SUBJECT: City Initiative CI-06-I to Amend the New Open Space and Parks Comprehensive Zoning By-law Regulations (PED06152(a)) (Ward 2)

RECOMMENDATION:

(a) That approval be given to City Initiative CI-06-I to amend By-law 06-166, which approved the new Open Space and Parks Comprehensive Zoning By-law by deleting Zoning Maps No. 826, 827 and 868 from Schedule “A”.

(b) That the attached Zoning By-law, marked as Appendix “A” to Report PED06152(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the proposed zoning is in conformity with the Official Plans for the Region of Hamilton-Wentworth and the City of Hamilton.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

On June 14, 2006, City Council approved the new Open Space and Parks Official Plan policies and new Zoning By-law for Open Space and Park Zones. An appeal was received from the Harbour West Neighbours Inc. related to Pier 4, Bayfront and Bayview Parks, being included within the new zoning prior to the Setting Sail Secondary Plan appeal being resolved. To resolve the appeal on the Open Space and Parks By-law, this report recommends removal of 3 Zoning Maps, which include the parks located within the Setting Sail area. These lands will be zoned under a future process once the Setting Sail Secondary Plan appeal has been resolved.
BACKGROUND:

On June 14, 2006, City Council approved the new Open Space and Parks Official Plan policies and new Zoning By-law for Parks and Open Space within the urban area.

An appeal was received from the Harbour West Neighbours Inc. with the focus of their appeal on the lands of Pier 4, Bayfront and Bayview Parks, being subject to the new zoning. The parks of issue are located within the Setting Sail Secondary Plan, which was previously approved by Council but currently under appeal.

The removal of the zoning for these parks is only a temporary measure until such time as the Setting Sail Plan appeal has been resolved. At that point in time, zoning for the parks within this area can be approved based on the directions or resolution of the appeal disposition.

Upon approval of the By-law being recommended in this report, the applicant has advised of their intent to withdraw their appeal to the Official Plan Amendments and implementing Zoning By-law for the City-Wide (Urban) Parks and Open Space Zoning.

ANALYSIS/RATIONALE:

The subject lands of issue are City owned lands and a delay in implementing the zoning on these lands would not cause a delay or obstruct any current project from continuing.

ALTERNATIVES FOR CONSIDERATION:

The alternative method in dealing with this appeal would be to proceed through the Ontario Municipal Board and present our position on the new Official Plan and Zoning By-law regulations. Given that the City is working towards a resolution of the Setting Sail appeal, it is staff’s opinion that the approach to wait for the resolution would be a more appropriate alternative to recommend at this time.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council will hold at least one (1) Public Meeting to consider an amendment to the Zoning By-law.

POLICIES AFFECTING PROPOSAL:

The proposed removal of Zoning Maps is not affected by any policy.
Relevant Consultation:

Discussion has been held with the appellant and the recommendations of this report would satisfy their concerns related to the appeal. Discussions were also held with the Legal Services Division and it was agreed that this approach is an appropriate direction to take.

City Strategic Commitment:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

- Community Well-Being is enhanced.  
  - [ ] Yes  
  - [ ] No

- Environmental Well-Being is enhanced.  
  - [ ] Yes  
  - [ ] No

- Economic Well-Being is enhanced.  
  - [ ] Yes  
  - [ ] No

Does the option you are recommending create value across all three bottom lines?

  - [ ] Yes  
  - [ ] No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

  - [ ] Yes  
  - [ ] No

:AF

Attach. (1)
CITY OF HAMILTON

BY-LAW No. ______

To Rescind Zoning Maps 826, 827 and 868 from the Open Space and Parks Zoning By-law 06-166

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 is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

And whereas the said new comprehensive Zoning By-law is being enacted and is coming into force and effect in several stages;

And whereas, the first stage of the Zoning By-law, being By-law 05-200, came into force on May 25, 2005, and the second stage of the Zoning By-law, being By-law 06-166 to amend By-law 05-200, passed by Council on June 14, 2006 is under appeal;

Now therefore the Council of the City of Hamilton enacts as follows:

1. Schedule “A” of By-law 06-166 is amended by deleting Zoning Maps 826, 827 and 868.

2. Section 2.3 of By-law 06-166 is amended by deleting reference to Zoning Maps 826, 827 and 868.

3. The Clerk be 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 __________, 2006.

__________________________ _________________________
MAYOR     CLERK

CI-06-I