands designated INDUSTRIAL-BUSINESS PARK on Schedule “A”, in accordance with the Zoning By-law:

b) Modify Policy A.4.2.1.3 to delete the first sentence:
"Ancillary uses which serve the businesses and employees of the Industrial-Business Park as described in Policy A.4.2.1.1 c), shall only be permitted at locations fronting arterial roads or collectors roads into the business parks".

c) Add a new Policy A.4.2.1.3A to delete the first sentence:

A.4.2.1.3A In addition to Policy A.4.2.1.1(c), ancillary uses may be permitted within the North Glanbrook Industrial-Business Park 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 A.4.2.1.3A (a), the Zoning By-law may:

(i) permit a limited number of restaurants where a need for the use can be justified; or,

(ii) restrict or limit the number of ancillary uses from occupying Industrial Areas.

c) the need for the uses to support the businesses and employees within the North Glanbrook Industrial-Business Park has been determined;

d) the uses shall only be located along the exterior of the North Glanbrook Industrial-Business Park 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 A.4.2.1.1 a)

5.0 Implementation:

A Zoning By-Law Amendment will give effect to this Amendment.

These Amendments are Schedule "1" to By-law No. 11- [number], passed on the day of, 2011.

The
City of Hamilton

Robert Bratina
MAYOR

Rose Caterini
CITY CLERK
DRAFT Amendment No. [BLANK] to the

Official Plan for the Former Township of Glanbrook

The following text, together with Schedule "A" - Land Use Plan of the Official Plan of the former Township of Glanbrook, attached hereto, constitute Official Plan Amendment No. [BLANK].

Purpose:

The purpose of this Amendment is to create a site specific policy to permit limited manufacturing uses on a property with a "General Commercial" designation.

Location:

The property affected by this Amendment is known municipally as 5366 Twenty Road East, and is located on the south side of Twenty Road E, east of the Dartnell Road Extension, in the former Township of Glanbrook.

Basis:

The basis for the redesignation is as follows:

- The proposed development is consistent with the Provincial Policy Statement.
- The proposed amendment conforms with and implements the "Urban Area" designation of the Hamilton-Wentworth Official Plan.
- The proposed amendment will expand the range of permitted uses within the Business Park to create more opportunities for development

Text Changes:

1. That Section B.2.3, General Commercial, be amended by adding a new policy after B.2.3.12. The new policy reads as follows:

   B.2.3.12A General Commercial Lands known municipally as 5365 Twenty Road East, former Township of Glanbrook

   In addition to the uses permitted in Policy B.2.3.12, General Commercial lands within the North Glanbrook Industrial – Business Park, the following policies shall apply:
Limited manufacturing may be permitted, in accordance with the Zoning By-law;

Noxious uses, such as but not limited to slaughtering, eviscerating, rendering or cleaning of meat, poultry or fish, primary production of chemicals, vulcanizing of rubber, shall be prohibited, in accordance with the Zoning By-law; and,

Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited in accordance with the Zoning By-law.

**Mapping Changes:**

1. Schedule "A", Land Use Plan, be revised by identifying the subject lands as OPA No. [Redacted], as shown on the attached Schedule “A” to this Amendment.

**Implementation:**

An implementing Zoning By-law Amendment and Site Plan will give effect to this Amendment.

This amendment is Schedule "1" to By-law No. [Redacted], passed on the [Redacted] day of [Redacted], 2011.

The

City of Hamilton

______________________________  ________________________________
Robert Bratina                             Rose Caterini
Mayor                                       Clerk
Schedule A
Draft Amendment No. 1
To the Official Plan
for the
former Township of Glanbrook

Lands to be subject to Site Specific Policy B.2.3. (5365 Twenty Road East)

Date: October 18, 2011
Revised by: LIUJAW
Reference File No.: OPA___

Note: See Township of Glanbrook Official Plan for details on Official Plan Amendments (OPAs)
Appendix “D” to Report PED11199
Page 1 of 4

Draft Urban Hamilton Official Plan
Amendment No. X

The following text constitutes Official Plan Amendment X to the Urban Hamilton Official Plan.

