

Planning Justification Report

4 & 10 Trinity Church Road
Hamilton, Ontario

May 2022

Prepared For:

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1.0 Introduction

T. Johns Consulting Group Ltd. (“T. Johns”) was retained by the landowner and applicant in February 2022 to prepare a Planning Justification Report in support of a Zoning By-law Amendment for lands municipally known as 4 and 10 Trinity Church Road in the City of Hamilton. The Zoning By-law Amendment is required to re-adapt the existing vacant church building on 10 Trinity Church Road for a Restaurant use, supported by the existing parking area on 4 Trinity Church Road.

The following report includes an overview of the subject lands in context with surrounding land uses, a detailed description of the proposed development and supporting studies, and a detailed review of the applicable planning framework and professional planning opinion in support of the required approvals.

First, we hold space and recognize the traditional territory of the subject lands.

Land Acknowledgement for the City of Hamilton

The City of Hamilton is situated upon the traditional territories of the Erie, Neutral, Huron-Wendat, Haudenosaunee and Mississaugas. This land is covered by the Dish With One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. We further acknowledge that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation.

Today, the City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and we recognize that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners, and caretakers.

1.1 Site Description

There are two (2) properties within the proposed rezoning application. The two parcels are separate and divided by a City of Hamilton cemetery. The lands are 4 Trinity Church Road and 10 Trinity Church Road.

4 Trinity Church Road

4 Trinity Church Road is located immediately southwest of the Trinity Church Road and Rymal Road East intersection within the Hannon South neighbourhood. The parcel is approximately 2,221m² (0.22ha) with 20.03m frontage on Trinity Church Road and a depth of 71.71m abutting Rymal Road East. The subject lands are legally described as Part of Lot 16, Concession 1, City of Hamilton (refer to Figure 1 - Site Location Map).

The parcel is an existing surface parking area with about 37 parking spaces which has historically provided parking for the former Place of Worship at 10 Trinity Church Road. The parking area was final site plan approved in 2010 per City of Hamilton File No. DA-10-075.

10 Trinity Church Road

10 Trinity Church Road, Hamilton, is located southwest of the Trinity Church Road and Rymal Road East intersection, within the Hannon South neighbourhood. The parcel is approximately 337m² (0.034ha) with 18.16m frontage on Trinity Church Road and a depth of 19.67m. The subject lands are legally described as Part of Lot 16, Concession 1, City of Hamilton.

10 Trinity Church Road is developed and occupied by a vacant church building, formerly with a Place of Worship use, namely Trinity United Church, which was erected in 1874 (Hobson, 2022). A building addition to the front of the Place of Worship was added in the 1950's (Hobson, 2022). The subject lands are surrounded by the Trinity Cemetery, owned and maintained by the City of Hamilton (refer to **Figure 1 - Location Map** and **Figure 2 - Existing Church Building**).

Figure 1: Site Location Map




 SUBJECT PROPERTY
4 & 10 Trinity Church Road
Hamilton, ON L8W 3S2

Figure 2: Existing Church Building



1.2 Community Context

The subject lands are on the west side of Trinity Church Road and south of Rymal Road East, of which the general area can be described as an existing rural area that is in transition. The planned land uses of the area are for Business Park Employment Uses. West of Trinity Church Road is built-up with neighbourhood uses (refer to Figure 3: Community Context).

The surrounding land use context is as follows:

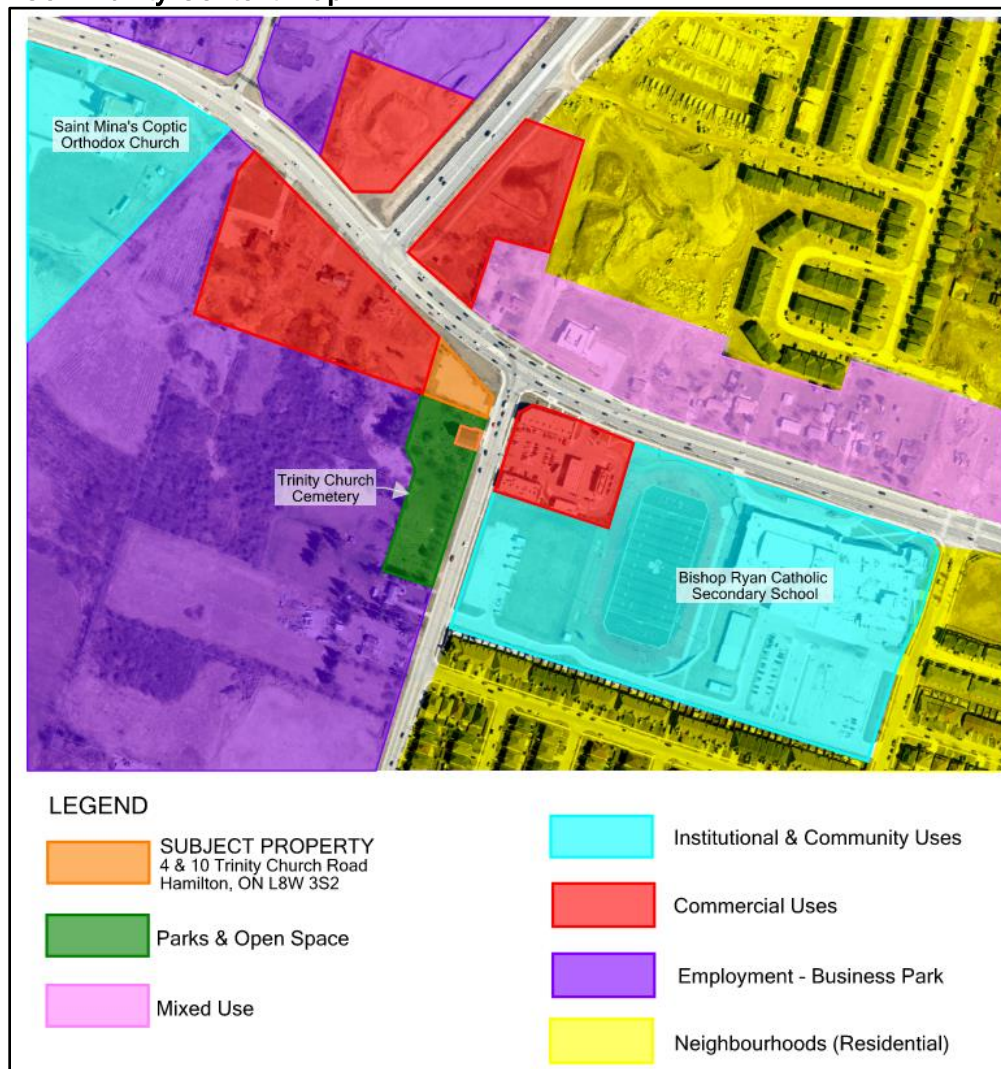
North: Rymal Road East, future mixed use commercial and residential development;

East: Commercial Plaza and Vehicle Gas Bar, Bishop Ryan Secondary School;

South: Cemetery, future employment business park;

West: Cemetery, Linkage and future employment business park and Upper Red Hill Valley Parkway extension

Figure 3 - Community Context Map



2.0 Proposed Development

The following section will provide a detailed description of the proposed redevelopment and the planning approvals that are required.

2.1 Proposed Redevelopment

10 Trinity Church Road, the existing and vacant church building is proposed to be re-adapted to be used for a Restaurant use. The change of use is to be completed by internal renovations and no changes to the existing building footprint are proposed. A total gross floor area of $\pm 370.7\text{m}^2$ (3,990ft²) of restaurant use is proposed, including the basement to accommodate approximately 70 interior seats, washrooms, staff area and commercial kitchen.

