

Authority: Item 6.Planning & Economic
Development Committee
Report: 05-006 (PD05054)
CM: March 9,2005

Bill No. 051

CITY OF HAMILTON

BY-LAW NO. 05-051

To Adopt:

Official Plan Amendment No. 9 to the former Town of Dundas Official Plan;

Respecting:

Spencer Creek Village – Hatt & Ogilvie Streets

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

1. Amendment No.9 to the Official Plan of the Dundas Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED AND ENACTED this 9th day of March, 2005.



MAYOR



CLERK

Amendment No. 9
to the
Official Plan of the former Town of Dundas

The following text constitutes Official Plan Amendment No.9 to the former Town of Dundas Official Plan:

Purpose:

The purpose of this Amendment is to:

- (i) reduce the permitted density of residential units on Spencer Creek Village lands north of Spencer Creek from 350 units to 322 units;
- (ii) increase the size of the permitted retirement home from 100 residents to 151 residents;
- (iii) relocate the 800 square metres of permitted street oriented commercial floor space from mixed use buildings on Hatt Street and/or Oglivie Street to free standing commercial buildings on Hatt Street; and,
- (iv) reorganize the existing site specific policies for this site to reflect the current status of development on the site.

Basis:

The basis for permitting these Amendments is as follows:

- The proposed change in the number of residential dwelling units and the proposed increase in the number of residents for the retirement home will maintain the overall population for this site as originally approved by the Town of Dundas.
- The relocation of commercial square footage to freestanding buildings will maintain the overall amount of commercial square footage previously approved by the Town of Dundas while offering additional commercial opportunities to the community.
- The reorganization of the site specific policies reflects the existing built form and the forms proposed on the subject lands.

Actual Changes:

1. Section 3.4.4.1 is deleted in its entirety and replaced with the following:

“Notwithstanding the permitted uses of Policy 3.4.3.1, the following site specific policies shall pertain to the redevelopment of the lands consisting of an area of approximately 4.4 hectares (10.8 acres) situated on the southwest corner of Hatt Street and Ogilvie Street identified on Schedule “B-1” as EXCEPTION RMU2:

(a) The permitted uses and building forms will include:

- residential apartments
- retirement homes
- long term care facilities
- street-oriented commercial uses consisting of retail, service commercial and personal service uses in freestanding buildings and/or on the first floor of mixed use buildings
- office uses
- institutional uses
- entertainment uses
- accessory private recreation facilities serving the needs of residents of the subject lands

(b) Permitted uses may be stipulated in the implementing zoning by-law to the following maximums:

- | | |
|---|---------------------|
| i) residential apartments | 322 units |
| ii) retirement home, long term care facility or a combination of both | 151 residents |
| iii) retail, service commercial and personal service uses | 1,400 square metres |

(c) Residential apartments may locate in residential buildings and in mixed use buildings along Hatt Street and Ogilvie Street, and in residential buildings along the north side of Spencer Creek.

(d) Retirement homes and a long term care facility may locate in residential buildings and/or in mixed use buildings along Hatt Street and Ogilvie Street.

(e) Retail, service commercial, personal service, office, institutional and entertainment uses may locate in mixed use buildings and in freestanding commercial buildings along Hatt Street and Ogilvie Street.

- (f) Residential uses, retirement homes and long term care facilities shall not locate below commercial and institutional uses.
- (g) New residential and mixed use buildings shall generally be in scale and compatible with the low profile character of buildings in the Town in order to maintain view of the escarpment and new buildings shall be carefully integrated with the character of established residential areas. In order to minimize conflicts, the location, form, scale, bulk and design of new buildings shall be sensitive to and compatible with the density and form of existing residential development.
- (h) The development of the subject lands shall be appropriately designed to buffer and/or separate adjacent land uses and shall respect the sensitive nature of the existing urban fabric. The construction of buildings of sensitive land uses (as defined by the Ministry of Environment) adjacent to the industrial operation located west of the most north westerly corner of the subject lands shall not proceed until such time as the requirements of the City have been satisfied regarding appropriate separation/mitigation/buffering measures for building design.
- (i) The maximum height of residential buildings along the north side of Spencer Creek shall be 9 storeys.
- (j) The range of height for residential buildings, mixed use buildings and freestanding commercial buildings along Hatt Street and Ogilvie Street shall be 2 to 6 storeys.
- (k) The height and massing of new buildings along Hatt Street and Ogilvie Street shall be subject to a 'height transition' requirement where the tallest part of the buildings shall be situated adjacent to the intersection of Hatt Street and Ogilvie Street. The maximum height shall be 6 storeys. The height of the remainder of the buildings shall be 'stepped down' to 5 and 4 storeys along Hatt Street and Ogilvie Street. The building shall be arranged to create an urban streetscape along Hatt Street and Ogilvie Street.
- (l) As part of the design of the overall development, the intersection of Hatt Street and Ogilvie Street shall be recognized as major crossroads and a focal point in the downtown.
- (m) The development of the subject lands shall be based on public roadway with a right-of-way width of 18.5 metres and acceptable alternative development standards to the satisfaction of the Town.
- (n) Prior to development, the subject lands shall be remediated in accordance with provincial standards regarding site decommissioning and clean-up to ensure that there will be no adverse effect resulting from former contaminants on the site. The Owner shall satisfy the Region that the site assessment and restoration activities at the site have been undertaken in accordance with the Ministry of Environment's

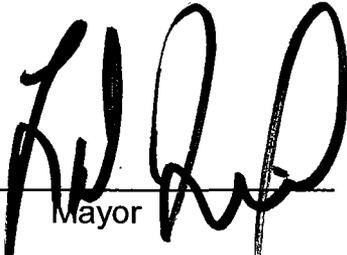
Guideline for Use at Contaminated Sites in Ontario, June 1996 as may be amended from time to time. Any site remediation work occurring within the regulated area of Spencer Creek shall be subject to a permit from the Hamilton Region Conservation Authority. The decommissioning of the site shall occur in phases. No development of any portion of the site may proceed until such time as all the requirements of the Region (City) regarding site assessment and remediation for the portions of the lands to be developed have been satisfied.

Implementation:

A zoning by-law amendment and site plans will give effect to the amendment.

This is Schedule “~~11~~” By-law No. 05-051 passed on the 9th day of March, 2005.

The
City of Hamilton



Mayor



Clerk