1.0  **Purpose and Effect:**

The purpose and effect of this Amendment is to undertake general text amendments to provide clearer direction for the location of uses, including ancillary uses within Employment areas.

2.0  **Location:**

The lands subject to this Amendment are all lands within the urban area that are designated Employment Area-Industrial Land and Employment Area-Business Park.

3.0  **Basis:**

As part of the Ontario Municipal Board hearing and the settlements, the policies related to ancillary uses had to be clarified to more specifically reflect the intent of the original drafting and development of the industrial zones. As a result, the policies include specific locational criteria which focus the employment uses, including ancillary uses which then allow the Zoning By-law to be more restrictive depending on a number of criteria, such as the surrounding land uses.

The general text amendments are consistent with the Provincial Policy Statement and conform to Growth Plan for the Greater Golden Horseshoe.

4.0  **Changes:**

4.1  **Volume 1 – Section E.5-Employment Area Designations**

4.1.1  Modify Policy E.5.2.4 by deleting the words ‘shall’ in the and replacing it with the word ‘may’

5.2.4  Uses permitted in the Employment Area designations shall **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, office, and accessory uses. Ancillary uses which primarily support businesses and employees within the Employment
4.1.2 Modify Policy E.5.3.2 by:

i) deleting the word 'shall' and replacing it with the word 'may';

ii) adding the words ', in accordance with the Zoning By-law' after the word 'Designations';

so the entire policy reads as follows:

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:

4.1.3 Delete Policy E.5.3.2.1 and replace it with a new Policy as follows:

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.5.3.2.1a), 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.5.3.2 a).

4.1.4 Modify Policy E.5.4.3 by:

i) deleting the word 'shall' and replacing it with the word 'may';

ii) adding the words 'in accordance with the Zoning By-law' after the word 'Designations';

so the entire policy reads as follows:

5.4.3 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**:

4.1.5 Delete Policy E.5.4.4 and replace it with a new Policy as follows:

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).

5.0 Implementation:

An implementing Zoning By-Law Amendment will give effect to the Official Plan policies.

This Amendment is Schedule “1” to By-law No. ____ passed on the day of, 2011.

The
City of Hamilton

__________________________  ____________________________
Robert Bratina              Rose Caterini
MAYOR                      CITY CLERK
DRAFT Amendment No. X to the Urban Hamilton Official Plan

The following text, attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of the Amendment is to create a site specific policy to permit a limited number of manufacturing uses on a property with an "arterial commercial" designation.

2.0 Location:

The property affected by this Amendment is known municipally as 5365 Twenty Road East, and is located on the south side of Twenty Road E, east of the Dartnell Road Extension, in the former Township of Glanbrook.

3.0 Basis:

The basis for permitting this amendment is as follows:

- The proposed amendment is consistent with the Provincial Policy Statement and conforms to the Places to Grow Growth Plan.

- The proposed amendment is compatible with the existing and planned development in the immediate area.

- The proposed amendment will expand the range of permitted uses within the Business Park to create more opportunities for development.

4.0 Actual Changes:

4.1 Text Changes:

4.1.1 Volume 3, Chapter C – Urban Site Specific Policies; Glanbrook – Commercial is amended by:

a) Adding the new site specific subsection UGC-X to read as follows:
"UGC-X Lands located at 5365 Twenty Road East, and is located on the south side of Twenty Road E, east of the Dartnell Road Extension, in the former Township of Glanbrook.

1.0 In addition to the uses permitted in Policy E.4.2.6 - General Commercial and Mixed Use Designation and policy E.4.8.2 - Arterial Commercial of Volume 1, lands designated Arterial Commercial, located at 5365 Twenty Road East, the following policies shall apply:

a) Limited manufacturing may be permitted in accordance with the Zoning By-law;

b) Noxious uses, such as but not limited to slaughtering, eviscerating, rendering or cleaning of meat, poultry or fish, primary production of chemicals, vulcanizing of rubber, shall be prohibited, in accordance with the Zoning By-law; and,

b) Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited, in accordance with the Zoning By-law.

