## RECOMMENDATION

(a) That approval be given to **Official Plan Amendment Application OPA-13-****, by Vicano Developments Inc., Owner**, for Amendment No. **** to the Urban Hamilton Official Plan, for changes in designations on “Schedule E - Urban Structure”, from “Neighbourhoods” to “Employment Areas”, on “Schedule E-1, Urban Land Use Designations”, from “Arterial Commercial” to “Business Park”, and on “Urban-Site Specific Key Map” as “Site-Specific Policy UHE-X”, in order to permit various employment uses, including office uses, on the lands located at 211 Pritchard Road West (formerly 134 Mud Street) (Hamilton), as shown on Appendix “A” to Report PED13155, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED13155, be adopted by City Council;
(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe.

(b) That approval be given to **Zoning Application ZAC-13-009, by Vicano Developments, Owners**, by adding lands to Hamilton Zoning By-law No. 05-200 under the Business Park Support (M4, 454) Zone, with a Special Exception, as shown on Appendix “A” to Report PED13155, for the property located at 211 Pritchard Road (formerly 134 Mud Street) (Hamilton), on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED13155, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law be added to Schedule “A”, Map No. 1452, of Zoning By-law No. 05-200.

**EXECUTIVE SUMMARY**

The purpose of this application is to incorporate the subject lands into Hamilton Zoning By-law No. 05-200. The applicant is proposing the development of the lands for industrial-related uses, including offices. The subject lands are currently designated as “Arterial Commercial” in the Urban Hamilton Official Plan (UHOP). Now that the UHOP is in force and effect (as approved by the Ontario Municipal Board (OMB) on August 16, 2013), the proposed land uses would not comply with the “Arterial Commercial” designation in the UHOP and, therefore, an Official Plan Amendment is necessary in order to recognize the existing and approved proposed employment land uses which better align with the “Business Park” designation. The lands currently have three multiple zoning categories under Hamilton Zoning By-law No. 6593 (the “AA” (Agricultural) District, the “M-12” (Prestige Industrial) District, and the “M-14” (Prestige Industrial) District). The effect of this application is to implement one zone for the subject lands. A portion of the subject lands is currently under development, as the proposed office use is permitted under the current “M-12” (Prestige Industrial) District. The remainder of the lands will be subject to further review through the Site Plan Control process.

The proposal has merit and can be supported, since the applications are consistent with the Provincial Policy Statement and conform with the Growth Plan. The proposed development is considered to be compatible with and complementary to the planned development in the immediate area.

*Alternatives for Consideration - See Page 12.*
OUR Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

OUR Mission: WE provide quality public service that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Values: Accountability, Cost Consciousness, Equity, Excellence, Honesty, Innovation, Leadership, Respect and Teamwork

Subject: Application for Amendment to Zoning By-law No. 05-200 for Lands Located at 211 Pritchard Road (Formerly 134 Mud Street) (Hamilton) (PED13155) (Ward 6) - Page 3 of 12

Financial / Staffing / Legal Implications (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for amendments to the UHOP and Zoning By-law.

Historical Background (Chronology of events)

Proposal:

The applicant has applied for an amendment to rezone the lands in order to permit various permitted uses associated with the Business Park Support (M4, 454) Zone, Modified, in order to consolidate the subject lands under one Zone, as the lands are currently regulated by three Zones. As a result of the OMB approval of the UHOP, an amendment to the UHOP is required to reinstate the employment land use designation on the subject lands. A concept plan has been provided (see Appendix “C”).

Chronology:

August 16, 2012: FC-12-106 is discussed at Development Review Committee, and shortly thereafter, a Formal Consultation Document is issued to the applicant identifying the requisite list of planning applications, studies, and reports necessary to deem any future Planning Act application(s) complete.

November 9, 2012: Site Plan application (File No. DA-12-200) is received with the requisite list of studies and plans.

November 14, 2012: The Site Plan application is deemed complete and circulated to the relevant Departments and Agencies.

December 12, 2012: Application for Site Plan Control is discussed at Development Review Committee.

February 5, 2013: Site Plan application is conditionally approved for a portion of the lands which permits the proposed use.

March 13, 2013: Committee of Adjustment Meeting.
April 11, 2013: Committee of Adjustment decision becomes final and binding.

