TO: Chair and Members  
Economic Development and Planning Committee  

WARD(S) AFFECTED: WARD 6  

COMMITTEE DATE: October 5, 2010  

SUBJECT/REPORT NO:  
Applications for an Amendment to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for the Lands Located at 236 Pritchard Road (Hamilton) (PED10218) (Ward 6)

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

PREPARED BY:  
Alvin Chan  
905-546-2424, Ext. 1334  

SIGNATURE:  

RECOMMENDATION:  

(a) That approval be given to **Official Plan Amendment Application OPA-10-011, by Alfonso Development Corp., Owner**, to amend the Official Plan for the City of Hamilton Schedule “B-3” - Other Special Policy Areas, by redesignating the lands from the Special Policy Area 11 designation to the Special Policy Area 11(a) designation, to permit the additional use of a Professional Office within the existing building, for lands located at 236 Pritchard Road, as shown on Appendix “A” to Report PED10218, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10218, be adopted by Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and the Hamilton-Wentworth Official Plan.
(b) That approval be given to Zoning Application ZAR-10-031, by Alfonso Development Corp., (Owner), for a change in zoning to City of Hamilton Zoning By-law No. 6593 from the “M-14” (Prestige Industrial) District to the “M-14/S-1636” (Prestige Industrial) District, with a Special Exception, and a change in zoning to City of Hamilton By-law No. 05-200 from the Council adopted Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 31) Zone, with a Special Exception, for the lands located at 236 Pritchard Road (Hamilton), as shown on Appendix “A” to Report PED10218, on the following basis:

(i) That the draft By-laws, attached as Appendices “C” and “D” to Report PED10218, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law, attached as Appendix “C” to Report PED10218, be added to Schedule “E69c” of the City of Hamilton Zoning By-law No. 6593.

(iii) That the amending By-law, attached as Appendix “D” to Report PED10218, be added to Map No. 1501 of Schedule "A" - Zoning Maps of the Comprehensive Zoning By-law No. 05-200.

(iv) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Hamilton Official Plan upon finalization of Official Plan Amendment.

EXECUTIVE SUMMARY

The purpose of the application is to permit the additional use of an “Office” in order to facilitate the adaptive re-use of the existing building for an insurance agent(s) office for lands located at 236 Pritchard Road (Hamilton) (see Appendix “A”). It is noted that the subject lands are proposed to be zoned as Prestige Business Park (M3) Zone on Map No. 1501 of the Council adopted Industrial Zoning of City of Hamilton By-law No. 05-200, as amended by By-law No. 10-128. The Prestige Business Park (M3) Zone permits an “Office”.

However, as the most restrictive of the provisions apply with regards to industrial development within the City of Hamilton, changes to zoning provisions of both City of Hamilton By-law Nos. 6593 and 05-200 will be required with respect to landscaping, parking, parking dimensions, and loading requirements to recognize the existing situation on the subject lands.
In summary, the proposed applications have merit and can be supported as they are consistent with the Provincial Policy Statement, conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), Hamilton-Wentworth Official Plan, and also conform with the general intent and purpose of the City of Hamilton Official Plan.

Office uses are permitted within the “Business Parks” designation of the Council-adopted new Urban Hamilton Official Plan. As such, the proposed applications conform to the new Urban Hamilton Official Plan.

Alternatives for Consideration - See Page 14.

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

**Financial:** None.

**Staffing:** None.

**Legal:** As required by the Planning Act, Council shall hold at least one Public Meeting to consider an application for an Official Plan Amendment and a Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

**Proposal**

The applicant has applied to add the use of an “Office” to lands located at 236 Pritchard Road in order to allow for the adaptive re-use of the existing building for an insurance agent(s) Office, as shown on Appendix “E”. In order to facilitate the proposal, an Official Plan Amendment to the City of Hamilton Official Plan would be required to re-designate the subject lands to “Special Policy Area 11(a)” on Schedule “B-3” - Other Special Policy Areas, which would permit “Business and Professional Offices”.

