THE PLANNING COMMITTEE PRESENTS REPORT 16-001 AND RESPECTFULLY RECOMMENDS:

1. To Incorporate City Lands into Dartnall Road by By-Law (PED16013) (Ward 11) (Item 5.1)

   (a) That the following City Lands designated as Parts 1, 2, 3, 4, 5, 6, 7, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 on Plan 62R-17987 be established as a public highway to form part of Dartnall Road;

   (b) That the By-Law to incorporate the City lands to form part of Dartnall Road, prepared in a form satisfactory to the City Solicitor and attached as Appendix “B” to Report PED16013, be enacted by Council;

   (c) That the General Manager of Public Works be authorized and directed to register the By-Law.

2. Parked Facing the Wrong Way (PED13109(a)) (City Wide) (Item 5.2)

   That Report PED13109(a) respecting Parked Facing the Wrong Way be received.
3. Applications for an Urban Hamilton Official Plan and Zoning By-law Amendment for Lands Located at 20 Artfrank Drive (Stoney Creek) (PED16007) (Ward 9) (Item 6.2)

(a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-15-010 by Winterberry Paramount Corporation (Owner), for amendment to Area Specific Policy – Area A, Block A-1, to permit a maximum density of 200 units per hectare for the entire site, and to permit one building located parallel to the existing stormwater management pond to have a maximum height of 12 storeys, for lands located at 20 Artfrank Drive (Stoney Creek), as shown on Appendix “A” to Report PED16007, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED16007, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the intent and purpose of the Urban Hamilton Official Plan.

(b) That approval be given to Amended Zoning By-law Amendment Application ZAC-15-018 by Winterberry Paramount Corporation (Owner), for a further site specific amendment to the Multiple Residential “RM3-27” Zone, Modified, by deleting and replacing the provisions, in order to permit the development of 20 two-storey mixed use townhouses and three multiple dwellings consisting of a total of 351 dwelling units, for a total of 371 dwelling units, for lands located at 20 Artfrank Drive (Stoney Creek), as shown on Appendix “A” to Report PED16007, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED16007, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Map 15 of Schedule “A” of Zoning By-law No. 3692-92.

(iii) That the proposed change in zoning be in conformity with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. 16-001.
4. Application for Approval of Draft Plan of Condominium (Common Element), by Webb Planning Consultants Inc., on behalf of Losani Homes Ltd., for Lands Known as 247 Festival Way (Glanbrook) (PED16009) (Ward 11) (Item 6.3)

That approval be given to Draft Plan of Condominium Application 25CDM-201511, by Webb Planning Consultants Inc. (c/o James Webb), Agent, on behalf of Losani Homes Ltd. (c/o Fred Losani), Owner, to establish a Draft Plan of Condominium (Common Element) to create a condominium road, an amenity area and 14 visitor parking spaces on lands located at 247 Festival Way (Glanbrook), as shown on Appendix “A” to Report PED16009, subject to the following conditions:

(i) That the approval for Draft Plan of Condominium (Common Element) Application 25CDM-201511 applies to the plan prepared by A. T. McLaren Ltd., certified by S. D. McLaren, OLS, and dated March 11, 2015, consisting of a condominium road, an amenity area and 14 visitor parking spaces attached as Appendix “B” to Report PED16009;

(ii) That the conditions of Draft Plan of Condominium Approval provided as Appendix “C” to Report PED16009 be approved by City Council.

5. Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Shoreview Place, Stoney Creek (PED16010) (Ward 10) (Item 6.4)

(a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-15-029 by Urban Solutions Planning and Land Development Consultants Inc., to permit two six storey apartment buildings and ten block townhouses with a maximum density of 209 units per net residential hectare, for lands located at 101 Shoreview Place, Stoney Creek, as shown on Appendix “B” to Report PED16010, on the following basis:

(i) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED16010, be adopted by City Council.

(b) That approval be given to Zoning By-law Amendment Application ZAR-15-020, by Urban Solutions Planning and Land Development Consultants Inc., to further amend the City of Stoney Creek Zoning By-law No. 3692-92 for lands located at 101 Shoreview Place, Stoney Creek, from the Multiple Residential “RM3-40” Zone, Modified, to the Multiple Residential “RM3-55” Zone, Modified, as shown on Appendix “C” to Report PED16010, on the following basis:

(i) That the draft By-law, as amended with the removal of the Holding Provision, attached to Report 16-001 as Appendix “A”,
which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) and conform to the Places to Grow – Growth Plan; and,

(iii) That the proposed changes in zoning will comply with the Urban Hamilton Official Plan upon finalization of the Urban Hamilton Official Plan Amendment No. XX.

6. Proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Property located at 149½ Sherman Avenue North, Hamilton (PED16014) (Ward 3) (Item 6.5)

(a) That Urban Hamilton Official Plan Amendment Application UHOPA-15-027 by Hamilton Habitat for Humanity, Owner, to permit the density for street townhouses to be 70 units per net residential hectare on lands located at 149½ Sherman Avenue North (Hamilton), as shown on Appendix “A” to Report PED16014, be approved on the following basis:

(i) That the draft Official Plan Amendment, as amended, attached as Appendix “B” to Report 16-001, be adopted by City Council.

(b) That Zoning By-law Amendment Application ZAR-15-034, by Hamilton Habitat for Humanity, Owner, for a change in zoning from the “G-3” (Public Parking Lots) District, to the “RT-30/S-1728”-“H” (Street Townhouse) District, Holding Modified in order to permit five street townhouse dwelling units, for lands located at 149½ Sherman Avenue North (Hamilton), as shown on Appendix “A” to Report PED16014, be approved on the following basis:

(i) That the draft By-law, as amended, attached as Appendix “B” to Report 16-001, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(ii) That the amending By-law be added to Schedule “A” of Zoning By-law No. 6593.

(iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS), conform with the Growth Plan for the Greater Golden Horseshoe and upon finalization of Official Plan Amendment No. XX will comply with the Urban Hamilton Official Plan (UHOP).

(c) That the Gibson Neighbourhood Plan be amended by changing the designation from “Commercial” to “Attached Housing”.

Council – January 20, 2016
Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 1169 Garner Road East (Ancaster) (PED16020) (Ward 12) (Item 6.6)

(a) That approval be given to Amended Urban Hamilton Official Plan Amendment Application UHOPA-15-004, by Losani Homes (1998) Limited (Owner), for OPA No. , to delete the subject lands from the “Natural Heritage System” designation on Schedule B and to delete portions of the subject lands from the “Local Natural Area (Environmentally Significant Areas)” designation on Schedule B-6; and for changes to the Meadowlands Neighbourhood IV Secondary Plan from “Utility” to “Medium Density Residential 2c”; from “Natural Open Space” to “Utility”; from “Natural Open Space” to “Low Density Residential 2b”; to delete in its entirety “Area Specific Policy – Area E”; and, to establish a Site Specific Policy Area – Area G, for the lands known as 1169 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED16020, on the following basis:

(i) That the draft Official Plan Amendment, as amended to decrease the minimum residential units per hectare from 53 to 50, attached as Appendix “C” to Report 16-001, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed Official Plan Amendment 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-15-008 by Losani Homes (1998) Limited, (Owner), for a further change to the Residential Multiple “RM6-611” Zone, Modified, in order to permit a multiple dwelling development comprised of 56 maisonette / back-to-back dwelling units, and 32 townhouse dwelling units, totalling 88 residential units, with 176 residential parking spaces and 47 visitors parking spaces, totalling 223 parking spaces, with a walkway, for lands located at 1169 Garner Road East (Ancaster), as show on Appendix “A” to Report PED16020, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED16020, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Map 1 of Schedule “B” of the Town of Ancaster Zoning By-law No. 87-57.

(iii) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. xxx.
8. Residential Drainage Assistance Pilot Program and Enforcement of Blocked Swales - Final Report (PED14105(a)) (City Wide) (Outstanding Business List Item) (Item 8.2)

That the Residential Drainage Assistance Pilot Program and Enforcement of Blocked Swales Pilot Program be approved as permanent City programs subject to the following:

(a) That the two full-time equivalent (FTE) positions (one Residential Drainage Assistance Project Manager and one Drainage Enforcement Officer) and the levy funding for those positions be referred to the 2016 Operating Budget Enhancements;

(b) That a review of the existing By-law 80-245 pertaining to Land Drainage and its amendments, namely By-laws 88-09, 88-207, 93-123, and 96-137 be undertaken by City staff, and that a new consolidated Land Drainage By-law be developed that would apply evenly City wide;

(c) That the modified Terms of Reference for the Residential Drainage Assistance Program, as detailed in Appendix “D” to Report 16-001, be approved.