The proposed restaurant use will be supported by the existing parking area at 4 Trinity Church Road which provides 37 parking spaces. The parking area is not proposed to be expanded and 37 parking spaces will be maintained; however, the existing layout is proposed to be revised to accommodate a waste area suitable for private waste removal (**Refer to Appendix A - Conceptual Site Plan**).

The subject lands are separated by Trinity Cemetery which will be unaffected by the proposed development and will continue to be maintained by the Hamilton Cemetery Board.

2.2 Planning Applications

Formal Consultation has been attended and a Development Review Team meeting was held November 10, 2021, to review the proposed redevelopment option as described in section 2.1 of this report.

The Formal Consultation Document confirmed that a Complex Zoning By-law Amendment ("ZBA") is required to permit the Restaurant use. The ZBA proposed to rezone the subject lands from "AA" (Agricultural) Zone within Zoning By-law No. 6593 to a Business Park Support (M4) Zone, Modified within the Zoning By-law No. 05-200. The Zoning By-law Amendment includes 4 Trinity Church Road to incorporate site specific zoning permissions within the existing Arterial Commercial (C7) Zone to recognize existing conditions including its use and setbacks. Refer to section 4.6 of this report for further discussion of the proposed zoning.

The Formal Consultation identifies the studies and plans to be completed in support of the ZBA application. A copy of each of the following has been included within the submission package:

- Survey Plan;
- Concept Plan;
- Planning Justification Report (*including Draft Amending Zoning By-laws, and Public Consultation*);
- Cultural Heritage Impact Assessment;
- Functional Servicing Report.

3.0 Supporting Studies

The studies identified in the Formal Consultation Document and subsequent waivers were completed in support of the proposed development. This section provides a brief summary of the findings for each study.

3.1 Public Consultation Strategy

In addition to the City of Hamilton's Notice of Application to landowners within 120 metres of the subject lands and the Notice of Application sign posting, T. Johns Consulting Group Ltd. will prepare and mail out a letter to residents and business within 120 metres of the subject lands with a description of the proposed development within 30 days of the application being deemed complete with relevant contact information **(See Appendix B - Public Consultation Strategy)**.

3.2 Cultural Heritage Impact Assessment

A Heritage Impact Assessment was prepared by Megan Hobson dated April 2022 in support of the proposed development. The report reviewed the existing and proposed conditions of the site and building. The report concluded that considering the considerable number of surplus churches buildings in Ontario, a flexible approach to rehabilitation is often needed to prevent the demolition of these buildings. The proposed restaurant with a sensitive rehabilitation is a conservation strategy that will ensure a sustainable future for the built heritage resource. The report recommends that an addendum to the Heritage Impact Assessment that includes detailed architectural and structural drawings for the proposed changes to the satisfaction of heritage planning staff, prior to the issuance of any building permits. Refer to the report included in the submission package for further detail.

3.3 Functional Servicing Report

A Functional Servicing Report was prepared by Landsmith Engineering & Consulting Ltd. dated May 10, 2022. The report reviewed the services currently in place for the existing building at 10 Trinity Church Road and to advise of their suitability for the proposed Restaurant use. Water servicing can be provided through the adjacent 400mm watermain within the Trinity Church Road right-of-way. The existing 19mm water service will require an upgrade. The details of the necessary upgrade will be confirmed once the internal layout of the restaurant is finalized at Building Permit stage, upon a successful rezoning application. The existing sanitary sewer is adequately sized for the proposed restaurant use. No stormwater management strategies are required for the proposal as the existing building footprint and parking area limits are to be maintained. The parking area at 4 Trinity Church Road was previously designed for stormwater quality and quantity through a downstream wet-pond facility. Overall, the report concluded that there is adequate local municipal servicing for the proposed restaurant. Refer to the report included in the submission package for further detail.

4.0 Planning Framework

This section reviews the planning documents applicable to the subject lands, which include the Provincial Policy Statement, Places to Grow - Growth Plan for the Greater Golden Horseshoe, the Urban Hamilton Official Plan, and Zoning By-laws.

4.1 Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (“PPS”), issued under the Planning Act, came into effect on May 1st, 2020, as a policy-led regulating document that provides direction on provincial interest related to managing land use planning and development. The *Planning Act* requires that, “decisions affecting planning matters shall be consistent with” the PPS.

The subject lands are located within an existing “*Settlement Area*” known as the City of Hamilton. Applicable policies have been reviewed below.

1.1.1. Healthy, liveable, and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

Planning Comment:

The proposed readaptive use of the existing building is intended to repurpose an existing underutilized heritage resource to create a new local commercial use to serve and support the growing community, including the future business park. The proposed redevelopment will maintain the existing urban fabric while retaining a historical landmark while maintaining

sensitivity to the adjacent cemetery use. The proposed redevelopment can be serviced by existing infrastructure as confirmed in the Functional Servicing Brief (Landsmith, 2022) and will contribute to the urbanization of the area (Landsmith, 2022).

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a *changing climate*;
- e) support *active transportation*;
- f) are *transit-supportive*, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

Planning Comment

The subject lands are within a settlement area known as the City of Hamilton. The proposed restaurant use within an existing building and utilizing, and existing parking area will result in an efficient use of lands and resources in a sensitive and appropriate way. The subject lands are serviced by existing municipal infrastructure. The subject lands are within proximity to existing Hamilton Street Railway (HSR) bus route #44 and front a portion of Trinity Church Road with existing bike lanes. Further, future Rapid Transit is proposed along Rymal Road East (i.e., "S" Line). The proposed redevelopment will maintain existing development standards, implemented through the site specific M4 Zone, as proposed. The proposed redevelopment will not have an adverse impact to public health and safety.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;

- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and
- e) ensuring the necessary *infrastructure* is provided to support current and projected needs.

Planning Comment

The subject lands contain are developed with an existing Place of Worship with heritage interest on a parcel size that is not conducive to employment uses and surrounded by a cemetery. The existing building gross floor area is appropriate for an ancillary use to the employment business parking, including a restaurant. The proposed redevelopment will not adversely impact the future employment growth as planned.

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

Planning Comment

The proposed restaurant use will be serviced by existing municipal sewage and municipal water services, as confirmed by the submitted Functional Servicing Brief (Landsmith, 2022).

1.6.7.2 Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

Planning Comment

The subject lands are serviced by existing transit and future multi-modal connections are planned to connect the subject lands to the overall multi-modal network. The subject lands are within walking distance to employment uses, residential neighbourhoods and community uses.

2.1.1 Natural features and areas shall be protected for the long term.

Planning Comment

Natural features and areas will be protected through redevelopment as there are no proposed changes to the limits of existing development.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

Planning Comment

The proposed restaurant use will not impact the heritage attributes of the existing church building or cemetery. The proposed redevelopment is a conservation strategy to ensure that the building is maintained and continue to provide a service to the community (Hobson, 2022).

4 Trinity Church Road was developed in 2010 as a stand-alone parking area to support 10 Trinity Church Road and was subject to an Archaeological Assessment Stages 1-2 which were registered with the Provincial Ministry of Tourism and Culture October 12, 2010 (P017-167-2010).

In conclusion, the proposal is consistent with the Provincial Policy Statement, 2020.

4.4 Growth Plan for Greater Golden Horseshoe, 2020

The Places to Grow - Growth Plan for the Greater Horseshoe ("Growth Plan") is a comprehensive strategy that works with municipal plans to manage growth patterns, maximize land use policy and manage quality of life. The Growth Plan came into effect May 16, 2019, and Amendment 1 (2020) was approved August 28, 2020. The subject lands are located within the "*Delineated Built-Up Area*" of the Growth Plan.