April 25, 2013: Application ZAC-13-009 is received.

May 6, 2013: The rezoning application is deemed complete and circulated to the relevant Departments and Agencies.

May 16, 2013: Notice of Complete Application and Preliminary Circulation is mailed to all property owners within 120m of the subject lands.

July 30, 2013: Partial Site Plan approval is issued for Foundation Permit for the office building.

August 16, 2013: Urban Hamilton Official Plan approved, in part, by the OMB.

August 30, 2013: Final Site Plan clearance issued for office use (File No. DA-12-200).

September 11, 2013: UHOP OPA request received.

September 27, 2013: Notice of Complete Application for the UHOP OPA and Notice of Public Meeting is mailed to all residents within 120m of the subject lands.

**DETAILS OF SUBMITTED APPLICATIONS:**

**Location:** 211 Pritchard Road (Hamilton) (see Appendix “A”)

**Owners:** Vicano Developments Inc.

**Agent:** IBI Group Inc. (c/o John Ariens)

**Property Size:**

- **Area:** 2.03 ha
- **Frontage:** 46.79m
- **Depth:** 119.3m
**EXISTING LAND USE AND ZONING:**

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Lands:</td>
<td>Vacant (Office Under Construction)</td>
<td>Agricultural “AA” District, Prestige Industrial “M-12” District, and Prestige Industrial “M-14” District</td>
</tr>
<tr>
<td><strong>Surrounding Lands:</strong></td>
<td></td>
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<tr>
<td>North</td>
<td>Lincoln Alexander Parkway</td>
<td>Agricultural “AA” District</td>
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<tr>
<td>South</td>
<td>Contractor’s Yard</td>
<td>Prestige Industrial “M-14” District</td>
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<tr>
<td>East</td>
<td>Hydro One Corridor</td>
<td>Prestige Business Park (M3) Zone</td>
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<tr>
<td>West</td>
<td>Commercial</td>
<td>Prestige Business Park (M3, 374) Zone</td>
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</tbody>
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**POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS**

**Provincial Policy Statement:**

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The PPS provides policy, which identifies that healthy, liveable communities are sustained by accommodating an appropriate range and mix of uses, including but not limited to, employment, which includes industrial, commercial, and institutional. In this regard, the PPS provides policy on employment areas. Employment areas shall promote economic development and competitiveness by providing for an appropriate range and mix of employment to meet long-term needs, and to provide opportunities for a diversified economic base with suitable sites for employment uses.

Based on the above, staff is satisfied that the proposed redesignation from “Arterial Commercial” to “Employment Area/Business Park” and proposed change in zoning are consistent with the PPS.
Growth Plan for the Greater Golden Horseshoe:

The Growth Plan for the Greater Golden Horseshoe was prepared and approved under the Places to Grow Act by the Province of Ontario. The Plan’s main objective is to provide direction in developing communities with a better mix of housing, jobs, shops, and services in close proximity to each other.

The subject lands are located within the Built Boundary and surrounded by employment areas. The redesignation from “Arterial Commercial” to “Employment Area/Business Park” would implement the Employment Land policies of the Growth Plan. These policies provide that an adequate supply of lands, providing locations for a variety of appropriate employment uses, is to be maintained to accommodate growth forecasts. The Plan also provides direction similar to the PPS Employment Area policies. The Growth Plan for the Greater Golden Horseshoe Plan encourages municipalities to designate and preserve lands in the vicinity of existing major highway interchanges for uses such as manufacturing, warehousing, and associated retail, office, and ancillary facilities, where appropriate.

Based on the foregoing, the proposed redesignation from “Arterial Commercial” to “Employment Area/Business Park” and proposed change in zoning implements and conforms to the Growth Plan for the Greater Golden Horseshoe.

Urban Hamilton Official Plan:

The proposal has been evaluated against the policies of the new Urban Hamilton Official Plan (UHOP), which was adopted by Council on July 9, 2009. The Minister of Municipal Affairs and Housing issued its approval on March 10, 2011. The UHOP was subsequently appealed, and the OMB approved the UHOP, in part, on August 16, 2013. At this time, the majority of the policies in the Urban Hamilton Official Plan are now in effect.

