CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Development and Real Estate Division

<table>
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<tr>
<th>Report to:</th>
<th>Chair and Members Planning &amp; Economic Development Committee</th>
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<tr>
<td>Submitted by:</td>
<td>Lee Ann Coveyduck General Manager Planning and Economic Development Department</td>
</tr>
<tr>
<td>Date:</td>
<td>September 1, 2006</td>
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<tr>
<td>Files:</td>
<td>OPA-06-04 / ZAC-06-18</td>
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<tr>
<td>Prepared by:</td>
<td>Edward John (905) 546-2424, Ext. 5803</td>
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SUBJECT: Official Plan Amendment and Change in Zoning for Lands Located at 237 Barton Street East (Hamilton) (PED06362) (Ward 3)

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment Application OPA-06-04, City of Hamilton, owner, for Official Plan Amendment No._______ to the City of Hamilton Official Plan to change the designation from “Industrial” to “Central Policy Area”, to permit a range of uses including health and welfare uses and related uses, on lands municipally known as 237 Barton Street East, shown as Block “1” on Appendix “A” to Report PED06362.

(b) That approval be given to Zoning Application ZAC-06-18, City of Hamilton, owner, to change the zoning from the “K” (Heavy Industry, etc.) District to the “H” (Community Shopping and Commercial, etc. - Holding) District, Modified (Block “1”) from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified (Block “2”) and from the “H” (Community Shopping and Commercial, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified (Block “3”). The effect of this rezoning will be to permit the proposed development of a rehabilitation and acquired brain injury centre, hospital research and office uses and special regulations to provide flexibility for siting future buildings, as well as to recognize the setbacks of the existing Hamilton Health Sciences General Hospital, for lands located at 237 Barton Street East (Hamilton), as shown on Appendix “A” to Report PED06362, on the following basis:
(i) That Block “1” be rezoned from the “K” (Heavy Industry, etc.) District to the “H” (Community Shopping and Commercial, etc. - Holding) District, Modified.

(ii) That Block “2” be rezoned from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified.

(iii) That Block “3” be rezoned from the “H” (Community Shopping and Commercial, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified.

(iv) That the amending By-law apply the Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to Block “1” of the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed Zoning District. The Holding provision will prohibit the development of Block “1” until such time as a Record of Site Condition has been submitted to the satisfaction of the City of Hamilton’s Manager of Development Planning, including an acknowledgement of receipt of the RSC by the MOE.

(v) That the Draft By-law, attached as Appendix “B” to Report PED06362, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(vi) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and will be in conformity with the Hamilton Official Plan upon the approval of Official Plan Amendment No. _____.

(vii) That upon finalization of the implementing By-law, the Landsdale Neighbourhood Plan be amended by re-designating Block “1” of the subject lands from “Industrial” to “Civic and Institutional”.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of the applications are for amendments to the Hamilton Official Plan and the Hamilton Zoning By-law to facilitate development of the subject lands for hospital accessory uses, including a rehabilitation and acquired brain injury centre and hospital research and office uses within the existing Hamilton General Hospital site.
Given that the change in zoning is to a more sensitive land use, it is recommended that a Holding provision be included for Block “1” (see Appendix “A”). This Holding provision would require the submission of a signed Record of Site Condition prior to removal of the ‘H’ symbol for Block “1”.

The change in zoning is consistent with the Provincial Policy Statement, and it conforms to the Hamilton-Wentworth Official Plan. The proposal is also considered to be compatible with the surrounding neighbourhood.

BACKGROUND:

Proposal

The proposal is for an Official Plan Amendment and a change in zoning for lands located at 237 Barton Street East (see Appendix “A”). The purpose of the applications is to re-designate Block “1” of the subject lands from “Industrial” to “Central Policy Area” in the Hamilton Official Plan, and to change the current zoning from the “K” (Heavy Industry, etc.) District to the “H”-‘H’ Community Shopping and Commercial, etc. - Holding) District, Modified (Block “1”) and from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified, (Block “2”) and from the “H” (Community Shopping and Commercial, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified (Block “3”). The effect of this rezoning will be to permit the proposed development of a rehabilitation and acquired brain injury centre, hospital research and office uses and special regulations to provide flexibility for siting future buildings, as well as to recognize certain setbacks of the existing Hamilton Health Sciences General Hospital.