The subject lands are currently zoned “M-14” (Prestige Industrial) District in City of Hamilton Zoning By-law No. 6593, which does not permit an “Office”. However, the Council adopted Prestige Business Park (M3) Zone, which will apply to the subject lands upon City of Hamilton Zoning By-law No. 05-200 coming into force and effect, permits an “Office”.

Until such time as the Industrial zoning provisions of By-law No. 05-200 are in force and effect, the most restrictive provisions apply to industrial lands within the City of Hamilton. As such, modifications to the respective provisions of both By-law Nos. 6593 and 05-200 are required to facilitate the proposed use.
Details of Submitted Application

Location: 236 Pritchard Road (see Appendix “A”)

Owner/Applicant: Alfonsi Developments Corp.

Agent: Sam Esposto Architect Inc.

Property Description:
- Total Lot Area: 0.14 hectares
- Total Lot Frontage: 22.976 metres (Pritchard Road)
- Lot Depth: 45.72 metres
- Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td><strong>Subject Lands</strong></td>
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<td>Vacant Industrial Building</td>
<td>By-law 6593 Prestige Industrial “M14” District</td>
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<td>By-law 05-200 (Council Adopted) Prestige Business Park (M3) Zone</td>
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<td><strong>North</strong></td>
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<tr>
<td>Automobile Tire Dealer</td>
<td>By-law 6593 Prestige Industrial “M-14/S-1513” District</td>
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<tr>
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<td>By-law 05-200 (Council Adopted) Prestige Business Park (M3) Zone</td>
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<tr>
<td><strong>South</strong></td>
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<tr>
<td>Multi-Tenant Industrial Strip Mall</td>
<td>By-law 6593 Prestige Industrial “M14” District</td>
</tr>
<tr>
<td></td>
<td>By-law 05-200 (Council Adopted) Prestige Business Park (M3) Zone</td>
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Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
| East | Vacant Industrial Building | By-law 6593  
Prestige Industrial “M14” District  
By-law 05-200 (Council Adopted)  
Prestige Business Park (M3) Zone |
|---|---|---|
| West | Multi-Tenant Industrial Strip Mall | By-law 6593  
Prestige Industrial “M14” District  
By-law 05-200 (Council Adopted)  
Prestige Business Park (M3) Zone |

**POLICY IMPLICATIONS**

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

Policy 2.2.6 of the Growth Plan for the Greater Golden Horseshoe (Places to Grow) provides direction for Employment Lands. In particular, the following policies among others apply:

“2.2.6.2 Municipalities will promote economic development and competitiveness by:

a) Providing for an appropriate mix of employment uses including industrial, commercial, and institutional uses to meet long-term needs;

b) Providing opportunities for a diversified economic base, including maintaining a range of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

c) Planning for, protecting, and preserving employment areas for current and future use; and,

d) Ensuring the necessary infrastructure is provided to support current and forecasted employment needs.

2.2.6.9 Municipalities are encouraged to designate and preserve lands within Settlement Areas in the vicinity of existing major highway interchanges, ports, rail yards, and airports as areas for manufacturing, warehousing, and associated retail, office, and ancillary facilities, where appropriate.”
In light of the policies above, the subject lands are located in proximity to both the Redhill Valley Parkway and the Lincoln M. Alexander Parkway interchange, and will provide for a mix of uses in addition to those found within the existing Business Park, in particular, an office and ancillary facility.

Lastly, Policy 2.2.6.4 does provide direction regarding Major Office and appropriate Major Institutional development, which are to be located in urban growth centres, major transit station areas, or areas with existing frequent transit service, or existing or planned higher order transit service.

It is noted that the proposed re-development is not considered a “Major Office” as defined by the Places to Grow Plan, given that it will not provide 500 or more jobs and is well below the 10,000m² floor area. It is further noted that the proposed development complements and does not interfere with, or detract from, the primary function of the area. Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application will be on full municipal services and is a use consistent with the policies that focus growth in Settlement Areas 1.1.3.1.