The Employment Area policies and designations are under appeal on a City Wide basis, and the subject lands are designated “Arterial Commercial”. Therefore, a site-specific OPA is required to bring forward the UHOP employment policies, as it applies to this site only. Once the City Wide employment appeals are resolved, this OPA can be deleted through a housekeeping amendment. The redesignation of the subject lands from “Arterial Commercial” to “Employment Lands” is consistent with the 2007 Comprehensive Employment Land Study, prepared by Hemson Consulting, which recommended that the subject lands be retained for employment land uses.
The subject lands are designated “Arterial Commercial” in the UHOP. The designation permits such uses as department stores, food stores, residential uses and store primarily selling apparel, housewares, electronics, sporting goods, or general merchandise. Therefore, the change in designation is required (OPA) so as to recognize the current office being constructed, and proposed industrial and institutional related uses which would otherwise not conform to the UHOP “Arterial Commercial” designation as it is a use generally associated with the “Business Park” designation.

Through the UHOP policy-making process for commercial designations, the previous land owner requested that Council include the subject lands within the “Arterial Commercial” designation. The “Arterial Commercial” designation is intended to provide for a range of uses catering to the travelling or drive-by consumer, as well as retail stores, which are land extensive. The range of permitted uses in the “Arterial Commercial” designation includes commercial uses, including banquet halls, restaurants, garden centres, furniture stores, building and lumber supply establishment, home improvement supply store, and retail building supply. Other permitted uses include, but are not limited to, automotive related uses, commercial recreational uses, industrial supply and service, accommodation, and enclosed storage, including mini warehousing. The lands have subsequently been sold to the current owner.

The current owner has provided written correspondence (dated August 29, 2013) advising the City that they are prepared to abandon the “Arterial Commercial” designation as it does not permit the range of industrial uses currently being sought (i.e. offices, etc.); therefore, the applicant has also made an application for an OPA. The proposed development is in keeping with the “Employment Area - Business Park” designation, as it permits the development of small scale office uses, among others. However such office uses shall be restricted in function, scale, and type, and shall be limited in size. The implementing By-law has been drafted to achieve the intent of this policy, as well as permit other uses such as Computer, Electronic, and Data Processing Establishment, Equipment and Machinery Sales, Rental and Service Establishment, Household Furniture and Appliances Sales, Service and Repair, and a Social Services Establishment.

Even though portions of the City of Hamilton Official Plan “Industrial” policies are in force, they would not apply to the subject lands and, therefore, a site-specific Official Plan Amendment (OPA) is required prior to the approval of the proposed Zoning By-law (see Appendix “B”).

Based on the recent OMB decision, staff has initiated and prepared an OPA (see Appendix “B”), which is required pursuant to the Planning Act, as it prescribes that an approval authority can only pass an implementing Zoning By-law which is in conformity with the applicable Official Plan in effect at the time of approval. The proposed zoning would further entrench the employment area uses, as identified in the
UHOP. In this regard, the proposed lands would be in keeping with the UHOP policies respecting employment areas, upon approval of the OPA.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Waste Management Division, Public Works Department.
- Forestry and Horticulture Section, Public Works Department.
- City of Hamilton Public Health Services (HPHS).
- Hamilton Street Railway.
- Horizon Utilities.
- Hydro One.

**Hamilton Conservation Authority** has advised that they have no concerns with the proposed Zoning By-law Amendment, as their concerns have been addressed through the related Site Plan Control application (File No. DA-12-200).

PUBLIC CONSULTATION:

In accordance with the provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 11 property owners within 120m of the subject lands on May 16, 2013, and a Public Notice sign was posted on the property on May 23, 2013. To date, no letters have been submitted by the public. The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposed changes in zoning have merit and can be supported for the following reasons:

   (i) They are consistent with the Provincial Policy Statement and conform with the Growth Plan for the Greater Golden Horseshoe Plan, as they represent an opportunity for growth in the Employment Areas.

   (ii) They will conform with the Urban Hamilton Official Plan upon finalization of the Official Plan Amendment.

   (iii) The proposed development represents good planning, among other things, providing a range of employment uses and jobs.
(iv) The proposed development is considered to be compatible with the planned development in the immediate area.

