SUBJECT: Application for a Change in Zoning for Lands Located at 1525 Stone Church Road East (Hamilton) (PED09224) (Ward 6)

RECOMMENDATION:

That approval be given to amended Zoning Application ZAC-08-044, by J. Beume Real Estate, Owner, for changes in zoning from the “M-13/S-563” (Prestige Industrial) District (Block 1) and the “M-13” (Prestige Industrial) District (Block 2) to the “M-13/S-563a” (Prestige Industrial) District, with a Special Exception, in order to add a restaurant, a bank, a fitness club, professional and business offices, and a building or contracting supply establishment as additional permitted uses, for lands located at 1525 Stone Church Road East (Hamilton), as shown on Appendix “A” to Report PED09224, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09224, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Official Plan for the City of Hamilton.
EXECUTIVE SUMMARY:

The purpose of the amended application is to add a restaurant, a bank, a fitness club, professional and business offices (excluding medical), and a building or contracting supply establishment as additional permitted uses within the existing 4,460 square metre building, as well as two new 465 square metre buildings (Appendix “C”).

The proposed Zoning By-law Amendment has merit and can be supported since the changes are consistent with the Provincial Policy Statement and The Growth Plan for the Greater Golden Horseshoe, and conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

BACKGROUND:

Background

The Strategic Services and Special Projects Division brought forward a report to the Committee of the Whole entitled Employment Land Conversion Analysis Site/Area Selection Process on June 23, 2008, which was amended by Council on June 25, 2008. These recommendations have, subsequently, been incorporated into the new Official Plan. The report identified sites for possible conversion from Employment Lands to Non-Employment Lands. The subject property was not included in the list of potential conversion sites outlined in the report, and is to remain part of the East Mountain Industrial Business Park. However, the intent of the amended application is not to allow for conversion of the site to Non-Employment Uses, but rather to permit four commercial uses, a restaurant, a bank, a fitness club, and business and professional offices, which are considered to be in support of the Industrial Business Park. In addition, the applicant has requested that building or contracting supply establishments be permitted.

Proposal

The original application submitted by the proponent proposed to change the zoning on the subject lands from the “M-13/S-563” (Prestige Industrial) District (Block 1) and the “M-13” (Prestige Industrial) District (Block 2) to the site-specific “M-12” (Prestige Industrial) District. The proposed “M-12” (Prestige Industrial) District would have permitted a bank and a retail furniture and appliance store as-of-right, and was proposed to be further modified to include a fitness club and a restaurant as additional permitted uses. Staff was not supportive of the proposed rezoning to the “M-12” (Prestige Industrial) District, Modified, as it would permit a wide range of commercial uses which, in staff’s opinion, was not consistent with applicable Provincial and Official Plan policies.

As a result, the application has been amended to modify the existing “M-13/S-563” (Prestige Industrial) District (Block 1) and the “M-13” (Prestige Industrial) District (Block 2) in order to add a restaurant, a bank, a fitness club, professional and business offices, and a building or contracting supply establishment, with a total maximum gross floor
area of 1,765 square metres with a maximum of 929 square metres for an individual unit, as additional permitted uses. The uses are proposed within the existing 4,460 square metre building, as well as two new 465 square metre buildings (Appendix “C”).

As discussed in the Policies Affecting Proposal section of this report, both the Provincial Policy Statement (PPS) and The Growth Plan for the Greater Golden Horseshoe (Places to Grow) state that conversion of employment lands for retail uses is not permitted. Employment lands are defined as being “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”. However, a fitness club, a restaurant, a bank, and general and professional offices are considered to be ancillary facilities in support of the Industrial Business Park, which is permitted under both the PPS and Places to Grow. As a result, the application has been amended by modifying the existing “M-13” (Prestige Industrial) District to add only those uses considered to be in support of the Industrial Business Park, as well as a building or contracting supply establishment which is considered an Industrial use.

A preliminary concept plan (Appendix “C”) was submitted with the application and is discussed in the Analysis/Rationale section of this report.

Details of Submitted Application

Owner/Applicant: J. Beume Real Estate Ltd.