Applicable policies have been reviewed below:

2.2.1 Managing Growth

2. Forecasted growth to the horizon of this Plan will be allocated based on the following:
 - a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*,
 - ii. have existing or planned *municipal water and wastewater systems*, and
 - iii. can support the achievement of *complete communities*;
 - c) within *settlement areas*, growth will be focused in:
 - i. *delineated built-up areas*;
 - ii. *strategic growth areas*;
 - iii. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
 - iv. areas with existing or planned *public service facilities*;
4. Applying the policies of this Plan will support the achievement of *complete communities* that:
 - a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
 - b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
 - c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
 - d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable, and convenient use of *active transportation*;
 - ii. *public service facilities*, co-located and integrated in community hubs;
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
 - iv. healthy, local, and affordable food options, including through urban agriculture;
 - e) provide for a more *compact built form* and a vibrant *public realm*, including public open spaces;
 - f) mitigate and adapt to climate change impacts, improve resilience, and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
 - g) integrate *green infrastructure* and appropriate *low impact development*.

1.2.2 Delineated Built-up Areas

3. All municipalities will develop a strategy to achieve the minimum intensification target and *intensification* throughout *delineated built-up areas*, which will:
 - a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
 - b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
 - c) encourage intensification generally throughout the delineated built-up area;
 - d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
 - e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and,
 - f) be implemented through official plan policies and designations, updated zoning, and other supporting documents.

2.2.5 Employment

1. Economic development and competitiveness in the GGH will be promoted by:
 - a) making more efficient use of existing *employment areas* and vacant and underutilized employment lands and increasing employment densities;
 - b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;
 - c) planning to better connect areas with high employment densities to transit; and
 - d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.
4. In planning for employment, surface parking will be minimized, and the development of active transportation networks and transit-supportive built form will be facilitated.
15. The retail sector will be supported by promoting *compact built form* and *intensification* of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of *complete communities*.
16. Existing office parks will be supported by:
 - a) improving connectivity with transit and *active transportation* networks;
 - b) providing for an appropriate mix of amenities and open space to serve the workforce;
 - c) planning for *intensification* of employment uses;
 - d) ensuring that the introduction of any non-employment uses, if appropriate, would be limited and would not negatively impact the primary function of the area; and
 - e) approaches to *transportation demand management* that reduce reliance on single-occupancy vehicle use.

Planning Comment

The subject lands are within the City of Hamilton's delineated built-up area and are at the edge of the employment business park, adjacent to commercial and neighbourhood uses. The proposed restaurant use will provide an ancillary use to support the surrounding community made up of employment, community, and residential uses. The subject lands can be accessed via multi-modal methods including vehicles, transit, biking, and walking. The subject lands (10 Trinity Church Road) have an existing built heritage resource which will be conserved and will continue to contribute to the identity of the community. The proposed ancillary use will support the existing and future employment business park uses as well as the broader community. The proposed ancillary employment use will not adversely impact the function of the business park nor decrease lands available for employment uses. The proposed ZBA of 10 Trinity Church Road will bring the lands more into conformity with the UHOP.

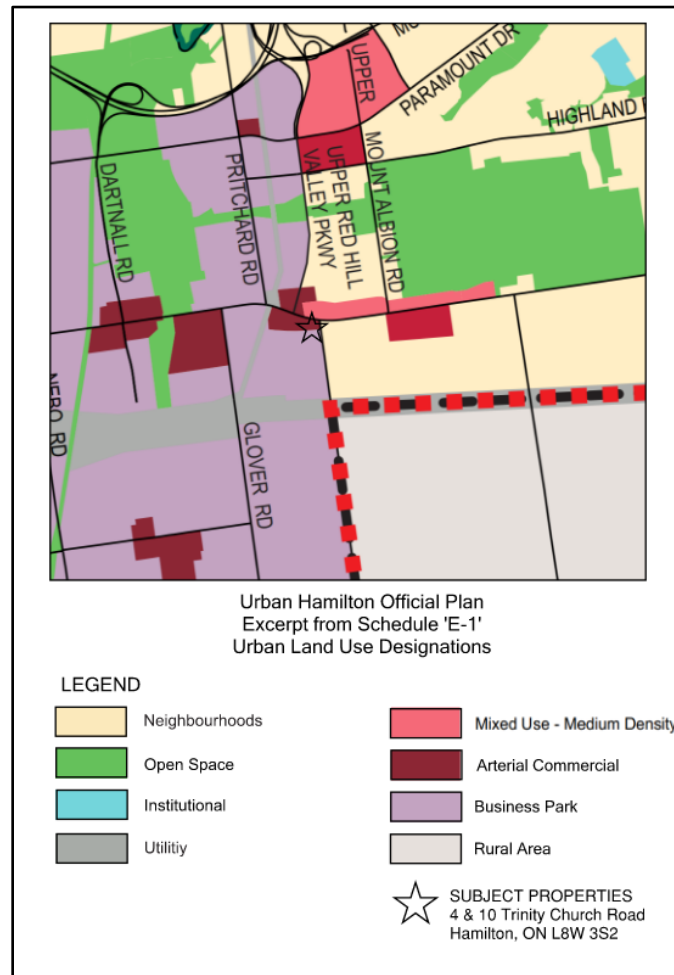
Therefore, the proposed development conforms to the Growth Plan.

4.5 Urban Hamilton Official Plan

The City of Hamilton's Urban Hamilton Official Plan ("UHOP") was adopted in 2009 and declared in force and effect on August 16, 2013, as a replacement to the seven former Official Plans representing the former municipalities in the former region. One of the objectives of the UHOP is to manage community growth, land use changes and the physical development of the City of Hamilton over the next 30 years.

The UHOP, Volume 1 has an established urban structure that directs community growth based on key elements of land use. 10 Trinity Church Road makes up part of the City's "Employment Area" on a "Secondary Corridor" (Schedule E). 10 Trinity Church Road is designated "Business Park" supported by the parking area at 4 Trinity Church Road which is designated "Arterial Commercial" (Schedule E-1) (**refer to Figure 4 - Existing UHOP Land Use**).

Figure 4: Existing UHOP Land Use



Provided the ZBA application is to rezone 4 Trinity Church Road, applicable UHOP policies have been reviewed below.

UHOP VOLUME 1 POLICY	PLANNING COMMENT
Chapter E: Urban Structure - Employment Areas	
<p>Policy E. 2.7.2 Employment Areas shall provide employment through a broad range of uses, including traditional industrial uses, research and development uses, and other uses. Uses which support the businesses and employees of the employment area shall be permitted. Major retail uses or residential uses shall not be permitted. The permitted uses shall be described in more detail in Section E.5.0 - Employment Area Designations.</p>	<p>The proposed restaurant use will support businesses and employees of the area.</p>