2. The Employment Area policies and designations are under appeal on a City Wide basis, and the subject lands are designated “Arterial Commercial”. Therefore, a site-specific OPA is required to bring forward the UHOP employment policies, as it applies to this site only. As indicated above, to permit the uses, this OPA is required at this time. Once the City Wide employment appeals are resolved, this OPA can be deleted through a housekeeping amendment. The redesignation of the subject lands from “Arterial Commercial” to “Employment Lands” is consistent with the 2009 Comprehensive Employment Land Study, prepared by Hemson Consulting, which recommended that the subject lands be retained for employment land uses.

3. The applicant has requested amendments to City of Hamilton Zoning By-law No. 05-200, and staff has proposed some additional modifications based on their request. The proposed modifications are discussed below:

**Business Support Park (M4, 454) Zone, Modified (See Appendix “B”):**

**Permitted Uses For Each Lot:**

In addition to the permitted uses of the parent Business Support Park (M4) Zone, the applicant has also requested the following uses:

- Computer, Electronic, and Data Processing Establishment.
- Equipment and Machinery Sales, Rental and Service Establishment.
- Household Furniture and Appliances Sales, Service and Repair.
- Social Services Establishment.

The applicant had also requested additional uses be included, beyond those listed above. Staff is of the opinion that those uses initially requested by the applicant were considered either redundant and would be permitted within the M4 Zone, or were sensitive (i.e. children’s play gym) and not appropriate at the proposed location. Those deemed sensitive have been exempted from the parent Industrial Zone, and, therefore, staff is not supportive of such uses. However, staff is of the opinion that the four proposed additional uses listed above are in keeping with the intent of this employment area and, therefore, can be supported.
Yard Abutting a Street:

The applicant has requested the maximum yard to be 45m, whereas the parent zone permits a maximum of 25m building setback from the street (i.e. Pritchard Road). Since a portion of the lands are currently being developed under Site Plan Control, and currently a legal non-conforming situation, the applicant has requested this modification. Staff is of the opinion that the proposed modification can be supported, as the Site Plan Control application has been developed under the existing City of Hamilton Zoning By-law No. 6593, which does not have this provision, and in this regard, staff is supportive of recognizing an existing situation, which is a result of the irregular shape of the lot and typographical conditions associated with the Pritchard Road bridge structure.

Maximum Gross Floor Area for Medical Clinic:

The applicant has requested a maximum gross floor area (GFA) for a medical building to be 3,700 sq. m., whereas the By-law permits 3,000 sq. m. Given the size of the subject lands and the proposed layout of the building envelope, staff is supportive of this request as it is in keeping with the UHOP policies mentioned above, and further ensures that there is not an overabundance of office space on these lands, which could impede office developments elsewhere in the City. The existing development is approximately 3,438 sq. m., and the proposed Phase 2 building is identified as 2,880 sq. m., for a total of 6,318 sq. m. (see Appendix “C”). In this regard, staff is supportive of the increased GFA of 3,700 sq. m. as the maximum GFA for a medical clinic, as it is considered minor.

Gross Floor Area for Office Use:

The applicant has also requested a maximum GFA for an office use building to be 3,300 sq. m., whereas the By-law permits 3,000 sq. m. As noted above, the subject lands are sizable and can, therefore, support the increased GFA. It is important to mention that the proposed increase in both medical and office uses is only supportive based on what the subject lands are capable of sustaining as it relates to the other provision of the By-law (i.e. parking requirements). Further, as noted above, staff is of the opinion that a combined GFA of 7,000 sq. m. for both office and medical uses is acceptable in light of the current Zoning regulations and the forthcoming “Employment Area - Business Park” designation. The request for a total of 3,300 sq. m. as the maximum GFA for an office use is considered minor and appropriate and, therefore, staff is of the opinion that the increased GFA can be supported.
Therefore, the implementing Zoning By-law, as does the parent By-law, provides distinction between the two uses. In this regard, the medical clinic use is proposed as having a maximum 3,700 sq. m., and the proposed office use would have a maximum 3,300 sq. m.

