THE PLANNING COMMITTEE PRESENTS REPORT 16-004 AND RESPECTFULLY RECOMMENDS:

1. Application for Approval of Draft Plan of Condominium (Common Elements), for Lands Known as 311 and 321 Frances Avenue (Stoney Creek) (PED16056) (Ward 10) (Item 6.1)

   (a) That approval be given to Draft Plan of Condominium Application 25CDM-201520, by New Horizons Development Group (Waterfront Trails) Inc., Owner, to establish a Draft Plan of Condominium (common elements condominium) to create condominium roads, internal sidewalks, landscaped areas, and parking areas, in favour of 207 residential units, comprised of 40 townhouse dwellings; 38 back to back freehold townhouse units; and, 129 residential units within the Standard Condominium Apartment Building, on lands located at 311 and 321 Frances Avenue (Stoney Creek), as shown on Appendix “A” to Report PED16056, subject to the following conditions:

   (i) That this approval for Draft Plan of Condominium (common elements) application 25CDM-201520 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated August 27, 2015, consisting of a common element road, internal sidewalks, landscaped areas, and parking areas, attached as Appendix “B” to Report PED16056; and,

   (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201520, as amended, attached as Appendix “A” to Report 16-004 be approved by City Council.
2. Applications to Amend the Urban Hamilton Official Plan (UHOP) and Glanbrook Zoning By-law No. 464, and for Approval of a Draft Plan of Subdivision, “Summit Park Swayze Lands”, for Lands Located at Swayze Road and Bellagio Avenue (Glanbrook) (PED16047) (Ward 11) (Item 6.2)

(a) That approval be given to Amended Urban Hamilton Official Plan Amendment Application UHOPA-15-20, by 1356715 Ontario Inc., Owner, to amend the Rymal Road Secondary Plan to: redesignate lands from “Low Density Residential 2g”, “Institutional”, “Neighbourhood Park” and “Parkette” to “Low Density Residential 2h”; redesignate lands from “Low Density Residential 2h”, “Institutional” and “Utility” to “Medium Density Residential 2b”; redesignate lands from “Low Density Residential 2h” to “Local Commercial”; redesignate lands from “Low Density Residential 2g” to “Parkette”; redesignate lands from “Low Density Residential 2g,” “Low Density Residential 2h,” and “Institutional” to “Utility (Storm Water Management)”; permit “Local Commercial” uses on the ground floor of apartment buildings for lands designated “Medium Density Residential 2b”; broaden the range of permitted uses within the “Local Commercial” designation; remove a component of the lands from Schedule “B” – Natural Heritage System; and, remove a component of the lands from Schedule “B-4” – Detailed Natural Heritage Features Key Natural Heritage Feature and Key Hydrologic Feature Wetlands on a portion of the lands located at Swayze Road and Bellagio Avenue (Glanbrook), as shown on Appendix “A” to Report PED16047, on the following basis:

(i) That the draft Urban Hamilton Official Plan Amendment (UHOPA), attached as Appendix “B” to Report PED16047, be adopted by City Council; and,

(ii) That the proposed Official Plan Amendment (OPA) is consistent with the Provincial Policy Statement (PPS), and conforms to the Places to Grow Plan;

(b) That approval be given to Amended Zoning By-law Amendment Application ZAC-13-059 by 1356715 Ontario Inc., Owner, for changes in zoning from the Institutional “I-175” Zone, Residential “R4-173(B)” Zone, and General Agricultural “A1” Zone, to Residential Multiple RM4-289” Zone, Modified; from the General Agricultural “A1” Zone to the Residential Multiple “RM4-289” Zone, Modified; from the Open Space “OS2” Zone, Institutional “I-175” Zone, Residential “R4-173(B)” Zone, and General Agricultural “A1” Zone to the Residential Multiple “RM3-173(B)” Zone, Modified; from the General Agricultural “A1” Zone to the Neighbourhood Commercial “C1-173” Zone, Modified; from the Residential “R4-173(B)” Zone and the General Agricultural “A1” Zone to the Public Open Space “OS2-173” Zone, Modified; from the General Agricultural “A1” Zone to the Public Open Space “OS2-173” Zone, Modified; and, from the General Agricultural “A1” Zone to the Public Open Space “OS2-173” Zone,
Modified; and for changes in zoning, as shown in Appendix “F”, from the General Agricultural “A1” and Public Open Space “OS2” Zone to the Open Space “P4” Zone in the Hamilton Zoning By-law No. 05-200, for lands located at Swayze Road and Bellagio Avenue (Glanbrook), as shown on Appendix “A” to Report PED16047, on the following basis:

