That approval be given to Official Plan Amendment No.___ of the former Region of Hamilton-Wentworth Official Plan (City Initiative CI-12-A), attached as Appendix “A” to Report PED12016, to reinstate policies inadvertently deleted related to the Clappison Corners Business Park.

EXECUTIVE SUMMARY

During the implementation of the new Industrial Zones, amendments were made to the Region of Hamilton-Wentworth Official Plan to create wording consistent with the Provincial legislation and the new Urban Official Plan. However, the online document staff were working with did not consolidate all amendments, including those related to the Ontario Municipal Board decision on the Special Policy Area No. 6 within the Clappison Industrial Business Park, and as such the changes inadvertently deleted these policies. This report seeks to reinstate the policies in the form as they existed.
This is an interim change as the lands will be designated as Commercial within the new Urban Official Plan once the appeals are resolved.

Alternatives for Consideration – See Page 3 or Not Applicable

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

Financial: Not applicable

Staffing: Not applicable

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

HISTORICAL BACKGROUND (Chronology of events)

In 2010 Council passed the new Industrial Zones and related Official Plan Amendments. However, the online document staff was working with did not consolidate all amendments, including those related to the Ontario Municipal Board decision on the Special Policy Area No. 6 within the Clappison Corners Industrial Business Park, and as such the changes inadvertently deleted these policies. This report seeks to reinstate the policies in the form as they existed. This is an interim change as the lands will be designated as Commercial within the new Urban Official Plan once the appeals are resolved.

POLICY IMPLICATIONS

No policy implications other than those proposed in the amendment.

RELEVANT CONSULTATION

Housekeeping amendments being undertaken are as a result of consultation with City staff.
ANALYSIS / RATIONALE FOR RECOMMENDATION
(include Performance Measurement/Benchmarking Data, if applicable)

An Official Plan Amendment was approved to the Region of Hamilton-Wentworth Official Plan in October 2003, which later received final approval through the Ontario Municipal Board, related to the lands at the south-east corner of Highways #6 and #5. Prior to the new Industrial Zones being approved in 2010, which had accompanying Official Plan Amendments, the Region of Hamilton-Wentworth Official Plan had not yet consolidated the OMB approved amendments. As a result staff was unaware that the amendments existed as part of policy change proposed. The inadvertent deletion of policy within the Region of Hamilton-Wentworth Official Plan occurred without any intent of changing the policy for the subject lands. The proposed amendment will rectify the issue.

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

Should the amendments not be undertaken, the subject property will lose the policy direction previously approved for the subject lands which could result in a new commercial development not being permitted.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


Skilled, Innovative & Respectful Organization
• A culture of excellence
• A skilled, adaptive and diverse workforce, i.e. more flexible staff

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

Growing Our Economy
• Newly created or revitalized employment sites
• Competitive business environment
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
DRAFT Amendment

to the

Region of Hamilton-Wentworth Official Plan

The following text constitutes Official Plan Amendment No. XX to the former Regional Official Plan Hamilton-Wentworth.

1.0 Purpose:

The purpose of the amendment is to amend the Business Park policies of Section C.3.1.3.1 of the former Region of Hamilton-Wentworth Official Plan to add policies previously approved by ROPA 17 which were inadvertently deleted through Regional Official Plan Amendment No. 38, and to renumber the policies accordingly.

2.0 Location:

The subject property comprises 24.27 hectares of land and is located in the general vicinity of the southeast corner of highway No. 6 and Highway No. 5 (Dundas Street). These lands are legally described as, Part of Lots 12 and 13, Concession 3 (East Flamborough) in the former Town of Flamborough, commonly referred to as Clappison’s Corners.

3.0 Basis:

Policy C.3.1.3.1 of the Hamilton-Wentworth Official Plan was amended by ROPA 38, in which the Section was deleted in its entirety and replaced with policies that align with the policies of the Urban Official Plan. However, the text for Special Policy Area 6 was inadvertently deleted. The intent was to delete only the parent policy, while maintaining any Special Policy Areas. This amendment will add the policy which was amended into the Hamilton-Wentworth Official Plan through ROPA 17. As a result of this amendment, the existing policies are to be renumbered and Special Policy Area 6 be added as subsection 3.