Chapter E: Employment Area Designations	
<p>Policy Goal E.5.1.9 Support the development of Employment Areas which are transit-supportive with reduced surface parking.</p> <p>Policy E.5.4.3 The following uses maybe permitted on lands designated Employment Area - Business Park on Schedule E-1 - Urban Land Use Designations, in accordance with the Zoning By-law:(OPA 109)</p> <p>c) ancillary uses which primarily support businesses and employees within business parks, including hotels, health and recreational facilities, financial establishments, restaurants, personal services, motor vehicle service stations and washing, retail establishments, and commercial parking facilities;</p> <p>Policy E.5.4.4 In addition to Policy E.5.4.3 c), ancillary uses may be permitted within the Employment Area provided the following conditions are met:</p> <p>a) the uses shall be determined through the Zoning By-law in accordance with the policies of this Plan;</p> <p>b) Notwithstanding Policy E.5.4.4 a), the Zoning By-law may:</p> <p>i. permit a limited number of restaurants where a need for the use can be justified;</p> <p>ii. restrict or limit the number of ancillary uses from occupying Employment Areas.</p> <p>c) the need for the uses to support the businesses and employees within the Employment Area has been determined;</p> <p>d) the uses shall only be located along the exterior of the Employment Area and should generally be located at intersections of arterial or collector roads; and,</p> <p>e) where possible, the uses should be clustered on single sites to limit the impact on the supply of developable</p>	<p>The proposed readapted use of the existing Place of Worship building is proposed to utilize the existing parking area located at 4 Trinity Church Rad. The subject lands have access to transit networks.</p> <p>The proposed use on 10 Trinity Church Road is a restaurant which is a permitted ancillary use to the Business Park. 10 Trinity Church Road will continue to be supported by the parking area on 4 Trinity Church Road, which is designated Arterial Commercial which permits a Restaurant use. The existing zoning of 10 Trinity Church Road is "Agricultural" and therefore, a zoning by-law amendment is required to rezone 10 Trinity Church Road to "Business Park Support (M4-XX) Zone, Modified". The subject lands are located at the exterior of the Employment Area located on a collector road (i.e., Trinity Church Road) and within proximity to a major arterial road (i.e., Rymal Road East).</p> <p>The proposed redevelopment will readapt an existing building which has visibility from Rymal Road and Neighbourhood uses. No façade changes are proposed and therefore the existing heritage value will be conserved (Hobson, 2022).</p> <p>Refer to section 5.0 for planning justification.</p>

lands for use permitted in Policy E.5.4.3 a). (OPA 109)	
<p>Policy E.5.4.7</p> <p>Building façades which are visible from arterial roads, such as Stone Church Road, Rymal Road, Upper Red Hill Valley Parkway, Garner Road, north and south of Highway 2, other Provincial Highways, and adjacent to lands designated Neighbourhoods, Institutional or Commercial and Mixed Use shall be finished with high quality materials, which will be determined through site plan control.</p>	
Chapter B: Urban Design and Cultural Heritage Policies	
<p>Policy B. 3.1.11</p> <p>The City recognizes that arts and culture bring many benefits to the City of Hamilton. Arts and culture contribute to the City's economy, cultural landscape, quality of life, vibrancy, livability, complete communities, and sense of place and can play a significant role in the adaptive reuse of older buildings and the transformation of deteriorated neighbourhoods and commercial areas.</p>	<p>The proposed redevelopment will maintain a cultural heritage resource original to the former Village of Hannon. The proposed restaurant use will establish a new use and inviting atmosphere to the community.</p>
<p>Principle B.3.3.2.3</p> <p>a) respecting existing character, development patterns, built form, and landscape;</p> <p>c) recognizing and protecting the cultural history of the City and its communities;</p> <p>d) conserving and respecting the existing built heritage features of the City and its communities;</p> <p>f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;</p>	<p>The submitted Heritage Impact Assessment prepared by Megan Hobson dated April 2022 confirms that the proposed restaurant use within the readapted use of the church building is a compatible use from a heritage perspective. Sensitive rehabilitation to support a new and compatible use is a conservation strategy that will ensure a sustainable future for this built heritage resource.</p>
<p>Policy 3.3.2.7</p> <p>Places that are adaptable in accommodating future change are desirable and should be created by:</p> <p>a) designing buildings, sites, and public spaces that can be used for a variety of uses in the future in response to changing social, economic, and technological conditions;</p>	<p>The proposed redevelopment for a restaurant is an adaptive response to the evolution of churches becoming a redundant land use within communities as congregations start to amalgamate and dispose of lands with buildings.</p>
<p>Policy B.3.4.2.7</p> <p>The City shall ensure these non-designated and non-registered cultural heritage properties are identified, evaluated, and appropriately conserved through various legislated planning</p>	<p>A Heritage Impact Assessment prepared by Megan Hobson dated April 2022 has been submitted in support of the proposed redevelopment of 10 Trinity Church Road.</p>

and assessment processes, including the <u>Planning Act, R.S.O., 1990 c. P.13</u> , the <u>Environmental Assessment Act</u> and the <u>Cemeteries Act</u> .	Archaeological Assessment Phases 1-2 Reports has been accepted within the Provincial Register of Reports (P017-167-2010, MTC RIMS Number 25ZG078).
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In conclusion, the development **conforms** to the Employment Area, Cultural Heritage Resources and Urban Design policies of the Urban Hamilton Official Plan.

4.6 City of Hamilton Zoning By-laws

The former City of Hamilton Zoning By-law No. 6593, as amended (“ZBL”) is in force and effect and zones the subject lands “AA” (Agricultural) District (**refer to Figure 5: Existing Zoning Map**). A “Restaurant” use is not permitted. A Zoning By-law Amendment is proposed to repeal the subject land from Zoning By-law No. 6593 and bring them into Zoning By-law No. 05-200 into the “Business Park Support (M4-XX) Zone, Modified” to permit a Restaurant within the existing building.

The tables below, are an overview of the site-specific zoning for each property. Highlights are provided to reflect site specific regulations to reflect the proposed details of the Conceptual Site Plan.

Table 1 is an overview of the proposed use in context of the proposed “M4-XX” Zone, Modified for 10 Trinity Church Road, Hamilton (refer to Table 1). **Refer to Appendix C - Draft Amending By-law.** Table 2 is an overview of the existing C7 Zone for 4 Trinity Church Road, Hamilton (refer to Table 2). **Refer to Appendix D - Draft Amending By-law for 4 Trinity Church Road.**