(i) That the draft By-law, as amended, attached as Appendix “B” to Report 16-004, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. ___;

(c) That approval be given to Revised Draft Plan of Subdivision Application 25T-201309 by 1356715 Ontario Inc., Owner, to establish a Draft Plan of Subdivision known as “Summit Park (Swayze Lands)”, on lands known as Swayze Road and Bellagio Avenue (Glanbrook), as shown on Appendix “A” to Report PED16047, subject to the following conditions:

(i) That this approval apply to “Summit Park (Swayze Lands)”, 25T-201309, as revised, prepared by A.J. Clarke and Associates Ltd., and certified by B. J. Clarke, O.L.S., dated April 22, 2015, showing 4 blocks for medium density residential purposes (Block 1, Block 27, Block 29, and Block 36), 28 blocks for low density residential purposes (Blocks 2 - 6, Blocks 8 - 26, and Block 30 – 33), 1 block for local commercial purposes (Block 28), 1 block for a parkette (Block 34), and 2 blocks for storm water management ponds (Blocks 7 and 35), proposed Street “A”, Street “B”, Street “C”, Street “D”, Street “E”, Street “F”, Street “G”, Street “H”, and Street “I”, and the extension of Terryberry Road, attached as Appendix “D” to Report PED16047, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED16047;

(ii) Acknowledgement that there will be a City share of costs for the installation of the proposed stormwater management facilities, land, and construction costs, within the draft plan lands, as identified in the current Development Charges Study;

(iii) Acknowledgement that there is a City share for the costs of the underground and above ground road works adjacent to Block 34 (parkette), in accordance with the City’s current Financial Policy;
(iv) Acknowledgement that the urbanization and upgrade of Regional Road #56 from Rymal Road East to Terryberry Road, excluding the cost for installation of the intersection and traffic control works, as identified in the Development Charges Study, be at 100% City cost;

(v) Acknowledgement that the City’s proportional share of servicing costs adjacent to the Storm Water Management facility is to be based upon land requirements to establish the most appropriate size and frontage to meet the City’s needs;

(vi) That Payment of Cash-in-Lieu of Parkland will not be required for the development prior to the issuance of each building permit for the lots within the plan.

3. Application for a Zoning By-law Amendment for Lands Located at 311 Hamilton Drive (Ancaster) (PED16054) (Ward 12) (Item 6.3)

That approval be given to Zoning Application ZAR-15-043, by Angela Maddern, Owner, for a change in zoning from the Deferred Development “D” Zone to the Residential “R3-671” Zone, Modified, to facilitate the future severance of the property in order to establish two single detached dwellings on lands located at 311 Hamilton Drive (Ancaster), as shown on Appendix “A” to Report PED16054, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED16054, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan.

4. Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2605 Binbrook Road East (Glanbrook) (PED16068) (Ward 11) (Item 6.4)

(a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-15-019, by John Bruce Robinson Construction Limited, Owner, to amend the Urban Hamilton Official Plan (UHOP) in order to establish a site specific policy within the Binbrook Village Secondary Plan to permit residential uses within a portion of the ground floor, in conjunction with commercial uses, in a mixed-use building within the “Mixed Use - Medium Density - Pedestrian Predominant” designation, at 2605 Binbrook Road East (Glanbrook), as shown on Appendix “A” to Report PED16068, on the following basis:
(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED16068, be adopted by City Council.

(b) That approval be given to Zoning By-law Amendment Application ZAC-15-038 by John Bruce Robinson Construction Limited, Owner, for a change in zoning from the Existing Residential "ER" Zone and the Deferred Development "DD" Zone to the General Commercial "C3-287" Zone, Modified, with a Special Exception, to permit a mixed use building containing ground floor commercial and residential uses and residential apartments on the upper storeys, at 2605 Binbrook Road East (Glanbrook), as shown on Appendix “A” to Report PED16068, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED16068, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and is in conformity with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No.