Furthermore, Policy Section 1.3 provides additional direction with regards to Employment Lands. In particular, Policy 1.3.1 states that:

“Planning authorities shall promote economic development and competitiveness by:

a) Providing for an appropriate mix and range of employment (including industrial, commercial, and institutional uses) to meet long-term needs;

b) Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

c) Planning for, protecting, and preserving employment areas for current and future uses; and,

d) Ensuring the necessary infrastructure is provided to support current and projected needs.”
The proposal will provide a mix and range of employment uses, and based on the foregoing, the proposal is consistent with the policies of the Provincial Policy Statement.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Business Park” in the Hamilton-Wentworth Official Plan. Policy Section C-3.1.3 references that although originally established to accommodate the demand for industrial land, Business Parks have become increasingly attractive to office, retail, and warehouse/distribution uses.

In particular, Policy C-3.1.3.1 permits clusters of business and economic activities, such as … office and accessory uses. Ancillary uses, which primarily support businesses and employees within the Business Parks, shall also be permitted.

Additionally, Policy C-3.1.3.2 permits within Business Parks grouped commercial uses of a retail or service nature, such as … professional offices, that will not adversely affect established and/or approved retail areas. Such uses will be directed to locations along major roads or in designated commercial nodes within the Business Parks. Area Municipality Official Plans shall contain detailed policies that identify the type and locational criteria for permitted commercial uses, as per Policy C-3.1.3.3.

Based on the foregoing, the proposed changes conform to the uses permitted within a Business Park, subject to the locational criteria of the area Municipal Official Plan, being the City of Hamilton Official Plan.

**City of Hamilton Official Plan**

The subject lands are designated “Industrial” on Schedule “A” - Land Use Concept and “Special Policy Area 11” on Schedule “B-3” - Other Special Policy Areas, as amended by Official Plan Amendment No. 223.

Policy A.2.3.1 prescribes that:

“Uses permitted on the lands designated Industrial on Schedule “A” shall include a cluster of business and economic activities such as … office…”

It is further noted that “limited office uses” are permitted under Policy A.2.3.6 (ii) for lands designated “Industrial” on Schedule “A” to this Plan. Additionally, Policy A.2.3.9(iii) permits ancillary uses that primarily support business employees within Business Parks, including…financial establishments, within lands under the “Light Industrial Classification”.

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However, Policy A.2.3.3 requires that office uses be limited in function, scale, type and size through the Zoning By-law. Policy A.2.3.4 further states that the elements of the industrial classification hierarchy are shown on Schedules “B” and “B-3” as Special Policy Areas 11 and 11a, as set out in Subsection A.2.9.3.

Policy A.2.9.3.9, only permits “Business and Professional Offices” on lands designated Special Policy Area 11(a). It is noted that the proposed designation of Special Policy Area 11(a) would also permit home improvement uses. However, as the subject lands are limited in size, and as no request from the applicant has been received for this particular use, the proposed Zoning By-law Amendment will only add the use of an “Insurance Industry.”

As identified on Schedule “F” - Major Roads, the subject lands are located on an Arterial Road, which is an appropriate location for business and service type enterprises, and as Special Policy Area 11(a) is currently applicable to several other areas/properties along Pritchard Road and within the subject Business Park, Stone Church Industrial Park, the proposed re-designation to add the use of a “Business and Professional Office” is supportable as it complements, and does not interfere with, or detract from, the primary function of the area.

New Urban Hamilton Official Plan

The new Urban Hamilton Official Plan 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 subject lands are designated as “Employment Area” on Schedule “E” - Urban Structure and “Business Park” on Schedule “E-1” - Urban Land Use Designations. Policy Section E.5.2 provides the General Policies as it relates to the Employment Area designation. In particular, Policy E.5.2.4 permits offices within the Employment Area Designation. Policy Section E.5.4 provides additional direction as it relates to “Business Parks”. The following policies among others apply:

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

E.5.4.3 The following uses shall be permitted on lands designated Employment Area - Business Park on Schedule E-1 - Urban Land Use Designations:
a) Manufacturing, warehousing, repair service, building or contracting supply establishments, transportation terminals, research and development, office, communication establishment, and private power generation. Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for Business Parks shall be prohibited;

E.5.4.5 Offices within the Employment Area - Business Park designation shall comply with the following criteria:

a) Offices, excluding industrial administrative offices and consulting offices related to land development services, such as surveying, engineering, planning or design, shall be permitted where prestige uses for a Business Park are permitted by Policy E.5.4.7 c), and where the ancillary uses which serve the businesses and employees of the Business Park are permitted by Policy E.5.4.4.

b) Offices, excluding industrial administrative offices and consulting offices related to land development services, such as surveying, engineering, planning, or design, shall be restricted in function, scale, and type, and shall be limited in size through the Zoning By-law.”