**Landscaped Area and Planting Strip Requirements:**

The applicant has requested relief as it relates to the minimum landscape area and planting strip requirements. They have requested 0.5m for both, and staff has recommended 1.0 metre, whereas the By-law requires a total of 6m, of which 3m shall be a planting strip. Through the conditional Site Plan Control approval, the applicant was required to apply and receive approval for various minor variances, one of which was for landscaping adjacent to the Lincoln Alexander Parkway. The Committee of Adjustment permitted a minimum landscape area of 1.0m (see Appendix “D”). Further, staff has provided proposed wording which combines the landscaping and planting area within the 1.0m proposed at this location only.

The applicant has also requested modification to the parking provisions as it relates to landscape area between parking spaces, driveways and aisles, and the street. The applicant has requested 0.0m to 0.5m in some areas, and in keeping with the Committee of Adjustment decision noted above, staff has proposed 1.0m along a portion of Pritchard Road. Further, staff has proposed a 1.0m wide planting strip along the Lincoln Alexander Parkway lot line. Lastly, the applicant has requested a 1.5m wide strip for all other lot lines.

Staff is supportive of the proposed modifications, as they are consistent with the previous Committee of Adjustment approval and an existing legal non-conforming situation. In addition, significant vegetation currently exists for a majority of the lot lines. The associated landscape plans submitted for final Site Plan approval have an enhanced level of landscaping and plantings. For these reasons, staff is supportive of the proposed modifications, as amended.

4. **The subject lands provide for a 6m easement from Pritchard Road along the southerly lot line.** The easement is in favour of lands located further east of the subject lands abutting the Hydro One Corridor. The purpose of the easement is to provide municipal road access and servicing to the lands. The Site Plan identifies this easement, and staff has indicated, through review of the applicable plans, that the design and development of the subject lands must respect the easement.
ALTERNATIVES FOR CONSIDERATION
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the applications be denied, the lands could be developed in accordance with the current M-12, M-14, and AA District provisions, which permit a range of both agricultural and industrial uses.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1:
A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective:

1.1 Continue to grow the non-residential tax base.

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Urban Hamilton Official Plan Amendment
- Appendix “C”: Draft Zoning By-law Amendment
- Appendix “D”: Conceptual Site Plan
- Appendix “E”: Committee of Adjustment Decision

:JM
Attachs. (5)
Appendix "A" to Report PED13155

Location Map

File Name/Number: ZAC-13-009
Date: September 10, 2013
Appendix "A"

Subject Property
211 Pritchard Road, Hamilton (formerly 134 Mud Street)

Lands to be redesignated from "Arterial Commercial" to "Employment Area - Business Park" and Lands to be Zoned "Employment Area - Business Park Support" (M4, 454) Zone, Modified

Ward 6 Key Map N.T.S.
Urban Hamilton Official Plan
Amendment No. ______

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

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to permit business support employment uses, including but not limited to, office uses.

2.0 Location:

The lands affected by this Amendment are known municipally as 211 Pritchard Road (formerly 134 Mud Street), in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is as follows:

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

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

- The proposed Amendment will bring the lands more into conformity with the Employment Area policies of the Plan.

4.0 Actual Changes:

4.1 Text Changes:

Volume 3 - Special Policy Areas, Area Specific Policies, and Site-Specific Policies

4.1.1 Volume 3, Chapter C - Hamilton Urban Site-Specific Policies; Hamilton - Employment is amended by adding the new Site-Specific Policies, as follows:
“UHE-X Lands located at 211 Pritchard Road, former City of Hamilton

1.0 For the lands designated “Business Park”, and located at 211 Pritchard Road, the following policies shall apply:

Employment Area – General Policies:

1.1 New development shall enhance the quality of the public realm along all public roads within and bounding Business Parks. The design and placement of buildings, structures, parking, loading, outdoor storage and assembly areas, lighting and landscaping, shall provide a safe, functional, and visually attractive environment for pedestrians and vehicles.

1.2 New development, including expansion to existing development, shall be planned with regard to existing and planned transportation and servicing infrastructure.

1.3 All development shall be designed and developed to be easily accessible by various types of transportation modes, such as roads, transit, active transportation and goods movement vehicles.

Employment Area – “Business Park” Designation:

2.0 Business Parks are planned for a broad range of employment uses compatible with the design policies for Business Parks. These areas are well served by roadway infrastructure, and are generally more able to accommodate proper buffering from sensitive land uses.