5. Hamilton Municipal Heritage Committee Report 16-002 (Added Item 8.1)

(a) Heritage Permit Application HP2015-044 to Demolish 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act (PED16057) (Ward 2) (Item 8.1)

(i) That Heritage Permit application HP2015-044 to demolish the building located at 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act, be refused.

(ii) That appropriate notice of the Council decision be served on the owner of 1 St. James Place, Hamilton, and the Ontario Heritage Trust, as required under Section 34 of the Ontario Heritage Act.
FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

AMENDED BY-LAW

6.2 At the request of the applicant and staff, the proposed Zoning By-law attached as Appendix “C” to Report PED16047 has been amended and a copy of the amended By-law which will replace the one printed in the agenda has been circulated.

ADDED WRITTEN COMMENTS:

6.3(i) Angelo Sferrazza, 335 Cavendish Drive, respecting Application for a Zoning By-law Amendment for Lands Located at 311 Hamilton Drive (Ancaster) (PED16054)

6.4(i) Jim White, 24 Wills Crescent, Binbrook, respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2605 Binbrook Road East (Glanbrook) (PED16068)

6.4(ii) James Smilsky, agent and Property Manager for WCC #343, 801 Mohawk Road West, respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2605 Binbrook Road East (Glanbrook) (PED16068)

6.4(iii) Shawn Blaj, Tanglewood Drive, Binbrook, respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2605 Binbrook Road East (Glanbrook) (PED16068)

6.4(iv) Troy Walker, 57 Tanglewood Drive, Binbrook, respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2605 Binbrook Road East (Glanbrook) (PED16068)

6.4(v) John Caruso, 37 Tanglewood Drive, Binbrook, respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2605 Binbrook Road East (Glanbrook) (PED16068)

ADDED DISCUSSION ITEM

8.1 Hamilton Municipal Heritage Committee Report 16-002
ADDED NOTICE OF MOTION

10.1 Farm Business Registration Number to be Submitted with Agriculture Building Permits

The agenda for the March 1, 2016 meeting was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) February 16, 2016 Meeting (Item 3.1)

The Minutes of the February 16, 2016 meeting were approved.

(d) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Application for Approval of Draft Plan of Condominium (Common Elements), for Lands Known as 311 and 321 Frances Avenue (Stoney Creek) (PED16056) (Ward 10) (Item 6.1)

In accordance with the provisions of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Draft Plan of Condominium (Common Elements) the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No members of the public came forward.

Matt Johnston of UrbanSolutions Planning and Land Development Consultants, agent for the applicant was in attendance and addressed Committee indicating that Condition 6 of the Draft Plan of Condominium has been satisfied and requested that it be changed to the more standard condition.

The agent’s presentation was received.
Staff confirmed Condition 6 will be changed to the more standard condition, now that the condition has been satisfied.

The public meeting was closed.

The staff report with the amendment to Condition 6 of the Draft Plan of Condominium was approved.

For disposition of this matter refer to Item 1.

(ii) Applications to Amend the Urban Hamilton Official Plan (UHOP) and Glanbrook Zoning By-law No. 464, and for Approval of a Draft Plan of Subdivision, “Summit Park Swayze Lands”, for Lands Located at Swayze Road and Bellagio Avenue (Glanbrook) (PED16047) (Ward 11) (Item 6.2)

In accordance with the provisions of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Urban Hamilton Official Plan and Glanbrook Zoning By-law Amendments and Draft Plan of Subdivision the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Yvette Rybensky, Senior Project Manager-Suburban, explained the changes to the Zoning By-law which replaces Appendix C printed in the agenda.

No members of the public came forward.

The staff presentation was waived

Stephen Fraser of A.J. Clarke and Associates, agent for the applicant was in attendance and indicated that they are in support of the staff report and the amended by-law.

The public meeting was closed.

Chair B. Johnson relinquished the Chair to Vice Chair Pearson to move this Item.

For disposition of this matter refer to Item 2.

Chair B. Johnson assumed the Chair.
(iii) Application for a Zoning By-law Amendment for Lands Located at 311 Hamilton Drive (Ancaster) (PED16054) (Ward 12) (Item 6.3)

In accordance with the provisions of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Written Comments

6.3(i) Angelo Sferrazza, 335 Cavendish Drive

The written comments from Angelo Sferrazza were received.