Agent: James Webb

Property Description: Lot Area: 18, 478.4 sq.m.

Lot Frontage: (Stone Church) 136.2 metres

Lot Flankage: (Arbour) 114.7 metres

Servicing: Full Municipal Services

Location: 1525 Stone Church Road East, Hamilton (see Appendix “A”)
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Land</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Lincoln Alexander Parkway</td>
<td>“M-13” (Prestige Industrial) District</td>
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<tr>
<td>West</td>
<td>Open Space</td>
<td>“A” (Conservation, Open Space, Park and Recreation) District</td>
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<td>Single Family Dwelling</td>
<td>“A/S-658a” (Conservation, Open Space, Park and Recreation) District</td>
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<tr>
<td>South</td>
<td>Banquet Centre</td>
<td>“M-14/S-1596” (Prestige Industrial) District</td>
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<td>Storage Facility</td>
<td>“M-14” (Prestige Industrial) District</td>
</tr>
<tr>
<td>East</td>
<td>Mosque</td>
<td>“M-14/S-904” (Prestige Industrial) District</td>
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</tbody>
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ANALYSIS/RATIONALE:

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
   - It is consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe.
   - It conforms to the Hamilton-Wentworth Official Plan and Hamilton Official Plan.
   - The proposed development is compatible with the existing and proposed land uses in the surrounding area.
   - It conforms with and implements the “Restricted Industrial - Commercial (M-12 and M-13)” designation of the East Mountain Industrial - Business Park Neighbourhood Plan.

2. There are public watermains and separate storm and sanitary sewers fronting the property on Stone Church Road, and flanking the western portion of the property on Arbour Road.

A future road allowance widening along the entire flankage of the property adjacent to Arbour Road, and at the intersection of Stone Church Road East and Arbour Road, is required to permit for the future alignment of Arbour Road and Anchor Road. The required amount has yet to be determined, however, it will be formalized at the Site Plan Control Stage as a condition of approval. The widening must
accommodate the future pedestrian walkway over the Lincoln Alexander Parkway (see comments from Capital Planning and Implementation, Open Space Development and Park Planning, in the Relevant Consultation section of this Report).

In addition, the owner/applicant is advised that at the Site Plan Control Stage, the Owner will be required to prepare and implement a site storm water management plan with respect to storm water quantity and quality. On-site quantity control, in the absence of a major overland flow route, must be such that the 100-year storm shall be controlled to the capacity of the pipe to which the system outlets. On-site quality control will be required as a result of the existing downstream Central Mountain Storm Water Management Control pond not being designed to handle the proposed re-development.

3. The applicant submitted a preliminary concept plan with the application (see Appendix “C”). Circulation of the plan to the Building Services Division identified a number of possible variances as they were unable to determine compliance based on insufficient information based on the preliminary concept plan. As a result, it is possible that a minor variance application may be required in the future. Building comments also indicated that there is a 15.24 metre setback requirement from the limits of the Mountain Freeway (Lincoln Alexander Parkway) to any structure. Although the applicant has not provided the setback information, the location of the existing building appears to conform.

4. The approval of the application requires inclusion of the following special zoning provisions:

**Location of Drive-Thru and Stacking Lanes**

Staff recommends prohibiting any drive-thru or stacking lane to be adjacent to a street. Staff is of the opinion that the proposed modification will enhance the streetscape and incorporate good urban design principles.

**Fitness Club**

Sport and Recreation Clubs and Services (which includes a fitness club) are currently permitted in the “M-13/S-563” (Prestige Industrial) District in a public capacity. The amending By-law, attached as Appendix “B”, will recognize this permitted use and modify it so it includes a fitness club. A fitness club can be supported as it is an ancillary use in support of the Business Park and its personnel.

**Business and Professional Office Gross Floor Area**

In accordance with the “Employment Area” policies in the New Urban Official Plan (adopted on July 9, 2009), and proposed through the draft Industrial zoning, offices are permitted within the Employment Area provided that the office does not exceed
a maximum of 2,000 square metres per building. Accordingly, this provision has been included in the draft By-law (attached as Appendix “B”). The intent of imposing a maximum gross floor area is to ensure that major office uses locate in the downtown core, and the offices permitted within the Industrial Business Park are smaller scale and supportive to Business Parks, as per Places to Grow.

