

**Authority:** Item 13, Economic Development  
and Planning Committee  
Report 10-015 (PED10142)  
CM: July 8, 2010

**Bill No. 173**

**CITY OF HAMILTON**

**BY-LAW NO. 10-173**

To Adopt:

Official Plan Amendment No. 20 to the former Town of Dundas Official Plan

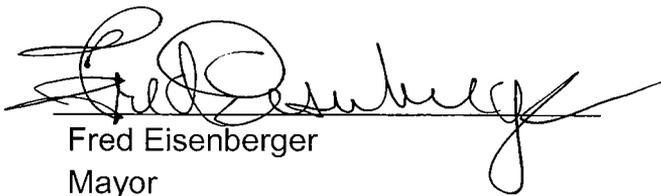
Respecting:

**397 King Street West and 365 Park Street West**

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

1. Amendment No. 20 to the Official Plan of the former Town of Dundas Planning Area consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

**PASSED** this 8<sup>th</sup> day of July, 2010.

  
Fred Eisenberger  
Mayor

  
Rose Caterini  
City Clerk

**Amendment No. 20  
to the  
Official Plan of the Former Town of Dundas**

The following text, together with Schedule “A” - Land Use - Schedule A, and Schedule “B” - Exceptions - Schedule B-1, attached hereto, constitutes Official Plan Amendment No. 20 to the Official Plan of the former Town of Dundas.

**Purpose:**

The purpose of this Amendment is for a change in designation for the subject lands from “Major Institutional” and “Employment/Residential Mixed-Use” to the “Residential Neighbourhoods” designation; and, to add a site-specific exception to permit the conversion of the existing four storey, 14.7m high building to a maximum 45 unit apartment building, on lands located at 365 Park Street West and 397 King Street West, in the former Town of Dundas.

**Location:**

The lands affected by this Amendment are approximately 1.03 hectares (2.55 acres) in size, located at 365 Park Street West and 397 King Street West, on the north side, east of the intersection of Bond Street North and King Street West, in the former Town of Dundas.

**Basis:**

The basis for permitting the proposal is as follows:

- The proposal is consistent with the Provincial Policy Statement.
- The proposed development offers an opportunity for Residential Intensification within the built boundary, and conforms to the intent and purpose of the Growth Plan for the Greater Golden Horseshoe.
- The proposal conforms to the policies of the Niagara Escarpment Plan.
- The proposal conforms to the former Region of Hamilton-Wentworth Official Plan.
- The property is located on a major arterial road, and the proposal is consistent with the intent and purpose of the policies with regard to Residential Intensification within the former Town of Dundas Official Plan.

- The proposal is a form of adaptive re-use and is, therefore, consistent with the existing building setbacks and massing found within the neighbourhood, while providing for a mix of housing opportunities in terms of unit size, type, and tenure.
- A modification/amendment to the Urban Hamilton Official Plan has also been passed by Council to provide for similar site-specific policies for these lands. The Urban Hamilton Official Plan will be amended/modified at the appropriate time.

### **Actual Changes:**

#### Text Changes:

1. Subsection 3.1.4: **Residential Exceptions** be amended by adding an additional policy as follows:
  - 3.1.4.6

Notwithstanding Policy 3.1.3.1, for the lands consisting of an area of approximately 1.03 hectares (2.55 acres) situated on the northwest corner of King Street West and Bond Street North, known municipally as 365 Park Street West and 397 King Street West, and identified on Schedule "B-1" as **Exception R5**, permitted uses shall be limited to:

- a. A maximum of 45 residential units within the existing four storey, 14.7m high building; and,
- b. Accessory buildings and structures within the rear yard only.

### **Schedule Changes:**

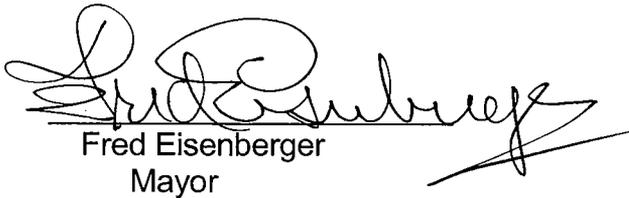
1. Schedule "A" - Land Use - be revised by re-designating the subject lands from "Major Institutional" and "Employment/Residential Mixed-Use" to the "Residential Neighbourhoods" designation, as shown on the attached Schedule "A" of this amendment.
2. Schedule "B-1" - Exceptions - be revised by identifying the subject lands as Exception R5, as shown on the attached Schedule "B" of this amendment.

**Implementation:**

A Zoning By-law Amendment, Site Plan Application, and Draft Plan of Condominium will give effect to this Amendment.