No members of the public came forward.

The public meeting was closed.

The staff presentation was waived.

Dasha Page from Matthews, Cameron, Heywood - Kerry T. Howe Surveying Limited, was in attendance and indicated that they are in support of the staff report.

For disposition of this matter refer to Item 3.

Chair B. Johnson relinquished the Chair to Vice Chair Pearson prior to consideration of the following Item:

(iv) Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2605 Binbrook Road East (Glanbrook) (PED16068) (Ward 11) (Item 6.4)

In accordance with the provisions of the Planning Act, Vice-Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Urban Hamilton Official Plan Amendment and the Zoning By-law amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of
an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Written Comments

6.4(i)  Jim White, 24 Wills Crescent, Binbrook
6.4(ii)  James Smilsky, agent and Property Manager for WCC #343, 801 Mohawk Road West
6.4(iii) Shawn Blaj, Tanglewood Drive, Binbrook
6.4(iv)  Troy Walker, 57 Tanglewood Drive, Binbrook
6.4(v)  John Caruso, 37 Tanglewood Drive, Binbrook

The added written comments, Items 6.4(i) to 6.4(v), were received.

Greg Macdonald, Senior Planner, provided an overview of the report with the aid of a PowerPoint presentation and responded to questions from Committee. A copy of his presentation has been uploaded onto the City’s website.

Copies of a Public Notice which was issued yesterday advising that the City will be installing temporary speed bumps along Tanglewood Drive were distributed and Councillor B. Johnson referred to the notice as an added measure which is being undertaken by the City to appease the concerns of residents.

The staff presentation was received.

Franz Kloibhofer of A. J. Clark and Associates, the agent for the owner was in attendance and briefly addressed Committee explaining how the proposal has matured over the last couple of weeks. He referred to the new site plan and showed a slide illustrating how the development will look upon completion and responded to questions from Committee.

The agent’s presentation was received.

No members of the public came forward.

The public meeting was closed.

For disposition of this matter refer to Item 4.

Councillor B. Johnson assumed the Chair.
(e) MOTIONS (Item 9)

(i) Laneway Housing in Hamilton

That Planning staff prepare a report and presentation to Committee on the current inventory and policies related to ‘Laneway Housing’ in Hamilton.

(ii) Farm Business Registration Number to be Submitted with Agriculture Building Permits

That staff be directed to examine the feasibility of requesting applicants for an agriculture building permit to provide a Farm Business Registration Number so that eligibility for a discount on the development charges on agriculture buildings, as prescribed under the City of Hamilton's Development Charges By-Law, can be confirmed.

(iii) Urban Design Study for Piers 7 and 8

WHEREAS, there are currently consultants working on Urban Design for Piers 7 and 8;

THEREFORE BE IT RESOLVED:

That the appropriate staff report back to the next Planning Committee on the timing of the Urban Design Study for Piers 7 and 8 and when we may engage the public accordingly.

(f) NOTICES OF MOTION (Item 10)

Councillor Collins presented the following notice of motion:

(i) Laneway Housing in Hamilton (Added Item)

That Planning staff prepare a report and presentation to Committee on the current inventory and policies related to ‘Laneway Housing’ in Hamilton.

The rules of order were waived in order to allow for the introduction of a motion respecting Laneway Housing in Hamilton.

For disposition of this Item refer to Information Item (e)(i).

Chair B. Johnson relinquished the Chair to Vice Chair Pearson and presented the following Notice of Motion:

COUNCIL – MARCH 9, 2016
(ii) Farm Business Registration Number to be Submitted with Agriculture Building Permits (Added 10.1)

That staff be directed to examine the feasibility of requesting applicants for an agriculture building permit to provide a Farm Business Registration Number so that eligibility for a discount on the development charges on agriculture buildings, as prescribed under the City of Hamilton’s Development Charges By-Law, can be confirmed.

The rules of order were waived in order to allow for the introduction of a motion respecting Farm Business Registration Number to be Submitted with Agriculture Building Permits.

For disposition of this Item refer to Information Item (e)(ii).

Chair B. Johnson assumed the Chair.