Building or Contracting Supply Establishment Gross Floor Area

In accordance with the “Employment Area” policies in the New Urban Official Plan (adopted on July 9, 2009), and proposed through the draft Industrial zoning, Building or Contracting Supply Establishments will be permitted within the “Employment Area” land designation. The amending By-law will add this use and limit it to a total maximum gross floor area of 1,765 square metres and 929 square metres for an individual unit in order to permit a portion of the existing building to be retrofitted for this use. For the purpose of the site-specific By-law, a Building or Contracting Supply Establishment will be defined as follows:

“Shall mean the use of land, building or structure in which building, construction or home improvement materials are stored and/or offered for wholesale or retail sale.”

The applicant is in agreement with the foregoing special provisions.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the application, the lands would be subject to the existing “M-13” (Prestige Industrial) District and “M-13/S-563” (Prestige Industrial) District, Modified, provisions.

**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 a Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The application has been reviewed against the Provincial Policy Statement (PPS). The PPS stresses the importance of Employments Lands which are defined 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“. Policy 1.3.1 states:

“Planning authorities shall promote economic development 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 takes 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 subject property is located in an “Employment Area”, as it is within the East Mountain Industrial Business Park (as identified in the Hamilton-Wentworth Official Plan and the former City of Hamilton Official Plan), and the New Urban Official Plan (adopted July 9, 2009) “Employment Area” designation.

As the proposed uses, a restaurant, bank, fitness club, and general and professional offices are considered to be ancillary facilities in support of the Industrial Business Park, and a building or contracting supply establishment is considered to be an industrial use, the proposal conforms to the PPS.

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

The application has been reviewed against the Places to Grow Plan. This document also stresses the importance of Employment Lands. Employment Area is defined as “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”. Similar to the policies set out in the PPS, Policy 2.2.6.2 states:

“Planning authorities will promote economic development competitiveness by:

(a) Providing for an appropriate mix and range 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 and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and takes 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 forecasted employment needs."

Regarding Employment Areas, Policy 2.2.6.5 states:

“Municipalities may permit conversion of lands within employment areas, to non-employment uses, only through a municipal comprehensive review where it has been demonstrated that:

(a) There is a need for conversion;

(b) The municipality will meet the employment forecasts allocated to the municipality pursuant to this Plan;

(c) The conversion will not adversely affect the overall viability of the employment area, and achievement of the intensification target, density targets, and other Policies of this Plan;

(d) There is existing or planned infrastructure to accommodate the proposed conversion;

(e) The lands are not required over the long term for the employment purposes for which they are designated; and,

(f) Cross-jurisdictional issues have been considered.”

Within the Growth Plan, major retail uses are considered non-employment uses.

Based on the foregoing, staff is of the opinion that the intent of the amended application is not to allow for conversion of the site to Non-Employment Uses, but rather to permit four commercial uses, a restaurant, a bank, a fitness club, and business and professional offices, which are considered to be in support of the Industrial Business Park. Also, the proposed building or contracting supply establishment is considered an Industrial Use. As a result, the proposal conforms to the Places to Grow Plan.

Hamilton-Wentworth Official Plan

The subject lands are designated as “Business Park” in the Hamilton-Wentworth Official Plan. Policy 3.1.3 states that Business Parks shall permit a full range of manufacturing, construction, wholesale establishments, truck terminals, research and development uses and office development, as well as service types which support the industrial and business operations and employers, uses including hotels, banquet centres and
recreational facilities, and land extensive retail-wholesale uses requiring site and building specifications similar to industrial uses.

In addition, Policy 3.1.3.2 states that “grouped commercial uses of a retail or service nature such as banks, restaurants, and professional offices that will not adversely affect established and/or approved retail areas”, shall also be permitted. Such uses shall be directed to locations along major roads. The proposal to permit a bank, a restaurant, a fitness club, and small scale business and professional offices complies with the above policies as it is located along a major road and the limited range of proposed commercial uses support the adjacent industrial uses. Therefore, the proposal conforms to the Hamilton-Wentworth Official Plan.

