That approval be given to **Zoning Application ZAC-11-054, by Dundas Historical Society Museum, Owner**, for changes in zoning from the Public and Private Service Zone (PPS) (Block 1) and the Low Density Residential Zone (R4) (Block 2) to the Public and Private Service Zone (PPS/S-121), Modified, with a Special Exception, to permit museum and archive uses within all existing buildings, on lands located at 133 and 139 Park Street West (Dundas), as shown on Appendix “A” to Report PED11207, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED11207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, and conforms with the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the Town of Dundas Official Plan.
**SUBJECT: Application for Amendment to the Town of Dundas Zoning By-law No. 3581-86 for Lands Located at 133 and 139 Park Street West (Dundas) (PED11207) (Ward 13) - Page 2 of 9**

**EXECUTIVE SUMMARY**

The purpose of this application is to provide a uniform zoning on the subject lands to permit museum and archive uses within all existing buildings. The museum occupies the existing museum building at 133 Park Street West, and the applicant has applied to permit additional office and storage uses associated with the museum to be provided within the existing single detached dwelling at 139 Park Street West. Previously, the museum has rented out the single detached dwelling for residential purposes, and now requires additional space for their organization.

The proposal can be supported as it is consistent with the Provincial Policy Statement, conforms to the Hamilton-Wentworth Official Plan, and the Town of Dundas Official Plan. The proposal also conforms to the New Urban Hamilton Official Plan.

*Alternatives for Consideration - See Page 9.*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS**

<table>
<thead>
<tr>
<th>Financial:</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Staffing:</td>
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**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application to amend the Zoning By-law.

**HISTORICAL BACKGROUND**

**Proposal:**

The subject lands are located at the northwest corner of Park Street West and Albert Street in Dundas (see Appendix “A”). The Dundas Historical Society Museum has applied for an amendment to the Town of Dundas Zoning By-law to permit museum and archive uses within all of the existing buildings on the subject lands. The subject lands contain three existing buildings: a one-storey brick building for the existing museum; a one and a half storey, single detached dwelling for residential purposes; and a two-storey framed building being the historical Doctor’s Office as a function of the museum. The expansion of the museum operation has resulted in a need for additional office and storage space. The proposal is to permit the additional office and storage space within the existing single detached dwelling. The museum has notified the tenant of the existing dwelling of the application, and their intent to utilize the dwelling for offices. As such, the museum has provided the appropriate termination notice to the tenant. Additionally, on September 20, 2011, Planning Committee passed a motion to reduce the Planning Fees associated with this application.

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Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.  
Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork.
Chronology of Events:

- September 6, 2011: Zoning By-law Amendment application deemed complete.
- September 13, 2011: Application circulated to Agencies and Departments for comments.
- September 13, 2011: A notice of complete application mailed to all land owners within 120 metres of the subject property.
- September 20, 2011: Planning Committee passes motion to reduce the Planning Fees associated with application.
- November 18, 2011: A notice of Public Meeting mailed to all land owners within 120 metres of the subject property.

Details of Submitted Application

**Location:** 133 and 139 Park Street West (Dundas)

**Owner:** Dundas Historical Society Museum

**Property Description:**
- **Frontage:** 40.23 metres
- **Lot Depth:** 10.23 metres
- **Area:** 1,618.45 square metres

**EXISTING LAND USE AND ZONING:**

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
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<td>Museum, Archive, and Residential</td>
<td>Public and Private Service Zone (PPS) and Low Density Residential Zone (R4)</td>
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<table>
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<th>Surrounding Lands:</th>
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<tbody>
<tr>
<td>West</td>
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<td>North</td>
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</table>

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
POLICY IMPLICATIONS

Provincial Growth Plan for the Greater Golden Horseshoe

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). The application is consistent with the policies that direct new growth to the built up areas, as per the policies contained in Sections 2.2.2 and 2.2.3 of the Places to Grow Plan. The proposal maintains the intent to develop and create compact and complete communities. Therefore, the application conforms to the Places to Grow Growth Plan for the Greater Golden Horseshoe.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1.

Further, 139 Park Street West is designated under the Ontario Heritage Act, and is identified within Hamilton’s Heritage Volume I. In addition, 133 Park Street West is identified as being of architectural and/or historical interest, and is listed within Hamilton’s Heritage Volume II. Policy 2.6.1 states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. In addition, Policy 2.6.3 states that development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated, and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

As the proposal is for the on-going conservation of all buildings on the subject lands, it is consistent with the Provincial Policy Statement.
Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Regional Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

Further, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. The proposal is to maintain the existing museum operation and expand into additional buildings on the property without physical alteration. Therefore, the proposal conforms with the Hamilton-Wentworth Official Plan.