Councillor Farr presented the following Notice of Motion:

(iii) Urban Design Study for Piers 7 and 8 (Added Item)

WHEREAS, there are currently consultants working on Urban Design for Piers 7 and 8;

THEREFORE BE IT RESOLVED:

That the appropriate staff report back to the next Planning Committee on the timing of the Urban Design Study for Piers 7 and 8 and when we may engage the public accordingly.

The rules of order were waived in order to allow for the introduction of a motion respecting the Urban Design Study for Piers 7 and 8.

For disposition of this Item refer to Information Item (e)(iii).

(g) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

(a) That the following new due dates were approved:

Item “C” - Proposed Permanent Closure and Sale of a Portion of the Road Allowance of Limeridge Rd
Due Date: March 1, 2016
Proposed New Due Date: June 14, 2016
Item “D” - City of Hamilton Revised Sidewalk Policy for New Development (PED12234) (City Wide)
Due Date: March 1, 2016
Proposed New Due Date: April 19, 2016

(h) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee was adjourned at 10:58 a.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk
Appendix “A” to Item 1(a)(ii) of Planning Committee Report 16-004
Page 1 of 3

Recommended Conditions of Draft Plan Approval for
Draft Plan of Condominium (Common Elements) 25CDM-2015120

That this approval for Draft Plan of Condominium (common elements), 25CDM-201520, prepared by A.T. McLaren Limited, and certified by S. D. McLaren, and dated August 27, 2015, consisting of internal condominium roadways, internal sidewalks, landscaped areas and parking areas, be received and endorsed by City Council with the following special conditions:

Development Planning

(1) That the final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 3692-92 in the event Zoning By-law No.3692-92 has been repealed in its entirety, or those provisions applicable to the subject lands, then the final Plan of Condominium shall comply with any and all applicable City of Hamilton Zoning By-law provisions;

(2) That the Plan of Condominium shall comply, in all respects, to the final plan of Site Plan Control Application No. DA-14-027, to the satisfaction of the Director of Planning and Chief Planner;

(3) That the owner shall receive final approval of Part Lot Control Application PLC-16-002, including the enactment and registration on title of the Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner;

(4) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold townhouse and back to back townhouse dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor;

(5) That the owner shall include the following in all offers of purchase and sale and rental leases and in the development agreement, and any rental or lease agreements required for occupancy, to the satisfaction of the Director of Planning and Chief Planner;

(i) Purchasers/tenants are advised that this property is eligible for weekly collection of garbage, recycling, organics and leaf and yard waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City’s Solid Waste Management By-law 09-067, as amended.
(6) That the final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 3692-92, as amended.

(7) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

Development Engineering

(8) The Owner shall agree to include the following warning clause within the Condominium Declaration to the satisfaction of the Senior Director of Growth Management:

“The Corporation shall maintain and repair the Common Elements at its own expense. The Corporation shall also maintain and repair all utilities (including without limitation, water mains, storm and sanitary sewers, catchbasins, and fire hydrants) which services more than one Parcel of Tied Land (Potl), whether located within the Common Elements or wholly or partly within the Potl and the Corporation and its designated agents shall have full access to a Potl to carry out its obligation pursuant to this paragraph. If the Corporation is required to maintain or repair any utility or service on a Potl, the Corporation shall only be responsible to return the Potl to its original stage and shall not be responsible to repair or replace, or to correct any upgrade or improvement performed or added to the Potl by the Potl owner.”

Forestry and Horticulture Section, Public Works Department

(9) That the Owner / Applicant provide cash in lieu of street trees to the amount of $4,500 plus HST, payable to Forestry, Department ID: 445990, Account number: 45519; with corresponding amendments to the Landscape Plan / Street Tree Planting Plan, to the satisfaction of the Manager of Forestry and Horticulture, Environmental Services Division, Public Works Department.

Canada Post

(10) That the owner shall provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin, along with the expected installation date(s) for the CMB(s), to the satisfaction of Canada Post and the Senior Director of Growth Management.
(11) That the owner will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied, to the satisfaction of Canada Post and the Senior Director of Growth Management.

NOTES TO DRAFT PLAN APPROVAL

NOTE: Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.
CITY OF HAMILTON

BY-LAW NO. 

