



**City of Hamilton**  
**PLANNING COMMITTEE**

**Meeting #:** 18-005  
**Date:** April 3, 2018  
**Time:** 9:30 a.m.  
**Location:** Council Chambers, Hamilton City Hall  
71 Main Street West

Ida Bedioui, Legislative Coordinator (905) 546-2424 ext. 4605

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	<b>Pages</b>
<b>1. APPROVAL OF AGENDA</b> (Added Items, if applicable, will be noted with *)	
<b>2. DECLARATIONS OF INTEREST</b>	
<b>3. APPROVAL OF MINUTES OF PREVIOUS MEETING</b>	
3.1 March 20, 2018	5
<b>4. DELEGATION REQUESTS</b>	
4.1 Joe Pyziak, 1771 Acadia Drive, Hamilton to speak to the staff report regarding Sonoma Homes Zoning By-laws for 1518 Upper Sherman Avenue (For future meeting.)	30
4.2 Paul Busnello, 126 Cartier Crescent, Hamilton to speak to the staff report regarding Sonoma Homes Zoning By-laws for 1518 Upper Sherman Avenue (For future meeting.)	31
4.3 Helen McKenzie, 91 Cartier Crescent, Hamilton to speak to speak to the staff report regarding Sonoma Homes Zoning By-laws for 1518 Sherman Avenue (For future meeting.)	32
4.4 Patricia A. Kay, 39 Halo Street, Hamilton to speak to the staff report regarding Sonoma Homes Zoning By-laws for 1518 Upper Sherman Avenue. (For future meeting)	33

## 5. CONSENT ITEMS

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| 5.1 | Committee of Adjustment Minor Variance Application - GL/A-17-368, 2301 Kirk Road, Glanbrook - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (Ward 11) (PED18070) | 35 |
| 5.2 | Expanding Administrative Penalty System (APS) to include the Parks By-law 01-219 (PED18071) (City Wide)  | 50 |
| 5.3 | Hamilton Municipal Heritage Committee Report 18-003  | 68 |

## 6. PUBLIC HEARINGS / DELEGATIONS

- |     |  |     |
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| 6.1 | Bill Johnston, First Unitarian Church of Hamilton, Affordable Housing Sub-Committee to support waiving the fees for applications for affordable housing projects and also to request that first priority be given to the processing of such applications.<br>Approved March 20, 2018   |     |
| 6.2 | Aaron Murphy, respecting issues with Municipal Law Enforcement procedures regarding his complaint of mould in his residence. (Approved March 20, 2018.) (No copy)  |     |
| 6.3 | Christina Sousa, requesting support for changing the By-law to allow for backyard hens in Hamilton (Approved March 20, 2018)   | 76  |
| 6.4 | Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069)  | 104 |
| 6.5 | Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 412 Aberdeen Avenue, Hamilton (Ward 1) (PED18072).   | 124 |
| 6.6 | Proposed Official Plan Amendment and Amendment to Hamilton Zoning By-law No. 05-200 to rezone Industrial Zones for the Port Lands, Certain Remnant Industrial Zoned Lands, and Institutional and Open Space Zones, and Amendment to Hamilton Zoning By-law No. 05-200 to rezone Industrial Zones for the Port Lands, Certain Remnant Industrial Zoned Lands, and Institutional and Open Space Zones, and Amendment to Hamilton Zoning By-law No. 6593 to delete Harbour Zones (Wards 2, 3, 4 and 5) (PED18064) | 157 |

## 7. STAFF PRESENTATIONS

- 7.1 Bill 139, Building Better Communities and Conserving Watersheds Act, 2017 and the new Local Planning Appeal Tribunal (LS16027(d)) (City Wide) (\*\*Referred to GIC by Council - removed from Planning Committee agenda)

## 8. DISCUSSION ITEMS

- 8.1 Community Energy Plan Terms of Reference (City Wide) (PED18057) 235

## 9. MOTIONS

## 10. NOTICES OF MOTION

## 11. GENERAL INFORMATION / OTHER BUSINESS

### 11.1 Outstanding Business List

#### 11.1.a Items requiring new due dates:

Item “Q” – That staff report back on any past resolutions or ongoing engagement between the HMHC and the property owners’ surrounding the Gore and how these resolutions or ongoing dialogues may be affected as a result of proceeding with a Heritage Conservation District and the merits of a Heritage Conservation District

Due date: April 3, 2018, 2018

New due date: September 4, 2018

Item “R” – That staff report back with legislative options and alternatives to the regulation of driving schools in Hamilton that seeks to address the practice areas utilized by driving schools and individual driving instructors, and that the information contained in the report include, but not be limited to, legislation adopted by neighbouring municipalities who have adopted driving school rules and regulations.

Due date: April 3, 2018

New due date: May 15, 2018

Item “T” – Staff to report back on Class 4 Noise receptor status for Downtown Secondary Plan and/or broader city-wide policy.

