### CITY OF HAMILTON

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

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<th>Report to:</th>
<th>Chair and Members Economic Development and Planning Committee</th>
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| Submitted by: | Tim McCabe  
General Manager  
Planning and Economic Development Department |
| Date: | July 20, 2009 |
| Files: | OPA-07-037/ZAC-07-113 |
| Prepared by: | Delia McPhail  
(905) 546-2424, Ext. 6663 |

**SUBJECT:** Applications for Amendments to the City of Stoney Creek Official Plan and Zoning By-law No. 3692-92, and for an Amendment to the City of Hamilton Zoning By-law No. 6593, for the Lands Located at the Northwest Corner of Stone Church Road East and the Red Hill Valley Parkway Ramps (Stoney Creek / Hamilton) (PED09185) (Wards 6 and 9)

**RECOMMENDATION:**

(a) That approval be given to **Official Plan Amendment Application OPA-07-037, by Ministry of Energy and Infrastructure, Owner**, for Official Plan Amendment No. [ ], to amend Schedule ‘A’, General Land Use Plan, from “Agricultural” to “Industrial-Business Park”, and to amend Schedule ‘A3’, West Mountain Planning District Secondary Plan, from Special Policy Area “D” to “Industrial-Business Park”, of the Official Plan for the City of Stoney Creek, for the lands located on Part of Lot 33, Concession 7, in the former Township of Saltfleet (Stoney Creek), shown as Block 1 on Appendix “A” to Report PED09185, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09185, be held in abeyance until such time that the Owner has entered into an Agreement with the City of Hamilton for the transfer of the Trinity Church Road Corridor and east-west corridor lands, to the satisfaction of the Directors of Planning and Development Engineering;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.
SUBJECT: Applications for Amendments to the City of Stoney Creek Official Plan and Zoning By-law No. 3692-92, and for an Amendment to the City of Hamilton Zoning By-law No. 6593, for the Lands Located at the Northwest Corner of Stone Church Road East and the Red Hill Valley Parkway Ramps (Stoney Creek / Hamilton) (PED09185) (Wards 6 and 9) - Page 2 of 14

(b) That approval be given to **Amended Zoning Application ZAC-07-113, by Ministry of Energy and Infrastructure, Owner**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Prestige Industrial “MT-10” Zone, with a Special Exception in Zoning By-law No. 3692-92 (Stoney Creek), and changes in zoning from the “M-12” (Prestige Industrial) District, “M-14” (Prestige Industrial) District and “AA” (Agricultural) District to the “M-14/S-1590” (Prestige Industrial) District, with a Special Exception in Zoning By-law No. 6593 (Hamilton), to permit prestige industrial development on the lands located on Part of Lots 33 and 34, Concession 7, in the former Township of Saltfleet (Stoney Creek), shown as Blocks 1, 2, 3 and 4 on Appendix “A” to Report PED09185, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09185, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time that the Owner has entered into an Agreement with the City of Hamilton for the transfer of the Trinity Church Road Corridor and east-west corridor lands, to the satisfaction of the Directors of Planning and Development Engineering;

(ii) That the draft By-law, attached as Appendix “D” to Report PED09185, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time that the Owner has entered into an Agreement with the City of Hamilton for the transfer of the Trinity Church Road Corridor and east-west corridor lands, to the satisfaction of the Directors of Planning and Development Engineering;

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and will be in conformity with the Official Plan for the City of Stoney Creek upon approval of OPA No. [__].

(c) That upon finalization of the implementing By-law, attached as Appendix “D”, the East Mountain Industrial-Business Park Neighbourhood Plan be amended to redesignate a portion of the lands, shown as Block 3 on Appendix “A” to Report PED09185, from “Restricted Industrial-Commercial” to “Restricted Industrial”.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of this application is to apply consistent zoning on the subject lands (see Appendix "A"), and expand the range of permitted uses to include a transportation depot and accessory retail uses, in keeping with the draft employment zones for the City’s new Zoning By-law No. 05-200.

The proposal has merit and can be supported since the changes in Official Plan designation and zoning are consistent with the Provincial Policy Statement, and conform to the Hamilton-Wentworth Official Plan. The proposal is consistent with, and complementary to, the existing and proposed development in the immediate area.

The Owner is in the process of finalizing an Agreement with the City for the transfer of the Trinity Church Road and east-west corridor lands. As such, it is appropriate to hold the implementing Official Plan and Zoning By-law Amendments in abeyance until the Agreement is finalized.

BACKGROUND:

Proposal

The subject lands have been deemed surplus by the applicant (Ministry of Energy and Infrastructure) who wishes to secure the necessary approvals in order to sell it to a third party for development purposes.

The purpose of the application is twofold: firstly, it is to amend the City of Stoney Creek Official Plan and Zoning By-law by re-designating the easterly portion of the subject property (Block 1 - Appendix “A”) from “Agricultural” to “Industrial - Business Park” on Schedule ‘A’, General Land Use Plan, and from “Special Policy Area ‘D’ ” to “Industrial - Business Park” on Schedule ‘A3’, West Mountain Planning District Secondary Plan, and by rezoning the lands from the Neighbourhood Development “ND” Zone to a site-specific Prestige Industrial “MT-10” Zone. Secondly, it is to amend the City of Hamilton Zoning By-law by rezoning the lands from the “M-12” (Prestige Industrial) District, “M-14” (Prestige Industrial) District, and “AA” (Agricultural) District to the site-specific “M-14/S-1590” (Prestige Industrial) District, Modified (Blocks 2, 3 and 4 - Appendix “A”).

The intent of the application is to create uniform zoning to permit prestige industrial development. The proposed Prestige Industrial “MT-10” Zone and “M-14/S-1590” (Prestige Industrial) District, Modified, are based on the proposed Prestige Business Park (M3) Zone for inclusion in the City’s new Zoning By-law No. 05-200, and have been developed through extensive consultation with the applicant and staff.
Details of Submitted Application

**Location:** Northwest Corner of Stone Church Road East and the Red Hill Valley Parkway Ramps (Stoney Creek/Hamilton)

**Owner/Applicant:** Ministry of Energy and Infrastructure

**Agent:** Ontario Realty Corporation

**Property Description:**
- **Total Lot Frontage:** 146.1m
- **Total Lot Depth:** 393.5m (average)
- **Total Lot Area:** 5.26 ha
- **Servicing:** No Municipal Services

**EXISTING LAND USE AND ZONING:**

<table>
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<tr>
<th>Subject Land:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>Vacant</td>
<td>“M-12” (Prestige Industrial) District</td>
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<td>“M-14” (Prestige Industrial) District</td>
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<td>“AA” (Agricultural) District</td>
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<td>Neighbourhood Development “ND” Zone</td>
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<th>North:</th>
<th>Lincoln Alexander Expressway</th>
<th>N/A</th>
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| West:         | Light Industrial and Vacant  | “M-12” (Prestige Industrial) District |
|---------------|------------------------------| “M-14” (Prestige Industrial) District |
|               |                              | “AA” (Agricultural) District |

| South:        | Vacant                       | “M-12” (Prestige Industrial) District |
|---------------|------------------------------| “M-14” (Prestige Industrial) District |

| East:         | Red Hill Valley Parkway Ramps | N/A |

**ANALYSIS/RATIONALE:**

1. The proposed Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:
(i) The proposed development is consistent with the Provincial Policy Statement.

(ii) The proposed development conforms to the Hamilton-Wentworth Official Plan and the general intent of the Hamilton and Stoney Creek Official Plans.

(iii) The proposal is compatible in scale, density, and form with the existing and planned development in the area.

(iv) The proposal provides for uniform zoning on the subject lands.