In review of the policies above, the proposed use of an “Office” is permitted on the subject lands. Based on the foregoing, the proposed applications conform to the policies of the new Urban Hamilton Official Plan.

**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections:

- Taxation Division, Corporate Services Department.
- Environmental Services Section (Forestry), Public Works Department.
- Support Services Section (Waste), Public Works Department.
- Hydro One Networks Inc.

**Public Consultation**

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, 141 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on July 14, 2010, requesting comments on the application.
Upon revision of the subject application to include the proposed Official Plan Amendment, 149 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on August 6, 2010, requesting comments on the application. Furthermore, a Public Notice Sign was posted on the property on July 28, 2010, and upon revision to the application, a revised Public Notice Sign was posted on the property on August 3, 2010.

Finally, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, one public comment was received pertaining to the loss of employment lands for “warehouse and/or industrial” space; in particular, clean-trades business (see Appendix “F”), which has been addressed as Item/Bullet 9 in the Analysis/Rationale for Recommendation section below.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the policies of the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
   
   (ii) It conforms to the “Business Park” policies of the Hamilton-Wentworth Official Plan.
   
   (iii) Upon adoption of the proposed Official Plan Amendment to the City of Hamilton Official Plan to the “Special Policy Area 11(a)” designation, the proposed re-development will be in conformity with the City of Hamilton Official Plan.
   
   (iv) The proposed amendments are consistent with the Council adopted new Urban Hamilton Official Plan and the proposed Industrial Zoning under City of Hamilton By-law 05-200.

2. The Provincial Policy Statement directs planning authorities to promote economic development and competitiveness in Employment Lands by providing for an appropriate mix and range of employment (including industrial, commercial, and institutional uses) and opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses. The proposal will provide for an appropriate mix and range of employment and opportunities for a diversified economic base and is, therefore, consistent with the policies of the Provincial Policy Statement.

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3. The Growth Plan for the Greater Golden Horseshoe (Places to Grow) prescribes an appropriate mix of employment uses including industrial, commercial, and institutional uses to meet long-term needs, while providing opportunities for a diversified economic base, including maintaining a range of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses with Employment Lands.

Municipalities are encouraged to designate and preserve lands within Settlement Areas in the vicinity of existing major highway interchanges and airports as areas for office and ancillary facilities, where appropriate. It is further noted that the proposed re-development shall not constitute “Major Office”, as defined by the Places to Grow Plan; therefore, the establishment of a small scale “Office” use within the Stone Church Industrial Park, located within the Settlement Area, conforms to the Places to Grow Plan.

4. The Hamilton-Wentworth Official Plan prescribes under Policy C-3.1.3.1 that office uses are permitted, and additionally, Policy C-3.1.3.2 permits within Business Parks grouped commercial uses of a retail or service nature such as...professional offices, that will not adversely affect established and/or approved retail areas and are directed to locations along major roads or in designated commercial nodes within the Business Parks. The proposed development conforms to the above noted policy and the Hamilton-Wentworth Official Plan.

5. The proposed development is located within the Stone Church Industrial Park, and is designated as “Special Policy Area 11” on Schedule “B-3” - Other Special Policy Areas, in the City of Hamilton Official Plan.

Several other properties along Pritchard Road are designated as “Special Policy Area 11(a)”, which would permit “Business and Professional Offices”. Accordingly, the addition of another property to the Special Policy Area 11(a) is complementary, and will not interfere or detract from the primary function of the area as Council has already established that such uses along Pritchard Road are supportable.

