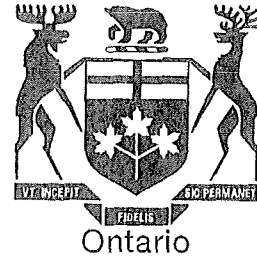


Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



15-033 – Attachment 1 15-034 – Attachment 2

ISSUE DATE: December 30, 2014

CASE NO(S): PL131066
PL140923
PL131390

Shoppers Drug Mart has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to the Official Plan for the City of Hamilton to redesignate lands at 41, 45, 47, 49, 55 and 59 Head Street, 22 and 24 Dundurn Street North, 620, 622 and 624 King Street West from "Commercial" and "Single and Double" to "Commercial" and to introduce a Special Policy Area to permit the proposed mixed-use development on the subject properties
Approval Authority File No.OPA-12-011
OMB File No. PL131066

Shoppers Drug Mart has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 6593 of the City of Hamilton to rezone lands respecting 41, 45, 47, 49, 55 and 59 Head Street, 22 and 24 Dundurn Street North, 620, 622 and 624 King Street West from "D" (Urban Protected Residential – One and Two Family Dwellings) District and "H" (Community Shopping & Commercial Uses) District to "H/S" (Community Shopping & Commercial Uses) District Modified and "H/S" (Community Shopping & Commercial Uses) District Modified to permit the proposed mixed-use development on the subject properties
OMB File No. PL131067

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Subject	Site Plan
Referred by	Shoppers Drug Mart
Property Address/Description	41, 45, 47, 49, 55 and 59 Head Street, 22 and 24 Dundurn Street North, 620, 622 and 624 King Street West
Municipality	Hamilton
OMB Case No.	PL131066
OMB File No.	PL140104

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: Shoppers Drugmart C/O Peter Kulkarni

Subject: Request to amend the Official Plan - Failure of City of Hamilton to adopt the requested amendment

Existing Designation: Commercial and Single and Double Residential

Proposed Designation: Special Policy (to be determined)

Purpose: To permit redevelopment of the subject properties as a mixed-use building and eight grade related residential townhouse units

Property Address/Description: King St. W., Dundurn Street North and Head Street

Municipality: City of Hamilton

Approval Authority File No.: UHOP-14-002

OMB Case No.: PL140923

OMB File No.: PL140923

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Shoppers Drug Mart

Subject: Proposed Official Plan Amendment No. 11

Municipality: City of Hamilton

OMB Case No.: PL131390

OMB File No.: PL131390

Heard: December 8, 2014 in Hamilton, Ontario

APPEARANCES:

Parties

Counsel

Shoppers Drug Mart

Barnet Kussner

City of Hamilton

Michal Minkowski

**MEMORANDUM OF ORAL DECISION DELIVERED BY C. HEFFERON ON
DECEMBER 8, 2014 AND ORDER OF THE BOARD**

[1] Shoppers Drug Mart (the “Applicant” or “Shoppers”) has appealed to the Ontario Municipal Board (“Board”) the refusal or neglect of the City of Hamilton (“City”) to make a decision on its application to amend the City’s Official Plan.

[2] The Applicant proposes to re-develop the lands municipally known as 41, 45, 47, 49, 55 and 59 Head Street, 22 and 24 Dundurn Street North, 620, 622 and 624 King Street West, which are located at the northeast corner of King Street West and Dundurn

Street North in the Strathcona neighbourhood of Hamilton. The subject properties are irregular in shape and comprise approximately 0.82 ha in area including lots 12, 13, 14 and Part of Lots 7,8,9,10 and 11, Registered Plan No. 41.

[3] The lands currently are developed with a Tim Hortons take-out restaurant, a small Shoppers Drug Mart in a structure converted for temporary use as a pharmacy outlet and a number of older dwellings facing on Head Street.

[6] The Applicant proposes to replace the existing Tim Hortons and Shoppers Drug Mart buildings, which are considerably set back from King Street West with a new re-located 223 square metre ('sq. m') Tim Hortons restaurant with drive-thru; an updated two-storey, 1,951 sq. m Shoppers Drug Mart and eight grade-related, semi-detached dwelling units fronting on Head Street.