Function:

2.1 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.
Permitted Uses:

2.2 The following uses shall be permitted on lands designated “Employment Area – Business Park E-1 - Urban Land Use Designations” located at 211 Pritchard Road.

a) Manufacturing, warehousing, repair service, building or contracting supply establishments, building and lumber 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;

b) Uses which primarily support industry, including labour association halls, conference and convention centres, trade schools, commercial motor vehicle and equipment sales, and commercial rental establishments;

c) Ancillary uses which primarily support businesses and employees within Business Parks, including hotels, health and recreational facilities, financial establishments, restaurants, personal services, motor vehicle service stations and washing, retail establishments, and commercial parking facilities;

2.3 In addition to the uses outlined in 2.2, the following uses shall also be permitted:

a) Computer, electronic, and data processing establishment;

b) Equipment and machinery sales, rental and service establishment; and,

c) Household furniture and appliance sales, service, and repair.
Prohibited Uses:

2.4 The following uses shall be prohibited on lands designated “Employment Area on Schedule E-1 – Urban Land Use Designations”:

a) Major retail uses; and,

b) Residential uses and other sensitive land uses.

2.5 A building and lumber supply establishment may be permitted, provided it meets the following criteria:

a) It shall be located along arterial roads, excluding sites that are adjacent to provincial highways or sites that are located along arterial roads that are adjacent to provincial highways; and In addition to the requirements of Section 2.9 – Design, sites located on the exterior of the Employment Area or at or along strategic entrance points to the Employment Area shall be required to meet additional design standards, such as enhanced landscaping and screening of outdoor storage and assembly areas, which shall be implemented through the Zoning By-law. Outdoor storage in the front yard shall be discouraged.

b) It shall comply with a Secondary Plan or the Zoning By-law.

2.6 Ancillary uses which serve the businesses and employees of the Business Park, as described in Policy 2.2 c), shall only be permitted at locations fronting arterial roads or collector roads into the Business Park.

Scale:

2.7 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 2.9 c), and where the ancillary uses which serve the businesses and employees of the Business Park are permitted by Policy 2.6.

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.

c) Industrial administrative offices and consulting offices related to land development shall be limited to a maximum gross floor area of 9,999 sq. m. per free standing building, and shall only be permitted where prestige uses for a Business Park are permitted by Policy 2.9 c).

2.8 Retail establishments shall serve the businesses and employees of the Employment Area, shall be limited to 500 sq. m. of gross floor area, and shall only be permitted where the supporting uses for the Business Park are permitted by Policy 2.6.

Design:

2.9 The following policies shall apply to the lands designated “Employment Area – Business Park” on Schedule E-1 - Urban Land Use Designations:

a) New development and redevelopment of existing sites shall contribute to a quality image for the Business Park by incorporating quality building and landscaping designs in those areas adjacent to and visible from public roads, and by complementing the landscape qualities of adjacent sites.

b) Outdoor storage and assembly areas, loading areas, and larger parking areas shall generally be located at the sides or rear of buildings, away from public roads, and shall be screened from view of the roads and adjacent properties, with appropriate landscaping or fencing.
c) Prestige Business Park uses, such as offices or industrial administrative offices, shall be required to achieve higher design standards when within view of an arterial road in order to further promote and enhance the image of the Business Park and the City. The following criteria shall apply:

i) Development at these locations shall be of the highest quality design and materials within the Business Park.

ii) For developments that front, or have frontage on an arterial road, the principal façade shall incorporate windows and the main pedestrian entrance to the building. The main pedestrian entrance may be located on a collector or local road where the site configuration and building design restrict the location of the main pedestrian entrance along the arterial road.

iii) The façade of buildings facing expressways shall be encouraged to incorporate architectural design elements and landscaping which are attractive and emphasize a strong corporate presence.

iv) Enhanced landscaping strips shall be required along the road frontages, and major parking areas shall be discouraged between principal buildings and roads.

d) A range of compatible employment uses shall be encouraged to locate adjacent to lands designated “Neighbourhoods”, “Institutional”, or “Commercial and Mixed-Use”. Outdoor storage, assembly, and loading areas shall be appropriately located and buffered from these adjacent lands.
e) Building façades which are visible from arterial roads shall be finished with high quality materials, which will be determined through Site Plan Control.