2. The subject lands have been deemed surplus by the applicant (Ministry of Energy and Infrastructure), who wishes to secure the necessary planning approvals in order to sell it to a third party for development purposes. The applicant has also provided the following studies and reports in support of the application: environmental contamination; archaeological potential; the extent of karst features; traffic volumes; and, servicing considerations of the proposal. Details of the specific studies are presented below:

(i) A Phase I Environmental Site Assessment was conducted in 2005 by URS Canada Inc. to evaluate the environmental conditions of the site, and to determine as to whether or not there was potential or actual evidence that contamination exists on the property. The assessment concluded that there were no on-site or off-site activities or objects of significant environmental concern that would potentially impact the site.

(ii) A Traffic Brief had been prepared by Paradigm Transportation Solutions Ltd., which identified the transportation aspects of the subject property, including current and proposed roads to service the site. The brief identified that access to the site will be limited to connections to Stone Church Road, and that the preferred access arrangement would be near the westerly limit of the subject property, the further review of which will be considered upon the future submission of development application(s). The document concluded that the proposed Zoning Amendment would not increase the traffic activity generated by the development of the lands, in comparison with the existing zoning. However, depending on the proposed use of the site, staff may require a traffic impact study at the Site Plan Stage in order to determine if additional lanes will be required to access the site from Stone Church Road. For further clarification, access to the subject lands will not be permitted from the Red Hill Valley Parkway Ramps or the Lincoln Alexander Expressway.
(iii) The Servicing Report by A.J. Clarke and Associates Ltd. addressed the engineering constraints and opportunities for the subject property, recognizing that there are limited municipal services to adequately service the site. The report recommended that water service be provided through an extension to the existing watermains along the frontage of the property at Stonechurch Road East and Pritchard Road, and that sanitary service be provided through the extension of an existing sleeve below the Trinity Church extension, as sufficient capacity exists within both systems.

There are no storm sewers on Stonechurch Road adjacent to the subject lands. The property is intended to drain into the Montgomery Creek watershed through the quality and quantity pond located within the Mud Street interchange. This pond drains into the existing storm sewer on Old Mud Street, and ultimately to a storm sewer outfall outletting into Montgomery Creek. Additional on-site controls (i.e. parking lot storage, stormsceptors), may be necessary as a requirement of subdivision or development approval, at which time siltation and erosion control measures will be required throughout the construction process.

(iv) A Stage 1 - 2 Archaeological Assessment was prepared by Archaeological Assessments Ltd., and determined that there are no significant archaeological resources present on the subject property, and that development of the site will not impact any archaeological resources.

(v) Karst: Given the subject property’s proximity to the Eramosa Karst, staff requested the advice of a professional hydrogeologist, which resulted in the determination that thick overburden soils would preclude the development of karst features on the site. However, Infrastructure and Source Water Planning staff recommends that the construction of buried infrastructure and building foundations could intercept a confined overburden/bedrock interface aquifer, and potentially create a flowing water condition. Therefore, future development applications on the subject lands may be required to evaluate the surface and vertical groundwater flow gradients prior to construction through a hydrogeological and geotechnical study.

3. In consultation with the applicant, the retail uses originally proposed in the application were removed from the list of permitted uses in the site-specific Zoning By-laws (Appendices “C” and “D”) in order to uphold the intent of the proposed employment policies and prestige business park zone. To ensure that any permitted retail and ancillary facilities within the subject property are associated with the employment uses proposed, the site-specific Zoning By-laws require that retail and showroom uses are accessory to the industrial use of the land, thereby limiting the
gros floor area. The site-specific zone incorporates new definitions and provisions that are consistent with the draft Prestige Business Park (M3) Zone for inclusion in the City’s new Zoning By-law No. 05-200.

Rather than building upon the existing Zoning By-law provisions, the site-specific Zoning By-laws are based on the provisions of the draft zone because the permitted uses and regulations are designed to enhance the image of the business parks within the City, such as incorporating a higher calibre of design standards, and the draft zone upholds the provincial policy direction in protecting employment areas.

4. Should the application be approved, the proposed use would be in keeping with the City of Hamilton’s Albion Falls Neighbourhood Plan, which designates the lands as “Light Industrial”. The studies and reports submitted for this application, as previously discussed, satisfy staff that the proposed uses are suitable for this site, as stipulated by the Special Policy Area “D” provision in Section 12.4.1 of the Stoney Creek Official Plan, which requires that appropriate studies are undertaken to identify suitable uses for the site.

5. The East Mountain Industrial-Business Park Neighbourhood Plan, approved by Hamilton Council in November 1971, provides guidance for the future development of the subject lands and the surrounding lands within the former City of Hamilton. This particular neighbourhood plan includes a land use map and, in order to reflect the limited industrial uses permitted applied to the subject property, the Plan should be amended to redesignate a portion of the subject lands (Block 3 - Appendix “A”) from “Restricted Industrial-Commercial” to “Restricted Industrial”.

6. The proposed development will be subject to Site Plan Control, at which time architectural design, a stormwater management report, road dedications, and securities for local sidewalk improvements will be required. Other matters, such as access, grading, geotechnical issues, landscaping, etc., will be also be reviewed in detail, including the requirement for upgrades to Stone Church Road East.

7. The Owner is in the process of finalizing an Agreement for the transfer of the Trinity Church Road and east-west corridor lands, and has agreed not to transfer any portion of the Trinity Church Road corridor required by the City to third parties. To ensure that the City is able to obtain these lands from the applicant, staff recommends that the implementing By-laws for Official Plan Amendment and Zoning By-law Amendment be held in abeyance until this agreement has been finalized (Recommendations “A (i), “B (i)” and “B (ii)”.

SUBJECT:  Applications for Amendments to the City of Stoney Creek Official Plan and Zoning By-law No. 3692-92, and for an Amendment to the City of Hamilton Zoning By-law No. 6593, for the Lands Located at the Northwest Corner of Stone Church Road East and the Red Hill Valley Parkway Ramps (Stoney Creek / Hamilton) (PED09185) (Wards 6 and 9) - Page 7 of 14
SUBJECT: Applications for Amendments to the City of Stoney Creek Official Plan and Zoning By-law No. 3692-92, and for an Amendment to the City of Hamilton Zoning By-law No. 6593, for the Lands Located at the Northwest Corner of Stone Church Road East and the Red Hill Valley Parkway Ramps (Stoney Creek / Hamilton) (PED09185) (Wards 6 and 9) - Page 8 of 14

ALTERNATIVES FOR CONSIDERATION:

In the event that Council does not support the applications, the lands within the former City of Stoney Creek would then be subject to the existing “Special Policy Area D” policies of the Official Plan and the Neighbourhood Development “ND” Zone provisions of the Zoning By-law, which would permit a single detached dwelling and/or agricultural uses on the easterly portion of lands (Block 1 - Appendix “A”). In the case of those lands within the former City of Hamilton (Blocks 2, 3 and 4 - Appendix “A”), the lands would then be subject to the existing “M-12” (Prestige Industrial) District and “M-14” (Prestige Industrial) District provisions, which would permit a range of prestige type industrial uses, and the “AA” (Agricultural) District.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

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 an Official Plan Amendment and Zoning By-law Amendment.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act.

“Employment Areas” are defined in the PPS as:

“Those 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.”