5.0 Implementation:

An implementing Zoning By-Law Amendment and Site Plan will give effect to this Amendment.

This amendment is Schedule "\[\]" to By-law No.\[\] passed on the \[\] day of \[\].

The
City of Hamilton

__________________  ____________________
Robert Bratina                          Rose Caterini
MAYOR                        CLERK
CITY OF HAMILTON

BY-LAW No. [REPLACE WITH BILL NUMBER]

To Amend Zoning By-law No. 464 (Glanbrook),
Respecting the Property Located at 5365 Twenty Road East

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 area municipality known as “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 of the former area municipalities 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 [REPLACE WITH ITEM NUMBER] of Report [REPLACE WITH REPORT NUMBER] of the Planning Committee at its meeting held on the [REPLACE WITH DATE] day of [REPLACE WITH MONTH], 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), upon finalization of Official Plan Amendment [REPLACE WITH AMENDMENT NUMBER];

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Schedule "C", appended to and forming part of By-law No. 464 (Glanbrook), is amended by changing the zoning from the General Commercial "C3-116" and "C3-117" Zone to the General Commercial "C3-271" Zone, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Section 44. "Exceptions to the Provisions of the By-law", of Zoning By-law No. 464, be amended by adding a new Special Exemption, "C3-271", as follows;

"C3-271" 5365 Twenty Road East

1. That all uses and regulations of Special Exemptions "C3-116" and "C3-117" shall apply; and,

2. In addition to the uses permitted in "C3-116" and "C3-117", the following uses shall also be permitted on the lands zoned "C3-271:

(a) Manufacturing, except for the uses listed below which shall be prohibited, even as an accessory use:

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

2. 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 \( \square \) day of \( \square \), 2011.

R. Bratina  
Mayor

R. Caterini  
Clerk

CI-11-E
This is Schedule "A" to By-Law No. 11-
Passed the .......... day of ......................, 2011

Schedule "A"

Map Forming Part of
By-Law No. 11-______
to Amend By-law No. 464

Subject Property
5365 Twenty Road East

Change in Zoning to permit a further modification
to the General Commercial "C3-271" Zone
CITY OF HAMILTON

BY-LAW NO. [Redacted]

To Amend Zoning By-law No. 05-200 (Hamilton),
Respecting the Property Located at South-West Corner of Twenty Road East and Glover Road

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, Statutes of Ontario, 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the first stage of the Zoning By-law, being By-law No. 05-200, came into force on May 25, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [Redacted] of Report 11-[Redacted] of the Economic Development and Planning Committee at its meeting held on the [Redacted] day of [Redacted], 2011, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton, in accordance with the provisions of the Planning Act.

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

1. That Maps (1635,1636, 1677 and 1678) of Schedule “A” – Zoning Maps, of By-law 05-200, be amended by changing the zoning from the Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 49) Zone, the extent and
boundaries of which are shown on a plan hereto annexed as Schedule "A" to this By-law.

2. That Schedule "C" - Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding the following subsection:

"49. Notwithstanding 9.3.3 b) ii) of Zoning By-law 05-200, on those lands zoned Prestige Business Park (M3) Zone, as identified on Map Nos. 1635, 1636, 1677 and 1678 of Schedule "A" - Zoning Maps, and described being located at the south-west corner of Twenty Road East and Glover Road, be amended to provide that Section 9.3.3 b) ii) shall not apply."

3. 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.

R. Bratina
Mayor

R. Caterini
Clerk

CI-11-F
Schedule "A"

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

to Amend By-law No. 05-200
Map 1635, 1636, 1677 & 1678

Subject Property
Twenty Road East
Lands to be zoned Prestige Business Park
(M3, 49) Zone

This is Schedule "A" to By-Law No. 11-
Passed the .......... day of ................., 2011

Clerk

Mayor