The proposal would consist of the future development on-site of several buildings, as detailed in the submitted concept plan (see Appendix “C”). The applicant has filed a Preliminary Site Plan Application (PSR-06-073), which was reviewed by the Development Review Committee on June 21 2006. The Preliminary Site Plan submission focused upon the development of the 3-storey rehabilitation building on the north-west corner of the subject lands. Development and location details of the future 4-storey research building and the proposed -storey office building as indicated in Appendix “C” were only conceptual as part of this Preliminary Site Plan application.

A Site Plan application (DA-06-113) for a new parking facility to serve the staff of the hospital was approved with conditions on July 19, 2006. The parking lot would be located on the adjacent westerly site at lands known municipally as 325 Wellington St. North, and 344 and 350 Ferguson Ave. North.

Given the location of the proposed buildings, the applicant has requested modifications to accommodate reduced minimum rear and side yard setbacks along the northern and eastern property boundaries.
For Block “1” the modifications would include:

a) a reduction in the minimum rear yard from 4.5m to 0.0m;
b) a reduction in the minimum easterly side yard from 3.0m to 0.0m; and,
c) an increase in the maximum height from 4 storeys (where side yards are less than 3.0m) to 8 storeys or 26 metres.

In addition to the modifications for Block “1”, staff recommends that this block be placed under an ‘H’ Holding provision as the lands are changing from an industrial to an institutional use. This Holding provision would require the submission of a signed Record of Site Condition prior to removal of the ‘H’ symbol.

For Block “3”, modifications to the existing “H” (Community Shopping and Commercial, etc.) District are proposed in order to accommodate the existing hospital and accessory structures. These modifications would recognize the existing legally established non-conforming building location of the hospital and accessory buildings. These modifications would include:

a) a reduction in the minimum westerly side yard from 6.0m to 3.0m.
b) a reduction in the minimum easterly side yard from 3.0m to 0.0m.
c) a reduction in the minimum front yard from 6.0m to 0.0m

For consistency of regulation and to provide flexibility for future development, all of these modifications are being proposed by staff for all of the blocks on Schedule “A”. These modifications are discussed in greater detail in the Analysis/Rationale Section of the report.

Negotiations are presently underway to transfer the land ownership of the site from the City of Hamilton to Hamilton Health Sciences. As the current owner, the City made the application on behalf of Hamilton Health Sciences. The lands have previously been declared surplus to the City’s needs by Council.

Details of Submitted Application:

**Owners:** City of Hamilton (to be conveyed to Hamilton Health Sciences)

**Agent:** McCallum Sather Architects Inc. & Parkin Architects Limited.

**Location:** Municipally known as 237 Barton Street East (see Appendix ‘A’).

**Description:**

- **Frontage:**
  - 198m. (Barton Street East)
  - 244m. (Victoria Avenue North)
  - 241m. (Wellington Street North)

- **Area:** 48,802 sq.m.
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td><strong>Subject Lands:</strong></td>
<td>Hamilton Health</td>
<td>“H” (Community Shopping and Commercial, etc.) District, “K” (Heavy Industry, etc.) District, “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District</td>
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<tr>
<td></td>
<td>Sciences Hospital</td>
<td></td>
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<td><strong>Surrounding Lands:</strong></td>
<td></td>
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<tr>
<td>North</td>
<td>Industrial</td>
<td>“K” (Heavy Industry, etc.) District.</td>
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<tr>
<td>South</td>
<td>Residential, Commercial</td>
<td>“H” (Community Shopping and Commercial, etc.) District and “H” (Community Shopping and Commercial, etc.) District, Modified.</td>
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<tr>
<td>East</td>
<td>Residential, Commercial</td>
<td>“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District and “H” (Community Shopping and Commercial, etc.) District and District, Modified.</td>
</tr>
<tr>
<td>West</td>
<td>Industrial</td>
<td>“K” (Heavy Industry etc.) District and “K” (Heavy Industry etc.) District, Modified.</td>
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ANALYSIS/RATIONALE:

The proposal has merit and can be supported for the following reasons:

1. (i) It is consistent with the Provincial Policy Statement and it conforms to the Hamilton-Wentworth Official Plan;
   
   (ii) With the approval of the proposed Official Plan Amendment, the change in zoning will conform to the City of Hamilton Official Plan; and,
   
   (iii) The proposed uses are considered compatible with the existing uses within the immediate area.