**Hamilton Official Plan**

The subject lands are designated “Industrial” on Schedule ‘A’ Land Use Concept Plan, in the Hamilton Official Plan. The lands are also identified as Special Policy Area 11(a) on Schedule B-3 (East Mountain Industrial-Business Park) to the Official Plan. The following policies, among others, are applicable to the subject property:

**Industrial**

“A.2.3.1 The primary uses permitted in the areas designated on Schedule ‘A’ as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;

ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, day nurseries, etc., which are intended to directly serve the Industries and their personnel;

iii) Uses which have characteristics or functional requirements similar to Industries;

iv) Residences for maintenance staff of a principal use;

v) Research and development facilities;

vi) Public and private transportation terminals, highway and road related services (e.g. automobile service stations); and,
vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area.

2.3.2 Council recognizes the varied nature of Industry in the City. Therefore, the policies of this Plan are intended to apply to a hierarchy of INDUSTRIAL categories. The hierarchy is not specifically designated on Schedule ‘A’. However, an element of the hierarchy is shown on Schedule ‘B’ and Schedule ‘B-3’ as Special Policy Area 11 and 11a, and as set out in Subsection A.2.9.3. The location and distribution of additional categories will be identified through Neighbourhood Plans.

2.3.3 Further, it is intended that the policies for the various categories in the INDUSTRIAL hierarchy will provide guidance to Council when considering amendments to this Plan or to the Zoning By-law.

**Light Industrial**

2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule ‘B’ and Schedule ‘B-3’ as Special Policy Area 11 and 11a. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct, such as the East Mountain Industrial-Business Park.

2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities, and printing and publishing plants.

2.3.15 In addition to the ancillary uses that may be permitted in INDUSTRIAL areas, as set out in Policy A.2.3.1, clubs or establishments catering to leisure activities may be permitted in the LIGHT INDUSTRIAL category.

2.3.16 New developments in the LIGHT INDUSTRIAL category may be subject to site plan control, as provided by The Planning Act. However, all developments in the prestige Industrial Districts will be subject to Site Plan Control.

2.3.17 Council will encourage all new developments in LIGHT INDUSTRIAL precincts to adhere to good architectural quality in building design.

2.3.18 Council will ensure that non-Industrial land uses abutting LIGHT INDUSTRIAL precincts are protected from any adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping, or other like measures.
2.3.19 In the LIGHT INDUSTRIAL precinct known as the East Mountain Industrial-Business Park, those ancillary uses permitted within INDUSTRIAL areas, as set out in Policy A.2.3.1 (ii), will be restricted to areas abutting major roads. The detailed location of these uses will be identified in the Neighbourhood Plan. In addition, the following provisions will apply:

i) Industrial buildings or processes will not be permitted within ninety (90) metres of any structure on properties used solely for Residential purposes within the Industrial land use designation; and,

ii) Cemeteries existing in 1970 will be permitted to remain in perpetuity. (O.P.A. No. 27)

2.3.20 Prior to the development of a new LIGHT INDUSTRIAL precinct, Council will require that a detailed planning investigation be undertaken to determine the most appropriate land use pattern and design guidelines in order that the development potentials of the area may be fully realized. Accordingly, a Neighbourhood Plan will be required, subject to the policies of Subsection D.2 and, if warranted, an amendment to this Plan.

Other Policy Areas

A.2.9.3.9 In keeping with the provisions of Subsection A.2.3, for those lands shown on Schedules ‘B’ and ‘B-3’ as SPECIAL POLICY AREA 11 and SPECIAL POLICY AREA 11a, light industrial uses will be permitted. Accordingly, all appropriate policy provisions in this Plan dealing with the light industrial land use category will apply. Notwithstanding the foregoing, for those lands which are:

i) shown on Schedule ‘B’ and Schedule ‘B-3’ as SPECIAL POLICY AREA 11a, in addition to the light industrial uses, business and professional offices and home improvement uses will be permitted.”