To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located South of Bellagio Avenue and West of Swayze Road, described as Part of Lots 1, 2 and 3 – Block 4 – Concession 1, in the former Township of Glanbrook, now 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 1, 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 Township of Glanbrook” 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 of the former area municipalities 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. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [of Report 16-] of the Planning Committee, at its meeting held on the [day of], 2016, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. That Schedule “J” – Rymal Road Planning Area, appended to and forming part of By-law No. 464 (Glanbrook), be amended as follows:
Appendix “B” to Item 2(b)(i) of Planning Committee Report 16-004  
Page 2 of 9

(a) **Block 1** is rezoned from the Institutional “I-175” Zone, Residential “R4-173(B)” Zone, and General Agricultural “A1” Zone, to Residential Multiple RM4-289” Zone, Modified;

(b) **Block 2** is rezoned from the General Agricultural “A1” Zone to the Residential Multiple “RM4-289” Zone, Modified;

(c) **Block 3** is rezoned from the Open Space “OS2” Zone, Institutional “I-175” Zone, Residential “R4-173(B)” Zone, and General Agricultural “A1” Zone to the Residential Multiple “RM3-173(B)” Zone, Modified;

(d) **Block 4** is rezoned from the General Agricultural “A1” Zone to the Neighbourhood Commercial “C1-173” Zone, Modified;

(e) **Block 5** is rezoned from the Residential “R4-173(B)” Zone and the General Agricultural “A1” Zone to the Public Open Space “OS2-173” Zone, Modified;

(f) **Block 6** is rezoned from the General Agricultural “A1” Zone to the Public Open Space “OS2-173” Zone, Modified;

(g) **Block 7** is rezoned from the General Agricultural “A1” Zone to the Public Open Space “OS2-173” Zone, Modified;

on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. Notwithstanding Subsection 7.26 **ENCROACHMENTS INTO YARDS** of **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES**, the following provisions shall apply to those lands zoned site-specific Residential Multiple “RM3-173(B)”: 

(a) Unenclosed porches, both covered and uncovered, may project into the required front yard a maximum 2.5 metres, into the required rear yard a maximum of 1.5 metres, and into the required exterior side yard a maximum 2.0 metres;

(b) Stairs used to provide access to unenclosed porches from the ground may project into the required front yard and required exterior side yard a maximum 0.61 metres, measured from the limit of the porch closest to the lot line;

(c) Decks may project into the required rear yard a maximum 4.5 metres, and into the required exterior side yard a maximum 2.0 metres;

(d) Window projections, with or without foundations, and architectural elements without a foundation such as, but not limited to, fireplaces,
chimneys, pilasters, and corbels, may project into any required yard, excluding a side yard that is less than 1.2 metres, a maximum of 0.61 metres;

(e) Balconies, canopies, awnings and fruit cellars may project into any front yard, rear yard or exterior side yard, a distance of not more than 2.0 metres. Where the exterior side yard is 1.0 metre, balconies, canopies, awnings, and fruit cellars may project into the exterior side yard a distance of not more than 1.0 metre; and,

(f) The projections permitted by above clauses (d) and (e), and by Subsection 7.26(a) ENCROACHMENTS INTO YARDS, shall be permitted within the required minimum setback of 5.8 metres between the second floor living space above a garage that faces a front or exterior side lot line and said lot line.

3. Notwithstanding Subsection 7.27 AGRICULTURAL CODE OF PRACTICE of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Clause (a) shall not apply to those lands zoned site-specific Residential Multiple “RM3-173(B).

4. That Section 44, “Exceptions to the Provisions of the By-law”, as amended, of Zoning By-law No. 464, By-law No. 02-331, and By-law No. 13-226 are hereby further amended by deleting Subsection 2 (b) (iii) of By-law No. 02-331 and modifying the “RM3-173(B)” Zone of By-law No. 13-226 provisions (a), (B) (v) and (xviii) as follows:

RM3-173(B)

(a) PERMITTED USES

(i) Street Townhouse Dwellings in accordance with the provisions of RM2-173 within By-law No. 02-331, as well as those provisions in Section 4 (b) of this By-law;

(ii) Block Townhouse Dwellings, Maisonette Dwellings, and Semi-detached dwellings, subject to the provisions of By-law No. 13-226, as amended, as well as those provisions in Section 4 (b) of this By-law;

(iii) Single-detached and Semi-detached dwellings, subject to the provisions outlined in the Residential “R4-173(D)” Zone within By-law No. 13-226, as amended, as well as those provisions in Section 4 (b) of this By-law;

(iv) Uses, buildings, and structures accessory to the uses described in Paragraph (a) (i), (ii) and (iii) of this
Subsection, as well as those provisions in Section 4 (b) of this By-law.

