



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Strategic Services and Special Projects Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: April 17, 2012	
SUBJECT/REPORT NO: Revisions to Comprehensive Zoning By-law 05-200, to Modify General Commercial "C3-116" and "C3-117" Zone and add Site Specific General Commercial "C3-275" Zone to the Glanbrook Zoning By-law No. 464 (PED12062) (City Wide)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Shannon McKie (905) 546-2424 Ext. 7491
SIGNATURE:	

RECOMMENDATION:

That approval be given to **City Initiative CI-12-D** for changes in zoning to the City's Comprehensive Zoning By-law, known as Zoning By-law 05-200, to remove Hotel as a permitted use from the Prestige Business Park (M3) Zone, Business Park Support (M4) Zone, Light Industrial (M6) Zone, and the Light Industrial (M6, 446) Zone, and to the General Commercial "C3" Zone to General Commercial "C3-275" Zone and further modification to the General Commercial "C3-116" and "C3-117" Zone, in the Township of Glanbrook Zoning By-law No. 464, to remove Hotels, Motels and Day Nurseries on lands shown on Appendix "C" to Report PED12062, on the following basis:

- (a) That the draft By-laws, attached as Appendix "A" and "B" to Report PED12062, which have 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 with the Official Plan for the Township of Glanbrook.

SUBJECT: Revisions to Comprehensive Zoning By-law 05-200, to Modify General Commercial “C3-116” and “C3-117” Zone and add Site Specific General Commercial “C3-275” Zone to the Glanbrook Zoning By-law No. 464 (PED12062) (City Wide) (Page 2 of 6)

EXECUTIVE SUMMARY

The purpose of this report is to propose amendments to By-law 05-200 deleting Hotels from the Prestige Business Park (M3) Zone, Business Park Support (M4) Zone, Light Industrial (M6) Zone and Light Industrial (M6, 446) Zone and amendments to Glanbrook Zoning By-law No. 464 deleting Hotels, Motels and Day Nurseries from the General Commercial “C3” Zone and the General Commercial “C3-116” and “C3-117” Zones within the Red Hill Business Park.

The proposed amendments are a result of further consultation with the Ministry of Environment regarding the process for an application of a Certificate of Approval. Through these consultations, staff has become aware of additional requirements placed on designated industrial lands where sensitive land uses are permitted within zoning. From previous discussions with the Ministry of Environment, during the implementation of the new Industrial Zones, it was understood that the sensitive land use must exist and not just be permitted. The proposed amendments would restrict sensitive land uses from being permitted as of right in Employment Zones and from the Commercial Zones located within the Red Hill Business Park in order to permit a greater variety of employment uses on newly zoned industrial lands.

Through these amendments staff are placing priority on industry within the Employment Areas and in order for hotels to be permitted in these areas, this would be subject to a rezoning application process to permit the use on a site-specific basis.

Alternatives for Consideration – See Page 4

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 Zoning By-law Amendments. Public Notice as per the Planning Act has been provided in the Hamilton Spectator.

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HISTORICAL BACKGROUND (Chronology of events)

The Ministry of Environment establishes maximum standards for nuisances such as noise, dust, vibration and odour for an industrial use in proximity to a sensitive land use. A sensitive land use, as defined by the Ministry of Environment, may include uses such as a Hotel, Motel, Day Nursery and Dwelling Units. Where an industrial use is within 300 metres of a sensitive land use, any nuisances must be within the standards or the Ministry of Environment will not issue a Certificate of Approval. However, mitigation measures can be put in place to help achieve the maximum standards. Mitigation measures could include adding beams, noise walls, decreasing emissions, restricting hours of operation etc. to minimize the impacts on any surrounding sensitive land uses.

During the development of the Employment Zones in 2009, it was understood that where an industrial property abuts a zone which permits sensitive land uses, mitigation measures would only be necessary where sensitive land uses already exist. Where development of an industrial use preceded a sensitive land use no mitigation measures would be required.

However, upon further consultation as a result of recent applications, the Ministry of Environment has indicated that an industrial user must implement mitigation measures in any case where a sensitive land use is permitted. This interpretation would restrict much of the City’s employment lands from being developed as some of the Employment Zones permit Hotels as of right, which is considered to be a sensitive land use, and many of the abutting zones permit some form of sensitive land use.

POLICY IMPLICATIONS

No policy implications.

RELEVANT CONSULTATION

Ministry of Environment

No pre-circulation to public was required prior to preparation of this report as Council policy exempts city-wide, city initiated, zoning by-law initiatives such as this proposed by-law.

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ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

Amendments to Zoning By-law 05-200

The Prestige Business Park (M3) Zone, Business Park Support (M4) Zone and Light Industrial (M6) Zone, (shown in Appendix “D” – “M” as attached to Report PED12062) permit a Hotel as of right. Therefore, any proposed industrial use would be required to meet the standards for proximity to a sensitive land use, which may result in additional mitigation measures. If the minimum standards could not be achieved the Ministry of Environment would withhold the Certificate of Approval.