Policy A.2.3.1 indicates that in addition to the primary permitted uses within Industrial areas, business enterprises such as, but not limited to, banks and restaurants, which are intended to directly serve the Industries and their personnel, shall be permitted. In addition, the subject lands are identified as Special Policy Area 11a on Schedule ‘B-3’, which refers to Policy A.2.9.3.9. This policy states that in addition to the light industrial uses, business and professional offices and home improvement uses shall also be permitted.

The proposed change in zoning to permit a restaurant, bank, fitness club, and business and professional offices in support of the business park conforms with and implements the “Industrial” designation. The proposed building or contracting supply establishment also conforms to the “Industrial” designation.
Neighbourhood Plan

The subject lands are located within the East Mountain Industrial Business Park. The lands are designated Restricted Industrial-Commercial (M-12 and M-13). The proposed change in zoning conforms with and implements the “Restricted Industrial - Commercial (M-12 and M-13)” designation.

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 approval, and is not yet in effect. The subject lands are designated as “Employment Areas” on Schedule ‘E’ Urban Structure and “Business Park” on Schedule ‘E-1’ Urban Land Use Designations. The proposal conforms to the plan.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Budgets Section, Budgets and Finance Division.
- Strategic Planning Section, Capital Planning and Implementation Division.
- Forestry and Horticulture Section, Operations and Maintenance Division.
- Infrastructure and Source Water Planning Section, Water and Wastewater Division.
- Hamilton Conservation Authority.
- Hamilton Street Railway.
- Horizon Utilities.

The following Departments and Agencies submitted comments:

Capital Planning and Implementation Division, Open Space Development and Park Planning:

Comments from Open Space Development and Park Planning Section indicated that construction of a pedestrian bridge over the Lincoln Alexander Parkway (LINC), from the existing Arbour Road on the north side to the existing Arbour Road on the south side, is slated to occur within the next 5 years. The public review period for the Environmental Assessment ended on June 22, 2009. With no Part II Orders requested, the project will proceed to the detail design stage.

They have recommended that any ingress/egress points from the west side of the property onto Arbour Road should be restricted, as there is a safety concern with the mixing of vehicles accessing the site and pedestrians using the bridge. Based on the concept plan submitted by the applicant (see Appendix “C”), the applicant is proposing to retain the existing access onto Arbour Road at the rear of the building. The location
of any ingress/egress points, and any potential conflicts with the pedestrian bridge, will be identified and resolved at the Site Plan Control stage.

**Operations and Maintenance Division, Traffic Engineering and Operations Section:**

Comments from Traffic Engineering and Operations Section indicated that they do not object to the zoning application, however, they do have concerns with respect to the redevelopment of the property, the proposed City pedestrian/cycling facilities, as well as road alignment and construction of Arbour Road.

Arbour Road is not an urbanized road, and it is recommended that urbanization occur as part of the redevelopment of the property. However, there are two issues that first need to be addressed; easterly shifting of Arbour Road to align centreline to centreline with Anchor Road to the south, and the construction of a pedestrian walkway from Arbour Road northerly over the Lincoln Alexander Parkway/Red Hill Valley Parkway (LINC/RHVP). Road widenings must be considered on the east side of Arbour Road in order to accommodate the shifting of the roadway to the east. The design for the pedestrian bridge over the LINC/RHVP has not yet been contemplated, however, the potential for grade changes at the bridge site must be considered. As a result, access to the site from Anchor Road, as shown on the plan, may not physically be possible. Also the access from the rear of the building will be expanded in volume of both passenger vehicles and delivery trucks with the proposed development plans, which will create conflict with the pedestrian/cyclist movement.

It is recommended that at the formal Site Plan Control stage, the site layout, truck manoeuvring area, and proposed building expansion on the east side of the building take into consideration the existing access points to Stone Church Road, rather than Arbour Road.