[7] The existing standalone Tim Hortons and Shoppers Drug Mart buildings are on lands designated in the Urban Hamilton Official Plan ("UHOP") as "Commercial". The balance of the subject lands are on lands that Paul Chronis, a registered professional planner retained by the Applicant, advised were designated in UHOP for residential uses. He explained that because the applications for site specific amendments to the Official Plan and Zoning By-law were submitted to the City prior to the approval of the UHOP, it references the former Official Plan of the City.

MATTERS BEFORE THE BOARD

[8] The Applicant has applied for:

- An amendment to the (current) Zoning By-law
- An amendment to Official Plan Amendment No. 11, which is the Strathcona Secondary Plan
- A site specific amendment to the UHOP (pursuant to s. 22 of the *Planning Act*)
- An amendment to the former City of Hamilton Official Plan.
- In addition, the Applicant has referred the proposed Site Plan to the Board.

PARTICIPANTS

[9] The Board recognized the following local residents as participants:

- Aurelia Shaw
- David Keane
- Maggie Steele
- Romano and Giuliana Piccini

EVIDENCE AND FINDINGS

[10] Prior to the commencement of the hearing, the Board was informed that a settlement between the parties had been reached.

[11] The Board qualified John Ariens, a registered professional planner retained by the applicant to provide opinion evidence on land use planning matters. Mr. Ariens explained that in consultation with the City of Hamilton Planning staff, the ward councilor and the Strathcona Residents Association, the original concept plan had undergone several iterations before a resolution supporting the proposed amendments to Zoning By-law No. 6593, the "UHOP and an amendment to the new Strathcona Secondary Plan were adopted by Council of the City of Hamilton on September 24, 2014.

[12] Mr. Ariens advised the Board that an amendment to the former City of Hamilton Official Plan is no longer required. He further advised that the terms of a Site Plan Agreement are at this time still being negotiated. A hearing regarding the Site Plan has been scheduled for February 4 – 6, 2015.

[13] Mr. Ariens explained that the recently revised proposal provides for eight semi-detached single-family homes fronting on Head Road. These semi-detached homes comprise the residential component of a proposed mixed use commercial residential development, which is proposed to occupy the rear portion of the site. His un-

contradicted testimony was that the design and orientation of the proposed new homes respects the neighbourhood policies of the UHOP.

[14] The proposed commercial component is an approximately 1,952 sq. m building of which approximately 1,637 sq. m would be retail (on one floor) and 315 sq. m would be storage on a second floor. A site concept plan was entered into the evidence as Exhibit 3, Tab 7, page 41.

[15] A large, new Tim Hortons restaurant comprising approximately 223 sq. m, not including an outdoor patio-type seating area is proposed to occupy a large part of the front portion of the site along with an access from and to King Street West. Mr. Ariens' un-contradicted testimony was that this design satisfies that policy direction of the recently-approved UHOP, which requires that new development fronting on King Street West be pedestrian-friendly.

[16] Mr. Ariens also testified that based on the traffic study prepared as part of the application for this development, access for delivery trucks and the location proposed loading docks for both the Tim Hortons restaurant and the Shoppers Drug Mart are adequate. His testimony was neither opposed nor contradicted.

[17] He acknowledged that the general area particularly along King Street West is in transition. He advised that the suburban-style strip mall at the southwest corner of Dundurn Street and King Street West will, in the next few years, in all likelihood be redeveloped with more urban and pedestrian-friendly mixed-use buildings. It is his opinion that other sites on King Street West near the intersection with Dundurn Street will experience similar redevelopment pressures. This opinion evidence was neither opposed nor contradicted.

[18] He advised that when this happens (perhaps 20 years in the future), it is the intention of both the applicant and the City that the proposed Tim Hortons and Shoppers Drug Mart standalone structures will themselves be replaced with more urban-type, pedestrian-oriented buildings. What this means is that in the relatively near future (perhaps as soon as 20 or 30 years from now) a new development on the subject lands

will front directly on King Street West and have a distinct urban orientation and identity. He acknowledged that the current proposal does not conform to the downtown policies of the UHOP. He testified, however, that it constitutes an appropriate intermediate step towards this desired state of full compliance.