Due date: April 3, 2018

New due date: April 17, 2018

Item “Y” - That staff consult with the Feds and the Prov and review and report back on the revisions to the Economic Development Strategy, Official Plan Policies and Zoning Regulations with respect to medical & recreational marijuana (cannabis) production, distribution and sales and staff review the appropriate standards for recreational marijuana, using the current standards for medical marijuana as a guideline, and report back to the Planning Committee

Due date: April 3, 2018

New due date: June 19, 2018

- 11.1.b Item identified as complete to be removed:  
Item “G” – Report back with Terms of Reference for Community Energy Plan (i.e. renewable such as solar energy)  
(Item 8.1 on this agenda)

## 12. PRIVATE AND CONFIDENTIAL

- 12.1 Ontario Municipal Board Appeals to Zoning By-law Amendments 17-095 and 17-096 and Draft Plan of Subdivision Approval for lands located at Pier 8, 65 Guise Street East (Ward 2) (LS18013) (Distributed under separate cover.)  
***Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the Municipal Act, 2001, as amended, 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, including communications necessary for that purpose.***

## 13. ADJOURNMENT



## **PLANNING COMMITTEE**

### **MINUTES 18-004**

**9:30 a.m.**

**Tuesday, March 20, 2018**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Councillors J. Farr (1<sup>st</sup> Vice-Chair), D. Conley (2<sup>nd</sup> Vice-Chair), C. Collins, M. Pearson, D. Skelly, R. Pasuta and J. Partridge

**Absent with Regrets:** Councillor A. Johnson (Chair), surgery  
Councillor B. Johnson, illness  
Councillor M. Green, personal

**Also Present:** Councillors T. Jackson and L. Ferguson

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#### **THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:**

- 1. Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 195 Wellington Street South, Hamilton (Ward 2) (PED18054) (Item 5.1)**

**(Pearson/Conley)**

That Report PED18054 respecting Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 195 Wellington Street South, Hamilton, be received.

**CARRIED**

- 2. Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No.6593 for Lands Located at 575 Woodward Avenue, Hamilton (Ward 4) (PED18055) (Item 5.2)**

**(Collins/Skelly)**

That Report PED18055 respecting Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No.6593 for Lands Located at 575 Woodward Avenue, Hamilton, be received.

**CARRIED**

**3. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED18046) (Item 5.3)****(Pearson/Conley)**

That Report PED18046 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**CARRIED****4. Urban Hamilton Official Plan Administrative Amendment (Wards 1-13, 15) (PED18060) (Item 5.4)****(Pearson/Collins)**

That City Initiative CI-18-C – Administrative Amendment to the Urban Hamilton Official Plan to amend policies, schedules and maps, to implement policy and mapping corrections for the Parent Plan contained in Volume 1 and for Secondary Plans contained in Volume 2 of the UHOP, on the following basis:

- (a) That the Draft Official Plan Amendment, attached as Appendix “A” to Report PED18060, be adopted by Council.
- (b) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 (P2G).

**CARRIED****5. Annual Report on Building Permit Fees (PED18062) (City Wide) (Item 5.5)****(Collins/Pearson)**

That Report PED18062 respecting Annual Report on Building Permit Fees, be received.

**CARRIED****6. Agriculture and Rural Affairs Advisory Committee Minutes 17-003 (Item 5.6)****(Collins/Skelly)**

That the Agriculture and Rural Affairs Advisory Committee Minutes 17-003, be received.

**CARRIED**

**7. Agriculture and Rural Affairs Advisory Committee Meeting Notes 18-001 (Item 5.7)****(Pearson/Conley)**

That the Agriculture and Rural Affairs Advisory Committee Meeting Notes 18-001, be received.

**CARRIED****8. Hamilton Municipal Heritage Committee Report 18-002 (Item 5.8)****(Pearson/Partridge)****(a) Inventory & Research Working Group Meeting Notes – November 27, 2017****(i) 880 Centre Road, Flamborough**

(1.) That the house and property at 880 Centre Road, Flamborough be added to the City of Hamilton Register of Property of Cultural Heritage Value or Interest, based on the presentation by Cultural Heritage staff and the preliminary Heritage Assessment provided by Sylvia Wray; and

(2.) That the house and property at 880 Centre Road, Flamborough be added to the staff work plan for designation under Part IV of the Ontario Heritage Act.

**(ii) 574 Northcliffe Avenue, Dundas**

That 574 Northcliffe Avenue, Dundas be added to the City of Hamilton Register of Property of Cultural Heritage Value or Interest based on the presentation by Cultural Heritage Staff and the Preliminary Heritage Assessment provided to the working group.

**CARRIED****9. Application for Approval of a Draft Plan of Condominium (Common Element) for lands located at 1001, 1009 and 1035 Garner Road East (Ancaster) (Ward 12) (PED18049) (Item 6.1)****(Pearson/Conley)**

(a) That Draft Plan of Condominium Application 25CDM-201703, by A.J. Clarke and Associates Ltd., on behalf of A. DeSantis Developments Ltd., Owner, to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks, landscaped areas, 47 visitor parking spaces and centralized mailboxes, on lands located at

1001, 1009 and 1035 Garner Road East (Ancaster), as shown on Appendix "A" attached to Report PED18049, be APPROVED subject to the following conditions:

- (i) That the approval for Draft Plan of Condominium (Common Element) application 25CDM-201703 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated January 11, 2017, consisting of a condominium road network, sidewalks, landscaped areas, 47 visitor parking spaces and centralized mailboxes, in favour of 70 block townhouse dwelling units and 24 maisonette dwelling units, attached as Appendix "B" to Report PED18049; and,
- (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201703, attached as Appendix "C" to Report PED18049, be received and endorsed by City Council.

**(b) *That there were no public submissions received regarding this matter.***

**Main Motion, as Amended, CARRIED**

**10. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1288 Baseline Road (Stoney Creek) (Ward 11) (PED18038) (Item 6.2)**

**(Pearson/Conley)**

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-029, by Trillium Housing Winona Non-Profit Corporation, to re-designate the subject lands from "Local Commercial" to "Low Density Residential 3c" within the Urban Lakeshore Area Secondary Plan and to establish a site specific policy area to permit a 60 unit development on a private (condominium) road for lands located at 1288 Baseline Road, and to establish a new street connecting Baseline Road and the North Service Road, as shown on Appendices "A" and "E" to Report PED18030 be APPROVED, on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18038, 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) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow).
- (b) That Amended Zoning By-law Amendment Application ZAC-17-067 by Trillium Housing Winona Non-Profit Corporation to add the subject lands to Zoning By-law No. 3692-92 and to zone them Multiple Residential



“RM3-62” Zone, Modified, to permit a 60 unit development on a private (condominium) road for lands located at 1288 Baseline Road, as shown on Appendix “A” to Report PED18038, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18038, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.
- (c) That Amended Zoning By-law Amendment Application ZAC-17-067 by Trillium Housing Winona Non-Profit Corporation to remove the subject lands located at 1288 Baseline Road from Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED18038, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED18038, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) (Places to Grow) and will comply with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. XX.
- (d) ***That the public submissions received regarding this matter did not affect the decision.***

**Main Motion, as Amended, CARRIED**

**11. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 417, 419, 421, and 423 Highway No. 8, 176 Millen Road, and 175 Margaret Avenue, (Stoney Creek) (Ward 10) (PED18065) (Item 6.3)**

**(Pearson/Conley)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-17-15, by Sammani 786 Inc. (Owner), to redesignate a portion of the subject lands from “Low Density Residential 2b” to “Local Commercial” in the Western Development Area Secondary Plan; and to establish a Site Specific Policy Area to permit a three storey office / commercial building

with a veterinary clinic on the ground floor and professional offices on the second and third floors, for the lands known as 417, 419, 421, and 423 Highway No. 8, and portions of 176 Millen Road, and 175 Margaret Avenue (Stoney Creek), as shown on Appendix "A" to Report PED18065, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18065 be adopted by City Council; and,
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conform to the Growth Plan for the Greater Golden Horseshoe.
- (b) That City of Stoney Creek Zoning By-law Amendment Application ZAC-17-028, by Sammani 786 Inc. (Owner), for a change in zoning from the Single Residential "R2" Zone to the General Commercial "GC-57" Zone, Modified (Block 1), to permit a three storey office / commercial building with a veterinary clinic on the ground floor and professional offices on the second and third floors; and from the Single Residential "R2" Zone to the Single Residential "R2-64" Zone, Modified (Block 2) to permit an existing single detached dwelling with a reduced lot area, for the lands known as 175 Margaret Avenue (Stoney Creek), as shown on Appendix "A" to Report PED18065, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED18065, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That approval be given to add the lands located at 417, 419, 421, and 423 Highway No. 8, and portions of 176 Millen Road and 175 Margaret Avenue (Stoney Creek), to Zoning By-law No. 05-200, and to zone said lands as Neighbourhood Commercial (C2, 673) Zone in Zoning By-law No. 05-200, subject to the following:
- (i) That the draft By-law, attached as Appendix "D" to Report PED18065, be held in abeyance until such time as the Commercial and Mixed Use Zones are in force and effect; and,
  - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix "D" to PED18065, for enactment by City Council, once the Commercial and Mixed Use Zones are in force and effect.

- (d) *That the public submissions received regarding this matter did not affect the decision*

**Main Motion, as Amended, CARRIED**

12. **Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040) (Item 6.4)**

**(Farr/Conley)**

- (a) *That the City Solicitor be directed to oppose the appeal for non-decision by Television City Hamilton Inc. arising from its applications for Urban Hamilton Official Plan Amendment UHOP-17-027 and ZAC-17-063;*
- (b) *That the (OMB) be advised that the reasons for Council's opposition include but are not limited to the following:*
- (i) *That the proposed amendment to the Official Plan does not comply with the policies and intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan, with regards to matters including but not limited to, built form and compatible integration with the surrounding context, and sun shadow impacts;*
- (ii) *That the proposed change in zoning does not comply with the policies and intent of the Urban Hamilton Official Plan and Downtown Hamilton Secondary Plan, with regards to matters including but not limited to, built form and compatible integration with the surrounding context, and sun shadow impacts;*
- (c) *That the written submissions received from the public regarding this matter be forwarded to the OMB.*

**Amendment CARRIED**

13. **Modifications to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036) (Item 6.5)**

**(Partridge/Conley)**

- (a) That Report PED18036 (City Initiative CI-18-A) to amend the Existing Residential "ER" Zone regulations in the Town of Ancaster Zoning By-law No. 87-57, to address the redevelopment of single detached dwellings in mature neighbourhoods, be received;

- (b) That Report PED18036, together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and incorporated into a further report and amending by-law to be presented to the April 17, 2018 Planning Committee;
- (c) ***That staff be directed to include amendments to the Site Plan Control By-law regarding elevation, drainage patterns and tree preservation in their upcoming report respecting amendments to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods.***

**Main Motion, as Amended, CARRIED**

**14. Amendments to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) (PED18030(a)) (City Wide) (Item 6.6)**

**(Conley/Skelly)**

- (a) That the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area as set out in Report PED18030(a), be approved and the By-law attached to Report PED18030(a) to amend the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Project Area as Appendix "A" be enacted;
- (b) That the City's maximum contribution as part of the Environmental Remediation and Site Enhancement (ERASE) Study Grant Program be increased from \$25K to \$35K for two studies per property / project be approved;
- (c) That the Environmental Remediation and Site Enhancement (ERASE) Study Grant Program date for maximum of two studies per property be reset to July 1, 2011;
- (d) That additional administrative requirements regarding submission and enactment of Environmental Remediation and Site Enhancement (ERASE) Study Grant applications be approved;
- (e) That additional eligible costs be added to the Environmental Remediation and Site Enhancement (ERASE) Study Grant and Redevelopment Grant Program to cover Designated Substances and Hazardous Material Survey and Industrial / Office Reuse Feasibility Study and their removal and abatement in the Older Industrial Area be approved;
- (f) That additional eligible costs be added to the Environmental Remediation and Site Enhancement (ERASE) Study Grant and Redevelopment Grant Program to cover Designated Substances and Hazardous Material Survey

and their removal and abatement applicable to current / closed Institutional uses as an eligible cost across the Community Improvement Project Area (CIPA) be approved;

- (g) That additional eligible costs be added to the Environmental Remediation and Site Enhancement (ERASE) Study Grant and Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Program to cover Designated Substances and Hazardous Material Survey and their removal and abatement applicable to designated Heritage Buildings as an eligible cost across the Community Improvement Project Area (CIPA) be approved;
- (h) That staff be authorized to implement and administer the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Program including the additional eligible costs once the amendment has come into force and effect;
- (i) That the Environmental Remediation and Site Enhancement (ERASE) Tax Assistance Program includes Environmental Insurance Premiums as an eligible cost be approved;
- (j) That the interest rate for the Downtown Hamilton / West Harbourfront Remediation Loan Program (RLP) be decreased from prime minus 1% to 0% and the loan repayment period be reduced from ten years to five years be approved;
- (k) That the Community Improvement Plan (CIP) titled Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (October 2017) as amended and attached as Appendix "B" to Report PED18030(a) be approved;
- (l) That any changes to the program description and terms be by way of Council resolution;

**CARRIED**

**15. Appeal of Sign Variance Application SV-17-007 for the Property known as 1545 Stone Church Road East, Hamilton, Denied by the Director of Planning and Chief Planner (PED18048) (Ward 6) (Item 8.1)**

**(Pearson/Conley)**

That Sign Variance Application SV-17-007, by the Muslim Association of Hamilton, Owner, for the Property known as 1545 Stone Church Road East, Hamilton, to permit a Digital Billboard Sign be approved for the following variances:

- (a) To permit a Digital Billboard Sign to be located within approximately 225 m, or less, of the right of way of the Red Hill Valley Parkway that is visible from the travelled portion of the right of way, whereas Hamilton Sign By-law prohibits any sign within 400.0 m of the right of way;
- (b) To permit a Digital Billboard Sign that will be 3.0 m from the northerly property line, whereas the requirement is a minimum setback of 3.5 m from any property line;
- (c) To permit a Digital Billboard Sign to be located approximately 225 m, or less, from a residential district, specifically the remnant agricultural zoning of Pritchard Road and the Linc
- (d) To permit the construction of a Digital Billboard Sign on lands that are developed, whereas a Digital Billboard Sign may be located on vacant, undeveloped properties zoned commercial or industrial.

**CARRIED**

**16. Agriculture and Rural Affairs Advisory Committee Report 18-002 (Item 8.2)**

**(Partridge/Skelly)**

That the Agriculture and Rural Affairs Advisory Committee Report 18-002 be received and referred to staff for consideration when they prepare the report regarding the regulatory and land use planning framework for the marijuana (cannabis) industry as directed by Council on November 8, 2017.

**CARRIED**

**17. Appeals for non-decision of applications for Rural Hamilton Official Plan Amendment (RHOPA-14-001), Zoning By-law Amendment (ZAR-15-002) and Draft Plan of Subdivision (25T-201403) for lands located at 34 11th Concession West and 1800 Highway 6 (Flamborough) (Ward 15) (Added 10.1)**

**(Partridge/Pasuta)**

- (a) That the City Solicitor be instructed to OPPOSE the appeals by 2417985 Ontario Inc. and 2417972 Ontario Inc. to the Ontario Municipal Board (File No. PL170858) related to applications for Rural Hamilton Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision.
- (b) That the reasons for opposition include:
  - (i) The inadequate water supply for the property;
  - (ii) The inadequate wastewater servicing proposed;
  - (iii) That the proposed lots are undersized;
  - (iv) The inadequate road connection proposed; and

- (v) That the applications are inconsistent with the Rural Hamilton Official Plan.

**CARRIED**

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes to the agenda:

**1. ADDED DELEGATION REQUESTS**

- 4.6 Ian Wilms, The Green Organic Dutchman, respecting the recommendations regarding the cannabis industry on the Agriculture and Rural Affairs Advisory Committee Report 18-001 (Item 8.2 on this agenda.)
- 4.7 Janice Currie, 251 Carluke Road West, Ancaster regarding the cannabis industry on the Agriculture and Rural Affairs Advisory Committee Report 18-001 (Item 8.2 on this agenda.)
- 4.8 Kimberlee VanSickle, 1140 Butter Road West, Ancaster, regarding concerns with respect to the cannabis grow operation. (Item 8.2 on this agenda.)
- 4.9 Roy Stevenson, 130 Butter Road West, Ancaster, regarding questions with respect to the cannabis industry. (Item 8.2 on this agenda.)
- 4.10 Jack and Maggie Xie (owners), Frank Su (agent) and Franz Kloibhofer (Planning Consultant) to express their objection to the registration of 880 Centre Road as a property of Cultural Heritage Value or Interest. (Item 5.8 on this agenda.)

**2. CHANGE TO ITEM 6.4**

Item 6.4 regarding Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040) is no longer a statutory public meeting under *The Planning Act* because the applicant has submitted an appeal to the Ontario Municipal Board on March 15, 2018 for non-decision. Nevertheless, Committee will consider the public input.

**3. ADDED WRITTEN COMMENTS**

- 6.4(a)(i) and 6.4(a)(ii) 181 Jackson Street West, respecting Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-

law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040)

- 6.4(b) Greg Duncan & Colin O'Brien, 2 Wesanford Place respecting Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040)
- 6.5(a) Mike and Kathy Robitaille, 53 Lovers Lane, Ancaster respecting Modifications to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036)
- 6.5(b) Tom and Teresa St. Michael, 25 Douglas Road, Ancaster respecting Modifications to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036)
- 8.2(a) The position of the Ontario Federation of Agriculture respecting licensed cannabis production for medical and/or recreational-use purposes with regards to Item 8.2 the Agriculture and Rural Affairs Committee Report 18-002 submitted by Drew Spoelstra.

#### **4. ADDED NOTICE OF MOTION**

- 10.1 Appeals for non-decision of applications for Rural Hamilton Official Plan Amendment (RHOPA-14-001), Zoning By-law Amendment (ZAR-15-002) and Draft Plan of Subdivision (25T-201403) for lands located at 34 11th Concession West and 1800 Highway 6 (Flamborough) (Ward 15)

**(Collins/Skelly)**

That the agenda for the March 20, 2018 meeting be approved, as amended.

**CARRIED**

#### **(b) DECLARATIONS OF INTEREST (Item 2)**

There were none declared.

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

##### **(i) February 20, 2018 (Item 3.1)**

**(Pearson/Partridge)**

That the Minutes of the February 20, 2018 meeting be approved.

**CARRIED**



**(d) DELEGATION REQUESTS (Item 4)****(Partridge/Pearson)**

That the following delegation requests be approved to address Committee at a future meeting:

- 4.1 Bill Johnston, First Unitarian Church of Hamilton, Affordable Housing Sub-Committee to support waiving the fees for applications for affordable housing projects and also to request that first priority be given to the processing of such applications.
- 4.2 Aaron Murphy, respecting issues with Municipal Law Enforcement staff regarding his complaint of mould in his residence.
- 4.3 Christina Sousa, requesting support for changing the by-law to allow for backyard hens in Hamilton.

**CARRIED****(Partridge/Skelly)**

That the order of the agenda be amended to consider Item 8.2 respecting the Agriculture and Rural Affairs Report 18-001 when considering Items 4.4 to 4.9.

**CARRIED**

For disposition of this matter refer to Item 16.

**(Partridge/Skelly)**

That the following delegation requests be approved to address Committee when the staff report regarding the cannabis industry is on the agenda:

- 4.4 Shelley Yeudall, 1951 Shaver Road, Ancaster
- 4.5 Gordon Harvey of Beleave Inc., 1653 Highway No. 6 North, Flamborough
- 4.6 Ian Wilms, The Green Organic Dutchman
- 4.7 Janice Currie, 251 Carluke Road West, Ancaster
- 4.8 Kimberlee VanSickle, 1140 Butter Road West, Ancaster
- 4.9 Roy Stevenson, 130 Butter Road West, Ancaster

**CARRIED****(Pearson/Conley)**

- (i) That the following delegation request be approved to address Committee today:

4.10 Jack and Maggie Xie (owners), Frank Su (agent) and Franz Kloibhofer (Planning Consultant) to express their objection to the registration of 880 Centre Road as a property of Cultural Heritage Value or Interest; and

(ii) That Item 5.8 be moved to the Discussion section of the agenda.

**CARRIED**

**(e) DELEGATIONS/PUBLIC HEARING (Item 6)**

**(i) Application for Approval of a Draft Plan of Condominium (Common Element) for lands located at 1001, 1009 and 1035 Garner Road East (Ancaster) (Ward 12) (PED18049) (Item 6.1)**

In accordance with the provisions of the *Planning Act*, Vice Chair Farr 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.

**(Collins/Pearson)**

That the public meeting be closed.

**CARRIED**

Stephen Fraser of A.J. Clarke & Associates, representing the owner, was in attendance and indicated that the owner is in support of the staff report.

**(Pearson/Conley)**

***That the recommendations be amended by adding the following subsection (b) and re-lettering the balance accordingly:***

***(b) That there were no public submissions received regarding this matter.***

**Amendment CARRIED**

For disposition of this matter refer to Item 9.

(ii) **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1288 Baseline Road (Stoney Creek) (Ward 11) (PED18038) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, Vice Chair Farr 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 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.

Yvette Rybenski, Senior Project Manager, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

**(Conley/Pearson)**

That the staff presentation be received.

**CARRIED**

**(Partridge/Pearson)**

That the delegation be heard prior to the agent.

**CARRIED**

**Speakers**

**1. Walter Bolhaar, 29 East Street, Winona**

Walter Bolhaar addressed Committee and he expressed concerns with the proposal.

Mr. Bolhaar presented a letter to the Committee Clerk for the official record outlining his comments which included a petition with four (4) signatures. A copy of the comments is available for viewing on the City's website. A copy of the signatory page of the petition is available for viewing in the City Clerk's Office.

**(Pearson/Conley)**

That the delegation be received.

**CARRIED**

John Ariens, of IBI Group, representing the applicant addressed Committee and provided an overview of the proposal and responded to the concerns expressed by the delegation.

**(Pearson/Conley)**

That the agent's presentation be received.

**CARRIED**

**(Pearson/Conley)**

That the public meeting be closed.

**CARRIED**

**(Pearson/Conley)**

***That the recommendations be amended by adding the following subsection (d):***

***(d) That the public submissions received regarding this matter did not affect the decision.***

**Amendment CARRIED**

For disposition of this matter refer to Item 10.

- (iii) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 417, 419, 421, and 423 Highway No. 8, 176 Millen Road, and 175 Margaret Avenue, (Stoney Creek) (Ward 10) (PED18065) (6.3)**

In accordance with the provisions of the *Planning Act*, Vice Chair Farr 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 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.

**(Pearson/Conley)**

That the public meeting be closed.

**CARRIED**

**(Pearson/Conley)**

That the staff presentation be waived.

**CARRIED**

Scott Arbuckle and Tracy Tucker from IBI Group, representing the owner were in attendance and indicated that the owner is in support of the staff report.

**(Pearson/Conley)**

***That the recommendations be amended by adding the following subsection (d):***

**(d) *That the public submissions received regarding this matter did not affect the decision.***

**Amendment CARRIED**

For disposition of this matter refer to Item 11.

- (iv) Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 163 Jackson Street West (Ward 2) (PED18040) (6.4)**

Vice Chair Farr reiterated that as the applicant has appealed to the Ontario Municipal Board for non-decision, this is no longer a Public Meeting under the *Planning Act*. However, Committee would still like to receive input from the public regarding this matter.

**Written Comments:**

6.4(a)(i) and 6.4(a)(ii) Resident of 181 Jackson Street  
6.4(b) Greg Duncan & Colin O'Brien, 2 Wesanford Place

**(Pearson/Conley)**

That the added written submissions, Items 6.4(a)(i), 6.4(a)(ii) and 6.4(b) be received.

**CARRIED**

Adam Lucas, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy of the presentation is available for viewing on the City's website.

**(Pearson/Conley)**

That the staff presentation be received.

**CARRIED**

**(Skelly/Pearson)**

That the applicant's agent be permitted to address Committee.

**CARRIED**

David Faletta of Bousfields Inc. representing the applicant addressed Committee and explained, among other things, that due to the upcoming changes to the Ontario Municipal Board (OMB) appeals, the applicant, on the advice of his lawyer, decided to exercise his right to appeal. Mr. Brad Lamb, the applicant also addressed Committee.

**(Pearson/Conley)**

That the delegation from the applicant and his agent be received.

**CARRIED**

**Speakers**

**1. Frances Murray, Durand Neighbourhood Association, 225  
Caroline Street South**

Frances Murray, representing the Durand Neighbourhood Association, addressed Committee and indicated their opposition to the proposal.

**2. Elizabeth Olah, 121 Hunter Street West, #506**

Elizabeth Olah addressed Committee and outlined why she is opposed to the proposal.

**3. Jayne Cardinal, 181 Jackson Street**

Jayne Cardinal addressed Committee and outlined why she is opposed to the proposal.

**4. Sadhna Jayatunge, 1 Wesanford Place**

Sadhna Jayatunge addressed Committee and indicated that she is opposed to the proposed restaurant component of the proposal.

**5. Patrick Brown, 123 Jackson Street West**

Patrick Brown addressed Committee and outlined his opposition to the proposal.

**6. Maggie Pepe-Hutton, 121 Hunter Street West, #912**

Maggie Pepe-Hutton addressed Committee and she expressed her concerns with the proposal.

**7. Amanda Smith, 3 Wesanford Place**

Amanda Smith addressed Committee and she expressed her concerns with the proposal.

**(Conley/Partridge)**

That the delegations be received.

**CARRIED**

Chair Farr relinquished the Chair to Councillor Partridge to move an amending motion.

For disposition of this matter, refer to Item 12.

Chair Farr assumed the Chair.

**(v) Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036) (Item 6.5)**

In accordance with the provisions of the *Planning Act*, Vice Chair Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law 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:**

6.5(a) Mike and Kathy Robitaille, 53 Lovers Lane, Ancaster

6.5(b) Tom and Teresa St. Michael, 25 Douglas Road, Ancaster

**(Conley/Collins)**

That the added written comments, Items 6.5(a) and 6.5(b) be received.

**CARRIED**

Alana Fulford, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy is available for viewing on the City's website.

**(Pearson/Skelly)**

That the staff presentation be received.

**CARRIED**

Ward Councillor Ferguson was in attendance to speak to this matter and he indicated that it was seven (7) years ago when he first raised this issue.

### Speakers

**1. Mike Robitaille, 53 Lovers Lane, Ancaster**

Mike Robitaille addressed Committee and indicated that more restrictions are needed to avoid negative impacts to the neighbours. He submitted a copy of the proposed front lot setbacks and provided his comments regarding staff's proposal. A copy is available for viewing on the City's website.

**(Skelly/Conley)**

That the delegation be received.

**CARRIED**

**2. Sandra Whitaker, 89 McGregor Crescent, Ancaster**

Sandra Whitaker addressed Committee and expressed concerns with the impact on the drainage, the sun shade and the privacy from the larger new homes built on smaller lots.

**(Pearson/Conley)**

That the delegation be received.

**CARRIED**

**3. Ron Sebastian, 921 Montgomery Drive, Ancaster**

Ron Sebastian spoke in support of the proposed changes and made a few suggestions to further protect the existing residents from the impacts of new development.

**(Skelly/Collins)**

That the delegation be received.

**CARRIED**

**5. Kathy Robitaille, 53 Lovers Lane, Ancaster**

Kathy Robitaille addressed Committee and indicated that the City approved the grading of the adjacent property despite the flooding on her property.

**(Pearson/Pasuta)**

That the delegation be received.

**CARRIED**



**4. Paul Yundt, 58 McGregor Crescent, Ancaster**

Paul Yundt addressed Committee and spoke about the impact of the larger homes on existing neighbourhoods and provided comments on the staff report.

**(Collins/Conley)**

That the delegation be received.

**CARRIED**

Ward Councillor Ferguson noted that the speakers are generally in support of the staff report however, they are of the opinion that the City is coming up short with respect to the site plan requirements.

**(Partridge/Pearson)**

That the staff recommendations be amended by adding the following subsection (c):

- (c) *That staff be directed to include amendments to the Site Plan Control By-law regarding elevation, drainage patterns and tree preservation in their upcoming report respecting amendments to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 – Redevelopment in Mature Neighbourhoods.***

**Amendment CARRIED**

**(Conley/Pearson)**

That the public meeting be closed.

**CARRIED**

For disposition of this matter refer to Item 13.

- (vi) Amendments to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) (PED18030(a)) (City Wide) (Item 6.6)**

In accordance with the provisions of the *Planning Act*, Vice Chair Farr 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 Amendments to the Environmental Remediation and Site Enhancement Community Improvement Plan, 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.

**(Pearson/Collins)**

That the public meeting be closed.

**CARRIED**

**(Collins/Pearson)**

That the staff presentation be waived.

**CARRIED**

For disposition of this matter refer to Item 14.

**(f) DISCUSSION ITEMS (Item 8)**

- (i) Appeal of Sign Variance Application SV-17-007 for the Property known as 1545 Stone Church Road East, Hamilton, Denied by the Director of Planning and Chief Planner (PED18048) (Ward 6) (Item 8.1)**

Ward Councillor Jackson addressed Committee and recognized the presence in the gallery of members of the Muslim Association, Nicholas Campney from Pattison Outdoor Advertising and Nicole Beume, the adjacent business operator (Splitsville Bowling) and he provided some background information regarding the sign variance application and the appeal. He proposed approving the sign variance application.

**Appellant**

- 1. Nicholas Campney, Pattison Outdoor Advertising (8.1(a))**

Committee approved the application without hearing from the appellant

For disposition of this matter refer to Item 15.

- (ii) Agriculture and Rural Affairs Advisory Committee Report 18-002 (Item 8.2)**

For disposition of this matter refer to the Delegation Requests section and Item 16.