4.0 Actual Changes:

4.1 Regional Official Plan of Hamilton-Wentworth

Text Changes:

a) Section C.3.1.3.1 be amended by adding reference “a)” before the words “Clusters of business and economic activities such as, manufacturing, research and development, transport terminal, building or contracting supply establishment, tradesperson’s shop, warehousing, waste management facilities, private power generation, office and accessory
uses. Ancillary uses which primarily support businesses and employees within the Business Parks shall also be permitted.”, and adding policy reference “a)” after the words “Section C.3.1.3.1”.

b) Section C.3.1.3.1 be amended by adding reference “b)” before the words, “Notwithstanding Section C.3.1.3.1, designate Business Parks, namely Special Policy Area 7, shown on Map No. 1, shall permit the following;”, and adding policy reference “a)” after the words “Section C.3.1.3.1”

c) Section C.3.1.3.1 be amended by adding the following policy:

“c) Notwithstanding Section C.3.1.3.1 a), shall permit the following uses on lands located in the general vicinity of the southeast corner of Highway No. 6 and Highway No. 5 (Dundas Street), designated Business Parks, and shown as Special Policy Area 6 on Map No. 1:

i) a full range of manufacturing, construction, wholesale establishments, truck terminals, research and development uses and office development associated with these uses; and,

ii) Service type uses, including hotels, banquet centres and recreational facilities, and land extensive warehouse retail – wholesale uses required site and building specifications similar to industrial uses (excluding operations such as department stores, grocery stores and automobile dealerships); and,

iii) Notwithstanding Section C.3.1.3.1 c) ii), department stores and grocery stores may be permitted in the area shown on Map No. 1 as Special Policy Area No. 6 (SPA 6).

So the entire policy C.3.1.3.1 reads as follows:

“3.1.3.1 Designate Business Parks shown on Map No. 1, to accommodate:

a) Clusters of business and economic activities such as, manufacturing, research and development, transport terminal, building or contracting supply establishment, tradesperson’s shop, warehousing, waste management facilities, private power generation, office and accessory uses. Ancillary uses which primarily support businesses and employees within the Business Parks shall also be permitted.

b) Notwithstanding Section C.3.1.3.1 a), designate Business Parks, namely Special Policy Area 7, shown on Map No. 1, shall permit the following:
Appendix “A” to Report PED12016
Page 3 of 4

i) a full range of manufacturing, construction, wholesale establishments, truck terminals, research and development uses and office development associated with these uses; and,

ii) Service type uses, including hotels, banquet centres and recreational facilities, and land extensive warehouse retail – wholesale uses required site and building specifications similar to industrial uses (excluding operations such as department stores, grocery stores and automobile dealerships); and,

iii) Notwithstanding Section C.3.1.3.1 b) ii), department stores may be permitted in the area shown on Map No. 1 as Special Policy Area No. 7 (SPA 7) (OPA 21); and,

iv) Notwithstanding Section C.3.1.3.1 b) ii), grocery stores may be permitted in the area shown on Map No. 1 as Special Policy Area No. 7 (SPA 7).

c) Notwithstanding Section C.3.1.3.1 a), shall permit the following uses on lands located in the general vicinity of the southeast corner of Highway No. 6 and Highway No. 5 (Dundas Street), designated Business Parks, and shown as Special Policy Area 6 on Map No. 1:

i) a full range of manufacturing, construction, wholesale establishments, truck terminals, research and development uses and office development associated with these uses; and,

ii) Service type uses, including hotels, banquet centres and recreational facilities, and land extensive warehouse retail – wholesale uses required site and building specifications similar to industrial uses (excluding operations such as automobile dealerships); and,

iii) Department stores and grocery stores.”

5.0 Implementation:

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

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

Robert Bratina
MAYOR

Rose Caterini
CITY CLERK