



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 18, 2016
SUBJECT/REPORT NO:	Interim Control By-law Extensions – Certain Lands along James Street North and King Street East - Light Rapid Transit (LRT) Corridor (PED15157(a)) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Joanne Hickey-Evans (905) 546-2424 Ext. 1282 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Council direct that Section 3 of Interim Control By-laws 15-245 and 246 be extended for an additional year not to exceed two years from the date of the passing of the by-laws (October 28, 2015), to allow additional time to complete the planning, for certain lands located on King Street East between West Avenue South and Victoria Avenue South, and both sides of James Street North between Cannon Street to Strachan Street, on the following basis:

- (a) That the Draft Interim Control By-law, attached as Appendix “B” to Report PED15157(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

EXECUTIVE SUMMARY

In October 28, 2015 Council passed two Interim Control By-laws (ICBL) (By-laws No. 15-245 and 246) for the lands along the LRT corridors.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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The purpose of the ICBL is to place a temporary freeze on lands which are undergoing a study. Staff has and is undertaking two separate studies to review the Urban Hamilton Official Plan (UHOP), including the Secondary Plans and the associated zoning. One study is the review of the Downtown area, including the extensions of the planning area to north and east; and the other study focussed on the Main Street, King Street, and Queenston Road lands.

The Downtown study will not be completed until Q1 2017. As a result, the ICBL has to be extended for another year to accommodate the planning study time frame.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Subsection 38(1) of the *Planning Act* states that where the council of a local municipality has directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area, the council of the municipality may pass an interim control by-law for a period of time not exceeding one year, prohibiting the use of land, buildings or structures within the municipality for such uses set out in the zoning by-law.

Subsection 38(2) allows council to extend the period of time of the interim control by-law so that the total time does not exceed two years from the date of the passing of the by-law.

It is noted that subsection 38(3) of the *Planning Act* states that no notice or hearing (public meeting) is required for an interim control by-law. However, the clerk is required to give notice of the decision within 30 days of passage of the by-law to the prescribed persons and public bodies. There is a 60-day appeal period associated with the passage of an interim control by-law.

Finally, it is noted that subsection 45 (1) of the *Planning Act* states that the Committee of Adjustment may authorize the approval of a variance application made on lands that are affected by a by-law passed under section 38 (Interim Control) so long as the application meets the test as described in that section of the *Planning Act*.

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HISTORICAL BACKGROUND

On October 28, 2015, City Council passed two ICBLs:

- By-law No. 15-245 applies to lands generally fronting on Main Street West between Thorndale Street and the 403 Interchange; King Street West between the 403 Interchange and the west side of Queen Street North; King Street East between Wellington Street North to west of Parkdale Avenue; James Street North between Cannon Street to Strachan Street. These lands are zoned under City of Hamilton Zoning By-law No. 6593; and,
- By-law No. 15-246 applies to lands located at 38 Emerson Street/1349 Main Street West; 700, 1150, 1355 Main Street West; 458, 545 and 570 King Street West; 350, 420 King Street East; 30 Wentworth Street North; 1153 and 1284 Main Street East; and 252-254 James Street North. These lands are zoned under Zoning By-law No. 05-200.

The purpose of the ICBL is to place a temporary freeze on lands which are undergoing a study. The City has and will be undertaking different City initiatives to study and zone lands along the proposed LRT corridors to permit land uses and their associated regulations that support residential and commercial intensification that is beneficial to transit investment, ridership, strengthening communities and long term prosperity of the City; that do not impede the operation of the LRT system and contribute to city building through the establishment of built form and urban design requirements.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The policy implications for the ICBL are described in Report PED15157. The extension of the ICBL does not change that review.

RELEVANT CONSULTATION

- Legal Services, City Manager's Office

ANALYSIS AND RATIONALE FOR RECOMMENDATION

There were two separate studies being undertaken for the lands located on the LRT Corridor:

- Review of the Downtown Secondary Plan, including the extended boundaries (Queen street to Victoria Avenue) and associated zoning; and,
- Remaining lands along Main Street west, King Street and Queenston Road.

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The land use planning studies and implementing Official Plan and Zoning By-law Amendments for the LRT corridor is anticipated to conclude in October, in advance of the ICBL expiration.

The Downtown Secondary Plan review is not expected to be completed until early 2017. As a result the ICBL for the specific lands within that study area has to be extended.

ALTERNATIVES FOR CONSIDERATION

Option 1 – These lands are not placed under the ICBL. The existing planning regulations would continue to apply.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Draft Interim Control By-law Extension

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