

Authority: Item 4, Planning Committee
Report 23-009 (PED23076(a))
CM: June 7, 2023
Ward: City Wide
Bill No. 106

CITY OF HAMILTON
BY-LAW NO. 23-106

**To Designate the Environmental Remediation and Site Enhancement (ERASE)
Community Improvement Project Area (2023)**

WHEREAS Section 28 of the *Planning Act* entitled “Community Improvement” provides in subsection (2) that “Where there is an official plan in effect in a local municipality or in a prescribed upper-tier municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement project area”;

WHEREAS under Section 28(1) of the *Planning Act*, a “community improvement project area” is defined as “a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason”;

WHEREAS Chapter F, Section 1.15 of the Urban Hamilton Official Plan and Rural Hamilton Official Plan contain provisions relating to community improvement; and,

WHEREAS the Council of the City of Hamilton deems it appropriate to identify the Historically Developed Areas of the City of Hamilton, including Sub-Area 1 – Older Industrial Areas and Sub-Area 2 – Strategic Commercial Districts and Corridors, attached hereto and forming part of this By-law as Schedule ‘A’, dated March 2023 and titled ‘ERASE Community Improvement Project Area’.

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

1. In this By-law:
 - (a) “ERASE CIPA (2023)” means The Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023);
and
 - (b) “ERASE CIP (2023)” means The Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (2023).
2. By-law No. 05-086, as amended, is repealed on such day that ERASE CIP (2023) comes into effect in accordance with Subsection 28(4) of the *Planning Act*;

3. The geographic areas of the City of Hamilton, as defined in Schedule “A” and forming part of this By-law, are hereby designated as the ‘Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area (2023)’; and,
4. A property that is not otherwise included in the ERASE CIPA (2023) as described in Section 2 above, may, at the City’s discretion, be designated as part of the ERASE CIPA (2023), provided the property is:
 - (a) adjacent to an eligible ERASE CIPA property; and
 - (b) is forming part of a comprehensive development with an adjacent ERASE CIPA property with the determination of whether the property forms part of a comprehensive development being at the discretion of the City and will include consideration of physical elements which are required for the satisfactory functionality of both properties.
5. A property that is only partially included in the ERASE CIPA as described in Section 2 above, may be designated wholly, partially or not at all as part of the ERASE CIPA (2023) at the discretion of the City based on considerations that may include, but may not be limited to:
 - (a) the relative proportion of the property located within the ERASE CIPA (2023) boundary versus that located outside the ERASE CIPA (2023) boundary;
 - (b) the presence of any existing/planned buildings/structures and their planned use on the portion of the property within the ERASE CIPA (2023) boundary; and,
 - (c) the overall planned use/development of the property and its conformity with the purpose and goals of the ERASE CIP (2023).

PASSED this 7th day of June, 2023

A. Horwath
Mayor

A. Holland
City Clerk

Schedule “A” to By-law No. 23-106

CITY OF HAMILTON

**ENVIRONMENTAL REMEDIATION
AND SITE ENHANCEMENT (ERASE)
COMMUNITY IMPROVEMENT
PROJECT AREA (2023)**

**Planning and Economic Development Department
Economic Development Division**

June 2023