(b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i), (a)(ii), and (a)(iii) OF THIS SUBSECTION

(v) Minimum Side Yard

In addition to the provisions in By-law No 13-226, Section 3, Subsection (b) (v), the following shall apply:

(a) 0.0 metres for any building or structure to a daylighting triangle for visibility triangle;

(b) 0.6 metres to the non-garage side; and,

(c) 5.8 metres for a garage that faces an exterior side lot line.

(xviii) Minimum Parking Requirements

In addition to the provisions as modified within By-law No.’s 02-331 and 13-226, the following provisions shall apply:

Each visitor parking space shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres.

RM4-289

Notwithstanding Subsections 20.1 PERMITTED USES and 20.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 20.1 (APARTMENT BUILDING) of SECTION 20: RESIDENTIAL MULTIPLE “RM4” ZONE, the following permitted uses and regulations shall apply to those lands zoned site-specific Residential Multiple “RM4-289”:

(a) PERMITTED USES

(i) Apartment buildings, retirement homes, and long term care facilities;

(ii) Block townhouse dwellings, Street townhouse dwellings, Maisonette dwellings, and Semi-detached dwellings in accordance with the provisions of the site-specific Residential Multiple “RM3-173(B)” Zone of this By-law;
(iii) Uses permitted in subsection 25.1(a) of By-law No. 464, on the ground floor of buildings permitted in paragraph (a)(i) of this subsection with a height of 3 storeys or more for units abutting Bellagio Avenue or Swayze Road;

(iv) Live-work units within street townhouses described in Paragraph (a) (ii) for units having frontage on Bellagio Avenue, Terryberry Road, or Swayze Road; and

(v) Uses, buildings, and structures accessory to the uses described in Paragraph (a) (i), (ii), (iii), and (iv) of this Subsection pursuant to the provisions of Subsection 7.13 of By-law No. 464.

(b) **DEFINITIONS**

(i) For the purposes of this By-law, a “Maisonette” is defined as per amending By-law 13-226.

(c) **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i) OF THIS SUBSECTION**

(a) **Minimum Lot Frontage:**

(i) 30.0 metres for apartment buildings, retirement homes, and long term care facilities

(b) **Minimum Lot Area:**

(i) 0.2 hectares for apartment buildings, retirement homes, and long term care facilities

(c) **Maximum Lot Area:**

(i) 4.0 hectares

(d) **Maximum Lot Coverage:**

A. 50 percent

(e) **Density (averaged over this plan of subdivision):**

(i) Minimum: 30 units per hectare

(ii) Maximum: 70 units per net residential hectare

(f) **Minimum Front Yard:**
A. 4.5 metres

(g) Minimum Side Yard:
   (i) 4.5 metres

(h) Minimum Rear Yard:
   (i) 4.5 metres

(i) Minimum Landscaped Area (including lands above underground parking structures):
   (i) 27 percent

(j) Minimum Amenity Area:
   (i) 5 square metres per unit shall be provided and thereafter maintained, and may be provided interior to an apartment building, retirement home, and long term care facility.

(k) Minimum Parking Requirements:

Parking shall be provided pursuant to the provisions of Subsections 7.35, 11.5, and 11.6 of this By-law. Notwithstanding Subsection 7.35(a)(iii), 7.35(a)(vii) and 7.35(a)(ix) and Subsection 11.6 (b), the following provisions shall apply:

A. Each parking space shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres;

B. A commercial use permitted in accordance with paragraph (a) (iii) and (iv) of this Subsection shall provide off-street parking in accordance with Paragraph (b) of Subsection 7.35 **MINIMUM PARKING SPACE REQUIREMENTS**;

C. Parking spaces may be located 1.5 metres from side and rear lot lines, and shall be no closer than 4.5 metres of a front lot line;

D. Maneuvering and access for parking spaces may be provided off-site on abutting properties; and
E. No parking space or parking area shall be located closer than 3.0 metres from any abutting property zoned “RM3-173(B)”, as shown on attached Schedule “A,” unless such parking is located within a below-grade parking structure.