Subsection (a) of the following Item was amended by inserting additional wording as outlined below:

9. By-law to Regulate Unauthorized Parking on Boulevards, Side Yards and Front Yards (PED13042(a)) (Outstanding Business List Item) (Item 8.3)

(a) That the By-law to Regulate Unauthorized Parking on Boulevards, Side Yards and Front Yards, attached as Appendix “A” to Report PED13042(a), which has been prepared in a form satisfactory to the City Solicitor, be amended to exclude the following areas:

(i) Those properties that are zoned rural or agricultural and are outside of the Urban Area or Rural Settlement Area boundaries as identified in the Official Plans;

(ii) All farms, wherever they are located, and;

be enacted;

(b) That the By-law to Amend the Administrative Penalty By-law No. 15-138, attached as Appendix “B” to Report PED13042(a), which adds administrative penalties for infractions under the By-law To Regulate Unauthorized Parking on Boulevards, Side Yards and Front Yards and has been prepared in a form satisfactory to the City Solicitor, be enacted;
10. Hamilton Municipal Heritage Committee Report 15-011(a) (Item 8.4)

(a) Inventory & Research Working Group Meeting Notes – November 24, 2014 (Item 5.1)

(i) 601 Barton Street East, Hamilton (Former Gibson School)

That 601 Barton Street East, Hamilton (Former Gibson School), be included in the Register of Property of Cultural Heritage Value or Interest as a non-designated property.

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ITEMS DEFERRED TO FEBRUARY 2, 2016 MEETING:

6.1 Mike Whaling, Airport Mini Storage, Mount Hope, to follow-up from previous meetings regarding illegal business in the Mount Hope, Binbrook, Ancaster area that is still growing. (Approved December 1, 2015)

8.1 Hamilton Municipal Heritage Committee Report 15-011, Item 2 respecting Request to Remove 2251 Rymal Road East (Former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and from the Workplan for Designation (PED15173) (Ward 9) (Deferred from December 1, 2015 meeting)

ADDED WRITTEN COMMENTS:

6.2(ii) Concerned residents respecting Item 6.2 – Applications for Urban Hamilton Official Plan and Zoning By-law Amendment for 20 Artfrank Drive, Stoney Creek.

6.4(i) Lakewood Beach Community Council respecting Item 6.4 - Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Shoreview Place, Stoney Creek (PED16010) (Ward 10)
CORRECTION TO DRAFT BY-LAW

Appendix “C” to Item 6.4 - Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Shoreview Place, Stoney Creek (PED16010) (Ward 10)

Staff have submitted an amended By-law to replace the one printed in the agenda.

ADDITIONAL AMENDMENT TO THE OUTSTANDING BUSINESS LIST

11.1 Outstanding Business List

(a) New due date:

Item “P” - Redevelopment of a City Owned Surface Parking Lot
Due Date: TBD
Proposed New Due Date April 5, 2016

The Agenda for the January 12, 2016 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

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

(i) December 1, 2015 Meeting (Item 3.1)

The Minutes of the December 1, 2015 meeting were approved.

(ii) December 3, 2015 Meeting (Item 3.2)

The Minutes of the December 3, 2015 Special meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

The following delegation was approved to address Committee on February 2, 2016 when Committee will consider the request to remove 2251 Rymal Road East (former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and from the Workplan for Designation:

4.1 Graeme Tosh, wishing to address Committee respecting Item 8.1 (For today’s meeting)
(e) **DELEGATIONS/PUBLIC HEARING (Item 6)**

(i) Mike Whaling, Airport Mini Storage, Mount Hope, to follow-up from previous meetings regarding illegal business in the Mount Hope, Binbrook, Ancaster area that is still growing. (Approved December 1, 2015) (No copy) (Item 6.1)

This Item was deferred to the February 2, 2016 meeting under Changes to the Agenda.

(ii) **Applications for an Urban Hamilton Official Plan and Zoning By-law Amendment for Lands Located at 20 Artfrank Drive (Stoney Creek) (PED16007) (Ward 9) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, Vice-Chair M. 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 and Zoning By-law Amendments 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**

6.2(i) Mariusz Gontarski, 32 Hopewell Crescent, Stoney Creek

6.2(ii) Concerned residents (Added Item)

The written comments added as Items 6.2(i) to 6.2(ii) were received.

Alvin Chan, Senior Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City’s website.

Alvin Chan responded to questions from Committee.

The staff presentation was received.

James Webb, of WEBB Planning Consultants Inc., agent for the applicant addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City’s website.
He indicated that after working with City staff he believes that they have come up with a very innovative design and he agrees with staff that the impacts would be very minor.

The presentation by the agent was received.

No members of the public came forward

The public meeting was closed.

For disposition of this matter refer to Item 3.

(iii) Application for Approval of Draft Plan of Condominium (Common Element), by Webb Planning Consultants Inc., on behalf of Losani Homes Ltd., for Lands Known as 247 Festival Way (Glanbrook) (PED16009) (Ward 11) (Item 6.3)

In accordance with the provisions of the Planning Act, Vice-Chair M. 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 Draft Plan of Condominium (Common Element), 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.

The staff presentation was waived.