Figure 4
Existing Zoning Map

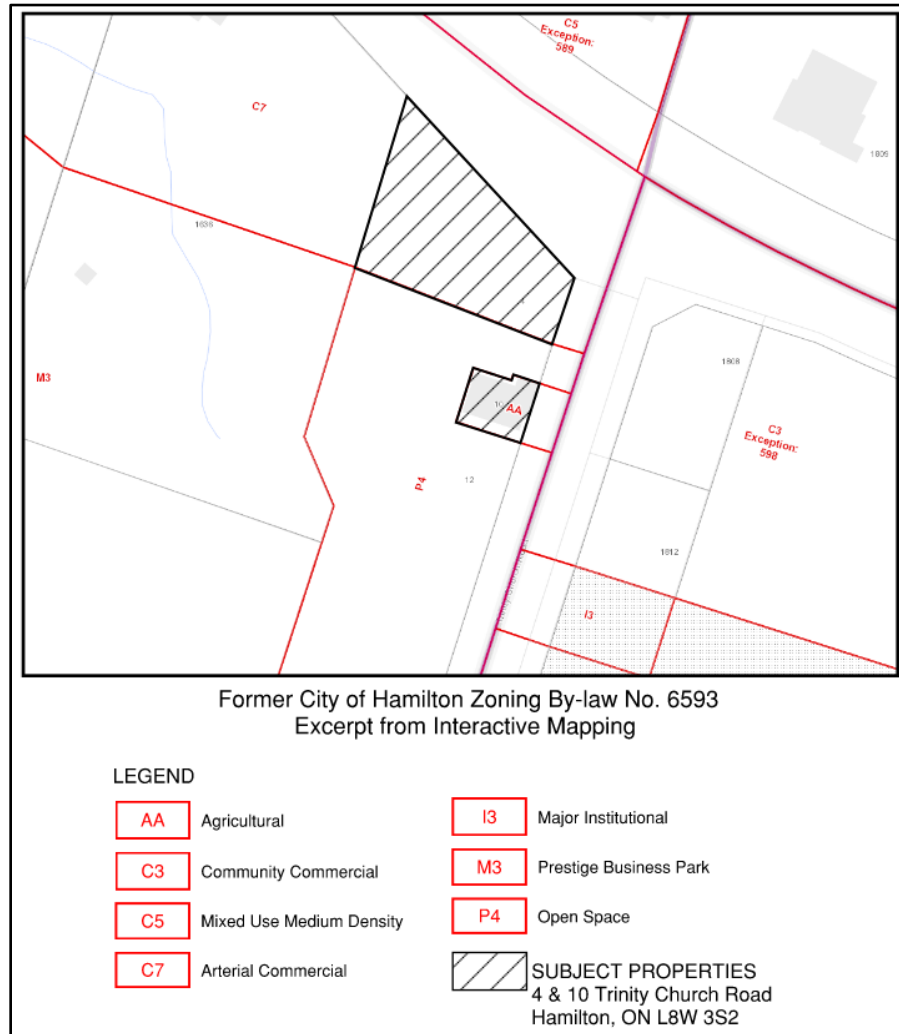


Table 1: Proposed Site-Specific Zoning for 10 Trinity Church Road, Hamilton

Zoning By-law No. 05-200 Business Park Support (M4-XX) Zone, Modified			
Provision	Required	Proposed	Conformity
Permitted Use 9.4.1	[...] Restaurant [...]	Restaurant	Yes
Prohibited Uses 9.4.2.ii	[...] Place of Worship [...]	Place of Worship a legal non-conforming use however, a Place of Worship is not proposed to continue.	Yes

Min. Lot Area 9.4.3.a)	4000.0m ²	337.3m ² (existing)	No*
Yard Abutting a Street 9.4.3.b)	i) Min. 6.0m	0.45m* (existing)	No*
	ii) Max. 27.0m	0.45m* (existing)	Yes*
Min. Yard Abutting a Residential Zone or an Institutional Zone 9.4.3.c)	6.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone.	N/A - abutting Open Space (P4) Zone	N/A
Max. Building Height Abutting a Residential Zone or an Institutional Zone 9.4.3.d)	i) 11.0m ii) In addition to i) above, maximum building height may be equivalently increased as yard increases beyond minimum yard requirements established in 9.4.3 c) above	N/A - abutting Open Space (P4) Zone	N/A
Size and Location Restriction for Supportive Commercial Uses 9.4.3.i	i) The following uses shall only be permitted on the ground floor of a building or be located at grade on any lot: <ul style="list-style-type: none"> • Financial Establishment • Personal Services • Restaurant • Retail 	Restaurant use within the basement.	No
	ii) An individual Retail Establishment shall be restricted to a maximum gross floor area of 500.0 square metres.	N/A	N/A
Landscaped Area and Planting Strip Requirements 9.4.3.k	i) Minimum 6.0 metre wide Landscaped Area shall be provided and maintained abutting a street, except for points of ingress and egress;	No Landscape Area proposed abutting a street. Existing <1.0m street line setback and accessibility ramp.	No*
	ii) In addition to i) above, within the 6.0 metre Landscaped Area, a minimum 3.0 metre wide Planting Strip shall be required and maintained between parking spaces, aisles or driveways and a street, except for points of ingress and egress;	N/A - all parking is proposed on 4 Trinity Church Road	N/A
	iii) Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone, a minimum 3.0 metre wide Planting Strip shall be provided and maintained.	N/A - abutting Open Space (P4) Zone	

Visual Barrier 9.4.3.l	Shall be provided along that portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone, in accordance with Section 4.19 of this By-law.	N/A - abutting Open Space (P4) Zone	N/A
Section 4: General Provisions			
Mechanical and Unitary Equipment 4.9.b	Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.	No side yards required per 9.4.3.	N/A
Section 5: Parking			
Parking Schedules 5.6.g	Notwithstanding Subsection c) above, for any use, except a Medical Clinic, within the Transit Oriented Corridor (TOC1), (TOC2), (TOC3) and (TOC4) Zone or the Commercial and Mixed Use Zones, or the Industrial Zones, located in all or part of a building existing on the effective date of this By-law, no parking spaces are required, provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained except a use shall not be required to provide additional parking beyond that which is required by Section 5.6 c) of this By-law. Where an addition, alteration or expansion of an existing building is proposed, the parking requirements of Section 5.6 c) above shall only apply to the increased gross floor area of the building.	<p>0 existing spaces.</p> <p>10 Trinity Church Road has no parking spaces on-site. All parking provided at 4 Trinity Church Road. No formal off-site parking agreement or encumbrance has been registered on title.</p> <p>No parking spaces on 10 Trinity Church Road is proposed. All parking shall continue off site at 4 Trinity Church Road.</p>	Yes*

[*] denotes an existing condition.

Table 2: Proposed Site-Specific Zoning for 4 Trinity Church Road, Hamilton

Zoning By-law No. 05-200			
Arterial Commercial (C7) Zone			
Provision	Required	Proposed	Conformity
Permitted Use 10.7.1	<p>[...]</p> <p>Commercial Parking Facility</p> <p>[...]</p> <p>Restaurant</p> <p>[...]</p>	Parking Area to Support a Permitted M4 Use at 10 Trinity Church Road. No compensation is required.	No

Prohibited Uses 10.7.2	Dwelling Units (s) Performing Arts Theatre Cinema	Dwelling Unit(s), Performing Arts, Cinema are not proposed.	Yes
Regulations under 10.7.3	Not Applicable as there are no buildings or new development proposed.	N/A	N/A
Section 4: General Provisions			
Vacuum Clause Parking Space Size for All Zones 4.12.g.i	Notwithstanding any other provisions of this By-law, parking spaces located within any zone and approved after May 25, 2005, and prior to the effective date of this By-law shall be deemed to comply with the regulations for the length and width and are permitted by this By-law.	Parking Spaces 2.6m x 5.5m in effect as of 2010 (DA-10-075) (Existing)	Yes
Section 5: Parking			
Parking Location 5.1.a.v	v) Unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following: Min. 3.0m from a street line	1.94m (Existing)	No*
Minimum Drive Aisle Width 5.2.i	90-degree parking = 6.0m	5.5m (Existing)	No*

[*] denotes an existing condition.

Refer to Section 5.0: Planning Analysis for discussion of the proposed site specific provisions for a restaurant use within an existing building.

5.0 Planning Analysis

This Planning Analysis is presented in three (3) sections. The first part of the discussion summarizes conformity with Provincial interest and policies (Section 5.1) followed by conformity with the Urban Hamilton Official Plan (Section 5.2). The latter part will provide a planning discussion in support of the Zoning By-law Amendment (Section 5.3)

5.1 Provincial Interests

The *Planning Act* requires that, “decisions affecting planning matters shall be consistent with” the Provincial Policy Statement (PPS). The subject lands are located within an existing “*Settlement Area*” known as the City of Hamilton. The proposed redevelopment of 4 Trinity Church Road for a restaurant use will conserve a cultural heritage resource while supporting the surrounding community (i.e., business park, neighbourhoods). The proposed land use will contribute to the overall viability of the settlement area by providing a local commercial use while protecting heritage resources. The proposed ZBA is consistent with the PPS, 2020.

The subject lands are located within the “*Delineated Built-Up Area*” of the Growth Plan in which there are existing and planned municipal water and wastewater systems that can service the proposed change of land use (Landsmith, 2022). The proposed restaurant use within a Business Park Support Zone will provide a supporting use to the surrounding employment lands at a scale that is appropriate for the cultural sensitivity of the subject lands (i.e., heritage building, cemetery). The subject lands have convenient access to existing transit networks and active transportation networks that provide connections to end-users (i.e., employment, neighbourhoods). The proposed ZBA conforms to the Growth Plan, 2019.