In order to ensure conformity with the Places to Grow Plan, the amending By-law should restrict the floor area to the floor area existing at the date of passing of the By-law, being approximately 980m² (see Appendix “E”).
Based on the foregoing, the proposed amendment conforms with the “Business Park” designation and Special Policy Area provisions and is, therefore, supportable as it would conform to the City of Hamilton Official Plan, upon adoption of the subject Official Plan Amendment.

6. The proposed use of an “Office” would be permitted, as per the Employment Area policies of Section E.5.4 of the new Urban Hamilton Official Plan. As such, the proposed Official Plan and Zoning By-law Amendments conform to the policies of the new Urban Hamilton Official Plan.

7. In order to facilitate the proposed use, as shown on Appendix “E”, amendments to the “M-14” (Prestige Industrial) District are required. In particular, the following provisions are proposed for modification:

Permitted Uses:

Notwithstanding Section 17(f)(1) of By-law No. 6593 and the permitted uses prescribed therein, an “Insurance Industry” shall be permitted on the subject lands. As mentioned above, the proposed use is consistent with Council direction provided through the Council-adopted new Urban Hamilton Official Plan and Industrial Zoning of By-law No. 05-200.

Loading Space Requirements:

The applicant has requested that notwithstanding Section 18(A)(1)(e), no loading space(s) shall be provided. As the proposed use is primarily an administrative office with minimal deliveries typically of small scale, the elimination in loading for an office use is supportable.

Minimum Parking Space Dimensions:

The applicant has requested a reduction in parking space dimensions from 2.7m wide by 6.0m long to 2.6m wide by 5.5m long, which is the standard in City of Hamilton By-law 05-200. Accordingly, staff supports the proposed modification.

With regard to the City of Hamilton By-law No. 05-200, the following modifications are required:

Landscaped Area and Planting Strip Requirements:

Provision 9.3.3(i), Sub-policies (i) and (ii) of By-law No. 05-200, are more restrictive than the Prestige Industrial “M-14” District provisions of By-law No. 6593 and, therefore, apply. However, as the proposal is for the adaptive re-use
of the existing building and site, with no proposed external changes, the existing
deficient landscaping with respect to the Prestige Business Park (M3) Zone is to
be recognized.

Accordingly, the applicant has requested a reduction in Landscaping and
Planting strip width from a 6m landscape strip and 3m planting strip to a 1.17m
landscaped and planting strip, as existing today along Bigwin Road.

In light of the above, as the proposed reduction is to recognize the existing as-
built situation, staff supports the proposed reduction.

Parking Requirements:

The parking provisions of By-law No. 05-200 are more restrictive in this scenario
than By-law No. 6593 and, therefore, apply. In light of this, and based on the
Gross Floor Area of the existing building, 33 parking spaces are required. The
applicant has requested to reduce this requirement to 11 spaces, with one space
being a Barrier Free space; thereby recognizing the existing parking found on-
site, as shown on Appendix “E”.

The proposed “Insurance Industry” is primarily an administrative office with a
minimal amount of customers accessing services on-site. In consultation with
Traffic Engineering and Parking Services, and in review of the submitted
business description documenting eight staff, with four staff being external (on
the road), and four internal staff utilizing only four of the eleven provided spaces;
and, with minimal customer service being provided at this location, save and
except through scheduled meetings, the proposed reduction is supportable.

8. The Development Engineering Section has reviewed the subject application, and
based on the information provided by the applicant, the proposed change in use
will not involve any servicing works. Adequate sanitary sewer servicing is
available; therefore, Development Engineering staff has no additional comments
and/or concerns.

9. A public submission with regard to the loss of employment lands, in particular
“Warehouse/Industrial” space, was received as a result of the pre-circulation (see
Appendix “F”).

In response to the public submission, staff notes that the proposed use of an
“Insurance Industry” office is a permitted use in both the Council adopted new
Urban Hamilton Official Plan and “Industrial - M3” Zone, and is, therefore,
consistent with Council Direction.
Furthermore, it is noted that the proposed amendments will not preclude warehousing/industrial space as a permitted use on the subject lands. Both the existing “M-14” (Prestige Industrial) District of By-law No. 6593 and the proposed Prestige Business Park (M3) Zone of By-law No. 05-200 maintain a variety of industrial uses.