James Webb of WEBB Planning Consultants Inc., agent for the applicant, was in attendance to assist Committee and stated they agree with the staff recommendations.

The public meeting was closed.

For disposition of this matter refer to Item 4.

Vice-Chair Pearson relinquished the chair to 2nd Vice Chair A. Johnson.
(iv) Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 101 Shoreview Place, Stoney Creek (PED16010) (Ward 10) (Item 6.4)

In accordance with the provisions of the Planning Act, 2nd Vice-Chair A. 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 Zoning By-law Amendments 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) Lakewood Beach Community Council

The written comments from Lakewood Beach Community Council were received.

No members of the public came forward.

The staff presentation was waived.

Sergio Manchia of UrbanSolutions, agent for the applicant addressed Committee with the aid of a PowerPoint Presentation. A copy is available for viewing on the City’s website.

He provided an overview of the application and requested that there be no Holding Provision included in the By-law.

The agent’s presentation was received.

The staff presentation was waived.

The public meeting was closed.

The staff recommendations were approved and the By-law attached as Appendix C was amended by removing the reference to the Holding Provision.

For disposition of this matter refer to Item 5.
Vice-Chair Pearson assumed the Chair.

(v) Proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Property located at 149¼ Sherman Avenue North, Hamilton (PED16014) (Ward 3) (Item 6.5)

In accordance with the provisions of the Planning Act, Vice-Chair M. 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 and Zoning By-law Amendments 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.

Cam Thomas, Senior Planner, outlined some minor amendments to Subsection 2 of the By-law which is attached as Appendix C to the Report.

That the staff presentation be waived.

Michael Crough of IBI Group, agent for the applicant indicated that they agree with the staff report.

The public meeting was closed.

The staff recommendations were approved and the By-law attached as Appendix C to the report was amended to reflect the housekeeping changes outlined by staff.

For disposition of this matter refer to Item 6.

(vi) Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 1169 Garner Road East (Ancaster) (PED16020) (Ward 12) (Item 6.6)

In accordance with the provisions of the Planning Act, Vice Chair M. 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 and Town of Ancaster Zoning By-law Amendments 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.

The staff presentation was waived.

James Webb of WEBB Planning Consultants Inc., agent for the applicant was in attendance to assist Committee.

He requested a reduction in the minimum amount of units per hectare from 53 units (indicated in the By-law attached as Appendix “B” to the Report) to 50 units.

Staff indicated that they were in support of this request.

The agent’s presentation was received.

Speaker

1. Don Cascioli, 76 Bridgeport Crescent

Don Cascioli addressed Committee and advised that he owns property at 1157 and 1175 Garner Road. He had concerns that this development would cause problems with traffic and alignment when he develops his lands. He indicated that he spoke with Alvin Chan, Senior Planner, and he wished to thank him for addressing his concerns.

The delegation was received.

The public meeting was closed.

The staff recommendations were approved and the Official Plan Amendment attached as Appendix “B” to the Report was amended by reducing the minimum residential units per hectare to 50.

For disposition of this matter refer to Item 7.

(f) DISCUSSION (Item 8)

(i) Hamilton Municipal Heritage Committee Report 15-011, Item 2 respecting Request to Remove 2251 Rymal Road East (Former Elfrida Church) from the Register of Property of Cultural Heritage Value or Interest and from the Workplan for Designation (PED15173) (Ward 9) (Deferred from December 1, 2015 meeting) (Item 8.1)

As indicated under changes to the agenda, this Item was deferred to the February 2, 2016 meeting so that the owner can be in attendance.

Council – January 20, 2016
(ii) Residential Drainage Assistance Pilot Program and Enforcement of Blocked Swales - Final Report (PED14105(a)) (City Wide)(Item 8.2)

Jason Thorne, GM of Planning and Economic Development requested an amendment to subsection (a).

Subsection (a) of the recommendations was amended by removing the words “approved as part of” and inserting the words “referred to” therein to read as follows:

(a) That the two full-time equivalent (FTE) positions (one Residential Drainage Assistance Project Manager and one Drainage Enforcement Officer) and the levy funding for those positions be approved as part of referred to the 2016 Operating Budget Enhancements

For disposition of this matter refer to Item 8.