The proposed amendment would delete Hotel from the list of permitted uses, allowing industrial development to go forward without implementing additional mitigation measures. The Prestige Business Park (M3) Zone, Business Park Support (M4) Zone and the Light Industrial (M6) Zone permitted Hotels as a supportive use to the Business Park, the employees and to accommodate travellers. The Business Park areas are all closely supported by commercially designated lands which will permit Hotels as of right. Should a Hotel be proposed, the use and necessary mitigation measures should be evaluated for compatibility with industrial uses through a Zoning By-law amendment. The priority should be on industrial development and the proposed amendments would place priority on the development of industrial uses versus hotel uses. There are no current applications for the development of a hotel use in any of the affected Industrial Zones.

Special Exception 446 is proposed for 51 Keefer Court (shown in Appendix “H” to Report PED12062) to recognize the existing Hotel.

Amendments to Glanbrook Zoning By-law No. 464

The Glanbrook Official Plan designates a portion of the interior of the Red Hill Business Park as Commercial. These lands are zoned General Commercial “C3” Zone and General Commercial “C3-116” and “C3-117” Zone (shown in Appendix “C” as attached to Report PED12062), which permit Hotel, Motel and Day Nurseries. Each of these uses would be classified as sensitive land uses by the Ministry of Environment and may require any industrial development to provide the necessary mitigation measures noise, odour etc.

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The proposed amendment is to further modify the “C3-116” and “C3-117” lands and rezone the “C3” lands to create a site specific “C3-275” which would delete Hotel, Motel and Day Nurseries from the list of permitted uses for this commercial area of the Red Hill Business Park.

These amendments are necessary to ensure the areas designated for employment purposes are preserved and protected to be developed accordingly.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the amendments not be undertaken, development opportunities within the employment lands may be compromised.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

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

APPENDICES / SCHEDULES

Appendix “A”	Zoning By-law Amendment to the City of Hamilton By-law 05-200.
Appendix “B”	Zoning By-law Amendment to the Glanbrook Zoning By-law No. 464.
Appendix “C”	Location Map – Red Hill Business Park Commercial Area

SUBJECT: Revisions to Comprehensive Zoning By-law 05-200, to Modify General Commercial “C3-116” and “C3-117” Zone and add Site Specific General Commercial “C3-275” Zone to the Glanbrook Zoning By-law No. 464 (PED12062) (City Wide) (Page 6 of 6)

Appendix “D”	Location Map - Aberdeen Industrial Area
Appendix “E”	Location Map - Ancaster Business Park
Appendix “F”	Location Map – Bayfront Industrial Area
Appendix “G”	Location Map – Dundas Industrial Area
Appendix “H”	Location Map – East Hamilton Industrial Area and 51 Keefer Court
Appendix “I”	Location Map – Flamborough Business Park
Appendix “J”	Location Map – Glen Road and Tope Court Industrial Area
Appendix “K”	Location Map - Red Hill Business Park
Appendix “L”	Location Map – Stoney Creek Business Park
Appendix “M”	Location Map – Upper Wellington Industrial Area

Authority: Item [REDACTED], Planning Committee
Report 11-[REDACTED]
CM: [REDACTED]

Bill No.

CITY OF HAMILTON

BY-LAW No. [REDACTED]

Housekeeping Amendments to By-law 05-200

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 05-200;

AND WHEREAS it was desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS this By-law provides for housekeeping amendments to By-law 05-200, as hereinafter described and depicted;

AND WHEREAS the Council of the City of Hamilton, in adopting Section [REDACTED] of Report [REDACTED] of the Planning Committee at its meeting held on the [REDACTED] day of [REDACTED], 2011, 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 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 Section 9.3.1, of By-law 05-200, be amended by deleting the use "Hotel".
2. That Section 9.4.1, of By-law 05-200, be amended by deleting the use "Hotel".
3. That Section 9.6.1, of By-law 05-200, be amended by deleting the use "Hotel".