The application is consistent with the policies of the PPS that promote economic development and competitiveness in employment areas, as identified in Policy 1.3.1, such as protecting and preserving employment areas for current and future uses.
SUBJECT: Applications for Amendments to the City of Stoney Creek Official Plan and Zoning By-law No. 3692-92, and for an Amendment to the City of Hamilton Zoning By-law No. 6593, for the Lands Located at the Northwest Corner of Stone Church Road East and the Red Hill Valley Parkway Ramps (Stoney Creek / Hamilton) (PED09185) (Wards 6 and 9) - Page 9 of 14

Growth Plan for the Greater Golden Horseshoe (Places to Grow)

The definition of “Employment Areas” within the Growth Plan is derived from the Provincial Policy Statement, and Section 2.2.6 of the Growth Plan provides policies concerning Employment Lands. This application is consistent with the Employment policies in the Growth Plan that preserve employment areas for current and future uses, particularly in the vicinity of existing major highway interchanges for manufacturing, warehousing, and associated office and ancillary facilities. The application also facilitates transit-supportive and compact built form, as encouraged by the Growth Plan.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area - Business Park” in the Hamilton-Wentworth Official Plan, and Section C-3.1.3 contains policies concerning the range of industrial type permitted uses. Rather than competing with other employment areas, Business Parks are intended to expand upon the employment areas in the Region. Policy C-3.1.3.1 states that Business Parks shall provide a full range of manufacturing, construction, wholesale establishments, research and development uses, and office development associated with these uses.

The proposed development conforms to the Hamilton-Wentworth Official Plan.

Stoney Creek Official Plan

The subject property is within the Urban Area and designated “Agricultural” on Schedule “A” General Land Use Plan, and “Special Policy Area ‘D’” on Schedule “A3” Secondary Plan, West Mountain Planning District, in the Stoney Creek Official Plan.

The agricultural designation was used because the final alignment of the Red Hill Valley Parkway was not determined in 1993, which is when the Special Policy Area ‘D’ was applied to the lands. Now that the lands are no longer needed for the Parkway, an urban designation is required.

The Stoney Creek Official Plan states in Policy 12.4 that Special Policy Area ‘D’ has been identified as ultimately intended for industrial uses, in conjunction with the City of Hamilton. The Special Policy Area provision was utilized in order to require that studies be completed to determine suitable land uses for this site, to the satisfaction of the City.

As such, it has been determined that “Industrial-Business Park” is an appropriate designation for the subject lands.
The proposed development conforms to the general intent of the Stoney Creek Official Plan and is an appropriate use of the land.

The City of Hamilton Official Plan

The Hamilton Official Plan places a high priority on maintaining and enhancing Hamilton’s position as a major industrial centre in the Province through the retention of existing industries and the stimulation of new industrial growth, and particularly promotes Light Industrial areas since they have minimal environmental impacts. As Industry is the primary use permitted in such areas, any other uses must support and have similar characteristics or functional requirements as industries.

The subject property is designated “Industrial” and “Utilities” on Schedule “A” - Land Use Concept, and Schedules “B” - Special Policy Areas and “B-3” - Other Special Policy Areas refer to the lands as “Area 11(a)”. In addition to the general provisions of A.2.3 - Industrial Uses, the subject property is subject to Policy A.2.9.3.9, which states that,

“…in addition to the light industrial uses, business and professional offices and home improvement uses will be permitted…”

In terms of urban design, Policies 2.3.16 and 2.3.17 indicate that all development in the Prestige Industrial Districts will be subject to Site Plan Control, and that Council will encourage all new developments in Light Industrial precincts to adhere to good architectural quality in building design.

The “Utilities” designation applies to a portion of Blocks 2, 3 and 4, as shown in Appendix “A”, which includes the hydro corridor and lands that were set aside for the Red Hill Valley Parkway. Now that the final alignment of the Parkway has been established and lands are no longer needed for the Parkway, an industrial designation is required. Policy 2.7.4 of the Official Plan provides that additional uses may be permitted on Ontario Hydro Lands where Council deems it compatible with adjacent land uses, by agreement of the land owner and subject to the Neighbourhood Plan.

The proposed development conforms to the general intent of the Hamilton Official Plan.

Urban Hamilton Official Plan

The New Urban Official Plan for the City of Hamilton was adopted by Council on July 9, 2009. The Plan has been forwarded to the Province of Ontario for final approval, and is not yet in effect. The lands are designated as “Business Park” on the Schedule “E-1” - Urban Land Use Designations Schedule, which is consistent with the land uses being proposed by the current application.
SUBJECT: Applications for Amendments to the City of Stoney Creek Official Plan and Zoning By-law No. 3692-92, and for an Amendment to the City of Hamilton Zoning By-law No. 6593, for the Lands Located at the Northwest Corner of Stone Church Road East and the Red Hill Valley Parkway Ramps (Stoney Creek / Hamilton) (PED09185) (Wards 6 and 9) - Page 11 of 14

RELEVANT CONSULTATION:

Agencies/Departments Having No Concern or Objections:

- Public Works Department, Capital Planning and Implementation Division, Strategic and Environmental Planning Section.
- Public Health Services Department, Health Protection Division, Environmental Health Section.
- Emergency Services.
- Union Gas.
- Bell Canada.
- Canada Post.
- Horizon Utilities Corporation.
- Cogeco Cable Canada Inc.
- Ministry of Natural Resources.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.

Hamilton Conservation Authority:

The Hamilton Conservation Authority has no objection to the rezoning of the subject property. However, any future development proposals for the site will require the submission of a stormwater management report, which addresses stormwater quality and quantity, as well as the implementation of appropriate sediment and erosion controls on-site.

Ministry of Environment:

The Ministry of Environment advises that the subject property is not appropriate for a bulk fuel and/or oil storage establishment.
Trans-Northern Pipelines:

Trans-Northern Pipelines do not object to the proposed changes in land use designation and zoning, but reserves the right to object to forms of development which might endanger the pipeline, which traverses the property, or interfere unreasonably with its operation and maintenance. Facilities crossings of the pipeline or construction works which impinge on the pipeline right-of-way must be approved and completed, in accordance with the National Energy Board Act and the Pipeline Crossing Regulations, Part I.

Public Works Department, Operations and Maintenance Division, Forestry and Horticulture Section:

The Forestry and Horticulture Section acknowledges that a minor remnant woodlot and municipal trees are present on the subject property. These trees and woodlot should be shown on future submissions, but tree management will not be required. Due to their species and condition, they will be considered for “no replacement cost” by the developer.

Public Works Department, Operations and Maintenance Division, Infrastructure and Source Water Planning Section:

The Infrastructure and Source Water Planning Section advises that the subject land can be serviced through an extension of the water and sanitary sewers system on Upper Mount Albion, from Cedarville Drive and through the Heritage Greene development, in accordance with the servicing report submitted with the application. Staff notes that the developer may need to produce a plan for back-feeding, should the watermain be extended to Pritchard Road. Cost-sharing may be required as a result of the works.

With respect to the potential for karst type features, staff concur that due to the presence of moderately thick to thick low permeability overburden and the absence of the Eramosa Dolostone, it is unlikely that any sink or seep features will exist, and hence, no further concern from a hydrogeological perspective remains on the subject property. However, staff recommends that the surfaces and vertical groundwater flow gradients be evaluated prior to the construction of buried infrastructure and building foundations, as such action could intercept a confined overburden/bedrock interface, and potentially create a flowing water condition (see Paragraph #2(v) of the Analysis/Rationale section of this Report).
At the development stage, the owner/applicant will be required to dedicate sufficient land for the Stone Church road allowance, to the satisfaction of the City, if staff deems necessary, based on the detailed design of the Trinity Church Arterial Corridor (TCAC) project. In addition, a traffic impact study may be required at the site plan stage in order to determine if the proposed three-lane cross-section identified in the City’s Transportation Master Plan is sufficient, or if additional lanes will be required to access the site from Stone Church Road. Finally, the owner/applicant will be responsible for any roadway improvements to Stone Church Road, which may include design, new roadway construction, pavement widening of existing roads, and urbanization.

Open Space Development and Park Planning Section staff also identified that Stone Church Road is an on-street bike route.