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

(i) Outstanding Business List (Item 11.1)

(a) The following new due dates were approved:

   Item “L” – Pool Enclosure By-law (PED13126(b)
   Due Date: January 12, 2016
   Proposed New Due Date: February 16, 2016

   Item V – Planning Application Fees
   Due Date: January 12, 2016
   Proposed New Due Date: April 5, 2016

   Item Z – Staff to report on enforcement options with respect to ensuring elevators in multi-storey residential buildings are operational.
   Due Date: January 12, 2016
   Proposed New Due Date: February 16, 2016

   Item “P” Redevelopment of a City Owned Surface Parking Lot
   Due date: TBD
   Due Date April 5, 2016

(b) That the following Items were removed:

   Item “F” – By-law to Regulate Parking on Boulevards and Front and Side Yards (PED130424) (Item 8.3 on this agenda)
Item "H" – Parked Facing the Wrong Way (PED13109(a)) (Item 5.2 on this agenda)

(h) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee was adjourned at 11:40 a.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Vice Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk
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 Stoney Creek" 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. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

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 12 day of January, 2016, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

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

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

1. That Map No. 1 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows: by changing from the Multiple Residential “RM3-40” Zone, Modified to a Multiple Residential “RM3-55” Zone,
Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Subsection 6.10.7, "Special Exemptions" of Section 6.10, Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92, be amended by deleting Special Exemption “RM3-40” for lands located at 101 Shoreview Place, Stoney Creek, and by adding Special Exemption “RM3-55”, as follows:

“RM3-55” 101 Shoreview Place, Schedule “A” Map No. 1

Notwithstanding the definitions in Part 2 of Zoning By-law 3692-92, on those lands zoned Multiple Residential “RM3-55”, the following shall apply:

(a) **Landscaped Open Space** means any uncovered area of land including lawn and ornamental shrubs located in any yard, or in any inner or outer court, and includes paths, patios, play areas, decks, walkways, exit stairs, and air shafts and / or air vents, but shall not include any parking spaces, parking areas, parking lots, driveways, or ramps.

(b) **Landscaped Strip** means an area of land devoted solely to the growing of grass, ornamental shrubs or trees and may include fences, berms, exit stairs, and air shafts and / or air vents.

Notwithstanding the provisions of Paragraphs (c), (e), (g), (i), (j), (l) and (m) of Subsection 6.10.3 “Zone Regulations” of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-55” by this By-law, the following shall apply:

(c) Minimum Front Yard for Townhouses - 4.0 metres

(e) Minimum Side Yard for Apartment Buildings - 8.0 metres

(g) Minimum Rear Yard for Apartment Buildings - 14 metres

(i) Minimum Density - 188 uph

(j) Maximum Building Height - 24 metres

(l) **Privacy Area** – Notwithstanding any provisions or definitions to the contrary, each townhouse dwelling unit shall have at least one area which serves as a privacy area which shall be adjacent to the dwelling unit and shall have a minimum depth of 2.5 metres measured from the façade abutting Shoreview Place.

(m) **Minimum Landscaped Open Space**

1. Not less than 45 percent of the entire lot shall be landscaped open space.
2. A landscaped strip having a minimum width of 4.0 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street except for points of ingress and egress.

3. Notwithstanding Section 2. (m) within this amending By-law, for those lands between any privacy area for townhouse dwelling units and any lot line abutting a street, not less than 1.5 metres of landscaped strip shall be provided and thereafter maintained.

Notwithstanding the provisions of Paragraph (a) of Subsection 6.10.5 “Regulations for Parking” of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-55” by this By-law, the following shall apply:

(a) Minimum Number of Parking Spaces

1. 1 parking space and 0.3 visitor parking spaces for each townhouse dwelling unit; and,

2. 1 parking space and 0.25 visitor parking spaces per unit for apartment buildings.

In addition to the provisions of Subsection 6.10.5 “Regulations for Parking” of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-55” of this By-law, the following shall apply:

1. Underground parking shall not be bound by setback requirements; however, underground parking above grade shall be setback a minimum of 2.0 metres from any lot line.

Notwithstanding Section 4.10.3 of Zoning By-law No. 3692-92, the following shall apply:

a) Required parking spaces for 90° perpendicular parking shall have minimum rectangular dimensions of 2.6 metres by 5.5 metres exclusive of any lands used for access, manoeuvring, driveways or a similar purpose.

b) For other than 90° perpendicular parking spaces and for parking spaces within private residential garages designed to accommodate one motor vehicle, the parking space shall not be less than 2.4 metres in width or less than 6 metres in length exclusive of any land used for access, manoeuvring, driveways or a similar purpose. End spaces which have a clear, unobstructed approach, shall have a minimum length of 5.5 metres. A single step, hose bibs, electrical devices and/or ductwork and closet enclosures may project not more than .3 metres into the required length or width of a parking space.
3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM3" Zone provisions, subject to the special requirements referred to in Section 2.

4. 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.