**PUBLIC CONSULTATION**

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, one hundred Notices of Complete Application and Preliminary Circulation were mailed to all property owners within 120 metres of the subject property on September 16, 2008. To date, no responses have been received. A Public Notice sign was also posted on the property on November 13, 2008, and Notice of the Public Meeting was given in accordance with the requirements of 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

The public are involved in the definition and development of local solutions.
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
Investment in Hamilton is enhanced and supported.

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

:DAF
Attachs. (3)
Appendix "A" to Report PED09224

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-06-044
Date: July 16, 2009

Appendix "A"

Subject Property
1525 Stone Church Road East

- Block 1
  Change in zoning from the "M-13/S-563" (Prestige Industrial) District, Modified to the "M-13/S-563a" (Prestige Industrial) District, Modified

- Block 2
  Change in zoning from the "M-13" (Prestige Industrial) District, Modified to the "M-13/S-563a" (Prestige Industrial) District, Modified

Ward 6 Key Map
N.T.S.
CITY OF HAMILTON

BY-LAW NO. [Number]

To Amend Zoning By-law No. 6593
Respecting Lands Located at 1525 Stone Church Road East

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former 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 [Number] of Report [Number] of the Economic Development and Planning Committee, at its meeting held on the day of [Date] 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 No. E-69c of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended by By-law No. 78-44, is further amended by changing the zoning:

(a) from the “M-13/S-563” (Prestige Industrial) District, Modified, to the “M-13/S-563a” (Prestige Industrial) District, Modified, for the lands comprised in Block 1; and,

(b) from the “M-13” (Prestige Industrial) District to the “M-13/S-563a” (Prestige Industrial) District, Modified, for the lands comprised in Block 2;

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

2. That the “M-13” (Prestige Industrial) District regulations, as contained in Section 17E of Zoning By-law No. 6593, as amended by By-law No. 78-44, applicable to the lands identified in Section 1 of this by-law, be further modified to include the following special requirements:

(a) That notwithstanding Section 17E (1) of Zoning By-law No. 6593, the following uses shall also be permitted:

i. Bank.

ii. One restaurant provided that no drive-thru or stacking lane shall be located between any building and a street line.

iii. Fitness Club.

iv. Business and Professional Offices (excluding medical) up to a maximum of 2,000 square metres gross floor area per building.

v. Building or Contracting Supply Establishments with a total maximum gross floor area of 1,765 square metres and a maximum gross floor area of 929 square metres for each individual unit within the building existing on the date of the passing of this By-law, being the ___ day of ___, 2009.

(b) That notwithstanding Section 2 of Zoning By-law No. 6593, the following definition shall apply to the lands referred to in Section 1 of this By-law:

i. Building or Contracting Supply Establishments - Shall mean the use of land, building or structure in which building, construction or home improvement materials are stored and/or offered for wholesale or retail sale.
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 “M13/S-563” District, Modified, provisions, subject to the special requirements referred to in Section 2 of this By-law.

4. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-563a.

5. That Sheet No. E-69c of the District Maps is amended by marking the lands referred in Section 1 of this By-law as S-563a.

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 [Blank] day of [Blank], 2009

______________________________________________  __________________________________________
Fred Eisenberger                                      Kevin C. Christenson
Mayor                                                Clerk

ZAC-08-044
Appendix "B" to Report PED09224 (Page 4 of 4)

Schedule "A"

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

Subject Property
1525 Stone Church Road East

<table>
<thead>
<tr>
<th></th>
<th>Block 1</th>
<th>Change in zoning from the &quot;M-13/3-563&quot; (Prestige Industrial) District, Modified to the &quot;M-13/3-563a&quot; (Prestige Industrial) District, Modified</th>
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<td></td>
<td>Block 2</td>
<td>Change in zoning from the &quot;M-13&quot; (Prestige Industrial) District, Modified to the &quot;M-13/3-563a&quot; (Prestige Industrial) District, Modified</td>
</tr>
</tbody>
</table>

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

Clerk
Mayor

Scale: N.T.S.
File Name/Number: ZAC-08-044
Date: Sept. 5, 2008
Planner/Technician: DF/BR

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Hamilton