The Transit Division commented that two bus routes currently service the area. The inclusion of high quality pedestrian amenities, such as walkways and lighting, as well as street orientation and pedestrian entrances to buildings, should be strongly encouraged at the development stage. The section also noted that mixed uses, rather than strictly industrial uses, would be more transit-supportive, however, staff recognize that, in consideration of separation distance requirements, for example, the inclusion of additional and potentially sensitive land uses would hinder the range of employment uses permitted and thereby compromise the ultimate success of the business park. On a larger scale, transit will be supported by the employment, commercial, and residential uses within the greater area.

Staff from the Budgets Section indicated that the applicant will be required to pay for local sidewalk improvements, which will be taken at the site plan stage of development.
Public Consultation

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 40 property owners within 120 metres of the subject property on February 4, 2008. One letter of opposition to the proposal was received from a lawyer representing Heritage Greene GP Limited (“Heritage Greene”), which is included as Appendix E” of this Report. The concerns raised in their correspondence pertain to cost-sharing for infrastructure improvements, however, this development will not be connecting to any private infrastructure built by Heritage Greene, nor will the industrial uses proposed conflict with the commercial uses within the Heritage Greene Development (see Paragraph #2(iii) of the Analysis/Rationale section of this Report).

A second letter, requesting copies of the subject application, was received by a land use planner representing Heritage Greene GP Limited (“Heritage Greene”), and is also included as Appendix E” of this Report.

A Public Notice sign was erected on the subject property on February 19, 2008, and Notice of the Public Meeting was given in accordance with the Planning Act.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Shelter, care, and satisfying employment are accessible to all Hamiltonians.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The principles of intensification and best use of available land are applied.

Economic Well-Being is enhanced. ☑ Yes ☐ No
The proposed development will contribute to the Economic Development of the City of Hamilton and provide additional employment opportunities.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:DM
Attachments. (5)
Amendment No.  [ ]

to the

Official Plan for the former City of Stoney Creek

The following text together with Schedule “A” - Schedule “A”, General Land Use Plan and Schedule “B” - Schedule “A3”, Secondary Plan West Mountain Planning District (Heritage Green) of the Official Plan of the former City of Stoney Creek, attached hereto, constitutes Official Plan Amendment No. [ ].

Purpose:

The purpose of this Amendment is to amend the City of Stoney Creek Official Plan and redesignate the subject lands from “Agricultural” to “Industrial - Business Park”, and from “Special Policy Area D” to “Industrial - Business Park” in order to permit industrial development.

Location:

The lands affected by this Amendment are located at the northwest corner of Stone Church Road East and the Red Hill Valley Parkway ramps in Stoney Creek.

Basis:

The basis for the redesignation is as follows:

- The proposed development is consistent with the Provincial Policy Statement.
- The proposed development is consistent with the Hamilton-Wentworth Official Plan and the general intent of the City of Stoney Creek Official Plan.
- The proposal is compatible in scale, density, and form with the existing and proposed development in the area.

Actual Changes:

Schedule Changes

1. Schedule “A”, General Land Use Plan, be revised by redesignating the subject lands from “Agricultural” to “Industrial-Business Park”, and identifying the subject lands as OPA No. [ ], as shown on the attached Schedule “A” to this Amendment.
2. Schedule “A3”, Secondary Plan West Mountain Planning District (Heritage Green) be revised by:

(i) Adding the “Industrial-Business Park” designation to the schedule legend and removing the “Special Policy Area ‘D’” designation from the schedule legend; and,

(ii) Redesignating the subject lands from “Special Policy Area ‘D’” to “Industrial - Business Park” and identifying the subject lands as OPA No. [insert number], as shown on the attached Schedule “B” to this Amendment.

Text Changes
(1) Subsection A.12 is amended by deleting Policy 12.4.

Implementation:

An implementing Zoning By-law Amendment will give effect to the intended use on the subject lands.

This is Schedule “1” to By-law No. [insert number], passed on the [insert date] day of [insert month], 2009.

The

City of Hamilton

_______________________  ________________________
Fred Eisenberger    Kevin C. Christenson
Mayor               Clerk

OPA-07-037
CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at the Northwest corner of Stone Church Road and Red Hill Parkway Ramps, Part of Lot 33, Concession 7 (Saltfleet), Former City of Stoney Creek

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 City of Stoney Creek” 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. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 09- of the Economic Development and Planning Committee at its meeting held on the day of , 2009, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former City of Stoney Creek); approved by the Minister under the Planning Act on May 12, 1986, upon the approval of Official Plan Amendment No. ;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Map No. 10 of Schedule “A”, appended to and forming part of Zoning By-law No. 3692-92 (Stoney Creek), is amended as follows:

   (a) by changing the zoning from the Neighbourhood Development “ND” Zone to the Prestige Industrial “MT-10” Zone on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Subsection 9.4.6, “Special Exemptions”, of Section 9.4 Prestige Industrial “MT” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, “MT-10”, as follows:

   “MT-10” Northwest corner of Stone Church Road and Red Hill Valley Parkway Ramps, Schedule “A”, Map No.10

   (1) That notwithstanding the provisions of Section 9.4.2 of the Prestige Industrial “MT” Zone of Zoning By-law No. 3692-92, on those lands zoned “MT-10” by this by-law, only the following uses shall be permitted:

   Commercial Motor Vehicle Sales, Rental and Service Establishment
   Communications Establishment
   Conference and Convention Centre
   Equipment and Machinery Sales, Rental and Service Establishment
   Industrial Administrative Office
   Labour Association Hall
   Manufacturing
   Office
   Research and Development Establishment
   Surveying, Engineering, Planning or Design Business
   Trade School
   Tradesperson’s Shop
   Transportation Depot
   Warehouse

   Accessory uses, buildings and structures.

   (2) Notwithstanding Section 9.4.2 of Zoning By-law No. 3692-92, the following use is prohibited, even as an accessory use:

   Dwelling Unit

   (3) That notwithstanding Section 9.4.2 of Zoning By-law No. 3692-92, the following types of manufacturing uses are prohibited, except as an accessory use to another permitted manufacturing use:

   Beverage Distillation
   Breweries
   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
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

(4) That notwithstanding Part 2 Definitions of Zoning By-law 3692-92, the following definitions shall apply:

Accessory: Shall mean, when used to describe a use of land, building or structure, shall mean a use which is commonly incidental, subordinate and exclusively devoted to the main use or main building situate on the same lot.

Commercial Motor Vehicle Sales, Rental and Service Establishment:
Shall mean an establishment where new or used commercial motor vehicles are stored and displayed for the purpose of sale, lease or hire, and shall include facilities for the storage and sale of parts accessory to such vehicles, together with the repair and service of the vehicles.

Communications Establishment:
Shall mean an establishment used for the broadcasting and production of information through various media, and shall include but not be limited to print, television, radio and electronic media, and which may include facilities for the printing or broadcasting of information but shall not include a call centre.

Conference and Convention Centre:
Shall mean an establishment, which is not a hotel, where facilities are provided for meetings, seminars, workshops, social gatherings and other similar activities including an exhibition facility, all which may include dining facilities for the
exclusive use of conference or convention participants.

**Equipment and Machinery Sales, Rental and Service Establishment:**

Shall mean the use of land, building or structure for the display, sale, lease or rental of commercial and/or industrial equipment and machinery, and shall include facilities for the storage and sale of parts accessory to such equipment and machinery, together with the repair and service of equipment and machinery.

**Industrial Administrative Office:**

Shall mean an office for the management or administration of manufacturing establishments.

**Labour Association Hall:**

Shall mean a building or part thereof, used as a meeting place by labour or trade unions and which is operated for the exclusive use of members and their guests and is not open to the general public on an equal basis, and may include but not be limited to administrative offices, training facilities and meeting rooms. A Labour Association Hall may also include a Trade School.

**Manufacturing:**

Shall mean the production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw or semi-processed or fully-processed goods or materials, and shall include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing Establishment, Pharmaceutical and Medical Establishment, Printing Establishment and/or a Science and Technology Establishment.