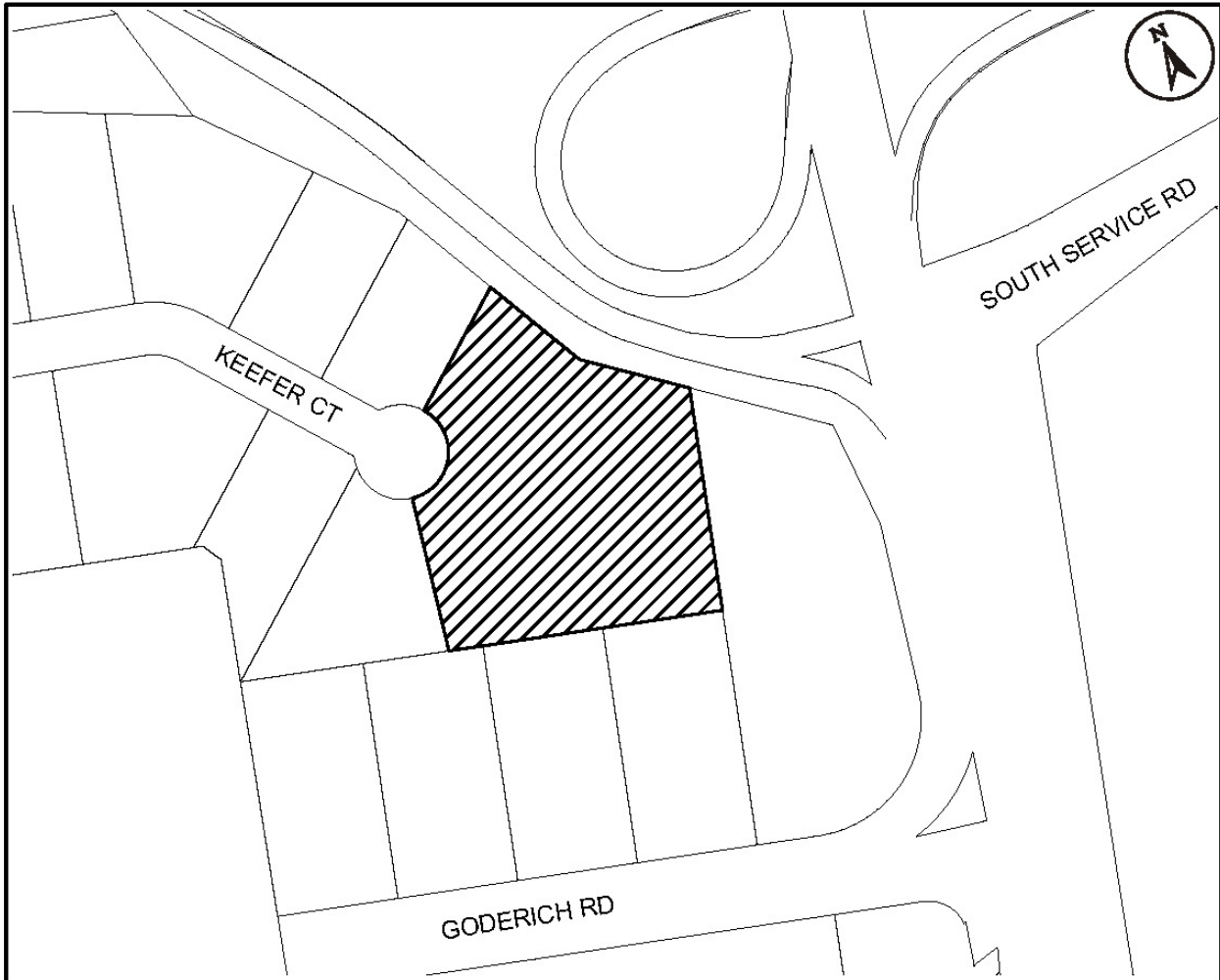
4. That Map 1048 of Schedule 'A' – Zoning Maps, of Zoning By-law 05-200 be amended by changing the zoning from light industrial (M6) Zone to the Light Industrial (M6, 446) Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to this By-law.
5. That Schedule 'C' – Special Exceptions be amended by adding the following Special Exception:
 446. Notwithstanding Section 9.6.1 of this By-law, on those lands zoned Light Industrial (M6) Zone, as identified on Map No. 1048 of Schedule 'A' – Zoning Maps, and described as 51 Keefer Court, a Hotel shall also be permitted.
6. That Schedule 'C' – Special Exceptions be amended by further modifying Special Exception 396. by adding the words, "a Hotel shall also be permitted and," between the words "Stone Church Road East" and "the following":
7. 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 [], 2012.

R. Bratina
Mayor

R. Caterini
Clerk

CI-12-D



This is Schedule "A" to By-Law No. 12-
Passed the day of, 2012

Clerk


Mayor

Schedule "A"

Map Forming Part of
By-Law No. 12-_____

to Amend By-law No. 05-200
Map 1048

Subject Property
15 Keefer Court

 Change in Zoning from the Light Industrial (M6) Zone to the Light Industrial (M6, 446) Zone

Scale:
N.T.S.