2. The subject lands are bound by Birge Street to the north, Barton Street East to the south, Wellington Street North to the west and Victoria Avenue North to the east. A private road (Copeland Avenue) passes east to west through the site. Currently, the existing buildings on the subject lands are situated within the south of the site and are zoned “H” (Community Shopping and Commercial, etc.) District (Block “3” - see Appendix “A”). The area proposed for development involves the
northern part of the site which is currently used for parking and is zoned “K” (Heavy Industry, etc.) District (Block “1”) and “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District (Block “2”). It is proposed that Block “1” be rezoned to the “H”-‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified, and Block “2” be rezoned to the “H” (Community Shopping and Commercial, etc.) District, Modified. In addition, the southern part of the site (Block “3”) is to be rezoned to the “H” (Community Shopping and Commercial, etc.) District, Modified to consolidate the entire site under one zoning and to accommodate all the same modifications. This rezoning would permit the development of several buildings central to the delivery and implementation of Hamilton Health Sciences’ corporate objectives of improving and developing medical services offered to Hamilton residents and wider communities.

In order to accommodate the proposed buildings, several modifications are required to the proposed zoning. These modifications include reducing the minimum easterly side and rear yards and increasing the maximum height. In addition, modifications are also required to recognize the legally established non-conforming location of the existing hospital and accessory buildings. These modifications are discussed below.

3. Following the removal of the existing parking spaces within Block “1”, parking will be provided by 16 covered short-term parking spaces within the northern portion of Block “1”, and surface parking would be provided on the adjacent lands west of Wellington Street North. With respect to the parking on the adjacent site, a Site Plan application (DA-06-113) was approved with conditions on July 19, 2006. The existing 5-storey parking structure, adjacent Victoria Avenue North would remain in service for the hospital. It must be noted that the Hamilton Zoning By-law does not provide any minimum parking requirements for the proposed or existing uses.

Vehicular access for the proposed new short-term parking spaces would be from Birge Street, while deliveries for the rehabilitation and acquired brain injury building will be received at the hospital’s receiving docks and delivered to the building via the proposed bridge connecting the new building to the existing hospital (see Appendix “C”). Access to the existing 5-storey parking structure would continue from Victoria Avenue North.

The rehabilitation and acquired brain injury building would be 3-storeys in height and would have a gross floor area of 9,636m². The future proposed research building and office building are to be 4-storeys and 8-storeys in height, respectively, and would be approximately 18,580m² and 9,290m² in gross floor area, respectively. It is noted that the zoning regulations for the “H” (Community Shopping and Commercial, etc.) District would permit the proposed height (with a minimum side yard reduction) and gross floor areas, as maximum height for the “H” (Community Shopping and Commercial, etc.) District is 8-storeys or 26m with a minimum side yard of 3 metres, while maximum gross floor area is capped at four
times the lot area of the site, which for this consolidated lot would be 195,208m².
(141,769m² proposed)

With respect to Block “1”, the minimum rear yard setback (from Birge Street) would be reduced from the required 4.5m to the proposed 0.0m minimum, and likewise, the minimum easterly side yard setback (from Victoria Avenue North) would be reduced from the required 3.0m to 0.0m to accommodate the proposed future office building. In addition, given that the proposed office building is to be 8-storeys in height and that the side yard is less than 3.0m from Victoria Avenue North, a modification to the height regulation would also be required.