______________________________  ________________________________
Fred Eisenberger  Rose Caterini
Mayor  Clerk

ZAR-15-020
Appendix "A" to Item 5 of Planning Committee Report 16-001
Page 5 of 5

Schedule "A"

Map Forming Part of
By-law No. 16-

to Amend By-law No. 3692-92

Subject Property
101 Shoreview Place

Change in zoning from the Multiple Residential "RM3-40" Zone, Modified to the Multiple Residential "RM3-55" Zone, Modified

Mayor

Clerk

Scale: N.T.S.

File Name/Number: ZAR-15-020

Date: December 4, 2015

Planner/Technician: MG/AL

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
CITY OF HAMILTON

BY-LAW NO. 6593

To Amend Zoning By-law No. 6593
Respecting Lands Located at 149½ Sherman Avenue North

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 municipality known as the “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 Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report of the Economic Development and Planning Committee at its meeting held on the 12th day of January of 2016, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;
AND WHEREAS this by-law is in conformity with the Urban Hamilton Official Plan, upon approval of Official Plan Amendment No. “__”.

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

1. That Sheet No. E21 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning from the “G-3” (Public Parking Lots) District to the “RT-30/S-1728”-“H’ (Street-Townhouse) District, on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the “RT-30” (Street-Townhouse) District regulations, as contained in Section 10F of Zoning By-law No. 6593 be modified to include the following requirements:

   (a) That notwithstanding Section 10F(4)(a), a front yard of a depth of not less than 5.7 5.8 metres shall be permitted.
   (b) That notwithstanding Section 10F(4)(e)(d), a side yard abutting a wall that is not a party wall along each side lot line of a width of not less than 1.10 metres for each dwelling unit for which a garage or carport is not provided.
   (c) That notwithstanding Section 10F(6)(i), a lot area of not less than 130 square metres for each single family dwelling unit;
   (d) That notwithstanding Section 10F(6)(ii), a width of not less than 4.8 metres for interior units and 6.0 metres for end units;
   (e) That in addition to Section 10F(8) and Section (18), an accessory structure including a shed shall be permitted to be located 5.3 metres from a rear lot line
   (f) That notwithstanding Section 10F(8), accessory structures including sheds and rear decks shall be permitted to have a 0.0 metre side yard setback along an interior side yard.
   (g) That notwithstanding Section 18A(1)(f), Section 18(A)(9), Section 18(A)(10) Section (18A)(22) and Table 6 (90 degree parking), a manoeuvring space for a driveway parking space shall not be required.
   (h) That notwithstanding Section 18A(7), the minimum dimensions of a parking space shall be 2.6 metres by 5.5 metres.
   (i) That notwithstanding Section 18A(14)(g), a parking space shall be permitted within the required front yard.
   (j) That notwithstanding Section 18A(24)(a), the minimum width of an access driveway shall be 2.6 metres.
3. That the amending Zoning By-law apply the Holding Provisions of Section 36 (1) of the Planning Act, R.S.O., 1990 to the subject lands identified in Section 1 of this by-law by introducing the Holding symbol 'H' as a suffix to the proposed Site Specific “RT-30” (Street-Townhouse) District.

The Holding Provision "RT-30-1728"-'H' will prohibit the use of the subject lands for street townhouses, until such time as the following conditions have been satisfied:

(1) That a signed Record of Site Condition (RSC) be submitted to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the Manager of Development Planning, Heritage and Design, including a notice of acknowledgement of the RSC by the MOE, and submission of the City of Hamilton’s current RSC administration fee.

(2) That a Noise Study be prepared by a qualified Professional Engineer, completed to the satisfaction of the Manager of Development Planning, Heritage and Design.

City Council may remove the ‘H’ symbol, and thereby give effect to the “RT-30-1728-‘H’” (Street-Townhouse) District, by enactment of an amending By-law once the above conditions have been fulfilled.

4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “RT-30” (Street-Townhouse) District provisions, subject to the special requirements referred to in Section 2 of this by-law.

5. Sheet No. E21 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1728.

6. That Zoning By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1728.

7. 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 [date] day of [year], 2016.

F. Eisenberger  
Mayor

R. Caterini  
Clerk
Schedule "A"

Map Forming Part of By-law No. 16-

to Amend By-law No. 6593

Subject Property
149 1/2 Sherman Avenue North, Hamilton

Change from "G-3" (Public Parking Lots)
District to "RT-30/S-1728-H"
(Street-Townhouse) District, Holding, Modified

This is Schedule "A" to By-law No. 16-
Passed the ........... day of ................., 2016

Mayor
Clerk
Appendix “C” to Item 7 of Planning Committee Report 16-001
Page 1 of 8

Schedule “1”

Urban Hamilton Official Plan
Amendment No. X

The following text constitutes Official Plan Amendment X to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to reflect previous Council approved amendments to the Ancaster Official Plan and the Meadowlands Neighbourhood IV Secondary Plan, being OPA No. 132, under By-law No. 11-013, and to establish a Site Specific Policy Area to permit the additional built forms of townhouses, with a minimum density of 53 units per hectare, for the lands known as 1169 Gamer Road East (Ancaster).