File Name/Number:
CI-12-D

Date:
March 14, 2012

Planner/Technician:
SH/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Authority: Item [REDACTED], [REDACTED] Committee
Report [REDACTED]
CM: [REDACTED]

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at Commercial Lands located within the Red Hill
Business Park**

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Section [REDACTED] of Report [REDACTED] of the Planning and Economic Development Committee at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

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

1. Schedule "G", appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing zoning from General Commercial "C3" Zone to the General Commercial "C3-275" applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

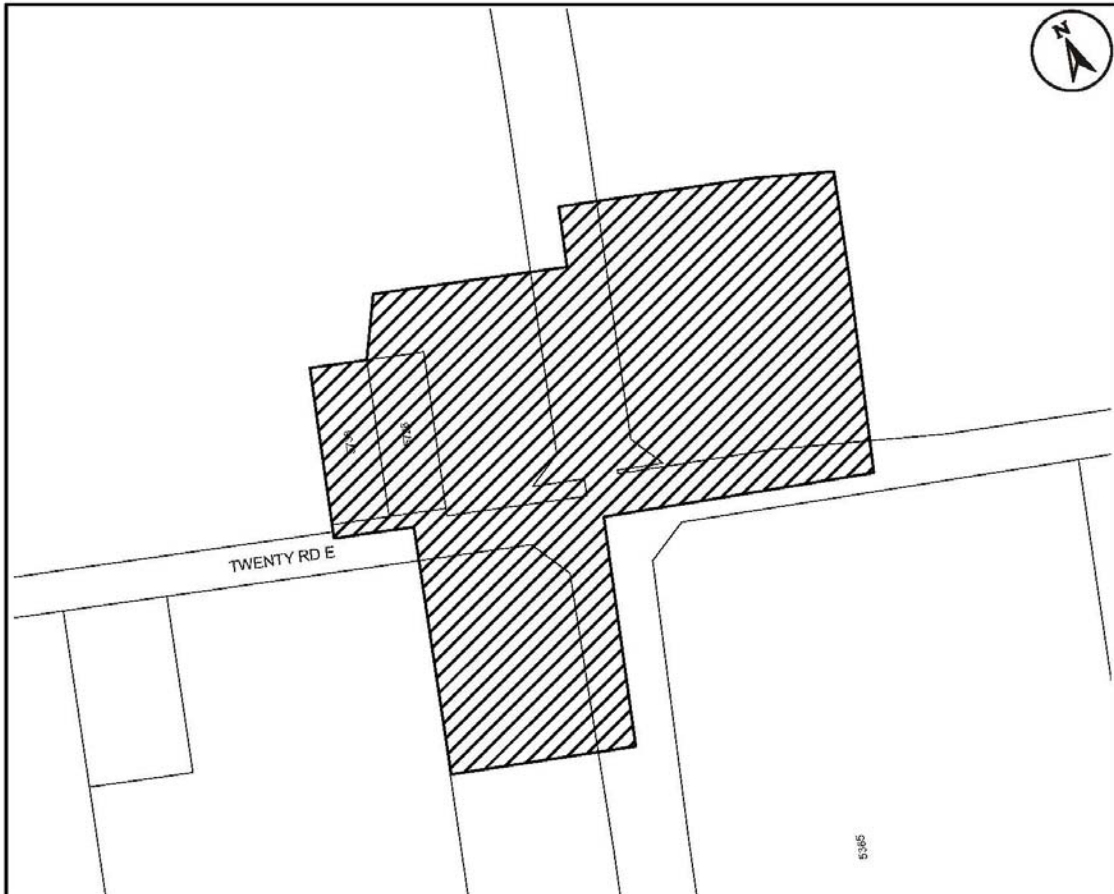
2. That Section 44, "Exceptions to the Provisions of the By-law", of Zoning By-law No. 464, be amended by adding a new special provision, "C3-275", as follows:
 1. Notwithstanding the uses permitted in Section 25: GENERAL COMMERCIAL "C3" ZONE, Subsection 25.1 – PERMITTED USES of Zoning By-law No. 464, the following uses shall be prohibited on the subject lands:
 - (a) Day Nurseries
 - (b) Hotels
 - (c) Motels
 - (d) Ancillary Residential Uses
3. That the "C3-116" and "C3-117" zone provisions as set out under Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be further modified to remove 1.(f) Hotels and 1.(l) Day Nurseries.
4. 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 [REDACTED] day of [REDACTED], 2012.

R. Bratina
Mayor

R. Caterini
City Clerk

CI-12-D



This is Schedule "A" to By-Law No. 12- Passed the day of, 2012	----- Clerk ----- Mayor
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<h2>Schedule "A"</h2> Map Forming Part of By-Law No. 12-_____ to Amend By-law No. 6593	Subject Property Change in Zoning from the General Commercial "C3" Zone to the General Commercial "C3-275" Zone, modified.
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Scale: N.T.S.	File Name/Number: CI-12-D	
Date: March 5, 2012	Planner/Technician: SM/KA	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



Legend

- Red Hill Business Park Boundary
- C3, C3-116, and C3-117 Zoning Boundaries