Several other modifications to Block “3” would be required in order to recognise the legally established non-conforming location of the existing hospital and accessory buildings under the consolidated zoning. These include a reduction in the minimum front yard setback (from Barton Street East) from 6.0m to 0.0m to recognize the location of the existing hospital, a reduction in the minimum westerly side yard (from Wellington Street North) from 6.0m to 3.0m to recognize the location of the existing hospital, and finally a reduction to the easterly side yard from 3.0m to 0.0m to recognize the existing parking structure.

All of the modifications are recommended by staff to apply to all of the blocks on Schedule “A” for consistent future development (Appendix “B”).

Given the relationship of the subject lands with the surrounding area and the intended use of the site, it is not considered that these modifications or the change in zoning would prejudice the vitality or character of the surrounding area. The proposed zoning is compatible with adjacent uses and the modifications are reflective of current development on the site. The zoning will facilitate partial redevelopment of the site and the plan for the provision of additional parking for the hospital on lands to the west.

4. The Record of Site Condition, MOE, October 2004 Guide, indicates that municipalities may impose such conditions to the zoning approval as in the opinion of the approval authority are reasonable. In this instance, these applications propose an institutional use which would require a rezoning from a previous industrial district. Given that the new zoning permits a more sensitive land use, an RSC is recommended as a condition under an ‘H’ Holding provision for Block “1”.

5. Staff notes that for this particular location, stormwater quality is not a significant factor and that there are existing municipal watermains and storm and sanitary sewers available to service the subject lands. It has been recommended that the owner should prepare a servicing study for the site. This will be required as a condition of site plan approval.
6. In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, the application was pre-circulated to 55 property owners within 120 metres of the subject lands. No responses were received.

The following assesses the most significant impacts of the proposed development:

**Traffic Generation and Pedestrian Safety**

The issue of pedestrian safety and the associated traffic implications of the applications have been reviewed by the Traffic Section. Comments to date regarding the preliminary site plan indicate that the general layout of the site is in conformity with traffic safety requirements. However, this proposal would be subject to Site Plan Approval and, therefore, additional requirements and more detailed analysis and alterations to the existing layout - including issues such as the proposed ingress/egress - would be addressed at that time.

Traffic staff have indicated no concerns with the resulting 195,208m² gross floor area, which the proposed zoning will permit on this site.

**Impact Upon Street Character**

As detailed in the submitted concept plan (see Appendix “C”), the proposed new buildings would be located in the north and north-west corner of the site, fronting the two streets of Birge Street and Wellington Street North. The position and orientation of the proposed buildings are considered to reinforce the character of these two streets, and in addition to proposed landscaping, are considered to enhance the character of the area. The scale and bulk of the buildings (3, 4 and 8-storey’s respectively) align with the general form and scale of buildings existing both within the site and those immediately surrounding.

The proposed modifications regarding the reduced setbacks are not considered to have a significant impact upon streetscape character and the reduced front, rear and easterly side yard setbacks are considered consistent with the “0” lot lines of the existing buildings on site. The intensive development of this site, given its medical use, is considered appropriate and is in accordance with provincial policies.

It is considered that this layout, in combination with complementary and attractive visual barriers and landscaping provided between the public street and the on-site parking area, would serve to protect and enhance the character of the existing streetscape. These factors would be assessed and controlled in greater detail at the site plan approval stage.
7. Finally it is noted that an amendment to the Landsdale Neighbourhood Plan is also required to re-designate Block “1” from “Industrial” to “Civic and Institutional”. Staff are in support of this requirement and have recommended its approval.

**ALTERNATIVES FOR CONSIDERATION:**

Under the existing zoning, the subject lands could be developed for uses consistent with the regulations of the “K” (Heavy Industry, etc.) District, the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, and the “H” (Community Shopping and Commercial, etc.) District.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: No implications on financial resulting.

Staffing: No implications on staffing resulting.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for an Official Plan Amendment and a change in Zoning.

**POLICIES AFFECTING PROPOSAL:**

**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 (Policy 1.1.3.1) and which promote a range of uses including Institutional (Policy 1.1.1(b)).