[19] Mr. Ariens testified that both the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the 2014 Provincial Policy Statement (“PPS”) and in conformity with the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”).

[20] The Board accepts Mr. Ariens’ unopposed and un-contradicted testimony and finds that the proposed development satisfies the intent of both Provincial policy as set down in the PPS and the Growth Plan as well as the intent of UHOP.

CONCLUSION

[21] On the unopposed and un-contradicted testimony of Mr. Ariens, the Board finds that the proposal represents good planning.

ORDER

[22] The Board orders that the appeal by Shoppers with respect to its application for a site specific amendment to the UHOP is allowed in part and the UHOP is amended as set out in Appendix “A” attached hereto and forming Exhibit 5 in this proceeding. In all other respects the Shoppers appeal under OMB file PL140923 is dismissed.

[23] And the Board further orders that the appeal by Shoppers under Ontario Municipal Board File PL140923 with respect to Official Plan Amendment No. 11 to the UHOP (the “Strathcona Secondary Plan”) is allowed in part and the UHOP is amended as part of the same amendments referenced in the preceding paragraph, as set out in Attachment 1 appended to and forming part of this Order. In all other respects the Shoppers appeal under OMB file PL131390 is dismissed.

[24] And the Board further orders that the appeal by Shoppers with respect to its application for a site specific amendment to the City of Hamilton Zoning By-law 6593, as amended, is allowed in part, and the said By-law is amended as set out in Exhibit 6, which is Attachment 2 to this Order.

[25] And the Board further orders that the appeal by Shoppers with respect to its application for an amendment to the former City of Hamilton Official Plan is dismissed in its entirety.

[26] And the Board further orders that this panel will remain seized of the referral by Shoppers with respect to its application for site specific Approval (OMB file PL140104) and will continue to hold February 4, 2015 as a hearing date to consider this matter should it become necessary.

[27] And the Board further orders that it will remain seized of the referral by Shoppers (OMB file PL131067) with respect to the City of Hamilton Zoning By-law No. 6593, as amended, in the event further amendments to the said By-law are required in order to give effect to the site plan and conditions of Site Plan Approval as may be finally approved by the Board.

[28] And the Board further orders that in the event that there are any issues arising in the implementation of this Decision and Order, the Board may be spoken to.

"C. Hefferon"

C. HEFFERON
MEMBER

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.ento.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

DRAFT Amendment No. ____ to the Urban Hamilton Official Plan

The following text, together with:

- Appendix "A" (Volume 1, Schedule E-1 – Urban Land Use Designations);
- Appendix "B" (Volume 2, Map B.6.6-1 – Strathcona Secondary Plan – Land Use Plan); and,
- Appendix "C" (Volume 2, Appendix B – Strathcona Secondary Plan – Cultural Heritage Resources)

attached hereto, constitute Official Plan Amendment No. ____ to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of the Amendment is to amend Site Specific Policy – Area I to permit the comprehensive redevelopment of the site with a mixed use building and a drive-through facility in conjunction with a restaurant:

2.0 Location:

The lands affected by this amendment are located at 41, 45, 47, 49, 55 and 59 Head Street, 22 and 24 Dundurn Street North, and 620, 622 and 624 King Street West, as illustrated on Appendix "B" to this amendment.

3.0 Basis:

The basis for permitting this amendment is as follows:

This Amendment results from an Official Plan amendment application initiated by Shoppers Drug Mart. The matter was referred to the Ontario Municipal Board for a Hearing by Shoppers and ultimately a Settlement was reached between Shoppers and the City, endorsed by Council Resolution _____. The Basis for this Amendment is therefore to implement the Settlement between the parties so as to allow for the comprehensive redevelopment of the subject lands with a mixed use building and a drive through facility in conjunction with a restaurant.