4.2 Mapping Changes

**Urban Hamilton Official Plan Volume 1 - Urban Hamilton Official Plan, Schedule E, Urban Structure**

4.2.1 Urban Hamilton Official Plan Volume 1, Schedule E - Urban Structure be amended by:

a) Redesignating lands from “Neighbourhoods” to “Employment Areas”

as shown on Appendix “A”, attached to this Amendment.

**Urban Hamilton Official Plan Volume 1 - Urban Hamilton Official Plan, Schedule E-1, Urban Land Use Designations**

4.2.2 Urban Hamilton Official Plan Volume 1, Schedule E-1 - Urban Land Use Designations be amended by:

b) Redesignating lands from “Arterial Commercial” to “Business Park”

as shown on Appendix “B” attached to this Amendment.

**Volume 3 - Special Policy Areas, Area Specific Policies, and Site-Specific Policies**

4.2.3 Volume 3, Chapter C - Urban Site Specific Key Map; Volume 3: Map 2 be amended by:

a) Identifying lands at 211 Pritchard Road as Site-Specific Policy UHE-X.

as shown on Appendix “C” attached to this Amendment.
5.0 **Implementation:**

An implementing Zoning By-law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This is Schedule “1” to By-law No. ___ passed on the day of, 2013.

The
City of Hamilton

___________________________  __________________________
Robert Bratina                 Rose Caterini
MAYOR                        CLERK
CITY OF HAMILTON

BY-LAW NO. [redacted]

To Amend Zoning By-law No. 05-200
Respecting Lands Located at 211 Pritchard Road, Hamilton

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

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

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [redacted] of Report 13-[redacted] of the Planning Committee, at its meeting held on the day of [redacted], 2013, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act on March 16, 2011.

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

1. That Map No. 1452, of Schedule “A” to Zoning By-law No. 05-200, is amended by incorporating the following:

(a) Business Park Support (M4) Zone boundaries for the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That Schedule “C” of By-law No. 05-200 is amended by adding an additional Special Exception, as follows:

“454. Within the lands zoned Business Park Support (M4, 454) Zone, identified on Map 1452 of Schedule “A” and described as 211 Pritchard Road, the following special provisions shall apply:

In addition to Section 9.4.1, the following uses shall also apply:

Computer, Electronic and Data Processing Establishment
Equipment and Machinery Sales, Rental and Service Establishment
Household Furniture and Appliances Sales, Service and Repair
Social Services Establishment

Notwithstanding Section 9.4.3, Paragraphs b) ii), g), h), and k) i), ii), and iii), the following shall apply:

b) Yard Abutting a Street: ii) Maximum 45.0m.

g) Maximum Gross Floor Area for Medical Clinic: Shall be limited to a combined total of 3,700 sq. m.

h) Gross Floor Area for Office Use: Maximum Gross Floor Area for Office Use within an individual building, excluding accessory office, shall be limited to 3,300 square metres.

k) Landscape Area and Planting Strip Requirements: i) A minimum 1.0m wide landscape area/planting strip shall be provided and maintained abutting a portion of the Pritchard Road lot line from the northerly lot line to the 1.8m wide sidewalk to the south; and,

A minimum 1.0m wide landscape area/planting strip shall be provided and maintained abutting the Lincoln Alexander Parkway.
Appendix “C” to Report PED13155
(Page 3 of 5)

ii) A minimum 1.0m wide landscape area/planting strip shall be required and maintained between parking spaces, aisles, or driveways, and a street along a portion of the Pritchard Road lot line from the northerly lot line to the 1.8m wide sidewalk to the south; and,

A minimum 1.0m wide landscape area/planting strip shall be required and maintained between parking spaces, aisles, or driveways, and a street along the Lincoln Alexander Parkway right-of-way.

iii) One Sign shall be permitted within the required landscape area.