5.2 Urban Hamilton Official Plan

10 Trinity Church Road, Hamilton

10 Trinity Church Road is designated as “Business Park” (Schedule E-1) within the City’s “Employment Areas” of the urban structure with proximity to a Secondary Corridor (Schedule E). The proposed restaurant use will support the businesses and employees of the employment area, along with the broader neighbourhood elements (i.e., community uses, residential neighbourhoods) (E.2.7.2).

The proposed restaurant use is proposed to be within the existing vacant church building at 4 Trinity Church Road. The parcel is surrounded by a City of Hamilton operated cemetery. The existing Church building is a Designated, Non-Registered heritage building (Hobson, 2022) on a parcel of lands with an approximate area of 334.3m². The existing condition of 4 Trinity Church Road presents several constraints to providing an “employment use” and therefore, its readaptation for an ancillary use to employment uses is appropriate.

A restaurant use is a permitted ancillary use within Business Park lands (E.5.4.3). A zoning by-law amendment is required to rezone the 4 Trinity Church Road from Agricultural “AA” District of ZBL 6593 to Business Park Support (M4-XX) Zone, Modified (E.5.4.4.a). The proposed M4-XX Zone permits a restaurant use and is more in keeping with the intent of the UHOP’s Business Park designation. 4 Trinity Church Road conforms to the UHOP’s

conditions for an ancillary use as the property is an appropriate size and location to provide an ancillary use. There are other existing restaurants within the area, however, they provide a more convenience type of service, whereas the proposed restaurant on 4 Trinity Church Road will provide a more formal atmosphere to contribute to the mix of options (E.5.4.b.i). The lands are exterior to the Business Park employment area and immediately south of the Trinity Church Road (i.e., Collector) at Rymal Road East (i.e., Major Arterial) intersection with frontage onto Trinity Church Road (E.5.4.4.d). The subject lands are clustered near another commercial site which is designated District Commercial which provides fast-food and convenience commercial uses at 21 Trinity Church Road (E.5.4.4.e). As the subject lands have a small site area and have existing built heritage resources on site, the proposed change of use to a restaurant will not impact the supply of developable lands for future employment uses (E.5.4.4.e).

The proposed readapted use of the existing vacant church building built in 1874 for an ancillary use to support employment areas completed through internal renovations will conserve the cultural heritage value of the building and property (B.3.3.2.7) (Hobson, 2022).

The proposed ZBA to rezone 4 Trinity Church Road, Hamilton to a Business Park Support (M4-XX) Zone with site specific provisions conforms to the UHOP.

4 Trinity Church Road, Hamilton

4 Trinity Church Road is an existing surface parking area that historically supported the former Place of Worship use. 4 Trinity Church Road is designated as “Arterial Commercial” (Schedule E-1) and abuts to a Secondary Corridor (i.e., Rymal Road East) (Schedule E). Commercial Parking Facilities and Restaurants are a permitted use within the Arterial Commercial designation (E.4.8.2). 4 Trinity Church Road is proposed to continue its function as a surface parking area to support the proposed restaurant use on 10 Trinity Church Road. No compensation for parking is anticipated. The surface parking area limits, landscape strips, grading and servicing design as approved through Site Plan Control Application DA-10-075 will continue. Minor modifications are proposed to the parking layout, of which represented on the Concept Plan and discussed further in section 5.2.

5.2 Zoning By-law Amendment

The following section will provide planning rationale to the request site specific modifications to the C7 Zone of 4 Trinity Church Road and the M4 Zone of 10 Trinity Church Road.

4 TRINITY CHURCH ROAD, HAMILTON

The City of Hamilton Zoning By-law No. 05-200, as amended, is in force and effect and zones 4 Trinity Church Road, Hamilton Arterial Commercial (C7) Zone. 4 Trinity Church

Road is included in the rezoning of 10 Trinity Church Road to apply and recognize existing use, setbacks and parking design standards as approved in 2010 in Site Plan DA-10-075.

Existing Condition

The proposed site specific modifications include permitting a standalone parking area with no compensation required to support a permitted use on 10 Trinity Church Road, a setback of a parking space to Rymal Road East street line and the drive aisle width of 5.5m as approved within DA-10-075. The proposed use is similar to the permitted use of a Commercial Parking Facility, however, no compensation is required for the use of parking. The proposed site specific modifications maintain the existing condition of 4 Trinity Church Road and are therefore appropriate.

10 TRINITY CHURCH ROAD, HAMILTON

The former City of Hamilton Zoning By-law No. 6593, as amended, is in force and effect and zones 10 Trinity Church Road “AA” (Agricultural) District. A “Restaurant” use is not permitted. A Zoning By-law Amendment is proposed to repeal 10 Trinity Church Road from Zoning By-law No. 6593 and bring into Zoning By-law No. 05-200 into the “Business Park Support (M4-XX) Zone, Modified” to permit a Restaurant within the existing building.

Existing Condition

A number of the proposed site specific modifications to the M4 Zone include lot area, minimum setback from a street line, landscape area and planting strips recognize the existing parcel and placement of the building and are therefore appropriate.

Proposed Location of a Restaurant Use

The M4 Zone restricts the location of a restaurant use to being permitted only on the ground floor of a building or be located at grade of any lot (Reg. 9.4.3.i). The proposed development of 10 Trinity Church Road includes a restaurant use within the basement of the existing heritage church building.

The existing building is elevated from grade, meaning the ground floor sits above grade and there is direct access to the basement from the street. The ground floor alone is approximately 182.8m² which is not a viable size to facilitate seating, washrooms and a commercial kitchen required for a restaurant. The existing church building is designed with an open gathering space on the ground floor and a kitchen, community space and washrooms in the basement. The proposed restaurant will provide seating and a universal washroom on the ground floor and standard washrooms, commercial kitchen and staff communal space within the basement.

The completed Heritage Impact Assessment prepared by M. Hobson confirms that the existing basement can accommodate a restaurant kitchen with minor changes and no impacts to the heritage features of the building. The rehabilitation of the entire church building for a restaurant use will have an overall positive impact (Hobson, 2022).

Required Number of Parking Spaces

Regulation 5.6.g. permits any use within an Industrial Zone, located in all or part of a building existing on the effective date of by-law no. 17-240 (i.e., November 8, 2017), no parking spaces are required, provided that the number of parking spaces which existed shall continue to be provided and maintained. The existing church building was established in 1874.

10 Trinity Church Road has historically functioned with no on-site parking. Off-site parking has historically been provided on 4 Trinity Church Road to support the former Place of Worship use. There is no legal agreement on title requiring that 4 Trinity Church Road provides parking to 10 Trinity Church Road in perpetuity. Therefore, technically, 4 Trinity Church Road has zero parking.

However, within context of the site location and proposed use, parking is necessary for the success of the proposed ancillary use and M4 Zoning. As such, 37 off-site parking will continue to be provided on 4 Trinity Church Road to service 10 Trinity Church Road.

Location of Parking

Regulation 5.1 requires that all “required” parking facilities are provided on the same lot as the use requiring the parking or an off-site parking agreement is required. Although no parking is required per 5.6.g, parking is proposed to continue to be provided off-site at 4 Trinity Church Road.

Both properties are owned by the same landowner which may not allow for an off-site parking agreement. As such, the site-specific zoning modifications to 4 Trinity Church Road will add a site specific permitted use of a standalone parking area to support a permitted M4 use on 10 Trinity Church Road.

As the proposed number and location of parking spaces will maintain the existing function of the properties, the site specific provisions are appropriate and will facilitate the continued use and maintenance of a built heritage resource within the City.