2.0 Location:

The lands affected by this Amendment are known municipally as 1169 Gamer Road East, in the former Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposal is consistent with the Provincial Policy Statement.

- The proposal conforms to the Growth Plan for the Greater Golden Horseshoe.

- The criteria of Area Specific Policy - Area E of the Meadowlands Neighbourhood IV Secondary Plan have been met, since an Environmental Impact Statement and Storm Water Management Plan have been completed. Thus, in accordance with the provisions of Area Specific Policy - Area E, development may be permitted to proceed.

- The proposed amendment, save and except for the change in density, reflects previous Council approved amendments to the Ancaster Official Plan and the Meadowlands Neighbourhood IV Secondary Plan, being OPA No. 132, under By-law No. 11-013, approved on January 12th 2011.
Schedule “1”

- The proposed amendment for a reduction in density from the minimum 60 units per net residential hectare to 53 units per net residential hectare is supportable as it is technical in nature due to the proposed built forms and the irregular lot shape and size, while also maintaining a functional design and infrastructure for the site.

- The proposed amendment for the additional built form of townhouses is supportable as it is a Medium Density Built form and appropriate at this location, where full municipal services and infrastructure are available.

4.0 Actual Changes:

4.1 Text Changes - Volume 2, Chapter B.2.0 - Ancaster Secondary Plans

a) That Section B.2.6 - Meadowlands Neighbourhood IV Secondary Plan be amended by deleting “Area Specific Policy - Area E” in its entirety.

b) That Section B.2.6 - Meadowlands Neighbourhood IV Secondary Plan be amended by adding the following Site Specific Policy Area as follows:

“Site Specific Policy - Area G

2.6.8.7 For the lands located at 1169 Garner Road East, and identified on Meadowlands Neighbourhood IV - Land Use Map B.2.6-1, the following shall apply:

a) In addition to Policy B.2.6.1.5(a)(ii), townhouse dwellings shall be permitted, and a minimum overall density of 53 units per net residential hectare shall be permitted for the entire site.”

4.2 Mapping Changes

Volume 1 - Parent Plan

4.2.1 Schedule “B” - Natural Heritage System

a) That Schedule “B” - Natural Heritage System be amended by deleting the subject lands from “Core Areas”, as shown on the attached Schedule “A” to this amendment.
Schedule “1”

4.2.2 Schedule “B-4” - Detailed Natural Heritage Features, Key Natural Heritage Features and Key Hydrologic Feature Wetlands

a) That Schedule “B-4” - Detailed Natural Heritage Features, Key Natural Heritage Features and Key Hydrologic Feature Wetlands be amended by deleting portions of the subject lands from “Key Natural Heritage and Key Hydrologic Feature - Wetlands”, as shown on the attached Schedule “C” to this amendment.

4.2.3 Schedule “B-6” - Detailed Natural Heritage Features, Local Natural Area, Environmentally Significant Area

a) That Schedule “B-6” - Detailed Natural Heritage Features, Local Natural Area, Environmentally Significant Area be amended by deleting portions of the subject lands from “Local Natural Area, Environmentally Significant Area”, as shown on the attached Schedule “D” to this amendment.

Volume 2 - Rural Settlement Area Plans and Secondary Plans

4.2.4 That Map B.2.6-1 - Meadowlands Neighbourhood IV Secondary Plan - Land Use Plan be amended by:

i) redesignating lands from “Utility” to “Medium Density Residential 2c”;
ii) redesignating lands from “Natural Open Space” to “Utility”;
iii) redesignating lands from “Natural Open Space” to “Low Density Residential 2b”;
iv) deleting “Area Specific Policy - Area E”; and,
v) adding “Site Specific Policy – Area G”

as shown on Appendix “X” attached to this amendment.

5.0 Implementation:

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This is Schedule “1” to By-law No. ____ passed on the day of ___, 2016.
Schedule “1”

The City of Hamilton

Fred Eisenberger
MAYOR

Rose Caterini
CITY CLERK
Residential Drainage Assistance (RDA) Program

TERMS OF REFERENCE

1. Introduction

The RDA Program is a program originally approved by City Council in October 2011 that is designed to provide assistance to residential property owners regarding drainage issues. A typical RDA program has two phases:

   Phase 1 – Engineering Assistance

   Phase 2 – Capital Improvements/Implementation (on Public lands)

A typical Phase 1 study includes, for example:

a) Reviewing neighbourhood and lot drainage in an older area of the City (typically pre 1970) which was developed with less attention to drainage than current standards;

b) Identifying the cause(s) of the neighbourhood drainage problems;

c) Identifying possible improvements on private lands to provide for better drainage on private lands;

d) Identifying possible improvements within the public ROW to allow for better drainage on private lands.