**Office:**

Shall mean a building or part of a building in which management, clerical, administrative, consulting, advisory or training services are offered or performed and shall include an Industrial Administrative Office, but shall not include a Medical Clinic, or a Surveying, Engineering, Planning or Design Business.

**Outdoor Assembly:**

Shall mean an area of land or structure that is not fully enclosed, used in conjunction with a
business located within a building or structure on the same lot, for the assemblage of goods and materials.

**Outdoor Display:** Shall mean an area of land used in conjunction with a business located within a building or structure on the same lot, for the display or sale, rent or lease of produce or merchandise.

**Outdoor Storage:** Shall mean an area of land or structure that is not fully enclosed, used in conjunction with a business located within a building or structure on the same lot, for the storage of goods and materials.

**Research and Development Establishment:** Shall mean an establishment or part thereof, used for the purpose of conducting pure and applied research, analysis and experimentation in any field of science, medicine, technology and manufacturing, and shall include but not be limited to facilities such as lecture rooms, administrative offices, laboratories, training facilities, display rooms, pilot plants, prototypical manufacturing, simulating equipment and the like, and service and machine shops to serve the Research and Development Establishment. A Research and Development Establishment shall also include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing Establishment, Laboratory, Pharmaceutical and Medical Establishment, and/or a Science and Technology Establishment.

**Surveying, Engineering, Planning or Design Business:** Shall mean a building or part of a building in which professionals in the field of surveying, engineering, planning or design provide technical consultation, analysis, advisory or administrative services.

**Trade School:** Shall mean a school in which specialized instruction in a skilled trade is provided, and which may include but not be limited to construction, industrial and motive power trades, and which is operated on a financial profit basis.
but shall not include a Commercial School or an Educational Establishment.

**Tradesperson’s Shop:** Shall mean a building in which is provided to the public a non-personal service or trade, and shall include but not be limited to, a carpenter’s shop, contractor’s shop, electrician shop, painter’s shop, plumber’s shop and other shops that provide an installation service.

**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 also include courier service facilities.

**Warehouse:** Shall mean a building used for the bulk storage and/or distribution of goods to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public.

(5) That notwithstanding Section 9.4.3 and Section 9.1 of Zoning By-law No. 3692-92, only the following zone regulations shall apply:

(a) **Minimum Lot Area:** 4,000.0 square metres
(b) **Minimum Lot Width:** 60 metres
(c) **Front Yard:**
   i) Minimum 6.0 metres
   ii) Maximum 25.0 metres
(d) **Minimum Side Yard:** 3.0 metres
(e) **Flankage Yard:**
   (i) Minimum 6.0 metres
   (ii) Maximum 25.0 metres
(f) **Lot Coverage:** Not required
(g) **Maximum Floor Area Ratio:** 0.6 of the lot area
(h) **Building Height:** No maximum
(i) **Maximum Gross Floor Area for Accessory Retail and Showroom Area:**

   25% of the gross floor area of the principal use or 500 square metres gross floor area, whichever is the lesser.

(j) **Maximum Gross Floor Area for Office Use:**
Where a building is solely used for an Office or another non-Manufacturing use, an individual office building shall be restricted to a maximum gross floor area of 2,000 square metres.

(k) **Maximum Gross Floor Area for Industrial Administrative Office or Surveying, Engineering, Planning or Design Business Use:**

No Industrial Administrative Office or Surveying, Engineering, Planning or Design Business building shall have a gross floor area of 10,000 square metres or greater.

(l) **Location Restriction of Manufacturing Uses:**

Any building or structure used for Manufacturing shall be setback a minimum 20.0 metres from any portion of a lot line abutting a lot line within a Residential Zone or an Institutional Zone.

(m) **Landscaped Area:**

A minimum 6.0 metre wide landscaped area shall be provided and maintained abutting a street, except for points of ingress and egress, but shall not include any lands within a hydro corridor or hydro right-of-way.

(n) **Accessory Buildings:**

Accessory buildings are not permitted within the required front yard or required flankage yard and must be set back a minimum 3.0m from any other lot line.

(o) **Parking Location:**

The following provisions apply to all uses:

(i) Required parking facilities shall be located on the same lot as the use requiring the parking.

(ii) Notwithstanding Subsection (i) above, where the provision of parking on the same lot as the use requiring such parking is not possible, or not practical, such parking facilities may be located on another lot within 300.0 metres of the lot containing the use requiring the parking. Such alternate parking shall only be situated in a Commercial or Industrial Zone or within the same zone as the use requiring such parking, and shall be subject to Subsection (iii) herein.

(iii) Where the required parking is provided in accordance with Subsection (ii) above, the
owners of both lots shall enter into an agreement with the City to be registered against the title of both the lot upon which parking is to be provided and the lot containing the use requiring the parking. The lot upon which the parking is located, pursuant to the agreement, shall continue to be so used only for such purposes until alternate parking spaces in conformity with the regulations of this By-law are provided.

(iv) Parking as provided for in Subsection (iii) may be transferred to another lot in accordance with Subsection (ii), provided that an agreement as required by Subsection (iii) is registered on title of said other lot.

(v) Parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall not be located within 6.0 metres of a street line, and subject to a 6.0 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle.

(p) Parking Design Standards:

(i) No parking space shall be less than 2.6 metres in width by 5.5 metres in length, unless otherwise provided for in this By-law;

(ii) All required parking shall be provided with adequate means of ingress and egress to and from the street or laneway, and shall be arranged so as not to interfere with normal public use of the street or laneway. Any parking lot shall provide for ingress and egress of vehicles to and from a street in a forward motion only;

(iii) Notwithstanding Subsection (i) herein, in the case of parallel parking:

(a) Each parallel parking space shall have a minimum width of 2.4 metres and a
minimum length of 6.7 metres. End spaces which have a clear, unobstructed approach, shall have a minimum length of 5.5 metres; and,

(b) The aisle giving access to a parallel parking space shall have a minimum width of 3.6 metres for one-way traffic and a minimum width of 6.0 metres for two-way traffic;

(iv) Parking spaces, driveways, and any widening(s) thereof shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard surfaced material, crushed stone or gravel, and shall be maintained in a dust free condition. Parking lots shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material;

(v) Notwithstanding Subsection (i) herein, in the case of a barrier free parking, each parking space shall have a minimum width of 4.4 metres and a minimum length of 5.5 metres.

(q) Parking Schedules: Parking spaces shall be provided in the minimum quantity specified in Column 2 hereunder for each use listed in Column 1:

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>i. Educational Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Trade School</td>
<td>1 for each 30.0 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td><strong>ii. Commercial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Commercial Motor Vehicle Sales, Rental and Service Establishment</td>
<td>1 for each 100 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Equipment Sales, Rental and Service Establishment</td>
<td></td>
</tr>
<tr>
<td>Conference or Convention Centre</td>
<td>1 for each 50.0 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td>Industrial Administrative Office Office</td>
<td>1 for each 30.0 square metres of gross floor area, which accommodates such use.</td>
</tr>
</tbody>
</table>
### Surveying, Engineering, Planning or Design Business

... accommodates such use.

<table>
<thead>
<tr>
<th>Labour Association Hall</th>
<th>1 for each 30.0 square metres of gross floor area, which accommodates such use.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Commercial Uses not Listed Above</td>
<td>1 for each 30.0 square metres of gross floor area, which accommodates such use.</td>
</tr>
</tbody>
</table>

#### iii. Industrial Uses

<table>
<thead>
<tr>
<th>Research and Development Establishment</th>
<th>1 for each 50.0 square metres of gross floor area, which accommodates such use.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing, Warehouse</td>
<td>1 for each 115.0 square metres of gross floor area, which accommodates such use.</td>
</tr>
</tbody>
</table>

(r) **Barrier Free Parking:** According to Subsection (q) above, where 10 or more parking spaces are required for all uses on a lot, barrier free parking shall be designated and provided as part of the required parking spaces, in accordance with the following requirements:

<table>
<thead>
<tr>
<th>Required Parking Spaces</th>
<th>Designated Barrier Free Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-50 spaces</td>
<td>Minimum 1 space</td>
</tr>
<tr>
<td>50-100 spaces</td>
<td>Minimum 2 spaces</td>
</tr>
<tr>
<td>100 or more spaces</td>
<td>Minimum 2 spaces plus for every additional 100 required spaces, 1 additional barrier free space shall be provided.</td>
</tr>
</tbody>
</table>

(s) **Loading:**

Any loading doors or spaces shall be screened from view from any abutting highway by a visual barrier to be maintained and constructed to a minimum height of 1.8 metres and shall consist of the following:

(i) A wall, fence;

(ii) A continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth;

(iii) Earth berms; or,
(iv) Any combination of the above.

(t) **Location and Size of Outdoor Display:**

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 only be permitted on a lot where the principal use is contained within a building having a minimum gross floor area of 500 square metres.

(ii) Outdoor Display shall be permitted in a Front Yard or a Flankage Yard, beyond minimum yard requirement established in (c) and (e) above.

(iii) In addition to (ii) above, the area devoted to Outdoor Display shall be limited to a maximum of 25% of the Front Yard.

(iv) A 6.0m wide planting strip shall be required and permanently maintained between the street line and the display area.

(u) **Location, Size and Screening of Outdoor Storage and Outdoor Assembly:**

Outdoor Storage and Outdoor Assembly of goods, materials or equipment shall be permitted only as an accessory use and the following regulations shall apply:

(i) Outdoor Storage and Outdoor Assembly shall only be permitted on a lot where the principal use is contained within a building having a minimum gross floor area of 500 square metres.

(ii) Notwithstanding (i) above, no Outdoor Storage or Outdoor Assembly shall be permitted for a Warehouse.

(iii) Outdoor Storage and Outdoor Assembly shall not be permitted in a Front Yard or a required Flankage Yard.

(iv) Outdoor Storage and Outdoor Assembly shall be set back a minimum of 70 metres from any
portion of a lot line abutting a lot line within a Residential Zone or an Institutional Zone.

(v) Height of outdoor storage or outdoor assembly shall not exceed the height of the building on the lot.

(vi) Outdoor Storage and Outdoor Assembly shall be screened from view from any abutting street by a visual barrier to be maintained and constructed to a minimum height of 1.8 metres and shall consist of the following:

(a) A wall, fence;

(b) A continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth;

(c) Earth berms; or,

(d) Any combination of the above.

(v) Fuel Storage Tanks: Any fuel storage tanks provided on site shall be at, or above, grade.

(6) That no vehicular access or egress shall be permitted from the Red Hill Valley Parkway Ramps.

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 [date] day of [date], 2009.

__________________________________________  __________________________________________
Fred Eisenberger                                        Kevin C. Christenson
Mayor                                                   Clerk

ZAC-07-113
This is Schedule "A" to By-Law No. 09-

Passed the .......... day of ..................., 2009

Clerk

Mayor

Schedule "A"

Map Forming Part of By-Law No. 09-____
to Amend By-law No. 3692-92

Subject Property

Change in Zoning from the Neighbourhood Development "ND" Zone to the Prestige Industrial "MT-10" Zone.
CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Lands located at the Northwest Corner of Stone Church Road East and Red Hill Valley Parkway Off Ramps on Part of Lots 33, 34, Concession 7 and Part of Lot 34, Concession 8, Former Township of Saltfleet, Now in the City of Hamilton

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 City of Hamilton” 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 the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 09- of the Economic Development and Planning Committee at its meeting held on the day of 2009, recommended that Zoning By-law No. 6593 (Hamilton), 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 Sheet Nos. E-79B and E-79C of the District maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), are amended:

   (a) by changing from the “AA” (Agricultural) District to the “M-14/S-1590” (Prestige Industrial) District, Modified, the lands comprised of Block 1;

   (b) by changing from the “M-12” (Prestige Industrial) District to the “M-14/S-1590” (Prestige Industrial) District, Modified, the lands comprised of Block 2; and,

   (c) by changing from the “M-14” (Prestige Industrial) District to the “M-14/S-1590” (Prestige Industrial) District, Modified, the lands comprised of Block 3;

   the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “M-14” (Prestige Industrial) District regulations, as contained in Section 17 F of Zoning By-law No. 6593, applicable to Blocks 1, 2 and 3, are modified to include the following special requirements:

   (1) That notwithstanding Sections 3 (3) (v) and 17 F (1) of Zoning By-law 6593, only the following uses shall be permitted:

       Commercial Motor Vehicle Sales, Rental and Service Establishment
       Communications Establishment
       Conference and Convention Centre
       Equipment Sales, Rental and Service Establishment
       Industrial Administrative Office
       Labour Association Hall
       Manufacturing Office
       Research and Development Establishment
       Surveying, Engineering, Planning or Design Business
       Trade School
       Tradesperson’s Shop
       Transportation Depot
       Warehouse

       Accessory uses, buildings and structures.

   (2) That notwithstanding Section 17 F (1) of Zoning By-law No. 6593, the following types of manufacturing uses are prohibited, except if these uses are considered only as an accessory use to another permitted manufacturing use:

       Beverage Distillation
       Breweries
       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
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

(3) That notwithstanding Section 17 F (1) of Zoning By-law No. 6593, the following use is prohibited, even as an accessory use:

Dwelling Unit

(4) Notwithstanding Section 2 of Zoning By-law No. 6593, the following definitions shall apply:

Accessory: Shall mean, when used to describe a use of land, building or structure, a use which is commonly incidental, subordinate and exclusively devoted to the main use or main building situate on the same lot.

Commercial Motor Vehicle Sales, Rental and Service Establishment:

Shall mean an establishment where new or used commercial motor vehicles are stored and displayed for the purpose of sale, lease or hire, and shall include facilities for the storage and sale of parts accessory to such vehicles, together with the repair and service of the vehicles.

Communications Establishment:

Shall mean an establishment used for the broadcasting and production of information through various media, and shall include but not be limited to print, television, radio and electronic media, and which may include facilities for the printing or broadcasting of information but shall not include a call centre.

Conference and Convention Centre:
Shall mean an establishment, which is not a hotel, where facilities are provided for meetings, seminars, workshops, social gatherings and other similar activities including an exhibition facility, all which may include dining facilities for the exclusive use of conference or convention participants.

Equipment and Machinery Sales, Rental and Service Establishment:

Shall mean the use of land, building or structure for the display, sale, lease or rental of commercial or industrial equipment and machinery, and shall include facilities for the storage and sale of parts accessory to such equipment and machinery, together with the repair and service of equipment and machinery.

Industrial Administrative Office:

Shall mean an office for the management or administration of manufacturing establishments.

Labour Association Hall:

Shall mean a building or part thereof, used as a meeting place by labour or trade unions and which is operated for the exclusive use of members and their guests and is not open to the general public on an equal basis, and may include but not be limited to administrative offices, training facilities and meeting rooms. A Labour Association Hall may also include a Trade School.

Manufacturing:

Shall mean the production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw or semi-processed or fully-processed goods or materials, and shall include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing Establishment, Pharmaceutical and Medical Establishment, Printing Establishment and/or a Science and Technology Establishment.

Office:

Shall mean a building or part of a building in which management, clerical, administrative, consulting, advisory or training services are offered or performed and shall include an Industrial Administrative Office, but shall not
include a Medical Clinic, or a Surveying, Engineering, Planning or Design Business.

**Outdoor Assembly:**
Shall mean an area of land or structure that is not fully enclosed, used in conjunction with a business located within a building or structure on the same lot, for the assemblage of goods and materials.