F. A below grade parking structure can be set back a minimum of 1.0 m from a municipal street and any required shoring must be set back a minimum of 0.0 m from a municipal street.

(xi) Maximum Height - 6 storeys, excluding roof and any mechanical equipment

5. That Section 44, “Exceptions to the Provisions of the By-law”, of Zoning By-law No. 464, be amended by adding new Exceptions “C1-173”, modified, as follows:

C1-173

In addition to the permitted uses and regulations applicable to the “C1-173” Zone within By-law No. 02-331, and By-law No. 14-292, the following permitted uses and regulations shall apply to those lands zoned site-specific Neighbourhood Commercial “C1-173”, Modified:

(a) PERMITTED USES

(i) photographic studios, post offices, printing establishments, Liquor Licence Board of Ontario Stores, Brewers Retail Stores, medical centres, private and commercial clubs, places of entertainment or recreation, libraries, museums and art galleries.

(ii) Residential uses permitted under the “RM4-289” Zone, as described herein, located above the ground floor of the uses described in Paragraph (a)(i) of this Subsection, as ancillary uses.

(iii) Residential uses permitted within the “RM3-173(B)” Zone, as described herein, shall also be permitted.

(iv) Uses permitted under Paragraph (a) of Subsection 39.1 PERMITTED USES of Section 39 INSTITUTIONAL “I” ZONE.
(v) Uses, buildings, and structures accessory to the uses described in Paragraph (a) (i), (ii), (iii), and (iv) of this Subsection.

(b) ADDITIONAL REGULATIONS FOR USES PERMITTED IN C1-173 IN THIS BY-LAW

(i) Minimum Parking Requirements:

Parking shall be provided pursuant to the provisions of Subsections 7.35, 11.5, and of this By-law. Notwithstanding Subsection 7.35 (a) (iii) and (vii) and Subsection 11.6 (b), the following provisions shall apply:

A. A minimum of one (1) parking space shall be provided for each 20 square metres, or fraction thereof, of ground floor area devoted to commercial uses;

B. Each parking space shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres;

C. Maneuvering and access for parking spaces may be provided off-site on abutting properties; and

D. No parking space or parking area shall be located closer than 3.0 metres from any Residential Multiple “RM3-173(B)” or “RM4-289” Zone.

(ii) Notwithstanding Section 2 (b) (v) and (vi) of the “C1-173” Zone, the maximum gross leasable floor area for any individual commercial establishment shall not be more than one half of the total gross leasable floor area provided on the site, and the maximum total gross leasable floor area shall be 2,500 square metres.

6. 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 [ ], 2016.

F. Eisenberger
Mayor

Rose Caterini
Clerk
Schedule "A"

Map Forming Part of By-law No. 16-______

to Amend By-law No. 464

Subject Property

- Block 1 - Lands to be rezoned from the Institutional "I-175" Zone, Residential "R4-173(B)" Zone, and General Agricultural "A1" Zone to Residential Multiple "RMA-280" Zone, Modified
- Block 2 - Lands to be rezoned from General Agricultural "A1" Zone, to Residential Multiple "RMA-289" Zone, Modified
- Block 3 - Lands to be rezoned from Open Space "OS2" Zone, Institutional "I-175" Zone, Residential "R4-173(B)" Zone, and General Agricultural "A1" Zone to Residential Multiple "RMA-173(B)" Zone, Modified
- Block 4 - Lands to be rezoned from General Agricultural "A1" Zone to Neighbourhood Commercial "C1-173" Zone, Modified
- Block 5 - Lands to be rezoned from Residential "R4-173(B)" Zone and General Agricultural "A1" Zone to Public Open Space "OS2-173" Zone
- Block 6 - Lands to be rezoned from General Agricultural "A1" Zone to Public Open Space "OS2-173" Zone
- Block 7 - Lands to be rezoned from General Agricultural "A1" Zone to Public Open Space "OS2-173" Zone

Refer to By-law No. 05-200