After completion of a Phase 1 Study, staff will decide whether a Phase 2 Study is required. A Phase 2 is warranted in the event that a Phase 1 Study indicates that the City is, for example, contributing in some manner to the drainage problem on private lands, or if significant work is required within a public right-of-way where the City may need to either contribute to the cost or front-end costs that are cost recoverable from benefitting owners. Potential Phase 2 works include:

- Designs for additional storm sewer catchbasins/sewers/ditches on public lands to route storm water away from private lands;

- Designs for storm sewer laterals from the municipal storm sewer system to the property line to allow residents to “tie in” private drainage systems (which could be recommended in a Phase 1 study) to the municipal storm sewer system.

Depending on the acuity of the problem, staff shall engage a licensed professional engineering firm to undertake Phase 1 Studies.
2. Scope of Work

A Phase 1 Study includes, but is not limited to, the following:

a) Topographic survey and photo inventory of the study area detailing:
   i. lot grading, low points, etc.;
   ii. drainage paths including swales, ditches, small watercourses, etc;
   iii. obstructions to drainage (i.e. sheds, trees, raised gardens, raised tree roots, patios, pools, etc.);
   iv. roof downspout locations;
   v. external flow sources;
   vi. storm sewer catchbasin locations.

b) Topographic surveys within the public right-of-way to determine major system drainage patterns, catchbasin locations, storm sewer elevations, location of trees, utilities, etc. bordering the study area that may interfere with future drainage works;

c) Review of existing drainage area plans, topographic maps and subdivision and lot grading plans (if available) to determine drainage patterns;

d) Site investigations during wet weather to observe drainage patterns, ponding, etc;

e) Review of historic air photos, flood reports, etc;

f) Discussions with property owners to determine drainage patterns, drainage history, etc;

g) Review of engineering plan and profile drawings to determine location, elevation and size of publicly owned drainage features including catchbasins, swales, ditches, storm sewers, etc;

h) Drainage review to identify extent, type, and cause of drainage obstructions;

i) Identification and assessment of possible solutions to improve drainage conditions on residential properties including but not limited to:
   o swale re-instatement;
   o swale construction;
   o adjusting lot grades;
   o weeping tile installation with possible surface outlets or outlets to the City’s storm sewer system;
   o altering eavestrough drainage patterns and roof downspout discharge locations to reduce the volume of runoff to rear yards;
j) Feasibility of installing storm catchbasins and storm sewers;

k) Identification of possible remedial works on public property in order to provide for better drainage on private lands;

l) Preparation of conceptual/preliminary designs to improve drainage on private lands;

m) Preparation of cost estimates to improve drainage on a residential lot(s);

n) Preparation of conceptual/preliminary designs drainage works within the public right-of-way;

o) Preparation of preliminary cost estimates to construct drainage works within the public right-of-way;

p) Meetings with residents as required to discuss problems and potential solutions;

q) Make recommendations to Council regarding the merits of proceeding with a project including the cost to the City and any cost recoveries.

3. Program Scope and Funding

Through the duration of the pilot program, for funding purposes, it is assumed that four projects will be undertaken; two larger projects and two smaller projects.

Properties within Hamilton, in particular within the older areas of the City, where a significant number of drainage issues occur, are generally smaller in overall size having minimal sideyards and/or no side yard whatsoever. Access to properties such as these may be restricted and could result in increased labour costs to implement recommended drainage solutions.

The estimated annual costs to deliver this program assuming four projects that require Phase 1 Engineering Studies and two projects per year that additionally require Phase 2 (Implementation) would be as follows:
- Phase 1 (all City cost): four projects ($5-25,000 each);
- Phase 2: two projects ($25-100,000 each); includes City cost of $15-75,000.

Funding of Work

- Residents are expected to complete and pay for recommended drainage works on private property.
• In addition to Phase 1 Studies, the City shall pay for any portion of work deemed to be a benefit to the City; e.g. conveyance of drainage from a City park.

• The City will fund required works within the public right-of-way using similar approach to the City’s Poor Pressure Program.

• Works within the right-of-way can be undertaken by a resident under the City’s permitting system or it could be undertaken by City forces on behalf of property owners.

• Any costs incurred by the City deemed to be cost recoverable from property owners will require the passing of a Municipal Act Cost Recovery By-law in order to charge back residents.

• Any project requiring the expenditure of capital funding shall be approved through Council.