Supporting reports such as the Functional Servicing Brief and Heritage Impact Assessment have been completed to ensure the requested Zoning By-law Amendment is supportable and conforms to Provincial policy. In conclusion, the proposed redevelopment and implementing Zoning By-law Amendment are consistent with the PPS and the Growth Plan and conforms to the Urban Hamilton Official Plan.

6.0 Implementation

This proposal is to be implemented through the Zoning By-law Amendment.

Draft Amending Zoning By-laws have been prepared and can be found as **Appendix C** and **Appendix D** to this report.

7.0 Conclusions

A Zoning By-law Amendment is required to:

- a) Rezone 10 Trinity Church Road to a Business Park Support (M4-XX) Zone, Modified to permit ancillary uses, specifically a restaurant.
- b) Add site specific provisions to the Arterial Commercial (C7) Zone at 4 Trinity Church Road to continue its function as a standalone parking area to support 10 Trinity Church Road.

The proposed changes are consistent with and conform to the applicable policy framework as follows:

- They are consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe, in that it is a re-adaptive use of a built heritage resource that is serviced by transit and adjacent to existing and planned employment, residential and community land uses within the Delineated Built-Up Area;
- Adequate municipal services are available to service the site without the need for extension or expansion of municipal resources;
- Represents good planning by conserving built heritage resources on a collector road with a commercial use that will support employment and other community uses and maximize the efficiency of urban lands;
- The proposed redevelopment and associated amendment to the City of Hamilton Zoning By-law No. 05-200 are more in keeping with the Urban Hamilton Official Plan, is appropriate, desirable and reflects good land use planning for the subject lands.

Respectfully Submitted,

T. JOHNS CONSULTING GROUP LTD.



Katelyn Gillis, BA
Intermediate Planner



Terri Johns, MCIP, RPP
President

Appendix A:

Conceptual Site Plan

Plotted by: Jennifer Badley; 31-MAR-2022; 8:56AM



ZONING CHART - CITY OF HAMILTON ZONING BY-LAW 05-200
BUSINESS PARK SUPPORT (M4) ZONE

DESCRIPTION	REQUIRED	PROPOSED	COMPLIANCE
PERMITTED USE	RESTAURANT	RESTAURANT	YES
MIN LOT AREA	4,000.0m ²	337.3m ²	NO*
MIN YARD ABUTTING A STREET	6.0m	0.45m	NO*
MAX YARD ABUTTING A STREET	27.0m	0.45m	YES
RESTAURANT LOCATION	GROUND FLOOR OR AT GRADE	GROUND FLOOR AND BASEMENT	NO
MIN LANDSCAPED AREA ABUTTING A STREET	6.0m	0.0m	NO*

PARKING PROVISIONS - (PARKING FACILITATED THROUGH AN OFF-SITE PARKING AGREEMENT)

DESCRIPTION	REQUIRED	PROPOSED	COMPLIANCE
MIN SETBACK FROM PARKING SPACE TO STREET LINE	3.0m	1.94m	NO*
MIN PARKING SPACE SIZE (SECTION 4.12.g.i)	2.6m X 5.5m (EXISTING)	2.6m X 5.5m	YES
MIN BARRIER FREE PARKING SIZE (SECTION 4.12.g.i)	4.4m X 5.5m (EXISTING)	4.4m X 5.5m	YES
MIN AISLE WIDTH	6.0m	5.5m	NO*
MIN PARKING SPACES (SECTION 5.6.g)	37 (EXISTING)	37	YES
MIN BARRIER FREE PARKING SPACES	1	1	YES

*INDICATES EXISTING CONDITION

DESIGN NOTES:

- PLEASE NOTE THAT THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY.
- DESIGN SUBJECT TO CHANGE THROUGH PLANNING APPROVAL PROCESS.
- PER SECTION 5.1.a.ii OF ZONING BY-LAW 05-200, THE PROPOSED DEVELOPMENT WILL BE FACILITATED THROUGH AN OFF-SITE PARKING AGREEMENT BETWEEN 4 & 10 TRINITY CHURCH ROAD.

LEGAL DESCRIPTION

PART OF LOT 16
CONCESSION 1
GEOGRAPHIC TOWNSHIP OF GLANFORD
CITY OF HAMILTON



REVISIONS

REV.	DESCRIPTION	DATE	INIT.
A	SUBMISSION	29-03-2022	JB

DISCLAIMER

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310 LIMERIDGE ROAD WEST, SUITE 6
HAMILTON ONTARIO, L9C 2V2

P 905-574-1993
F 905-527-9559

PROJECT TITLE

4 & 10 TRINITY CHURCH RD

HAMILTON, ONTARIO

DRAWING TITLE

CONCEPT PLAN

DRAWN BY JB	DESIGNED BY JB
PRINT DATE 31-MAR-2022	PROJECT NUMBER
REVISION A	DRAWING NUMBER
SCALE 1:500	CP1-1

Appendix B:

Public Consultation Strategy

	Explanation
Target audience of the consultation	The target audience of the consultation include the land owners surrounding the Subject Lands within 120 metres.
If done, record of consultation efforts made before the application was submitted.	Not applicable.
List the stakeholders and how they are impacted	<p>City of Hamilton Cemeteries - no impact is anticipated through the change of use.</p> <p>Surrounding landowners - no impact is anticipated as the existing site layout and function will be maintained. The site is buffered from employment and neighbourhood uses by right-of-ways, cemetery or natural heritage.</p>
Tools to be used to consult/engage the public	A mailed out letter with explanation of redevelopment. Depending on outcome and the number of received comments or concerns an open house will be arranged.
Timing of consultation	Letters will be mailed out within 60 days the submitted application is deemed complete.
Method to receive and document comments	The mailed out letter will provide the Consultant Planner contact including email and address. All comments will be recorded and filed per our internal filing policies. Once the consultation process has concluded, a summary memo will be prepared and submitted to the City. All stakeholders are within 120 metres of the Subject Lands and will therefore be captured in the City's public circulation of the Notice of Complete Application.
Proposed participants in consultation and their role	<p>T. Johns Consulting Group Ltd: Agents</p> <p>T. Johns Consulting Group (TJCG) will coordinate and document the public consultation process. TJCG will prepare and mail out the letter that describes the reasons for the applications. TJCG can provide general information on the planning process and policy framework. TJCG will update the City accordingly.</p> <p>Other consultants:</p>

	<p>Depending on the issues raised by Staff and through the initial City circulation of the Notice of Complete Application, other members of the project team may be included as subject-specific matters arise (i.e. cultural heritage).</p> <p>Should there be a need for an open house, City Planning Staff and the Ward Councillor will be invited.</p>
Requested City Resources	None.
Expected/Potential Issues	It is anticipated that the applications will be well-received by the surrounding community given that the redevelopment will conserve and readapt an existing heritage resource that will invite all members of the community to use.

The Public Consultation Strategy is flexible and subject to change pending discussions with staff and the Ward Councillor regarding the target stakeholders and the most appropriate consultation methods.

Appendix C:

Draft Amending Zoning By-law 10 Trinity Church Road

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

To Amend Zoning By-law No. 05-200
Respecting Lands located at 10 Trinity Church Road in the City of Hamilton.

WHEREAS the City of Hamilton Act, 1999, Statutes 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 to 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 Plan 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. 05-200 on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting item ____ of Report PED ____ of the Planning Committee, at its meeting held on the _____ day of _____, 20__, which recommended that Zoning By-law No. 05-200, be amended and incorporating additional Business Park Support (M4-XX) Zone, boundaries for the applicable lands, as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, in accordance with the provisions of the Planning Act.