4.0 Actual Changes:

4.1 Text Changes:

4.1.1 That Volume 2, Section B.6 – Strathcona Secondary Plan, be amended by deleting Policy B.6.6.15.9, Site Specific Policy – Area I, and replacing it as follows:

Existing policy:

~~6.6.15.9 Notwithstanding the uses permitted in Section E.4.6.5 b) – Mixed Use – Medium Density Designation of Volume 1, for the properties located at 620, 622 and 624 King Street West, designated Mixed Use – Medium Density, shown as Area I on Map B.6.6-1 Strathcona Secondary Plan: Land Use Plan, one drive-through facility in conjunction with a restaurant shall be permitted.~~

New Policy:

6.6.15.9 For the lands located at 41, 45, 47, 49, 55 and 59 Head Street, 22 and 24 Dundurn Street North, and 620, 622 and 624 King Street West, shown as Area I on Map B.6.6-1 Strathcona Secondary Plan: Land Use Plan, designated Mixed Use – Medium Density, and identified in part as Pedestrian Predominant Street and Neighbourhood Node, the following policies shall apply:

a) Notwithstanding the uses permitted in Policy E.4.6.5 b) – Mixed Use – Medium Density Designation of Volume 1, one drive-through facility shall be permitted, provided the following conditions are met:

- i. It is established in conjunction with a restaurant use; and,
- ii. The development of the restaurant with a drive-through facility shall occur simultaneously and together with the development of a mixed use building, as part of one comprehensive development.

b) The mixed use building shall be subject to the following:

- i. The mixed use building shall contain commercial and residential uses.
- ii. Notwithstanding the uses permitted in Section E.4.6.5, only residential uses are permitted along the frontage facing Head Street.
- iii. Notwithstanding Policy E.4.3.4 d), on the ground floor of the mixed use building, commercial uses shall front onto King Street West and residential uses shall front onto Head Street.
- iv. Notwithstanding Sections E.4.6.7, E.4.6.8 and E.4.6.10, residential units facing Head Street shall have a maximum height of 3 storeys and shall have the appearance of semi-detached dwellings.
- v. Notwithstanding Policy B.6.6.6.1 s), the maximum 2 metre setback shall not apply to the mixed use building.
- vi. Notwithstanding Policies E.4.3.4 b) and B.6.6.10 h) iv), surface parking, driveways, and lanes may be permitted between the mixed use building and the street.
- vii. The design of the mixed use building shall include consideration of transitions in height and grading to adjacent and existing residential development to ensure compatibility with adjacent land uses.
- viii. Following the construction of the mixed use building and the restaurant with a drive through facility on the subject lands, the residential units that front onto Head Street may be severed.

c) Access to non-residential uses shall not be permitted from Head Street.

- d) Notwithstanding Policy E.4.3.4 a), a minimum of 45% of the block face fronting on King Street West shall be developed with buildings.
- e) Notwithstanding Policy B.6.6.6.1 b), for development other than the 3 storey residential uses facing Head Street identified in Policy B.6.6.15.9 b) iv), the minimum building height shall be 1 storey and the maximum building height shall be 6 storeys.
- f) Prior to any increase in height for the mixed use building above 2 stories, other than the 3 storey residential uses facing Head Street identified in Policy B.6.6.15.9 b) iv), the applicant shall be required to demonstrate that the potential impacts have been mitigated on adjacent lands designated Low Density Residential 3.
- g) Notwithstanding Policies B.6.6.15.9 a) through f) above, any *major redevelopment* of the site shall be in accordance with the policies of the Secondary Plan, subject to the following:
 - i. Notwithstanding Sections E.4.6.5, E.4.6.7 and E.4.6.8, only single detached or semi-detached dwelling units shall be permitted facing Head Street, to a maximum height of 3 storeys.
 - ii. Notwithstanding the uses permitted in Policy E.4.6.5 b) - Mixed Use - Medium Density Designation of Volume 1, one drive-through facility in conjunction with a restaurant shall be permitted.

4.1.2 That Policy B.6.6.16 be amended by including the following new definition:

- a) **Major redevelopment:** for the purposes of Site Specific Policy - Area I, means either:
 - i. The complete removal of the commercial portion of the mixed use building and replacement with a new building; or

- ii. the removal of the majority of the commercial portion of the mixed use building and replacement with a new building or addition; or
- iii. a substantial addition to the mixed use building that will occupy or otherwise cover a substantial portion of the parking area with new built form.

"Major Redevelopment" does not include any improvements necessary to the mixed use building to maintain its purpose and function.