**Outdoor Display:**
Shall mean an area of land used in conjunction with a business located within a building or structure on the same lot, for the display or sale, rent or lease of produce or merchandise.

**Outdoor Storage:**
Shall mean an area of land or structure that is not fully enclosed, used in conjunction with a business located within a building or structure on the same lot, for the storage of goods and materials.

**Research and Development Establishment:**
Shall mean an establishment or part thereof, used for the purpose of conducting pure and applied research, analysis and experimentation in any field of science, medicine, technology and manufacturing, and shall include but not be limited to facilities such as lecture rooms, administrative offices, laboratories, training facilities, display rooms, pilot plants, prototypical manufacturing, simulating equipment and the like, and service and machine shops to serve the Research and Development Establishment. A Research and Development Establishment shall also include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing Establishment, Laboratory, Pharmaceutical and Medical Establishment, and/or a Science and Technology Establishment.

**Surveying, Engineering, Planning or Design Business:**
Shall mean a building or part of a building in which professionals in the field of surveying, engineering, planning or design provide technical consultation, analysis, advisory or administrative services.

**Trade School:**
Shall mean a school in which specialized instruction in a skilled trade is provided, and
which may include but not be limited to construction, industrial and motive power trades, and which is operated on a financial profit basis, but shall not include a Commercial School or an Educational Establishment.

**Tradesperson’s Shop:** Shall mean a building in which is provided to the public a non-personal service or trade, and shall include but not be limited to, a carpenter’s shop, contractor’s shop, electrician shop, painter’s shop, plumber’s shop and other shops that provide an installation service.

**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 also include courier service facilities.

**Warehouse:** Shall mean a building used for the bulk storage and/or distribution of goods to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public.

(5) That notwithstanding Sections 17 F (2), 18 and 18 A of Zoning By-law No. 6593, only the following provisions shall apply:

(a) **Minimum Lot Area:** 4,000.0 square metres

(b) **Minimum Lot Width:** 60 metres

(c) **Front Yard:**
   i) Minimum 6.0 metres
   ii) Maximum 25.0 metres

(d) **Minimum Side Yard:** 3.0 metres

(e) **Flankage Yard:**
   i) Minimum 6.0 metres
   ii) Maximum 25.0 metres

(f) **Lot Coverage:** Not required

(g) **Maximum Floor Area Ratio:** 0.6 of the lot area.

(h) **Building Height:** No maximum

(i) **Maximum Gross Floor Area for Accessory Retail and Showroom Area:**
25% of the gross floor area of the principal use or 500 square metres gross floor area, whichever is the lesser.

(j) **Maximum Gross Floor Area for Office or Non-Manufacturing Use:**

Where a building is solely used for an Office or another non-Manufacturing use, an individual office building shall be restricted to a maximum gross floor area of 2,000 square metres.

(k) **Maximum Gross Floor Area for Industrial Administrative Office or Surveying, Engineering, Planning or Design Business Use:**

No Industrial Administrative Office or Surveying, Engineering, Planning or Design Business building shall have a gross floor area of 10,000 square metres or greater.

(l) **Location Restriction of Manufacturing Uses:**

Any building or structure used for Manufacturing shall be setback a minimum 20.0 metres from any portion of a lot line abutting a lot line within a Residential Zone or an Institutional Zone.

(m) **Landscaped Area:**

A minimum 6.0 metre wide landscaped area shall be provided and maintained abutting a street, except for points of ingress and egress, but shall not include any lands within a hydro corridor or hydro right-of-way.

(n) **Accessory Buildings:**

Accessory buildings are not permitted within the required front yard or required flankage yard and must be set back a minimum 3.0m from any other lot line.

(o) **Parking Location:**

The following provisions apply to all uses:

(i) Required parking facilities shall be located on the same lot as the use requiring the parking.

(ii) Notwithstanding Subsection (i) above, where the provision of parking on the same lot as the use requiring such parking is not possible, or not practical, such parking facilities may be located on another lot within 300.0 metres of the lot containing the use requiring the parking. Such alternate parking shall only be
situated in a Commercial or Industrial Zone or within the same zone as the use requiring such parking, and shall be subject to Subsection (iii) herein.

(iii) Where the required parking is provided in accordance with Subsection (ii) above, the owners of both lots shall enter into an agreement with the City to be registered against the title of both the lot upon which parking is to be provided and the lot containing the use requiring the parking. The lot upon which the parking is located, pursuant to the agreement, shall continue to be so used only for such purposes until alternate parking spaces in conformity with the regulations of this By-law are provided.

(iv) Parking as provided for in Subsection (iii) may be transferred to another lot in accordance with Subsection (ii), provided that an agreement as required by Subsection (iii) is registered on title of said other lot.

(v) Parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall not be located within 6.0 metres of a street line, and subject to a 6.0 metre wide planting strip being required and permanently maintained between the street line and the said parking spaces or aisle.

(p) Parking Design Standards:

(i) No parking space shall be less than 2.6 metres in width by 5.5 metres in length, unless otherwise provided for in this By-law;

(ii) All required parking shall be provided with adequate means of ingress and egress to and from the street or laneway, and shall be arranged so as not to interfere with normal public use of the street or laneway. Any parking lot shall provide for ingress and egress of vehicles to and from a street in a forward motion only;

(iii) Notwithstanding Subsection (i) herein, in the case of parallel parking:
(a) Each parallel parking space shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres. End spaces which have a clear, unobstructed approach, shall have a minimum length of 5.5 metres; and,

(b) The aisle giving access to a parallel parking space shall have a minimum width of 3.6 metres for one-way traffic and a minimum width of 6.0 metres for two-way traffic;

(iv) Parking spaces, driveways and any widening(s) thereof shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard surfaced material, crushed stone or gravel, and shall be maintained in a dust free condition. Parking lots shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material;

(v) Notwithstanding Subsection (i) herein, in the case of a barrier free parking, each parking space shall have a minimum width of 4.4 metres and a minimum length of 5.5 metres.

(q) Parking Schedules: Parking spaces shall be provided in the minimum quantity specified in Column 2 hereunder for each use listed in Column 1:

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>i. Educational Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Trade School</td>
<td>1 for each 30.0 square metres of gross floor area, which accommodates such use.</td>
</tr>
<tr>
<td><strong>ii. Commercial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Commercial Motor Vehicle</td>
<td></td>
</tr>
<tr>
<td>Sales, Rental and Service</td>
<td></td>
</tr>
<tr>
<td>Establishment</td>
<td></td>
</tr>
<tr>
<td>Equipment Sales, Rental and</td>
<td></td>
</tr>
<tr>
<td>Service Establishment</td>
<td></td>
</tr>
<tr>
<td>Conference or Convention Centre</td>
<td>1 for each 50.0 square metres of gross floor area, which accommodates such use.</td>
</tr>
</tbody>
</table>
Industrial Administrative Office Office Surveying, Engineering, Planning or Design Business 1 for each 30.0 square metres of gross floor area, which accommodates such use.

Labour Association Hall 1 for each 30.0 square metres of gross floor area, which accommodates such use.

Other Commercial Uses not Listed Above 1 for each 30.0 square metres of gross floor area, which accommodates such use.