Town of Dundas Official Plan

The subject lands are designated “Residential Neighbourhoods” on Schedule “A” - Land Use. Policy 3.1.3.2 (d) states:

“Institutional uses under the jurisdiction of a local board, such as schools and other appropriate public activities; and private institutions, such as churches and halls which are less than 0.4 hectares in size, in accordance with Sub-section 3.8 of this plan.”

Further, Policy 3.8.3.1 states:

“MAJOR INSTITUTIONAL uses include schools, libraries, Places of Worship, cemeteries, community centres, fire and police stations, post offices, health and welfare, government facilities, art and cultural activities, and day care centres and accessory uses that are necessary, ancillary, and subordinate to the institutional use.”

Additionally, Objectives of the Historic and Architectural Resources policies of the Official Plan state:

“2.4.2.1 To promote the preservation, restoration, or appropriate re-use of historic and architecturally significant landmarks, buildings, and districts throughout the Town.

2.4.2.2 To promote the role that heritage buildings and districts play in supporting a healthy business and living environment in the Town.

2.4.2.3 To support community efforts and events that celebrates the culture and heritage of the Town.”
Expansion of the existing museum operation into the existing single detached dwelling, which will preserve and maintain the existing historically significant structures on the subject lands, is supported by the policies of the Official Plan. Therefore, the proposal conforms to the Official Plan.

**New Urban Hamilton Official Plan (Under Appeal)**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and is currently under appeal.

The subject lands are designated as “Neighbourhoods” on Schedule E-1 of the Urban Hamilton Official Plan. Policy E.3.2.3 of Volume 1 states:

“The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 - Urban Land Use Designations:

(a) residential dwellings, including second dwelling units and housing with supports;
(b) open space and parks;
(c) local community facilities/services; and,
(d) local commercial uses.”

Further, Policy E.3.2.6 of Volume 1 also states:

“Supporting uses such as local commercial, community facilities/services, and open space and parks, should be clustered to create a focal point for the neighbourhood and to facilitate access by all forms of transportation.”

Finally, in accordance with Policy B.3.10.1:

“Community facilities/services uses include public and private uses serving the cultural, religious, health, welfare, and educational needs of a neighbourhood. Community facilities/services may include community and recreation centres, arenas, parks, healthcare and social service facilities, day care centres, seniors’ centres, emergency medical services, fire services, police services, cultural facilities, Places of Worship, museums, schools, universities and colleges, and libraries.”

With respect to the Cultural Heritage value of the property, Section B.3.4 of Volume 1 directs the wise management and conservation of cultural heritage resources, which benefit the community. This section establishes a number of goals and policies for the conservation of the City’s cultural heritage resources organized around three key components: archaeology, built heritage, and cultural heritage landscapes. These policies shall be read in conjunction with all other policies of this Plan.
As the proposal is to permit the expansion of the existing museum uses into the existing single detached dwelling, without any physical alterations to the existing structures, the proposal will conform with the Urban Hamilton Official Plan.

**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections:

- Infrastructure and Source Water Planning Section, Public Works Department.
- Parking and By-law Services Division.
- Union Gas.
- Canada Post.
- Bell Canada.
- Hydro.

**PUBLIC CONSULTATION**

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, 130 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on September 13, 2011, requesting public input on the application. To date, no comments have been received.

Further, a Public Notice sign was posted on the property on September 21, 2011, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It conforms to the Places to Grow Plan and is consistent with the Provincial Policy Statement;

   (ii) It conforms to the Hamilton-Wentworth Official Plan and the Town of Dundas Official Plan; and,

   (iii) It is compatible with the existing and planned development in the area.
2. **Zoning By-law Amendment**

The proposal is for a change in zoning from the Public and Private Service Zone (PPS) and the Low Density Residential Zone (R4) to the Public Private Service Zone (PPS/S-121), Modified, to permit museum and archive uses within the existing single detached dwelling. The effect of the proposal will provide a uniform zoning on the subject lands to facilitate the on-going operation of the existing Dundas Historical Society Museum.