Policies 1.3.1 and 1.3.2 of the PPS provide that economic development and competitiveness shall be promoted by protecting and preserving employment areas and only allowing their conversion to non-employment uses through a comprehensive review and satisfying certain criteria. The PPS defines “employment areas” to include Official Plan designations primarily devoted to business and economic functions such as industrial, warehousing, offices and ancillary activities. Staff interpret these PPS provisions to focus provincial concern on the conversion of designated industrial and business park land to other uses.

Notwithstanding these policies, the proposed amendments are technical in nature and do not materially change the function or use of the site which has existed for decades. As a hospital and health service complex, it is Staff’s position that the amendments can be deemed consistent with the PPS as the amendments merely recognize and update the established institutional use of the lands. The proposal is also seen as supporting local employment and economic spin-offs.
Policy 1.1.1(c) outlines that healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns.

Policy 3.2.2 states that contaminated sites shall be remediated as necessary prior to any activity of the site associated with the proposed use such that there will be no adverse effects. Therefore, due to the fact petroleum/fuel storage and underground tanks have been on site, and the proposed use is Institutional, Ontario Regulation 153/04 requires a mandatory filing of a Record of Site Condition (RSC) for the area presently zoned “K” (Heavy Industry, etc.) District (Block “1”).

Staff has recommended a Holding symbol in the zoning for Block “1” to ensure site remediation, and the proposal is consistent with the principles and policies of the PPS.

Hamilton-Wentworth Official Plan:

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 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.

Policy 3.1.1 states that a compact higher density urban form with mixed use development along corridors, best meets the environmental, social and economic principles of sustainable development. Mixed form of development within an Urban Area is preferable to widespread, low density residential development and scattered rural development.

Policy B-2.3 states that identification of contaminated sites is essential and that redevelopment must not occur until it has been demonstrated that a proposal will not put people in significant risk. Subsequent sub-policies direct proponents to submit a professional analysis of soils on the site in accordance with Ministry of the Environment and Energy requirements. Staff has recommended a holding symbol in the zoning for Block “1” to ensure site remediation, and the proposal conforms to the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The northern portion of the subject lands (Block “1” on Appendix “A”) is designated “Industrial” on Schedule “A”, Land Use Concept Plan while Blocks “2” and “3” which accommodate the existing medical buildings are designated “Central Policy Area”. The proposal does not conform to the “Industrial” designation and an Official Plan Amendment is required. The nature of the Institutional use proposed for the northern portion of the site is considered appropriate within the “Central Policy Area”. The extension of the “Central Policy Area”, which is the basis of the proposed Official Plan Amendment, is considered consistent with the Hamilton-Wentworth Official Plan and the
PPS and as such can be supported. The proposed Zoning will conform once the Plan is amended.

**Landsdale Neighbourhood Plan**

It is noted that an amendment to the Landsdale Neighbourhood Plan is required to re-designate Block “1” from “Industrial” to “Civic and Institutional”. Staff is in support of this requirement and has recommended its approval.

**RELEVANT CONSULTATION:**

**Department/Agencies with no concerns or objections:**

- Corporate Services Department, Budget and Fiscal Policy Services Section.
- Open Space Development, Capital Planning and Implementation Division.
- Urban Forestry, Public Works Department, Operations and Maintenance Division.
- Traffic Engineering and Operations Section, Public Works Department.
- Hamilton Wentworth District School Board.

**Bell Canada had the following comments:**

- An easement may be required to service the subject property, depending on a review of more detailed applications under the Planning Act.

It will be the responsibility of the applicant to provide this easement if required, to obtain servicing.

**Public Consultation**

In accordance with the Public Participation Policy approved by Council on May 29, 2003, these applications were pre-circulated to 55 property owners within 120 metres of the subject lands. No responses were received.

Notice of the Public Meeting will be provided to the same property owners and a sign posted on the site will advise of the Public Meeting date in accordance with the requirements of the Planning Act.

**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

Participation in community life is accessible to all Hamiltonians.
Environmental Well-Being is enhanced. ☑ Yes  □ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes  □ No
Investment in Hamilton is enhanced and supported.