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

1. That Schedule "C" - Special Exceptions of Zoning By-law No. 05-200, is hereby further amended by adding a new special requirement, "M4/____", as follows:

"M4/____"

That the Business Park Support (M4) Zone regulations, as contained in Section 9.4 of Zoning By-law No. 05-200, applicable to lands described as 10 Trinity Church Road, be modified to include the following special requirements:

- a) That notwithstanding Section 9.4.3(a), a minimum lot area of 335 square metres shall be required;
 - b) That notwithstanding Section 9.4.3(b)(i), a minimum yard abutting a street of 0.0 metres shall be required;
 - c) That Section 9.4.3(j)(i) shall not apply; and
 - d) That notwithstanding Section 9.4.3(k), a minimum landscaped area and planting strip of 0.0 metres shall be required abutting a street.
2. That 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.

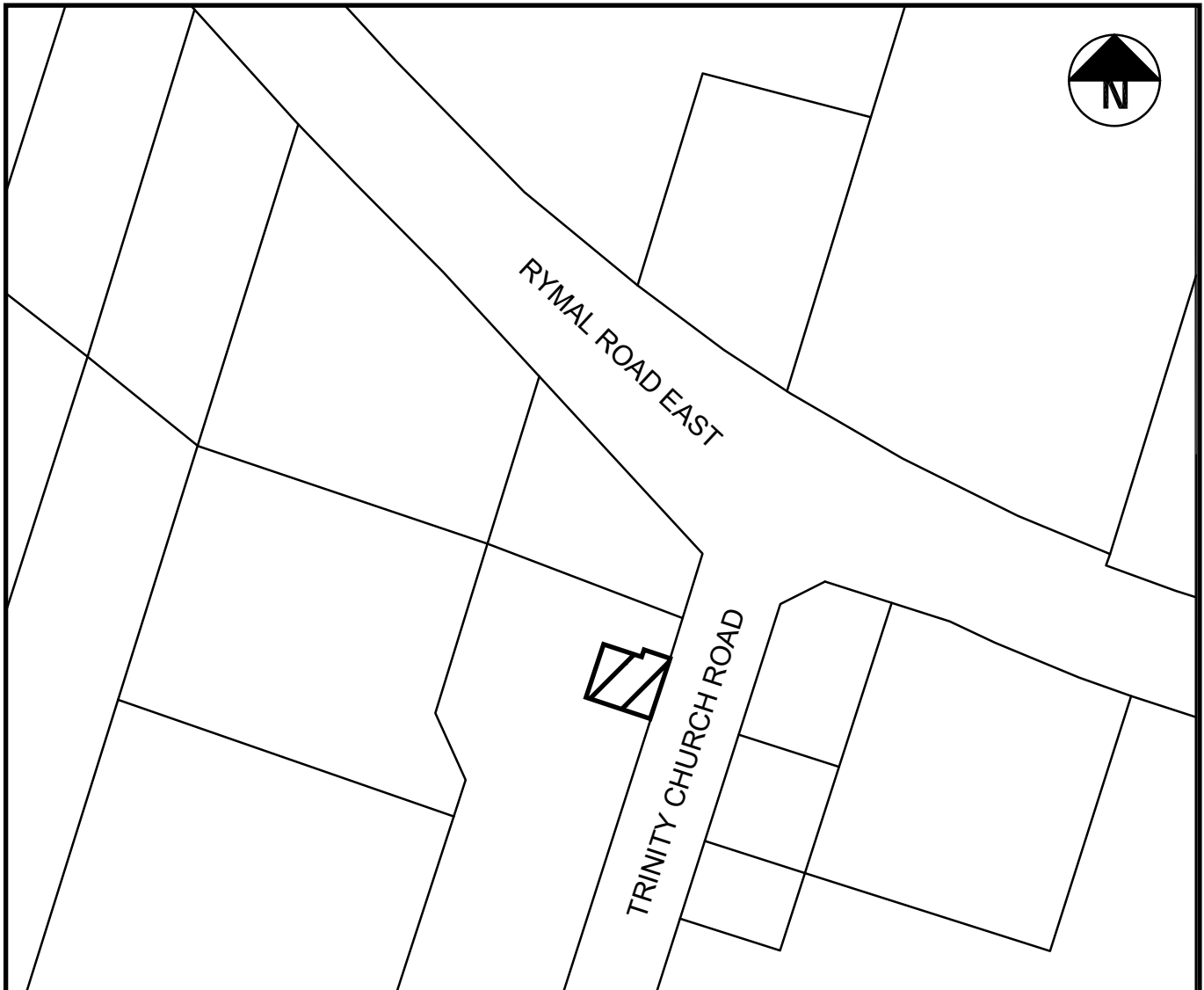
PASSED and ENACTED this ____ day of _____, 20__.

Mayor

ZAC-__-____

Clerk

Schedule A



This Schedule "A" to By-law No. ____ - ____

Passed the ____ day of ____, 20__

Mayor

Clerk

Schedule "A"

Mapping Forming Part of
By-law No. ____ - ____

To Amend By-law No. 6593 & 05-200

Subject Property

10 Trinity Church Road
Hamilton, Ontario



Change in Zoning from the "AA" (Agricultural) District in the former City of Hamilton Zoning By-law No. 6593 to the Business Park Support (M4-XX) Zone, Modified in the City of Hamilton Zoning By-law No. 05-200.

Scale:
N.T.S

Planner/Technician:

Date:

File Name/Number:
ZAC- ____ - ____

Appendix D:

Draft Amending Zoning By-law 4 Trinity Church Road

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

To Amend Zoning By-law No. 05-200
Respecting Lands located at 4 Trinity Church Road in the City of Hamilton.

WHEREAS the City of Hamilton Act, 1999, Statutes 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 to 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 Plan 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. 05-200 on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting item ____ of Report PED ____ of the Planning Committee, at its meeting held on the ____ day of ____, 20__, which recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, in accordance with the provisions of the Planning Act.

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

1. That Schedule "C" - Special Exceptions of Zoning By-law No. 05-200, is hereby further amended by adding a new special requirement, "C7/____", as follows:

"C7/____"

That the Arterial Commercial (C7) Zone regulations, as contained in Section 10.7 of Zoning By-law No. 05-200, applicable to lands described as 4 Trinity Church Road, be modified to include the following special requirements:

- a) That in addition to Section 10.7.1, a parking area, to support a permitted Business Park Support (M4) Zone use at 10 Trinity Church Road, shall be permitted and no compensation shall be required;

That the Parking regulations, as contained in Section 5 of Zoning By-law No. 05-200, applicable to lands described as 4 Trinity Church Road, be modified to include the following special requirements:

- a) That notwithstanding Section 5.1(a)(v), unless otherwise regulated in this By-law, parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall be subject to the following:
 - i. Shall not be located within 1.5 metres of a street line,
 - b) That notwithstanding Section 5.2(i), the minimum aisle width shall be 5.5 metres in width.
2. That 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 _____, 20__.

Mayor

ZAC-__-____

Clerk

Schedule A



This Schedule "A" to By-law No. ____ - ____

Passed the ____ day of ____, 20__

Mayor

Clerk

Schedule "A"

Mapping Forming Part of
By-law No. ____ - ____

To Amend By-law No. 05-200

Subject Property

4 Trinity Church Road
Hamilton, Ontario



Change in Zoning from the Arterial Commercial (C7) Zone to the Arterial Commercial (C7-XX) Zone, Modified in the City of Hamilton Zoning By-law No. 05-200.

Scale:
N.T.S

Planner/Technician:

Date:

File Name/Number:
ZAC-____ - ____