4.2 Schedule/Appendix/Map Changes:

4.2.1 Volume 1

- a. That Schedule E-1 - Urban Land Use Designations be amended by redesignating lands from "Neighbourhoods" to "Mixed Use Medium Density", as shown on Appendix "A".

4.2.2 Volume 2

- a. That Map B.6.6-1 - Land Use Plan be amended by redesignating lands from "Low Density Residential 3" to "Mixed Use - Medium Density", by extending the boundaries of "Site Specific Policy Area - Area 1" to include the properties located at 22 and 24 Dundurn Street North, and 41, 45, 47, 49, 55 and 59 Head Street, and by extending the boundaries of the "Pedestrian Predominant Street" and "Neighbourhood Node" areas to include the properties located at 22 and 24 Dundurn Street North, and part of 41, 45, 47, 49, 55 and 59 Head Street, as shown on Appendix "B".
- b. That Appendix B - Cultural Heritage Resources - Strathcona Secondary Plan be amended by removing the Cultural Heritage Landscape from 22 and 24 Dundurn Street North and by decreasing the depth of the Cultural Heritage Landscape on the properties located at 41, 45, 47, 49, 55 and 59 Head Street, as shown on Appendix "C".

5.0 Implementation:

An implementing Zoning By-Law Amendment and Site Plan will give effect to this Amendment.

This is Schedule "1" to By-law No. _____ passed on the _____ day of _____, 2015.

The
City of Hamilton

XXXXXX
MAYOR

R. Caterini
CLERK

ATTACHMENT 2

Authority: Item _____, Planning Committee
Report: 15-_____ (PED15_____)
CM:_____

Bill No.

**CITY OF HAMILTON
BY-LAW NO. _____**

To Amend Zoning By-law No. 6593 (Hamilton) Respecting Lands Located at the northeast corner of King Street West and Dundurn Street North (41, 45, 47, 49, 51 Head Street and 22 and 24 Dundurn Street South)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Schedule 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 Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July 1950, which was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon approval of the Official Plan Amendment No. _____.

1. That Sheet No. W12 of the District Maps, appended to and forming part of the By-law No. 6593 (Hamilton) is amended,
 - (a) By changing the zoning from the "H" (Community Shopping and Commercial, Etc.) District to the "H"-H/S_____" (Community Shopping and Commercial, Etc.) District Modified, Holding the lands identified as "Block 1".
 - (b) By changing the zoning from the "D" (Urban Protected Residential One and Two Family Dwellings, Etc.) District to the "H"-H/S_____" (Community Shopping and Commercial, Etc.) District Modified, Holding the lands identified as "Block 2".

- (c) By changing the zoning from "D" (Urban Protected Residential One and Two Family Dwellings, Etc.) District to the "D"-H/S____" (Urban Protected Residential One and Two Family Dwelling, Etc.) District Modified, Holding the lands identified as "Block 3".

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 Block 1 and 2 of this By-law, be modified to include the following requirements:
- (a) That in addition to the uses permitted in Section 14 of By-law 6593, a commercial building having a common dividing wall attached to 4 semi-detached units zoned "D"-H/S-____" is permitted, in addition to a detached restaurant with drive-through.
 - (b) That notwithstanding Section 14(2) of By-law 6593, the height of the south façade of the principal commercial building shall be a minimum of 2 storeys.
 - (c) That notwithstanding Section 14(3) of By-law 6593, the following setbacks will apply to the principal commercial building:
 - (i) Minimum north (rear yard) setback of 0.0 metres provided an intervening residential building exists, and is maintained, between the principal building and Head Street, otherwise a minimum of 40 metres is required.
 - (ii) Minimum east (side yard) setback – 3.5 metres
 - (iii) Minimum south (front yard) setback – 0.0 metres
 - (iv) Minimum west (side yard) setback – 5.8 metres
 - (d) That in addition to Section 14 of By-law 6593, the drive-through restaurant shall have a minimum length of 28 metres fronting onto King Street West.
 - (e) That notwithstanding Section 14 (3) of By-law 6593, the following shall apply to the restaurant with drive-through:
 - (i) Maximum south (front yard) setback of 1.0 metres.
 - (ii) Maximum west (side yard) setback of 1.0 metres
 - (f) That notwithstanding Section 18A (7) of By-law 6593, every required parking space shall have dimensions not less than 2.6 metres wide and 5.5 metres long.