Lastly, the Planning Act defines area of employment as an area of land designated in an Official Plan for clusters of business and economic uses including, without limitation, the uses listed in Subsection (5), which include, in particular, Item (c) office uses.

Based on the foregoing, staff is satisfied that the public concern has been addressed.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the applications, the subject lands will remain and may be used and/or redeveloped for the uses as prescribed by the “M-14” (Prestige Industrial) District.

It should be noted that the Council-adopted Prestige Business Park (M3) Zone, which will apply to the subject lands upon City of Hamilton Zoning By-law No. 05-200 coming into force and effect, would permit an “Office” use.

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


**Growing Our Economy**

- Newly created or revitalized employment sites.

- Competitive business environment.

**Healthy Community**

- Plan and manage the built environment.
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Draft Amendment No. [ ]

to the

Official Plan for the City of Hamilton

The following text, together with Schedule “A” (Schedule “B-3” - Other Special Policy Areas), of the Official Plan of the City of Hamilton, attached hereto, constitute Official Plan Amendment No. [ ].

Purpose:

The purpose of this Amendment is to redesignate the subject lands from “Special Policy Area 11” to “Special Policy Area 11(a)” on Schedule “B-3” - Other Special Policy Areas, to permit the subject lands and existing building to be re-developed as a “Business and Professional Office”.

Location:

The lands affected by this Amendment are municipally known as 236 Pritchard Road, within the North Hannon Neighbourhood, City of Hamilton, with an area of approximately 0.14 hectares (0.35 acres).

Basis:

- The proposed Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

- It conforms with and implements the “Business Park” designation of the Hamilton-Wentworth Official Plan.

- “Business and Professional Offices” at this location will be complementary, and will not interfere or detract from the primary function of the area as “Special Policy Area 11(a)” currently exists along Pritchard Road and within the Stone Church Industrial Park.

- The proposed use will provide an increased range of employment uses which, in turn, allows for a wide variety of industrial activity and accommodates employment support uses, such as offices.
**Actual Changes:**

1. Schedule “B-3” - Other Special Policy Areas, be revised by re-designating the subject lands from “Special Policy Area 11” to “Special Policy Area 11(a)”, and by identifying the subject lands as OPA No. _____, as shown on the attached Schedule “A” to this Amendment.

**Implementation:**

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

This is Schedule "1" to By-law No. _____, passed on the ____ day of ____ , 2010.

_______________________  ________________________  
Fred Eisenberger          Rose Caterini  
Mayor                        Clerk  

The  

City of Hamilton  

CITY OF HAMILTON

BY-LAW NO.  

To Amend Zoning By-law No. 6593 (Hamilton), Respecting 236 Pritchard Road

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 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 10 of the Economic Development and Planning Committee, at its meeting held on the day of 2010, 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 No. E69c of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton) is amended, by changing the zoning from the “M-14” (Prestige Industrial) District to the “M-14/S-1636” (Prestige Industrial) District - Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “M-14” (Prestige Industrial) District provisions, as contained in Section 17f of Zoning By-law No. 6593, be modified to include the following provisions:

   (a) That notwithstanding Section 17f(1)(b) of Zoning By-law No. 6593, “Insurance Industries” with a maximum Gross Floor Area (GFA) of 977m$^2$ shall also be permitted.

   (b) That notwithstanding Section 18A(1)(e), no loading space shall be required for an “Insurance Industry”.

   (c) That notwithstanding Section 18(A)(7), for an “Insurance Industry” every parking space, other than a parallel parking space, shall have dimensions not less than 2.6 metres wide and 5.5 metres long, with 1 space being barrier free, which shall have dimensions not less than 4.4 metres wide and 5.5 metres long.

3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1636.

4. That Sheet E69c of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1636.

5. 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 modifications referred to in Section 2.

6. 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 ___, 2010.