This is Schedule "1" to By-law No. 10-173, passed on the 8<sup>th</sup> day of July, 2010.

**The City of Hamilton**



Fred Eisenberger  
Mayor



Rose Caterini  
City Clerk

Schedule A  
Amendment No. 20  
To the Official Plan  
for the  
former Town of Dundas

Legend

-  Lands to be redesignated from "Major Institutional" to "Residential Neighbourhood"
-  Lands to be redesignated from "Employment/Residential Mixed Use" to "Residential Neighbourhood"

Date:  
July 6, 2010

Revised By:  
AC/NB

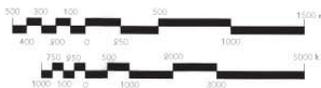
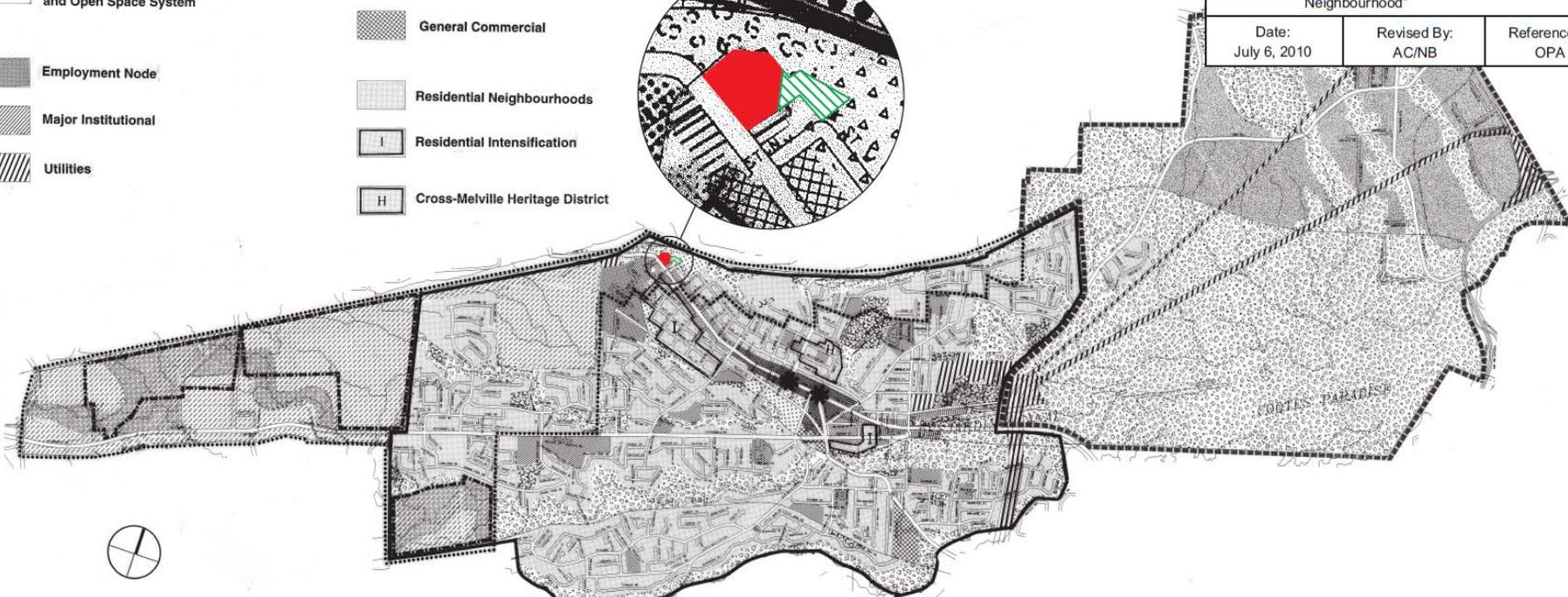
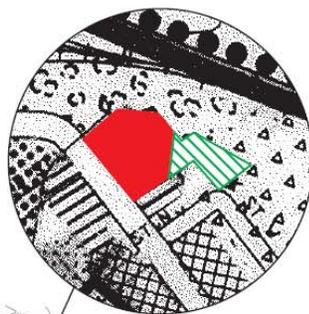
Reference File No.:  
OPA 20(D)

LEGEND

-  Natural Open Space
-  Open Space
-  Escarpment Natural Area
-  Escarpment Protection Area
-  Rural Area
-  Niagara Escarpment Parks and Open Space System
-  Employment Node
-  Major Institutional
-  Utilities
-  Downtown Mixed Use
-  Employment / Residential Mixed Use
-  Residential / Commercial Conversions
-  Residential / Commercial Mixed Use
-  Landmark Sites
-  General Commercial
-  Residential Neighbourhoods
-  Residential Intensification
-  Cross-Melville Heritage District

-  Area Subject to Parkway Belt West Plan
-  Urban Area Boundary
-  Area Subject to Niagara Escarpment Plan

Deleted from Plan  
Note: Subject to O.P.A. #23, As amended by  
the O.M.B. under previous Official Plan (1992)



**SCHEDULE A  
LAND USE  
Town of Dundas Official Plan**

Schedule B  
Amendment No. 20  
To the Official Plan  
for the  
former Town of Dundas

**Legend**

 Lands to be identified as "Exception R5  
(See Policy 3.1.4.6)"

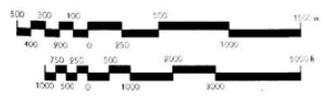
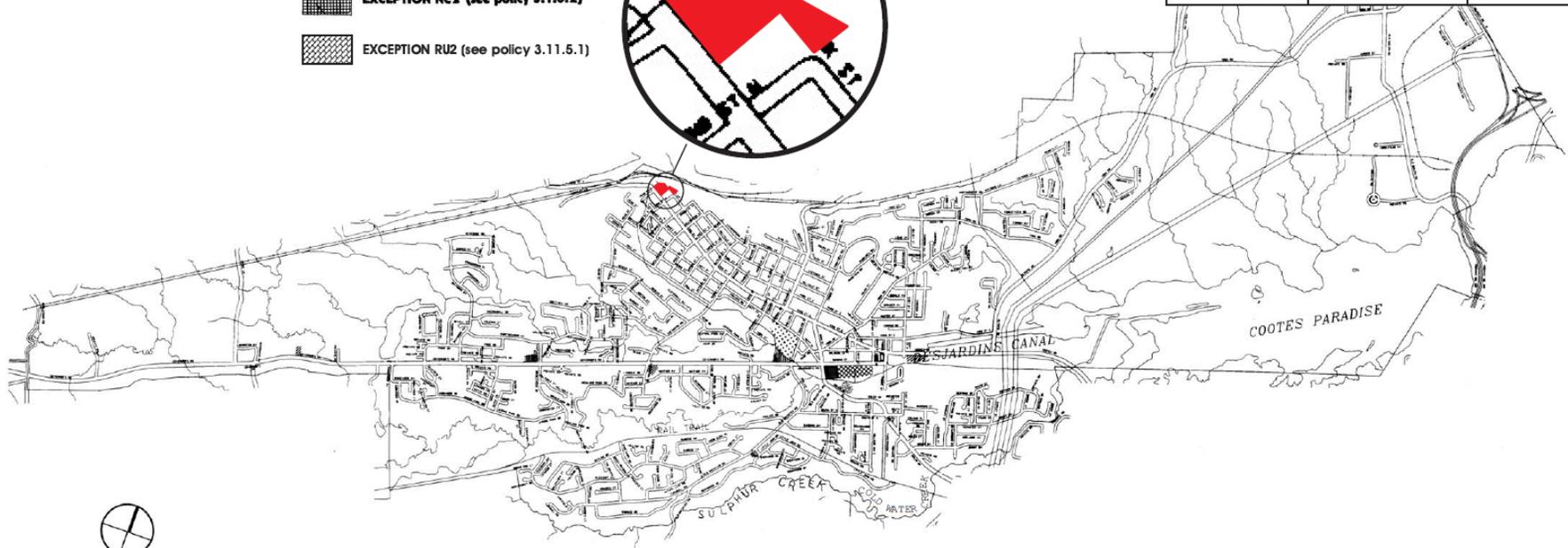
Date:  
July 6, 2010

Revised By:  
AC/LMM

Reference File No.:  
OPA 20(D)

**LEGEND**

- |   |  |
|---|--|
|  EXCEPTION R1 (see policy 3.1.4.1) |  EXCEPTION CMU 1 (see policy 3.7.4.1) |
|  EXCEPTION R2 (see policy 3.1.4.2) |  EXCEPTION CMU 2 (see policy 3.7.4.2) |
|  EXCEPTION R3 (see policy 3.1.4.3) |  EXCEPTION RU 1 (see policy 3.11.4.4) |
|  EXCEPTION R4 (see policy 3.1.4.4) |  EXCEPTION RMU 1 (see policy 3.4.4.1) |
|  EXCEPTION R5 (see policy 3.1.4.6) |  EXCEPTION NC1 (see policy 3.1.6.1)   |
|   |  EXCEPTION NC2 (see policy 3.1.6.2)   |
|   |  EXCEPTION RU2 (see policy 3.11.5.1)  |



**SCHEDULE B-1  
EXCEPTIONS  
Town of Dundas Official Plan**