- (g) That notwithstanding Section 18A (11) (a) of By-law 6593, the boundary of a parking area abutting a residential district shall be 0.0 metres.
 - (h) That notwithstanding Section 18A (12) (a) of By-law 6593, for every parking area referred to in subsection 11, there shall be an area landscaped with a planting strip except at the north side lot line abutting 28 Dundurn Street North.
 - (i) That notwithstanding Section 18A Table 1 of By-law 6593, there shall be a minimum of 60 parking spaces for the commercial uses.
3. That the "D" (Urban Protected Residential One and Two Family Dwellings, Etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593 applicable to Block 3 of this By-law, are modified to include the following special requirements:
- (a) That notwithstanding Section 10(1) of By-law 6593, 4 semi-detached units having a common dividing rear wall attached to a commercial building contained in the adjacent lands zoned "H/S-____" District shall be permitted.
 - (b) That notwithstanding Section 10(2) of the By-law 6593, the height shall not exceed 3 storeys (which shall NOT include the habitable room which is permitted in the attic space)
 - (c) That notwithstanding Section 10(3) of By-law 6593, the following shall apply:
 - (i) A front yard of a depth of at least 2.5 metres to a garage with a 1.2 metre projection for covered porches and balconies.
 - (ii) A side yard of 1.0 metres on one side and 0.0 metres on the other side;
 - (iii) A rear yard depth of 0.0 metres.
 - (d) That notwithstanding Section 10 (4) of By-law 6593, every lot or tract of land upon which a two family dwelling is erected shall have a combined width of 14.5 metres and a combined area of 150.8 square metres and have an individual width of 7.2 metres and an individual area of 74 square metres.
 - (e) That notwithstanding Section 18 (14)(i) of By-law 6593, 40% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.
 - (f) That notwithstanding Section 18A (1) (f) of By-law 6593, the manoeuvring space abutting upon and accessory to each required parking shall be 2.9 metres.
 - (g) That notwithstanding Section 18A (7) of By-law 6593, every required parking space shall have dimensions not less than 2.6 metres wide and 5.5 metres long.
4. By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-_____.

5. That Sheet No. W12 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-_____.
6. That no building or structure shall be erected, altered, extended, 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" (Community Shopping and Commercial, Etc.) District provisions, and the "D" (Urban Protected Residential One and Two Family Dwellings, Etc.) subject to the special requirements referred to in Section 2 and 3 of this By-law.
7. That the 'H' symbol, applicable to the lands zoned "H"-H/S____ (Community Shopping and Commercial, Etc.) District, Modified, Holding (Block 1 and 2) and the "D"- 'H/S____ (Urban Protected Residential One and Two Family Dwellings, Etc.) District, Modified, Holding (Block 3), will prohibit the use of the subject lands for the purposes permitted within this by-law until such a time as:
 - i) The applicant/owner enter into Site Plan Agreement to establish the requirement for comprehensive development of the subject lands to the satisfaction of the Director of Planning
8. That the Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2015.

F. Eisenberger
Mayor

Rose Caterini
Clerk



This is Schedule "A" to By-Law No. 15-

Passed the day of, 2015

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-Law No. 15-

to Amend By-law No. 6593

Subject Property

41, 45, 47, 49, 51 Head Street & 22, 24 Dundurn Street North



Block 1 Change in Zoning from "H" (Community Shopping and Commercial, etc.) District to the "H" (Community Shopping and Commercial, etc.) District, Modified



Block 2 Change in Zoning from "D" (Urban Protected Residential - One and Two Family Dwellings) District to the "H" (Community Shopping and Commercial, etc.) District, Modified



Block 3 Change in Zoning from "D" (Urban Protected Residential - One and Two Family Dwellings) District to the "D" (Urban Protected Residential - One and Two Family Dwellings) District, Modified

Scale:

NTS

File Name/Number:

ZAC-12-028

Date:

Dec 4 2014

Planner/Technician:

EJ/DB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT