The Planning Committee presents Report 15-004 and respectfully recommends:

1. Annual Report on Building Permit Fees (PED15024) (City Wide) (Item 5.1)
   
   That Report PED15024 respecting Annual Report on Building Permit Fees, be received.

2. Committee of Adjustment Minor Variance Application HM/A-14:255 for the Property Located at 25 Barnesdale Avenue South (Hamilton), Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED15025) (Ward 3) (Item 5.2)

   That Legal Services staff not attend the Ontario Municipal Board (OMB) to defend the Committee of Adjustment’s decision to deny the application which was subsequently appealed to the OMB by the applicant.
3. **Respecting the application process for minor variance regarding the Sec. 19 "as of right clause"**

Whereas applicants for planning approvals like minor variances should not be able to seek such approvals if they are undertaking a home construction, the work for which the minor variance should have been obtained first before undertaking any such work,

And whereas applicants who do seek approvals “after the fact” especially for the use of second unit conversions more often than not, obtain these approvals despite the flaunting of the laws and despite the improper process because of the current practice of the OMB to pretend that construction has not yet occurred and in the face of the “as of right” second unit policy provincially in the city’s official plan

And whereas the fiction creates doubt that the planning merits for the variances needed for the second unit as of right are truly being considered solely on a planning basis and not first to accommodate the investment and construction already done,

NOW THEREFORE BE IT RESOLVED that the City Council request the Provincial government through the Minister of Municipal Affairs and Housing to amend its Planning Act to prohibit application for minor variance on any other planning approvals to permit the second unit conversion if an owner undertakes or has undertaken the actual conversion before first seeking such planning applications, in order to uphold the integrity of the planning approval process and to gain more confidence to the community that any such planning approval process is one based on merit and integrity and not just expediency.

4. **Hamilton Municipal Heritage Committee Report 15-002 (Item 5.3)**

That Hamilton Municipal Heritage Committee Report 15-002 be received.

5. **Application for Approval of a Draft Plan of Condominium (Common Elements) by 2268329 Ontario Inc. (c/o Albion Developments) for Lands Known as 11 Stockbridge Gardens, Stoney Creek (PED15009) (Ward 9) (Item 6.1)**

(a) That approval be given to **Draft Plan of Condominium Application 25CDM-201405 by 2268329 Ontario Inc. (c/o Albion Developments)** to establish a Draft Plan of Condominium (common elements condominium) to create a condominium road, sidewalks, visitor parking area with 25 parking spaces, open space, and amenity area for six
townhouse units and 13 maisonette units, on lands located at 11 Stockbridge Gardens (Stoney Creek), as shown on Appendix “A” to Report PED15009, subject to the following conditions:

i) That this approval shall apply to the plan prepared by A.J. Clark and Associates Ltd, and certified by B.J. Clarke, dated July 31, 2014, showing a common element road, sidewalks, visitor parking areas, open space, and amenity area, attached as Appendix “B” to Report PED15009;

ii) That the final plan of condominium shall comply with all of the applicable provisions of Zoning By-law No. 3692-92, as amended by By-law No. 12-161 and by By-law No. 05-200, or in the event the City of Hamilton has repealed and replaced By-law 3692-92 with By-law No. 05-200, the final plan of condominium shall apply with all of the applicable provisions of the Zoning By-law in force and effect at the time of registration of the Draft Plan of Condominium;

iii) That the final plan of condominium shall comply, in all respects, with Site Plan DA-12-232 approved on July 2, 2014, to the satisfaction of the Director of Planning and Chief Planner;

iv) That the owner shall receive final approval of Part Lot Control Application PLC-14-027, 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;

v) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold maisonette dwellings and freehold 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;

vi) That the owner shall agree to include the following in all offers of purchase and sale and rental leases and in the development agreement, to the satisfaction of the Senior Director of Growth Management:

(1) Purchasers / tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road;

(2) Purchasers / tenants are advised that garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite.
On-street, overflow parking may not be available and cannot be guaranteed in perpetuity;

(3) 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;

(4) Purchasers / tenants are advised that for units on Parts 26, 30 to 35 inclusive, and 110-116 inclusive (as shown on the Draft Plan of Condominium attached as Appendix “B” to Report PED15009) a 5 m development setback (no touch area) must be maintained from the toe of slope whereby no buildings, structures, or amenity areas would be permitted;

(5) Purchasers / tenants are advised that for units on Parts 26, 30 to 35 inclusive, and 110 to 116 inclusive (as shown on the Draft Plan of Condominium attached as Appendix “B” to Report PED15009) are advised that the installation of gates in any fencing adjacent to Part 94 (as shown on the Draft Plan of Condominium attached as Appendix “B” to Report PED15009), also known as the Conservation / Hazard Lands, required by Section 4.9(a) of Subdivision Agreement 25T-201108 registered on February 26, 2013, is prohibited;

(6) Purchasers / tenants are advised that any access and / or encroachment, including but not limited to, sodding, dumping of grass clippings, lawn cutting, play structures, gardens, etc. onto Parts 94 to 96 inclusive (as shown on the Draft Plan of Condominium attached as Appendix “B” to Report PED15009), also known as the Conservation / Hazard Lands, is prohibited;

(7) Purchasers / tenants are advised that they will be solely responsible, through the condominium corporation, for any maintenance, liability, and / or the protection of Parts 94 to 96 inclusive (as shown on the Draft Plan of Condominium attached as Appendix “B” to Report PED15009), also known as the Conservation / Hazard lands. Furthermore, purchasers / tenants are advised that said Conservation / Hazard lands are owned solely by the condominium corporation and as such, the City of Hamilton has no interest or responsibility for the maintenance, liability, and / or protection of these lands; and,
(8) Purchasers / tenants are advised that the home / business mail delivery will be from a designated centralized mailbox.

(vii) That the owner will be responsible for officially notifying the purchasers of the exact centralized mailbox locations, prior to the closing of any home sales;

(viii) That the owner work with Canada Post to determine and provide temporary suitable centralized mailbox locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision, to the satisfaction of the Senior Director of Growth Management;

(ix) That the owner install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of community mailboxes;

(x) That the owner identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase, to the satisfaction of the Senior Director of Growth Management;

(xi) That the owner determine the location of all centralized mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific centralized mail facility locations;

(xii) That the owner shall provide, to the satisfaction of the Senior Director of Growth Management, with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information; and,

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

(b) That the owner agree to make arrangements with Canada Post for units on Parts 1 to 7 inclusive, 8 to 13 inclusive, 27 to 29 inclusive, 36 to 47 inclusive, 55 to 66 inclusive, and 74 to 82 inclusive (as shown on the Draft
Plan of Condominium attached as Appendix “B” to Report PED15009) (municipally known as 71, 73, 75, 77, 79, 81, and 83 Echovalley Drive and 38, 40, 42, 44, 46, 48, 50, 54, 56, 58, 60, 62, 76, 78, 80, 84, 86, 88, 90, 92, and 94 Westbank Trail) for a separate community mailbox facility to be located on lands not contained within the common element condominium, to the satisfaction of the Senior Director of Growth Management;

(c) That the owner agree to register the following warning clauses on title of the applicable lands, as amended:

(1) Purchasers / tenants are advised that units on Parts 1, 36 to 47 inclusive, and 55 to 66 inclusive (as shown on the Draft Plan of Condominium attached as Appendix “B” to Report PED15009) (municipally known as 71 Echovalley Drive and 38 to 62 Westbank Trail), a 5 m development setback (no touch area) must be maintained from the toe of slope whereby no buildings or structures or amenity areas would be allowed;

(2) Purchasers / tenants of units on Parts 1, 27 to 29 inclusive, 36 to 47 inclusive, and 55 to 76 inclusive (as shown on the Draft Plan of Condominium attached as Appendix “B” to Report PED15009) (municipally known as 71 Echovalley Drive and 38, 40, 42, 44, 46, 48, 50, 54, 56, 58, 60, 62 76, 78, 80 Westbank Trail), are advised that the installation of gates in any fencing adjacent to Parts 71, 92, and 94 (as shown on the Draft Plan of Condominium attached as Appendix “B” to Report PED15009), also known as the Conservation / Hazard Lands, required by Section 4.9(a) of Subdivision Agreement 25T-201108 registered on February 26, 2013, is prohibited;

(3) Purchasers / tenants of units on Parts 1, 27 to 29 inclusive, 36 to 47 inclusive, and 55 to 76 inclusive (as shown on the Draft Plan of Condominium attached as Appendix “B” to Report PED15009) (municipally known as 71, 73, 75, 77, 79, 81, 83 Echovalley Drive and 38, 40, 42, 44, 46, 48, 50, 54, 56, 58, 60 62, 76, 78, 80, 84, 86, 88, 90, 92, and 94 Westbank Trail), are advised that any access and / or encroachment, including but not limited to, sodding, dumping of grass clippings, lawn cutting, play structures, gardens, etc. onto Part 94 (as shown on the Draft Plan of Condominium attached as Appendix “B” to Report PED15009), also known as the Conservation / Hazard Lands, is prohibited; and,

(4) Purchasers / tenants are advised that for all units fronting onto Westbank Trail, including Parts 8 to 13 inclusive, 27 to 29 inclusive, 36 to 47 inclusive, 47 to 66 inclusive, Parts 48, 54 to 66 inclusive,
Planning Committee
March 3, 2015
Page 7 of 17

and 74 to 82 inclusive (as shown on the Draft Plan of Condominium attached as Appendix “B” to Report PED15009), indicated on Site Plan DA-12-232 approved on July 2, 2014 (Appendix “D”), that the parking, manoeuvring, walkways, and driveway areas around the units are constructed of partial asphalt, interspersed with 1.5 m bands of permeable pavers as a stormwater quality control measure and purchasers / tenants agree to maintain these features indefinitely.

(d) That the owner be advised of the following:

NOTES TO DRAFT PLAN APPROVAL

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

The following Item was amended by adding new subsections (d) and (e) and re-lettering the balance of the subsections as outlined below:

6. Modifications and Updates to Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glenbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 (PED15028) (City Wide) (Item 6.2)

(a) That approval be given to City Initiative CI-14-H for modifications and updates to Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glenbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200;

(b) That the draft By-laws, attached as Appendices “A” to “F” to Report 15-004 which have been prepared in a form satisfactory to the City Solicitor, be amended by removing the changes to the parking space dimensions and be enacted by City Council;

(c) That the draft By-law, attached as Appendix “F” to Report 15-004, which has been prepared in a form satisfactory to the City Solicitor, be further amended by removing clause 3 (d) and re-lettering the subsequent clauses there in and be enacted by City Council;
(d) That the draft By-law, marked as Appendix “E” to Report 15-004, which has been prepared in a form satisfactory to the City Solicitor, be further amended by adding the following new clause (a) to Section 5:

(a) by adding “front yard or required” before “side yard”, deleting and replacing “shall be erected only in a” with “which is located entirely within the” between “principal building” and “rear yard”, and adding “and side yard combined” at the end of the first sentence in clause (iv) of Subsection (4) ACCESSORY BUILDING REQUIREMENTS AND MODIFICATIONS.

and be enacted by City Council;

(e) That the draft By-law, marked as Appendix “E” to Report 15-004, which has been prepared in a form satisfactory to the City Solicitor, be further amended by revising Section 6 as follows:

Changing “a” to “two”, adding “s” to the end of “Subsection” and adding “and (44)” after“(43), deleting “R” and “A6” in clause (43) and adding the following new Subsection (44):

(44) The provisions of Subsection 18A. (1) shall not apply to any permitted commercial use(s), except “Restaurants” and “Medical Office” which includes “Doctor, Dentist, Osteopath and Drugless Practitioner,” located in all or part of a building existing on the effective date of this By-law, within the area shown on Schedule “R”, attached as Schedule “A6” to this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A. (1) above, shall only apply to the commercial use or uses contained within the increased gross floor area.

and be enacted by City Council;

(f) That the draft By-law attached as appendix “G” to Report PED15028 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(g) That the changes proposed to the By-laws, in Appendices “A” to “G” to Report PED15028, are minor in nature and that any changes made after holding a public meeting on March 3, 2015, that Council determines that
no further notice is required prior to the passing of the proposed By-law, pursuant to Section (34)17 of the Planning Act.

The following Item 7 was amended by deleting the recommendation in its entirety and inserting a new recommendation therein as outlined below:

7. 560 Grays Road OMB Appeals re: OPA (OPA-12-010) and ZBA (ZAC-12-027) Owner: Silvestri Homes (LS15005/PED15030) (Item 12.2)

That the staff recommendations in Report LS15005/PED15030 remain confidential until Council approval.

That in regards to the appeals to the Ontario Municipal Board by Silvestri Homes in respect of Official Plan Amendment (OPA-12-010) and Amended Zoning By-law Amendment (ZAC-12-027) Applications concerning lands at 560 Grays Road:

(a) Council support the principle of the Zoning By-law Amendment application, and the associated Lakeshore Neighbourhood Plan Amendment, to establish a site specific policy area permit, a maximum of 36 townhouse units as shown on Appendix "B", subject to an Urban Hamilton Official Plan Amendment being submitted and approved by Council;

(b) Subject to the submission of the required Urban Hamilton Official Plan Amendment application, that City staff be directed to pursue discussions with the appellant regarding options for resolution of several details regarding the proposed development by Silvestri Homes, and that the City Solicitor or her delegate be authorized to present to the Ontario Municipal Board a final position on the details of development, including a draft Zoning By-law which includes the Holding Provision attached hereto as Appendix “F”, based on direction from the Director of Planning and Chief Planner or his delegate;

(c) That Report LS15005/PED15030 remain confidential, except in the event Council adopts recommendations (a) and (b) in which case the appendices may be made public.
FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the changes to the following Items and copies were distributed:

6.1 Application for Approval of a Draft Plan of Condominium (Common Elements) by 2268329 Ontario Inc. (c / o Albion Developments) for Lands Known as 11 Stockbridge Gardens, Stoney Creek (PED15009) (Ward 9)

Minor correction to subsection (c) (4) of the recommendation – “Parts 47 to 66 inclusive” are deleted and replaced with “Parts 48, 54 to 66 Inclusive”.

6.2 Modifications and Updates to Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glanbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 (PED15028) (City Wide)

Added Written Comments

6.2 (i) Sheri Adams Selway

6.3 Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 108 James Street North and 111 and 115 Hughson Street North (Hamilton) (PED15029) (Ward 2)

Added Written Comments

6.3 (i) Dan DiRocco

6.3(ii) Matt Jelly

Registered Speakers

Joey Coleman, representing the Beasley Neighbourhood Association
Added 12.2  560 Grays Road OMB Appeals re: OPA (OPA-12-010) and ZBA (ZAC-12-027) Owner: Silvestri Homes (LS15005/PED15030)

This matter is proposed for consideration in Closed Session pursuant to Section 8.1 subsections (e) and (f) of the City’s Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege.

The Agenda for the March 3, 2015 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) February 17, 2015

The Minutes of the February 17, 2015 meeting were approved.

(d) CONSENT ITEMS (Item 5)

(i) Committee of Adjustment Minor Variance Application HM/A-14:255 for the Property Located at 25 Barnesdale Avenue South (Hamilton), Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED15025) (Ward 3) (Item 5.2)

The staff recommendation was replaced with the following:

“That Legal Services staff not attend the OMB whether in support of the Committee of Adjustment’s decision or against the applicant’s appeal.”

Refer to Item 2 for disposition of this matter.

In relation to this Item, Councillor Green put forward a motion with respect to the application process for minor variance regarding Sec. 19 “as of right clause”.

Refer to Item 3 for disposition of this matter.
Item 6.3 was moved up in the agenda to be considered first.

(f) DELEGATIONS/PUBLIC HEARINGS (Item 6)

(i) Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 108 James Street North and 111 and 115 Hughson Street North (Hamilton) (PED15029) (Ward 2) (Item 6.3)

(a) The Report and Public meeting respecting Application for an Amendment to the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 108 James Street North and 111 and 115 Hughson Street North (Hamilton) (PED15029) was deferred to the March 31, 2015 meeting;

(b) Notice of the new Public Meeting date are to forwarded in the usual manner, including to those residents who have submitted written comments for today’s agenda and who had registered as a speaker.

(ii) Application for Approval of a Draft Plan of Condominium (Common Elements) by 2268329 Ontario Inc. (c/o Albion Developments) for Lands Known as 11 Stockbridge Gardens, Stoney Creek (PED15009) (Ward 9) (Item 6.1)

In accordance with the provisions of the Planning Act, Chair Partridge 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 approves the draft plan of condominium 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 one came forward.

The staff presentation respecting Report PED15009 was waived.

The public meeting was closed.

The recommendations were approved as per the changes to the agenda.
Refer to Item 5 for disposition of this matter.

(ii) **Modifications and Updates to Town of Ancaster Zoning By-law No. 87-57, Town of Dundas Zoning By-law No. 3581-86, Town of Flamborough Zoning By-law No. 90-145-Z, Township of Glenbrook Zoning By-law No. 464, City of Hamilton Zoning By-law No. 6593, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 (PED15028) (City Wide) (Added Item 6.2)**

In accordance with the provisions of the Planning Act, Chair Partridge 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 approves the 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.

**Added Written Comments**

6.2 (i) Sheri Adams Selway

The written comments from Sheri Adam Selway were received.

Peter De Iulio addressed Committee with the aid of a PowerPoint presentation. A copy has been uploaded onto the City’s website.

He provided an overview of the report and advised that due to concerns raised by the Hamilton-Halton Homebuilders Association, planning staff are recommending the removal of clause (d) of point 3 in Appendix “F” to Report PED15028. This is with respect to sales trailers in Stoney Creek Zoning By-law No. 3692-92.

Staff responded to questions from Committee.

The staff presentation respecting Report PED15028 was received.

Councillor Jackson addressed Committee and spoke in support of the staff report and indicated that two of his constituents were in attendance but
had to leave and he is speaking on their behalf as their ward councillor. The constituents are:

Judy Powell
Wendy Davidson

Speakers

1. Matt Johnston, Hamilton-Halton Home Builders Association

Matt Johnston representing the Hamiton-Halton Home Builders Association stated that although they are in support of many of the recommended changes to the by-laws, they did not have enough consultation as they would have liked. They have concerns to some of the condominium provisions and lot sizes and building heights. The Association members wanted to be active participants in these discussions. Also, some members may get caught in the timing issues not realizing the changes that are being made to the by-laws.

The delegation from Matt Johnston of the Hamilton-Halton Home Builders Association was received.

Amendment One:
(a) The by-laws were amended by removing the changes to the parking space dimensions;

(b) Staff were directed to report back on the feasibility of increasing the parking space dimensions.

Amendment Two:
(a) The proposed amendments to City of Stoney Creek Zoning By-law 3692-92 were amended by removing clause 3 (d) referring to other temporary uses (sales trailers);

(b) Staff were directed to report back on the issue of sales trailers in Stoney Creek.

The public meeting was closed.

The recommendations were approved as amended.

Refer to Item 6 for disposition of this matter.
(j) MOTION (Item 11)

(i) Farmers’ Market On-street Parking (Added 11.1)

Councillor Farr requested that his motion be deferred to a future meeting.

Whereas, on-street parking adjacent to the Downtown Hamilton Farmers’ Market, Library and FOC (formally Copps) had been a feature of convenience for generations; and

Whereas, the design and implementation of York Street between James and Bay was established two years before Council contemplated and ultimately approved the Cannon Two-Way Cycle Track one block to the north of York, and

Whereas, the concept of Greenways has been discussed and promoted throughout the cycling community, however, a greenway has yet to be established in Hamilton, and

Whereas, Park Street is a two-way street connection between York and Cannon that offers tremendous potential as it relates to the creation of a greenway to the Library/Market/FOC precinct and from the Cannon Two-way Cycle Track, and

Whereas, the Stallholders at the Hamilton Farmers’ Market have, as a priority, the desire to see the on-street parking return, adjacent to the Market, and

Whereas, on-street parking would greatly assist those growing number of customers wishing to make quick stops to the Central Library and First Ontario Centre office, and

Whereas, consultation with several engaged members of the cycling committee have considered the merit of returning on-street parking to the precinct in addition to a Park Street greenway connecting to and from the Cannon Cycle Track,

Therefore be it resolved:

(a) That Parking Division staff be requested to coordinate with applicable staff from Public Works to examine the feasibility of returning on-street parking adjacent to the Farmers’ Market/Library/FOC precinct;

(b) That staff report back to the Planning Committee on a proposed plan at the May 19, 2015 meeting.
(k) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)

(i) Outstanding Business List Amendments (Item 11.1)

That the following new due date was approved:

Item “P” - Milkweed and Dog Strangling Vine (EBR Registry Number 012-1204)
Due date: March 3, 2015
Proposed New Due Date: May 19, 2015

(l) PRIVATE AND CONFIDENTIAL (Item 13)

12.1 Closed Session Minutes – February 17, 2015 (Distributed under separate cover)

This matter is proposed for consideration in Closed Session pursuant to Sub-sections 8.1 (e) and 8.1(f) of the City’s Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege.

Committee approved the Private and Confidential Minutes in Open Session.

(a) The Closed Session Minutes of the February 17, 2015 meeting were approved:

(b) The Closed Session Minutes of the February 17, 2015 meeting are to remain private and confidential and restricted from public disclosure.

Committee moved into Closed Session at 11:20 a.m. to consider matters pursuant to Sub-sections 8.1 (e) and (f) of the City’s Procedural By-law and Section 239.2 of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and the receiving of advice that is subject to solicitor client privilege including communications necessary for that purpose.

The Committee reconvened in Open Session at 11:45 a.m.
(i) 560 Grays Road OMB Appeals re: OPA (OPA-12-010) and ZBA (ZAC-12-027) Owner: Silvestri Homes (LS15005/PED15030) (Item 12.2)

Direction was given to staff in Closed Session.

For disposition of this Item refer to Item 7.

(m) ADJOURNMENT (Item 14)

There being no further business, the Planning Committee was adjourned at 11:45 a.m.

CARRIED

Respectfully submitted,

Councillor J. Partridge
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk
CITY OF HAMILTON

BY-LAW NO.  

To Amend Zoning By-law No. 87-57 (Ancaster) Respecting Modifications and Updates

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 Town of Ancaster" 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. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 15- of the Planning Committee, at its meeting held on the day of , 2015, recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided;

AND WHEREAS the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the Rural Area of the City of Hamilton;

AND WHEREAS the Urban Hamilton Official Plan was declared in force and effect on August 16, 2013 and is the Official Plan in effect for lands within the Urban Area of the City of Hamilton;

AND WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan and Urban Hamilton Official Plan;
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That SECTION 3: DEFINITIONS is amended:

   (a) by deleting and replacing the definition of height:

   3.20 "Building Height"

   means the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.

   (b) by deleting and replacing the definition of lot coverage:

   3.78 "Lot Coverage"

   means the percentage of the lot covered by all buildings, but shall not include swimming pools and decks.

   (c) by renumbering “Outdoor Commercial Patio” 3.100.1 and “Urban Farm” 3.143.1.

2. That SECTION 7: GENERAL PROVISIONS is amended:

   (a) by deleting the last paragraph of Subsection 7.11 Maximum Building Height.

   (b) by replacing “3.5 metres” with “4.4 metres and length of 5.5 metres” in clause (xvii) and adding a new clause (xviii) to Subsection 7.14 Parking and Loading, (a) General Provisions to read as follows:

   (xviii) Notwithstanding Subsection (b) below, for any permitted commercial use(s) within the Village Area “VA” Zone, except a medical clinic including doctors, dentists, etc. within the definition of business office, located in all or part of a building existing on the effective date of this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an
addition or expansion of an existing building is proposed, the parking requirements of Section 7.14 (b) below, shall only apply to the commercial use or uses contained within the increased gross floor area.

(c) by renumbering Subsection 7.29 Outdoor Commercial Patios as 7.30 and revising the introduction and clause b) of the Subsection to read as follows:

7.30 OUTDOOR COMMERCIAL PATIOS

Notwithstanding any provisions of this By-law, every Outdoor Commercial Patio, inclusive of all outdoor areas and portions of the patio that cross property lines such as road allowances, shall comply with the following:

b) Seating Capacity Requirements

An Outdoor Commercial Patio shall be limited to a seated capacity of a minimum of 1.10 square metres of patio area per person.

3. That SECTION 9: GENERAL PROVISIONS FOR RESIDENTIAL ZONES is amended as follows:

(a) by adding the Residential 5, Residential Multiple 5 and Residential Multiple 6 Zones to Subsection 9.1 Residential Zones:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential 1, 2, 3, 4 and 5</td>
<td>R1, R2, R3, R4 and R5</td>
</tr>
<tr>
<td>Residential Multiple 5</td>
<td>RM5</td>
</tr>
<tr>
<td>Residential Multiple 6</td>
<td>RM6</td>
</tr>
</tbody>
</table>

(b) by adding the Residential “R5” Zone to Subsection 9.2 Minimum Lot Frontage and Area Requirements for Lots Abutting Curved Streets:

In Residential “R1”, “R2”, “R3”, “R4” and “R5” Zones, the minimum frontage as determined under Subsection 3.79 for a lot other than a corner lot may be reduced 2 metres provided:

(c) by deleting Subsection 9.3 and replacing it with the following:

9.3 Mechanical and Unitary Equipment

Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:

a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a
minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,

b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.

(d) by adding a new Subsection 9.13:

9.13 Common Elements Condominiums

Notwithstanding the regulations of the “RM3” and “RM4” Zones, townhouse dwelling units may be developed in accordance with the applicable regulations of the “RM2” Zone. For the purposes of these Zones, the private driveway(s) or condominium road(s) are deemed to be a street(s), and parking and landscaping are permitted within the street(s).

4. That SECTION 35: ADMINISTRATION is amended by modifying Subsection 35.1 to read as follows:

35.1 Administration

This By-law shall be administered by the City’s Director, Building Division, Chief Building Official.

5. 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 [date], 2015.

______________________________  ________________________________
Fred Eisenberger    Rose Caterini
Mayor               Clerk

CI-14-H
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 "The Corporation of the Town of Dundas" 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 Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 15- of the Planning Committee, at its meeting held on the day of , 2015, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

AND WHEREAS the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the Rural Area of the City of Hamilton;

AND WHEREAS the Urban Hamilton Official Plan was declared in force and effect on August 16, 2013 and is the Official Plan in effect for lands within the Urban Area of the City of Hamilton;
AND WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan and Urban Hamilton Official Plan;

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

1. That SECTION 3: DEFINITIONS is amended:

(a) by deleting and replacing the definition of height:

3.2.40 **HEIGHT**

Shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.

(b) by deleting and replacing the definition of lot coverage:

3.2.51 **LOT COVERAGE**

Shall mean the percentage of the lot covered by all buildings, but shall not include swimming pools and decks.

(c) by renumbering **OUTDOOR COMMERCIAL PATIO** 3.2.77.1 and **URBAN FARM** 3.2.96.1.

2. That SECTION 5: ADMINISTRATION, ENFORCEMENT AND PENALTIES be amended by revising Subsection 5.1 to read as follows:

5.1 **ADMINISTRATION**

This By-law shall be administered by the City’s Director, Building Division, Chief Building Official.
Appendix “B” to Item 6 (b) of Planning Committee Report 15-004
(Page 3 of 5)

3. That SECTION 6: GENERAL REGULATIONS is amended:

(a) by deleting the first two paragraphs and maintaining the third paragraph of Subsection 6.3 to read as follows:

6.3 BASEMENT OR CELLAR

Dwelling units located in a basement or cellar must be in accordance with the requirements of the Ontario Building Code and all other relevant municipal standards and regulations.

(b) by adding “, at least 1.5 metres from the flankage side lot line” before “and at least 4.0 metres from the nearest street line.” in clause 6.6.8 UNCOVERED PORCHES of Subsection 6.6 ENCROACHMENT INTO YARDS

(c) by deleting clause 6.6.10 UNITARY EQUIPMENT and replacing it with the following:

6.6.10 MECHANICAL AND UNITARY EQUIPMENT

Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:

a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,

b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.

(d) by deleting the wording after “visual screen” and replacing it with “in accordance with the provisions of the City of Hamilton Fence By-law No. 10-142” in subclause 6.11.2.3 of Subsection 6.11 LANDSCAPE REQUIREMENTS.

(e) by renumbering 6.25 Outdoor Commercial Patios as 6.26 and revising the introduction and clause b) of the Subsection to read as follows:

6.26 OUTDOOR COMMERCIAL PATIOS
Appendix “B” to Item 6 (b) of Planning Committee Report 15-004
(Page 4 of 5)

Notwithstanding any provisions of this By-law, every Outdoor Commercial Patio, inclusive of all outdoor areas and portions of the patio that cross property lines such as road allowances, shall comply with the following:

b) Seating Capacity Requirements

An Outdoor Commercial Patio shall be limited to a seated capacity of a minimum of 1.10 square metres of patio area per person.

(f) by renumbering 6.25 REGULATIONS FOR AN URBAN FARM as 6.27 and replacing all references in the By-law to 6.25 and 6.1.25 with 6.27.

(g) by renumbering 6.26 REGULATIONS FOR A COMMUNITY GARDEN as 6.28 and replacing all references in the By-law to 6.1.26 with 6.28.

(h) by adding a new Subsection 6.29:

6.29 COMMON ELEMENTS CONDOMINIUMS

Notwithstanding the regulations of the “RM1” Zone, townhouse dwelling units may be developed in accordance with the applicable street townhouse regulations of the “RM1” Zone. For the purposes of this Zone, the private driveway(s) or condominium road(s) are deemed to be a street(s), and parking and landscaping are permitted within the street(s).

4. That SECTION 7: OFF-STREET PARKING AND LOADING is amended:

(a) by revising clause 7.14.1 of Subsection 7.14 DIMENSIONS FOR THE DESIGN OF PARKING AREAS so that the width and length of parking spaces for 30 degrees to 90 degrees, inclusive, are 2.6 m by 5.5 m.

(b) by adding a new clause to Subsection 7.15 EXCEPTIONS as follows:

7.15.2 Notwithstanding Subsection 7.13.2 above, for any permitted commercial use(s) within the Central Area Commercial (C.A.C.) Zone, except “Offices of Physicians, Surgeons and Dentists, Private Practice” and “Offices of Other Health Practitioners,” located in all or part of a building existing on the effective date of this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 7.13.2 above, shall only apply to
Appendix “B” to Item 6 (b) of Planning Committee Report 15-004

the commercial use or uses contained within the increased gross floor area.

5. That SECTION 15B: SINGLE DETACHED RESIDENTIAL ZONE: CROSS-MELVILLE HERITAGE DISTRICT (RH-1) is amended by revising the height requirement in clause d) of Subsection 15B.4 REGULATIONS FOR ACCESSORY STRUCTURES AND BUILDINGS, to read as follows:

   d) HEIGHT

       Maximum 4.0 metres

6. That SECTION 29A: RURAL ZONE (RU) is amended:

   (a) by deleting “for accessory residence” in clause 29A.2.2 of Subsection 29A.2 REGULATIONS FOR AGRICULTURAL USES (including one single detached residence accessory thereto) AND FOR NON-FARM RESIDENTIAL DWELLINGS to read as follows:

       29A.2.2 YARD REQUIREMENTS

   (b) by revising the title of Subsection 29A.3 to read as follows:

       29A.3 REGULATIONS FOR ACCESSORY BUILDINGS AND FARM STRUCTURES

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 ___ day of ___, 2015.

__________________________________  ________________________________
Fred Eisenberger                         Rose Caterini
Mayor                                 Clerk

CI-14-H
Appendix “C” to Item 6 (b) of Planning Committee Report 15-004

(Page 1 of 4)

Authority:  
Planning Committee  
Report: 15- (PED15028)  
CM:  

CITY OF HAMILTON

BY-LAW NO.  

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Modifications and Updates

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 Town of Flamborough" 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. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 15 of Report 15- of the Planning Committee, at its meeting held on the day of, 2015, recommended that Zoning By-law No. 90-145-Z (Flamborough) be amended as hereinafter provided;

AND WHEREAS the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the Rural Area of the City of Hamilton;

AND WHEREAS the Urban Hamilton Official Plan was declared in force and effect on August 16, 2013 and is the Official Plan in effect for lands within the Urban Area of the City of Hamilton;
AND WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan and Urban Hamilton Official Plan;

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

1. That **SECTION 2: ADMINISTRATION AND ENFORCEMENT** be amended by revising Subsection 2.1 **ADMINISTRATION** to read as follows:

   This By-law shall be administered by the City's Director, Building Division, Chief Building Official.

2. That **SECTION 3: DEFINITIONS** is amended:

   (a) by deleting and replacing the definition of **deck**:

      **Deck** shall mean a structure accessory to a building with or without roof or walls, which may include visual partitions and railings, and is constructed on piers or a foundation at a minimum of 0.15 metres above-grade.

   (b) by deleting and replacing the definition of **height**:

      **Height** shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.

   (c) by deleting and replacing the definition of **lot coverage**:

      **Lot coverage** shall mean the percentage of the lot covered by all buildings, but shall not include swimming pools and decks.

3. That **SECTION 5 GENERAL PROVISIONS** is amended:

   (a) by deleting and replacing clause (e) of Subsection 5.2.3 **Yard Requirements** in Subsection 5.2 **ACCESSORY USES** to read as follows:
Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:

i) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,

ii) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.

(b) by deleting and replacing clause 5.4.4 Location of Subsection 5.4 DWELLING UNITS to read as follows:

5.4.4 Location

Dwelling units located in a basement or cellar must be in accordance with the requirements of the Ontario Building Code and all other relevant municipal standards and regulations.

(c) by adding a new clause to Subsection 5.21 PARKING REGULATIONS as follows:

5.21.2 Calculation of Parking Requirements

5.21.2.4 Notwithstanding Subsection 5.21.1 above, for any permitted commercial use(s) within the Business District “BD” Zone, except “Clinic or Office of Physical or Medical Health Practitioner, Physician or Dentist,” located in all or part of a building existing on the effective date of this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 5.21.1 above, shall only apply to the commercial use or uses contained within the increased gross floor area.

(d) by revising the minimum length of a standard parking space in clause 5.21.4 Dimensions of Parking Spaces to 5.5 metres and adding “and a minimum length of 5.5 metres” after “4.4 metres.”

(e) by renumbering 5.37 Outdoor Commercial Patios as 5.38 and revising the introduction and clause b) of the Subsection to read as follows:

5.38 OUTDOOR COMMERCIAL PATIOS
Notwithstanding any provisions of this By-law, every Outdoor Commercial Patio, inclusive of all outdoor areas and portions of the patio that cross property lines such as road allowances, shall comply with the following:

b) Seating Capacity Requirements

An Outdoor Commercial Patio shall be limited to a seated capacity of a minimum of 1.10 square metres of patio area per person.

(f) by renumbering 5.37 URBAN FARM as 5.39 and replacing all references in the By-law to 5.37 with 5.39.

(g) by renumbering 5.38 COMMUNITY GARDENS as 5.40 and replacing all references in the By-law to 5.38 with 5.40.

(h) by adding a new Subsection 5.41:

5.41 COMMON ELEMENTS CONDOMINIUMS

Notwithstanding the regulations of the “R6” Zone, townhouse dwelling units may be developed in accordance with the applicable street townhouse regulations of the “R6” Zone. For the purposes of this Zone, the private driveway(s) or condominium road(s) are deemed to be a street(s) and parking and landscaping are permitted within the street(s).

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 [blank] day of [blank], 2015.

________________________________________  _______________________________________
Fred Eisenberger                           R. Caterini
Mayor                                    Clerk

CI-14-H
CITY OF HAMILTON

BY-LAW NO. ___

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Modifications and Updates

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 15-___ of the Planning Committee, at its meeting held on the [____] day of [____], 2015, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the Rural Area of the City of Hamilton;

AND WHEREAS the Urban Hamilton Official Plan was declared in force and effect on August 16, 2013 and is the Official Plan in effect for lands within the Urban Area of the City of Hamilton;
AND WHEREAS this By-law is in conformity with the Rural Hamilton Official Plan and Urban Hamilton Official Plan;

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

1. That **SECTION 4: DEFINITIONS** is amended:

   (a) by deleting the definition of accessory mechanical equipment.

   (b) by deleting and replacing the definition of height:

   "Height" shall mean the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.

   (c) by deleting and replacing the definition of lot coverage:

   "Lot Coverage" shall mean the percentage of the lot covered by all buildings, but shall not include swimming pools and patio decks.

   (d) by deleting and replacing the definition of patio deck:

   "Patio Deck" shall mean a structure accessory to a building with or without roof or walls, which may include visual partitions and railings, and is constructed on piers or a foundation at a minimum of 0.15 metres above-grade.

2. That **SECTION 7: GENERAL PROVISIONS FOR ALL ZONES** is amended:

   (a) by deleting and replacing Subsection 7.15 **ACCESSORY MECHANICAL EQUIPMENT** to read as follows:


   7.15 **MECHANICAL AND UNITARY EQUIPMENT**
Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:

i) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,

ii) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.

(b) by revising Subsection (a) General Provisions of Subsection 7.35 MINIMUM PARKING REQUIREMENTS by adding “and home occupations and home professions” to the end of clause (iv), revising the parking space size to have a minimum width of 2.6 metres (8.5 feet) and a minimum length of 5.5 metres (18 feet), and deleting the word “exclusive of any land required for access or driveway” in the first sentence of clause (vii), and changing “3.9 metres (13 feet)” to “4.4 metres (14.4 feet)” and a minimum length of 5.5 metres (18 feet)” and deleting the wording between “driveway” and “; and each space” in subclause (B) of clause (xv).

(c) by revising Subsection 7.37 SIGNS to read as follows:

7.37 SIGNS

Notwithstanding any other provision of this By-law, signs shall solely be permitted in accordance with the provisions of the City of Hamilton Sign By-law No. 10-197.

(d) by renumbering 7.42 Outdoor Commercial Patios as 7.43 and revising the introduction and clause b) of the Subsection to read as follows:

7.43 OUTDOOR COMMERCIAL PATIOS

Notwithstanding any provisions of this By-law, every Outdoor Commercial Patio, inclusive of all outdoor areas and portions of the patio that cross property lines such as road allowances, shall comply with the following:

b) Seating Capacity Requirements
An Outdoor Commercial Patio shall be limited to a seated capacity of a minimum of 1.10 square metres of patio area per person.

3. **SECTION 8: GENERAL AGRICULTURAL "A1" ZONE** is amended by adding "and tandem parking is permitted" to the end of clause (h) of Subsection 8.8: **REGULATIONS FOR USES PERMITTED IN PARAGRAPH (g) OF SUBSECTION 8.1 (HOME OCCUPATIONS AND HOME PROFESSIONS).**

4. That **SECTION 11: GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES** is amended:

   (a) by deleting and replacing Subsection 11.7 **BASEMENT OR CELLAR** to read as follows:

   **11.7 BASEMENT OR CELLAR**

   Dwelling units located in a basement or cellar must be in accordance with the requirements of the Ontario Building Code and all other relevant municipal standards and regulations.

   (b) by adding "and tandem parking is permitted" to the end of clause (i) of Subsection 11.9 **HOME OCCUPATIONS AND HOME PROFESSIONS.**

   (c) by renumbering Subsection 11.9 **URBAN FARM** as 11.10 and replacing all references in the By-law to 11.9 with 11.10.

   (d) by renumbering Subsection 11.10 **COMMUNITY GARDENS** as 11.11 and replacing all references in the By-law to 11.10 with 11.11.

   (e) by adding a new Subsection 11.12 as follows:

   **11.12 COMMON ELEMENTS CONDOMINIUMS**

   Notwithstanding the regulations of the "RM3" Zone, townhouse dwelling units may be developed in accordance with the applicable regulations of the "RM2". For the purposes of this Zone, the private driveway(s) or condominium road(s) are deemed to be a street(s) and parking and landscaping are permitted within the street(s).

5. That **SECTION 45: ADMINISTRATION** is amended by modifying Subsection 45.1 **ADMINISTRATION** to read as follows:

   This By-law shall be administered by the City's Director, Building Division, Chief Building Official.
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 [redacted] day of [redacted], 2015.

__________________________  ____________________________
Fred Eisenberger            Rose Caterini
Mayor                       Clerk

Cl-14-H
CITY OF HAMILTON

BY- LAW NO. 6593 (Hamilton)
Respecting Modifications and Updates

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 15_ of the Planning Committee, at its meeting held on the _ day of _ 2015, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

AND WHEREAS the Urban Hamilton Official Plan was declared in force and effect on August 16, 2013 and is the Official Plan in effect for lands within the Urban Area of the City of Hamilton;
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 Sheet Nos. E-25 and E-26 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), are hereby amended by:
   a) zoning Blocks "1" and "2" the "H" (Community Shopping and Commercial, etc.) District;
   b) zoning Block "3" the "H/S-1572" (Community Shopping and Commercial, etc.) District, Modified; and,
   c) zoning Block "4" the "C/S-1572" (Urban Protected Residential, etc.) District, Modified;

   the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A1".

2. That Sheet No. E-59 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is hereby amended by zoning the lands at 271 Carson Drive as "C" (Urban Protected Residential, etc.) District, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A2".

3. That Sheet No. E-38c of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is hereby amended by removing the lands at 1457 Upper Sherman Avenue from By-law No. 6593, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A3".

4. That SECTION 2: INTERPRETATION AND DEFINITIONS is amended by deleting and replacing the definition of height:

   2. (2) J. (ix) "Height" means the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line
related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building. Where the height is designated in terms of storeys, it shall mean the number of storeys, contained between the roof and the floor of the first storey.

5. That SECTION 18: SUPPLEMENTARY REQUIREMENTS AND MODIFICATIONS is amended:

(a) by adding “front yard or required” before “side yard”, deleting and replacing “shall be erected only in a” with “which is located entirely within the” between “principal building” and “rear yard”, and adding “and side yard combined” at the end of the first sentence in clause (iv) of Subsection (4) ACCESSORY BUILDING REQUIREMENTS AND MODIFICATIONS.

(b) by deleting and replacing clause (v) of Subsection (4) ACCESSORY BUILDING REQUIREMENTS AND MODIFICATIONS to read as follows:

(4) (v) Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:

a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,

b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.

(c) by revising the introduction and clause (b), and renumbering original clauses (c), (d) and (e) as (e), (f) and (g) of Subsection (11) SPECIAL REQUIREMENTS FOR OUTDOOR PATIOS to read as follows:

(11) Notwithstanding any provisions of this By-law, every Outdoor Commercial Patio, inclusive of all outdoor areas and portions of the patio that cross property lines such as road allowances, shall comply with the following:

(b) Seating Capacity Requirements
An Outdoor Commercial Patio shall be limited to a seated capacity of a minimum of 1.10 square metres of patio area per person.

(e) Lighting Requirement:

All lighting for an outdoor patio shall be directed only towards and onto the area occupied by the outdoor patio and away from adjoining land, buildings and streets.

(f) Parking Requirement:

Notwithstanding Section 18A, no parking spaces or loading spaces shall be required for an outdoor patio.

(g) Land Use Requirement:

No part of the land on which the outdoor patio is situate shall be used as a place of entertainment for the purpose of providing entertainment or amusement including live or recorded music or dance facilities.

6. That SECTION 18A: PARKING AND LOADING REQUIREMENTS is amended:

(a) by changing “2.7 metres” to “2.6 metres” and “6.0 metres” to “5.5 metres” in Subsection (7),

(b) by adding two new Subsections (43) and (44):

(43) The provisions of Subsection 18A. (1) shall not apply to any permitted commercial use(s), except “Medical Office” which includes “Doctor, Dentist, Osteopath and Drugless Practitioner,” located in all or part of a building existing on the effective date of this By-law, within the areas shown on Schedules “P”, “Q”, “S” and “T”, attached as Schedules “A4”, “A5”, “A7” and “A8” to this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A. (1) above, shall only apply to the commercial use or uses contained within the increased gross floor area.

(44) The provisions of Subsection 18A. (1) shall not apply to any permitted commercial use(s), except “Restaurants” and “Medical
Office" which includes "Doctor, Dentist, Osteopath and Drugless Practitioner," located in all or part of a building existing on the effective date of this By-law, within the area shown on Schedule "R", attached as Schedule "A6" to this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 18A. (1) above, shall only apply to the commercial use or uses contained within the increased gross floor area.

7. That SECTION 19:RESIDENTIAL CONVERSION REQUIREMENTS is amended by deleting "of the cellar, if any, and" after "but excluding the area of" in clause (i) of Subsections (1) and (2).

8. That SECTION 20:ADMINISTRATION AND VIOLATION is amended by revising Subsection (1) to read as follows:

(1) **Enforcement**: This By-law shall be administered by the City's Director, Building Division, Chief Building Official.

9. 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 ___, 2015.

________________________________________  __________________________________________
Fred Eisenberger           Rose Caterini
Mayor                   Clerk

CI-14-H
CITY OF HAMILTON

BY-LAW NO. [Bill No.]

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Modifications and Updates

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 [Bill No.] of Report 15-[Bill No.] of the Planning Committee, at its meeting held on the [Bill No.] day of [Bill No.], 2015, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS the Rural Hamilton Official Plan was declared in force and effect on March 7, 2012 and is the Official Plan in effect for lands within the Rural Area of the City of Hamilton;
AND WHEREAS the Urban Hamilton Official Plan was declared in force and effect on August 16, 2013 and is the Official Plan in effect for lands within the Urban Area of the City of Hamilton;

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

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

1. That Map No. 9 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is hereby amended by removing the lands from By-law No. 3692-92, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That PART 2: DEFINITIONS is amended:

   (a) by deleting and replacing the definition of height:

   **Height**

   Means the vertical distance from grade to the uppermost point of the building but not including any mechanical penthouse or any portion of a building designed, adapted or used for such features as a chimney, smokestack, fire wall, stair tower, fire tower, water tower, tank, elevator bulkhead, ventilator, skylight, cooling tower, derrick, conveyor, antenna, or any such requisite appurtenance, or a flagpole, display sign, ornamental figure, parapet, bell tower or other similar structure. Provided, however, where this By-law requires building height to be calculated to determine a minimum rear yard or a minimum side yard requirement, building height shall mean the vertical distance between the lowest finished grade elevation along the lot line related to such required yard at that point closest to the building and the horizontal extension of the uppermost point of the building.

   (b) by deleting and replacing the definition of lot coverage:

   **Lot Coverage**

   Shall mean the percentage of the lot covered by all buildings, but shall not include swimming pools and decks.

3. That PART 4: GENERAL PROVISIONS FOR ALL ZONES is amended:
Appendix “F” to Item 6 (b) and (c) of Planning Committee Report 15-004
Page 3 of 6

(a) by changing “2.75 metres” to “2.6 metres” and “5.8 metres” to “5.5 metres” in clause a) of Subsection 4.10.3 Dimensions of Parking Spaces.

(b) by adding Subsection 4.10.11 Parking Exemption for Downtown as follows:

4.10.11 Parking Exemption for Downtown

Notwithstanding Subsection 4.10.9 above, for any permitted commercial use(s) within the Central Area Commercial “CA1” and “CA2” Zones, except a medical clinic, located in all or part of a building existing on the effective date of this By-law, no parking spaces are required provided that the number of parking spaces which existed on the effective date of this By-law shall continue to be provided and maintained. Where an addition or expansion of an existing building is proposed, the parking requirements of Section 4.10.9 above, shall only apply to the commercial use or uses contained within the increased gross floor area.

(c) by deleting and replacing Section 4.11 SIGN AND FENCE REGULATIONS to read as follows:

4.11.1 Signs

Notwithstanding any other provision of this By-law, signs shall solely be permitted in accordance with the provisions of the City of Hamilton Sign By-law No. 10-197.

(d) by adding “provided such lands are zoned for the proposed use(s)” at the end of clause (a) in Subsection 4.15.2 Other Temporary Uses.

(e) by deleting and replacing Section 4.16 UNITARY EQUIPMENT to read as follows:

4.16 MECHANICAL AND UNITARY EQUIPMENT

Air conditioners and pumps (including heat pumps and swimming pool pumps) and other similar mechanical equipment shall be located only in accordance with the following regulations:

a) Within a required front yard, provided such equipment shall have a minimum setback of 3.0 metres from the
street line, a minimum setback of 0.6 metres from a side lot line and is screened from the street by an enclosure or landscaping; and,

b) Within a required side yard or required rear yard provided such equipment has a minimum setback of 0.6 metres from the side lot line or rear lot line.

4. That PART 6: RESIDENTIAL ZONES is amended:

(a) by changing “2.75 metres” to “2.6 metres” and “5.8 metres” to “5.5 metres” in the first sentence of clause (d) and adding “, except those accessory to a single detached, semi-detached, converted, duplex, triplex, fourplex or street townhouse dwelling,” after “Adequate access to a residential parking area” in clause (e) of Subsection 6.1.8 Parking Restrictions In Residential Zones.

(b) by renumbering 6.1.20 Urban Farm as 6.1.10 and replacing all references in the By-law to 6.1.20 with 6.1.10.

(c) by renumbering 6.1.21 Community Gardens as 6.1.11 and replacing all references in the By-law to 6.1.21 with 6.1.11.

(d) by adding a new Subsection 6.1.12:

6.1.12 Common Elements Condominium

Notwithstanding the regulations of the “RM3” Zone, townhouse dwelling units may be developed in accordance with the applicable street townhouse regulations of the “RM2” Zone. For the purposes of these Zones, the private driveway(s) or condominium road(s) are deemed to be a street(s), and parking and landscaping are permitted within the street(s).

(e) by adding “6.1.10” before “6.9.3” in Subsection 6.10.4 Regulations For Street Townhouses to read as follows:

Street Townhouses shall be permitted in accordance with Sections 6.1.10, 6.9.3, 6.9.4 and 6.9.5.

5. That PART 7: NEIGHBOURHOOD DEVELOPMENT is amended by renumbering Subsection 7.1.5 Special Exemptions as Subsection 7.1.7.
6. That PART 8: COMMERCIAL ZONES is amended by revising the introduction and clause b) of Subsection 8.1.7 Outdoor Patio Restaurants to read as follows:

8.1.7 Outdoor Patio Restaurants

Notwithstanding any provisions of this By-law, every Outdoor Commercial Patio, inclusive of all outdoor areas and portions of the patio that cross property lines such as road allowances, shall comply with the following:

b) Seating Capacity Requirements

An Outdoor Commercial Patio shall be limited to a seated capacity of a minimum of 1.10 square metres of patio area per person.

7. That PART 12: ADMINISTRATION AND ENFORCEMENT be amended by revising Subsection 12.1 ADMINISTRATION to read as follows:

This By-law shall be administered by the City's Director, Building Division, Chief Building Official.

8. 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 , 2015.

____________________________________  ______________________________________
Fred Eisenberger                        R. Caterini
Mayor                                 Clerk

CI-14-H
Appendix "F" to Item 6 (b) and (c) of Planning Committee Report 15-004
Page 6 of 6

Schedule "A"

Map Forming Part of By-law No. 15-

to Amend By-law No. 3692-92

Subject Property

[Diagram showing map of lands to be removed from By-law No. 3692-92 and added to By-law No. 05-200]

N.T.S.       C1-14-H
Scale:  Date: January 27, 2015
File Name/Number: Planner/Technician: PD/VS

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Masonry
Appendix “F” to Item 7(b) of Report 15-004

Memorandum

To: M. Minkowski, Solicitor, Legal Services

From: Tami Kitay, Senior Project Manager
Development Planning - Suburban Team
City Hall – 71 Main Street West – 5th Floor

Date: March 3, 2015

File(s): OPA-12-010
ZAC-12-027

Re: REVISED “H” Holding Provision for Official Plan and Zoning By-law Amendment Applications by Millington & Associates for Silvestri Homes for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (Wards 5 and 10)

It is proposed that the City require the inclusion of an ‘H’ Holding provision in the implementing By-law prohibiting development until such time as the applicant/owner has completed the following items to the satisfaction of the Senior Director of Growth Management, the Director of Planning and Chief Planner, and the Hamilton Conservation Authority:

i. That the owner/applicant shall undertake a neighbourhood stormwater management study that uses a process similar to a Municipal Class Environmental Assessment (MCEA) Schedule “B” project, per the Municipal Class Environmental Assessment document published by the Municipal Engineers Association, dated October 2000, as amended in 2007 & 2011, for the purpose of identifying and evaluating alternative routes.

ii. That at least two public consultation meetings with the Ward Councillors occur in conjunction with the assessment process noted above with at least one public consultation meeting to present the identification of alternative routes and at least one public consultation meeting to present the preferred option.

iii. That Planning staff report back to Planning Committee following the identification of alternative stormwater management routes and following the identification of the preferred option, as per condition (ii) above.
Appendix "F" to Item 7(b) of Report 15-004

Re: REVISED “H” Holding Provision for Official Plan and Zoning By-law Amendment Applications by Millington & Associates for Silvestri Homes for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (Wards 5 and 10)

iv. That upon identification of the preferred stormwater servicing option, the owner/applicant shall develop a construction schedule, to the satisfaction of the City of Hamilton, which shall account for season-appropriate timing and duration of municipal infrastructure projects within the area to ensure minimal disruption to the public.

v. That upon approval of this plan, the owner/applicant shall construct the preferred stormwater servicing option at the owner/applicant's expense. However, should the preferred stormwater management servicing option utilize a private outlet, the owner/applicant shall also be responsible for the associated life-cycle cost(s).

vi. That the owner/applicant shall obtain approval of any necessary permit(s) from any required approval agencies for the preferred stormwater management servicing option.

vii. That the owner/applicant shall enter into an external service agreement with the City of Hamilton, where required.

viii. That the owner/applicant shall apply for and receive final approval of a Site Plan Control application, which shall include a condition of approval requiring a Tree Management Plan, Landscape Plan, and provide for a tree compensation program to the satisfaction of the Director of Public Works.

ix. That upon identification of the preferred Stormwater servicing option, the owner/applicant shall develop a communication strategy and implementation schedule to the satisfaction of the City of Hamilton, for the purposes of providing the public with advance warning prior to the commencement of any off-site works.

x. That upon receipt of an application to remove the Holding “H” provision from the subject lands that Planning staff provide an information report to Planning Committee advising as to how conditions (i) to (ix) above have been satisfied.

cc: J. Thorne, General Manager, Planning & Economic Development Department
S. Robichaud, Director of Planning and Chief Planner, Planning Division
A. Fabac, Manager of Development Planning, Heritage, and Design
S. Yong-Lee, Manager, Infrastructure Planning
Z. Panovski, Acting Senior Project Manager, Development Engineering – East
T. Sergi, Senior Director, Growth Management, Development Engineering