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

:EJ
Attachs. (3)
Official Plan Amendment from the “Industrial” to the “Central Policy Area” Designation and Change in Zoning from the “K” (Heavy Industry, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified.

Block “1” Official Plan Amendment from “Industrial” to “Central Policy Area” and change in zoning from the “K” (Heavy Industry, etc.) District to the “H”-H’ Community Shopping and Commercial, etc. - Holding) District, Modified.

Block “2” Change in zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified.

Block “3” Change in zoning from the “H” (Community Shopping and Commercial, etc.) District, to the “H” (Community Shopping and Commercial, etc.) District, Modified.
CiTY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593 (Hamilton), respecting lands located at 237 Barton Street East

WHEREAS the City of Hamilton Act, 1999, Statues 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 City of Hamilton” and is the successor of 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 the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report of the Planning and Economic Development Committee at its meeting held on the day of , 2006, recommended that Zoning By-law No. 6593 (Hamilton), 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, as amended by Official Plan Amendment No. _____ proposed by the Corporation of the City of Hamilton as By-Law No. ____ , but not yet approved in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet No. E-9e of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is hereby amended by:

   a) changing **Block “1”** from the “K” (Heavy Industry, etc.) District to the “H”-‘H’ (Community Shopping and Commercial, etc. - Holding) District, Modified;

   b) changing **Block “2”** from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified;

   c) changing **Block “3”** from the “H” (Community Shopping and Commercial, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified;

   the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “H” (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks “1”, “2” and “3” as detailed in Section 1 of this By-law, be modified to include the following special requirements.

   a) That notwithstanding Subsections 11(1) (vi) and 14 (3) (iii) (c) of Zoning By-law 6593, a minimum rear yard of 0.0m shall be provided and maintained.

   b) That notwithstanding Subsections 11(1) (vi) and 14 (3) (i) of Zoning By-law 6593, a minimum front yard of 0.0m shall be provided and maintained.

   c) That notwithstanding Subsection 11(1) (vi) and 14 (3) (ii)(a) of Zoning By-law 6593, a minimum easterly side yard of 0.0m shall be provided and maintained.

   d) That notwithstanding Subsection 11(1) (vi) and 14 (3) (ii)(a) of Zoning By-law 6593, a minimum westerly side yard of 3.0m shall be provided and maintained.

   e) That notwithstanding Subsections 14 (2) (i) and (ii) of Zoning By-law 6593, the height of a building or structure shall not exceed eight storeys or 26.0 metres in height.

3. The ‘H’ symbol applicable to Block “1” referred to in Section 1 of this By-law shall be removed conditional upon

   a) The owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton’s Manager of Development Planning, including an acknowledgement of receipt of the RSC by the MOE.
The 'H' symbol shall be removed by amendment to this By-law and the development of the lands referred to as Block “1” in Section 1 of this By-law may at such time proceed in accordance with the “H” District provisions, subject to the special requirements referred to in Section 2 of this By-law.

4. No building or structure shall be erected, altered or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “H” District provisions, subject to the special requirements referred to in Sections 2 and 3.

5. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1563.

6. Sheet No. E-9e of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1563.

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 , 2006.

_________________________________         _______________________________
MAYOR             CLERK

ZAC-06-18/OPA-06-04
Appendix “B” to Report PED06362
(Page 4 of 4)

Block “1” Change in zoning from “K” (Heavy Industry, etc.) District to the “H” (Community Shopping and Commercial, etc. - Holding) District, Modified.

Block “2” Change in zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District to the “H” (Community Shopping and Commercial, etc.) District, Modified.

Block “3” Change in zoning from the “H” (Community Shopping and Commercial, etc.) District, to the “H” (Community Shopping and Commercial, etc.) District, Modified.

Schedule “A”
Map Forming Part of By-law No. 06-____ to Amend By-law No. 6593

Subject Property
237 Barton Street East

This is Schedule “A” to By-Law No. 06—
Passed the __________ day of __________ 2006

Clerk

Mayor

SCALE: Not to Scale
Date: March 23, 2006

File Name/Number: ZAC-06-18 / OPA-06-04
Planner/Technician: EJ/LMM