The existing structures on the subject lands are currently legal non-conforming, as it relates to setbacks. The historical ‘Doctor’s Office’ located at the rear of 139 Park Street West (see Appendix “C”) does not provide the required rear yard of 15 metres from the Low Density Residential Zone (R4), in accordance with Section 21.2.1.3 Minimum Rear Yard of the Town of Dundas Zoning By-law. Further, the existing museum building on the western portion of the subject lands (see Appendix “C”) does not provide the required side yard of 15 metres from the Low Density Residential Zone (R4), in accordance with Section 21.2.1.2 Minimum Side Yard. The change in zoning will legalize the existing locations of all buildings on the subject lands. Further, by permitting a rear yard setback of 7.5 metres and a side yard setback of 4.5 metres, whereas 15 metres is required to a residential zone, the amendment will facilitate future expansions, internal to the property, to support a better interaction of the buildings and accommodate any future growth of the Dundas Historical Society Museum.

The historical significance of the existing buildings on the subject lands will be preserved as no exterior alternations are proposed at this time. Any future modifications to the facades or expansions of the buildings will be subject to the appropriate Heritage Permit and/or Heritage Impact Assessment, in accordance with **Ontario Heritage Act**, as required through a future Site Plan Control application.

Further, in accordance with Section 7.12.4 Off-Street Parking for Public and Institutional Uses of the Town of Dundas Zoning By-law, Library Services and Museums and Archives are the only permitted uses in the P.P.S. Zone not required to provide parking. Although there are existing parking spaces on the property, and the museum could provide a formal parking lot subject to a Site Plan Control application, the restriction of uses would further protect the integrity of the historical buildings on the subject lands. Therefore, the amending By-law (see Appendix “B”) will ensure that Library Services and Museums and Archives will be the only permitted uses.
ALTERNATIVES FOR CONSIDERATION:

If the application is denied, the applicant would have the option to utilize the lands in accordance with the provisions of the Public and Private Service Zone (PPS) and the Low Density Residential Zone (R4).

CORPORATE STRATEGIC PLAN


Healthy Community
• Plan and manage the built environment.

APPENDICES / SCHEDULES

• Appendix “A”: Location Map
• Appendix “B”: Draft Zoning By-law Amendment
• Appendix “C”: Survey

:KM
Attachs. (3)
CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 3581-86 Respecting Lands Located at 133 and 139 Park Street West, in the former Town of Dundas, now in the City of Hamilton

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 area municipality known as the “The Corporation of the Town of Dundas” 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 Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 11- of the Planning Committee, at its meeting held on the day of , 2011, recommended that Zoning By-law No. 3581-86, 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 Town of Dundas) in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “A”, appended to and forming part of By-law No. 3581-86 (Dundas), as amended, is hereby further amended as follows:

   (a) by changing the zoning from the Public and Private Service Zone (PPS) to the Public and Private Service Zone (PPS/S-121), Modified (Block 1); and,

   (b) by changing the zoning from the Low Density Residential Zone (R4) to the Public and Private Service Zone (PPS/S-121), Modified (Block 2);

   on the lands the extent and boundaries of which are more particularly shown on Schedule “A” annexed hereto and forming part of this By-law.

2. That Section 32 - “EXCEPTIONS” of Zoning By-law No. 3581-86 (Dundas), as amended, is hereby further amended by adding the following Sub-section:

   **PPS/S-121**

   That notwithstanding the provisions of Section 27: Public and Private Service Zone (PPS), the following Special Provisions shall apply to the lands known municipally as 133 and 139 Park Street West, shown as PPS/S-121 on Schedule “A”.

   1. **PERMITTED USES:**

      Only the following uses shall be permitted, and only within the buildings existing on the date of the passing of this By-law, being the day of , 2011, and additions thereto:

      Library Services (SIC 854)
      Museums and Archives (SIC 855)
      Accessory Buildings, Structures, and Uses (SIC N/A)

   2. **REGULATIONS FOR PERMITTED USES:**

      The following regulations shall apply to additions to buildings existing on the date of the passing of this By-law, being the day of , 2011:

      Side Yard (Minimum) 4.5 metres
      Rear Yard (Minimum) 7.5 metres

   3. All other regulations of Section 27 shall apply.
3. That By-law No. 3581-86 (Dundas) is amended by adding the By-law to Section 32 as Schedule S-121.

4. That Schedule “M” of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 1 of this By-law as PPS/S-121.

5. 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 [date] day of [date], 2011,

__________________________  ____________________________
R. Bratina                    Rose Caterini
Mayor                         Clerk

ZAC-11-054
Schedule "A"

Map Forming Part of By-Law No. 11-____
to Amend By-law No. 3581-86

Subject Property
133 & 139 Park Street West

Block 1 - Change in Zoning from the Public and Private Service Zone (PPS) to the Public Private Service Zone (PPS/S-121) modified, with a special exception.

Block 2 - Change in Zoning from the Low Density Residential Zone (R4) to the Public and Private Service Zone (PPS/S-121) modified, with a special exception.