______________________________  ______________________________
Fred Eisenberger                  Rose Caterini
MAYOR                            CLERK

ZAR-10-031
OPA-10-011
Schedule "A"

Map Forming Part of By-Law No. 10-____
to Amend By-law No. 6593

236 Pritchard Road

Change in zoning from 'M-14' (Prestige Industrial) District to the 'M-14/S-1636' (Prestige Industrial) District, Modified.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 05-200 (Hamilton), as amended by By-law No. 10-128, respecting 236 Pritchard 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 By-law 10-128, New Comprehensive Industrial Zones, enacted May 26, 2010, but appealed to the Ontario Municipal Board, rezoned the subject lands to Prestige Business Park (M3) Zone.

AND WHEREAS the Council of the City of Hamilton, in adopting Item ___ of Report 10-___ of the Economic Development and Planning Committee, at its meeting held on the ___ day of ___, 2010, 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;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Map No. 1501 of Schedule “A” - Zoning Maps, appended to and forming part of By-law No. 05-200 is amended, by changing the zoning from the Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 31) Zone, with a Special Exception, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Schedule "C": Special Exceptions of By-law No. 05-200 is amended by adding an additional Special Exception as follows:

"31. Notwithstanding Sections 9.3.1; 9.3.3(i)(i) and (ii) and 5.6(c), only as it relates to an “Office”, on those lands zoned Prestige Business Park (M3) Zone, on Map 1501 of Schedule "A" - Zoning Maps, the following provisions shall apply:

   (i) Landscaped Area and A minimum 1.17m wide landscaping area planting requirements and planting strip shall be provided and maintained between parking spaces, aisles or driveways and a street, except for points of ingress and egress.

   (ii) Office (within building at time of passage of by-law) A minimum of eleven (11) parking spaces shall be provided and maintained, with one space being Barrier Free.

3. That this By-law No. ______ shall not come into force and effect until such time as By-law 05-200, as amended by By-law 10-128, comes into force and effect.

PASSED and ENACTED this ______ day of ______, 2010.

______________________________  _______________________________
Fred Eisenberger                  Rose Caterini
Mayor                              Clerk

ZAR-10-031  OPA-10-011
This is Schedule "A" to By-Law No. 10-
Passed the .......... day of ......................, 2010

Schedule "A"

Map Forming Part of By-Law No. 10-____ to Amend By-law No.05-200 (Map 1501)

236 Pritchard Road
Change in zoning from Prestige Business Parks (M3) Zone to a Prestige Business Parks (M3,31) Zone.
Chan, Alvin

From: Barry Costello
Sent: Friday, August 13, 2010 10:27 AM
To: Chan, Alvin
Cc: Jackson, Tom; McHattie, Brian
Subject: File No:ZAR-10-031 (Zoning By-Law Amendment Application at 236 Pritchard Road)

Dear Sir(s):

We received the above Notice of an Application to amend the zoning at the above address from Prestige Industrial to add the use of 'Professional Office'.

At a base level I/we realize that zoning changes are needed to facilitate growth and changing socio-economic values. However, we object to this application because of the erosion of available warehouse/industrial space in the City and in this area in particular.

I suggest that to keep balance, that the City develop a policy that maintains a set ratio of zoning designations — especially in the City proper. Locating warehouse space further into the south part (e.g.: future airport lands) of the City is not attractive to me. Perhaps a mechanism could be developed that for every parcel/property that is amended that a corresponding parcel/property elsewhere in the City be re-zoned to keep the ratio. Furthermore, the cost (finding the property, convincing the landowner to change and making the change application) be borne by the developer making the original application. Might be cumbersome but it might spur re-development in the north end where it is needed.

Councillor McHattie is included in this correspondence because my home is in Ward 1. I would love to have my business closer to my home to reduce my commuting costs. However, the zoning changes for the Innovation Park (which I support conceptually) has virtually eliminated space the prestige industrial (small warehouse and corresponding office space) in Ward 1. Ward 1 needs the type of space required for clean trades-business like mine, plumbers, electricians, small distributors, etc....

Barry Costello
Skyway Canvas
38 Bigwin Road
Hamilton, ON L8W 3R4