### iii. Industrial Uses

<table>
<thead>
<tr>
<th>Research and Development Establishment</th>
<th>1 for each 50.0 square metres of gross floor area, which accommodates such use.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing, Warehouse</td>
<td>1 for each 115.0 square metres of gross floor area, which accommodates such use.</td>
</tr>
</tbody>
</table>

**Barrier Free Parking:** According to Subsection (q) above, where 10 or more parking spaces are required for all uses on a lot, barrier free parking shall be designated and provided as part of the required parking spaces, in accordance with the following requirements:

<table>
<thead>
<tr>
<th>Required Parking Spaces</th>
<th>Designated Barrier Free Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-50 spaces</td>
<td>Minimum 1 space</td>
</tr>
<tr>
<td>50-100 spaces</td>
<td>Minimum 2 spaces</td>
</tr>
<tr>
<td>100 or more spaces</td>
<td>Minimum 2 spaces plus for every additional 100 required spaces, 1 additional barrier free space shall be provided.</td>
</tr>
</tbody>
</table>

**Loading:** Any loading doors or spaces shall be screened from view from any abutting highway by a visual barrier to be maintained and constructed to a minimum height of 1.8 metres and shall consist of the following:

(i) A wall, fence;

(ii) A continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth;

(iii) Earth berms; or,
(iv) Any combination of the above.

(t) Location and Size of Outdoor Display:

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 only be permitted on a lot where the principal use is contained within a building having a minimum gross floor area of 500 square metres.

(ii) Outdoor Display shall be permitted in a Front Yard or a Flankage Yard, beyond minimum yard requirement established in (c) and (e) above.

(iii) In addition to (ii) above, the area devoted to Outdoor Display shall be limited to a maximum of 25% of the Front Yard.

(iv) A 6.0 metre wide planting strip shall be required and permanently maintained between the street line and the display area.

(u) Location, Size and Screening of Outdoor Storage and Outdoor Assembly:

Outdoor Storage and Outdoor Assembly of goods, materials or equipment shall be permitted only as an accessory use and the following regulations shall apply:

(i) Outdoor Storage and Outdoor Assembly shall only be permitted on a lot where the principal use is contained within a building having a minimum gross floor area of 500 square metres.

(ii) Notwithstanding (i) above, no Outdoor Storage or Outdoor Assembly shall be permitted for a Warehouse.

(iii) Outdoor Storage and Outdoor Assembly shall not be permitted in a Front Yard or a required Flankage Yard.

(iv) Outdoor Storage and Outdoor Assembly shall be set back a minimum of 70 metres from any
portion of a lot line abutting a lot line within a Residential Zone or an Institutional Zone.

(v) Height of outdoor storage or outdoor assembly shall not exceed the height of the building on the lot.

(vi) Outdoor Storage and Outdoor Assembly shall be screened from view from any abutting street by a visual barrier to be maintained and constructed to a minimum height of 1.8 metres and shall consist of the following:

(a) A wall, fence;

(b) A continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth;

(c) Earth berms; or,

(d) Any combination of the above.

(v) Fuel Storage Tanks: Any fuel storage tanks provided on site shall be at, or above, grade.

(6) No vehicular access to, or egress from, or both access and egress, shall be permitted from the Red Hill Valley Parkway Ramps or the Lincoln Alexander Expressway.

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 “M-14” (Prestige Industrial) District provisions, subject to the special requirements referred to in Section 2 of this By-law.

4. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19 B as Schedule S-1590.

5. 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 , 2009.
Appendix "D" to Report PED09185
(Page 14 of 14)

This is Schedule "A" to By-Law No. 09-
Passed the ........ day of ....................., 2009

Schedule "A"

Map Forming Part of
By-Law No. 09-______
to Amend By-law No. 6593

Subject Property

- Block 1: Change in Zoning from the "A-A" (Agricultural) District to the "M-14/S-1590" (Prestige Industrial) District, Modified.
- Block 2: Change in Zoning from the "M-12" (Prestige Industrial) District to the "M-14/S-1590" (Prestige Industrial) District, Modified.
- Block 3: Change in Zoning from the "M-14" (Prestige Industrial) District to the "M-14/S-1590" (Prestige Industrial) District, Modified.

Scale: N.T.S.
File Name/Number: ZAC-07-113/OPA-07-037
Date: February 23, 2009
Planner/Technician: DM / SL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
July 3, 2008

Dear Messrs. Falletta and De Iulio:

Re: Application for an Official Plan Amendment and Zoning By-law Amendment by Ontario Realty Corporation For lands located at the Northwest Corner of Stone Church Road East and the Red Hill Parkway Ramps
Your File Nos: OPA-07-037 and ZAC-07-113
Our File No. 13221

We act for Heritage Greene OP Limited ("Heritage Greene"), the owner of approximately 21 hectares of land off Stone Church Road East. The Heritage Greene lands comprise the majority of the West Mountain Core Area – a mixed use focal point of the Heritage Green Secondary Plan adopted by the former City of Stoney Creek in 1989.

The purpose of this correspondence is to provide further comment in respect of Ontario Realty Corporation ("ORC") files OPA-07-037 and ZAC-07-113. The related ORC lands are located at the Northwest Corner of Stone Church Road East and the Red Hill Parkway Ramps. In response to a Notice of Complete Application, we provided initial comments on behalf of Heritage Greene in a letter dated February 27, 2008 and requested copies of all reports submitted in support of the applications. We have only recently received the requested reports.

Our clients were subject to a lengthy and detailed planning process in respect of the West Mountain Core Area leading to a carefully planned community. The Heritage Greene lands were planned for substantial commercial development, a residential component, office space, a theatre as well as a transit node. The planning and investment was significant to compliment the planned function of retail uses as part of a mixed centre which is central to the community.

.../2
Appendix “E” to Report PED09185
(Page 2 of 3)

At this time, we have the following concerns regarding the applications:

(i) Further to initial concerns raised regarding cost sharing, it appears that development of this site will rely on sanitary sewer improvements relating to the Heritage Greene site located to the east. As such, we request the City to address the need to ensure that the ORC as a benefiting owner contribute to the costs being front ended by Heritage Greene. Should any other cost sharing issues arise between these two properties, we request the same considerations be applied; and

(ii) There does not appear to be a planning justification report in respect of these lands so it is not clear what planning rationale the City is relying on to make its determinations in respect of these amendments. The proposed modified uses remain unknown. Absent any such justification, this application appears to be premature. Further, the impact of this application on the planned function in the West Mountain Core Area is unclear.

We look forward to receiving information regarding the planning justification and proposed uses for this site and also to receiving a copy of the City’s Planning Report and notification of the ensuing public meeting. Please do not hesitate to contact us if you have any questions regarding this matter.

Sincerely,

Shelley Kaufman

Cc: Paul Silvestri

Turkstra Mazza Associates, Lawyers
July 15, 2009

Mr. Delta McPhail
Planning Department
City of Hamilton
77 James St. N.
Hamilton, ON L8R 2K3

Dear Delta:

Re: ORC Lands - Heritage Green - File Nos. ZAR-07-104 and ZAR-07-109

I have been retained by Heritage Green GP Limited, the owner and developer of commercial property within the East Mountain Core Area in the East Mountain Secondary Plan to assist Ms. Shelley Kaufman and Mr. Scott Snider with respect to this project. Can you please add me to the list of persons to be contacted with respect to any applications regarding the ORC lands in the Heritage Green area, specifically:

1. OPA-07-036 and ZAC-07-112
2. OPA-07-038 and any related ZAC file
3. OPA-07-037 and ZAC-07-113
4. ZAC-07-109 and any related OPA file
5. ZAC-07-104 and any related OPA file

Can you please forward to me a copy of the initial applications made by ORC to be able to identify the specific requests that were made with respect to their applications.

I understand that with the exception of File OPA-07-038, these applications are intended to be brought forward to the August 10, 2009 meeting of the Economic Development and Planning Committee. Can you please forward a copy of the staff report to myself, Mr. Snider and Ms. Kaufman as soon as it is available.

Thank you very much.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.

E.J. Fothergill, MCIP, RPP
President

c. c. Mr. Gerald Asa, Mr. Scott Snider, Ms. Shelley Kaufman

C:\WPDOCS\FILES\Heritage Green 2008-2009\Letter-D-McPhail-July-15-09-1.wpd