Notwithstanding Section 5 a) v) of the Parking Provisions, the following shall apply:

a) Parking spaces and aisles, giving direct access to abutting parking spaces excluding driveways extending directly from the street, shall be subject to the following:

a) Shall not be located within 1.0m of a street line.

b) Shall provide a 1.0m wide planting strip abutting a portion of the Pritchard Road lot line from the northerly lot line to the 1.8m wide sidewalk to the south, the lands further south of the walkway shall provide an average landscape area of 6.0m, of which 3.0m shall be plantings.

c) Shall provide a 1.0m wide planting strip along the Lincoln Alexander Parkway right-of-way.
d) Shall provide a 1.5m wide planting strip for all other lot lines.

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.

4. That this By-law No. shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED and ENACTED this day of , 2013.

______________________________  ________________________________
R. Bratina                    R. Caterini
Mayor                         Clerk

ZAC-13-009
This is Schedule "A" to By-Law No. 13-
Passed the .......... day of ...................., 2013

Mayor

Clerk

Schedule "A"

Map Forming Part of By-Law No. 13-_____

to Amend By-law No. 6593

Subject Property
211 Pritchard Road, Hamilton (formerly 134 Mud Street
Lands to be Zoned Business Park Support (M4, 454) Zone, Modified

Scale: N.T.S.
File Name/Number: ZAC-13-009
Date: August 12, 2013
Planner/Technician: JMNB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
COMMITTEE OF ADJUSTMENT
DECISION OF THE COMMITTEE

APPLICATION NO. HM/A-12:249
SUBMISSION NO. A-249/12

IN THE MATTER OF The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 6593, of the City of Hamilton, Sections 3, 7A, 17D, 17F, 18 and 18A.

AND IN THE MATTER OF the Premises known as Municipal number 134 Mud Street in the City of Hamilton and in an “AA”, “M-12” & “M-14” (Agricultural and Prestige Industrial) district;

AND IN THE MATTER OF AN APPLICATION, AS AMENDED, by the agent J.H. Cochoo Eng. Ltd., on behalf of the owner 1602232 Ontario Inc., for relief from the provisions of the Zoning By-Law No. 6593, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of a 3,320m² building to be occupied by a use as permitted in the “M-12” district in accordance with Site Plan DA-12-200, notwithstanding that:

1. A driveway providing access to the proposed building shall be permitted through a portion of the lands zoned “M-14” for any use permitted in the “M-12” district;

2. A landscaped area having a minimum width of 1.0m shall be permitted for the portion of the Lincoln M. Alexander Parkway street lot line located within the “M-12” district and for the Pritchard Road street lot lines measuring 76,338m and 20.0m instead of the minimum 6.0m landscaped area required;

3. No loading spaces shall be provided instead of the minimum two (2) loading spaces required;

4. A minimum parking space size of 2.6m x 5.5m shall be permitted instead of the minimum 2.7m x 6.0m parking space required;

5. The boundary of a parking area containing five or more spaces shall be permitted within 1.5m of a residential district whereas the By-law requires that the parking area be located a minimum setback of 1.5m;

6. No landscaped area and no planting strip shall be provided between residential district and the boundary of the parking area instead of the minimum 1.5m wide landscaped area with a planting strip required; and,

7. To permit signs within the required landscaping area, whereas none are permitted.

Note: This variance is necessary to facilitate Site Plan application DA-12-200.

THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three above, are GRANTED for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief granted is of a minor nature.

2. The relief granted is desirable for the appropriate development of the land and building and is not inconsistent with the general intent and purpose of the By-law and the Official Plan as referred to in Section 45 of The Planning Act, 1990.

3. The Committee having regard to the evidence is satisfied that there will be no adverse impact on any of the neighbouring lands.
DATED AT HAMILTON this 21st day of March, 2013.

________________________________________________________________________
M. Dudzic (Chairman)                       I. Dunlop
________________________________________________________________________
L. Gaddye                                  D. Serwatuk
________________________________________________________________________
W. Pearce                                  D. Smith
________________________________________________________________________
K. Audžiss                                 V. Abraham

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD
MAY BE FILED IS April 16th, 2013.

NOTE: This decision is not final and binding unless otherwise noted.

The period of appeal has expired and no such appeal has been filed.

THIS DECISION IS NOW FINAL AND BINDING
(s. 45 of The Planning Act).

CERTIFIED A TRUE COPY. Dec 11/13

Signature
Secretary-Treasurer