- (iii) Hamilton Municipal Heritage Committee Report 18-002 (Item 5.8)**

Jeremy Parsons, Planner, addressed Committee with the aid of a PowerPoint presentation respecting the recommendation of the Hamilton

Municipal Heritage Committee Report to add the property at 880 Centre Road, Flamborough to the Hamilton Register of Property of Cultural Heritage Value or Interest. A copy of his presentation is available for viewing on the City's website.

**(Partridge/Pearson)**

That the staff presentation be received.

**CARRIED**

**Delegations**

**1. Jack and Maggie Xie (owners), Frank Su (agent) and Franz Kloibhofer (Planning Consultant)**

Franz Koibhofer addressed Committee on behalf of his clients and spoke in opposition to the proposal. He outlined the reasons with a few PowerPoint presentation slides. He provided copies of a building inspection of 880 Centre Road prepared by Lobban Stroud Limited which were distributed and are available for viewing on the City's website.

**(Partridge/Pasuta)**

That the five minute rule be extended.

**CARRIED**

Mr. Xing (Jack) Wan addressed Committee and indicated that when his family purchased the property he was advised that it did not have a heritage designation. With the aid of a few photographic images he advised that there is existing damage to the building and extensive renovations are required. Copies of his written statement were distributed and a copy is available for viewing on the City's website.

Frank Su, the Realtor, also addressed Committee and indicated that when he contacted the Flamborough Heritage Society he was advised that the property was not designated as a heritage property. Copies of his prepared statement were distributed and a copy is available for viewing on the City's website.

**(Pearson/Pasuta)**

That the delegations be received.

**CARRIED**

For disposition of this matter refer to Item 8.

**(g) NOTICES OF MOTION (Item 10)**

- (i) Appeals for non-decision of applications for Rural Hamilton Official Plan Amendment (RHOPA-14-001), Zoning By-law Amendment (ZAR-15-002) and Draft Plan of Subdivision (25T-201403) for lands located at 34 11th Concession West and 1800 Highway 6 (Flamborough) (Ward 15) (Added 10.1)**

Councillor Partridge introduced a notice of motion respecting Appeals for non-decision of applications for Rural Hamilton Official Plan Amendment (RHOPA-14-001), Zoning By-law Amendment (ZAR-15-002) and Draft Plan of Subdivision (25T-201403) for lands located at 34 11th Concession West and 1800 Highway 6 (Flamborough) (Ward 15)

**(Skelly/Collins)**

That the rules of order be waived to allow the introduction of a motion respecting Appeals for non-decision of applications for Rural Hamilton Official Plan Amendment (RHOPA-14-001), Zoning By-law Amendment (ZAR-15-002) and Draft Plan of Subdivision (25T-201403) for lands located at 34 11th Concession West and 1800 Highway 6 (Flamborough) (Ward 15)

**CARRIED**

For disposition of this matter refer to Item 17.

**(h) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

- (i) Outstanding Business List (Item 11.1)**

**(Skelly/Collins)**

- (a) That the following new due dates be approved:

Item "D" – (OMB) Decision re: 121 Augusta Street, Staff to review the RCF's in the context of the Prov. Policy, as it relates to special needs, and the Human Rights Code and report back  
Due date: March 20, 2018  
New due date: January 2019

Item "G" – Deferral of Item 5 of HMHC Report 15-005 proposing inclusion of 1021 Garner Rd E on register of properties of cultural heritage value or interest to allow consultation with property owner and to correct wording.  
Due date: March 20, 2018  
New due date: July 10, 2018

Item "J" – ACPD Report 16-002 – Re: financial incentives for taxi operators to make replacement vehicles accessible

Due date: March 20, 2018  
New due date: April 17, 2018

Item “W” - That the appropriate City of Hamilton staff be requested to address the issue of declining establishments paying into the Paid Duty program in Hess Village and report back to the Planning Committee 45 days before the start of the 2018 Paid Duty season with solutions.

Due date: March 20, 2018  
New due date: April 17, 2018

(b) That the following Items be identified as complete and be removed:

Item “A” – Redevelopment in Ancaster “ER-Zone” Neighbourhoods (Ancaster) (PED14132) / (Monster Homes) (former report PED11196)  
(Item 6.5 on this agenda)

**CARRIED**

**(i) ADJOURNMENT (Item 13)**

**(Collins/Skelly)**

That, there being no further business, the Planning Committee be adjourned at 2:44 p.m.

**CARRIED**

Respectfully submitted,

Councillor J. Farr  
Vice Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk

# 4.1

## **Form: Request to Speak to Committee of Council**

Submitted on Sunday, March 18, 2018 - 3:33 pm

==Committee Requested==

**Committee:** Planning Committee

==Requestor Information==

**Name of Individual:** Joe Pyziak

Name of Organization:

**Contact Number:**

**Email Address:**

**Mailing Address:**

177 Acadia Drive,  
Hamilton, ON

**Reason(s) for delegation request:** I wish to address the committee when the report regarding Sonoma Homes Zoning Bylaws for 1518 Upper Sherman is on the agenda.

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** Yes

## 4.2

### **Form: Request to Speak to Committee of Council**

Submitted on Monday, March 19, 2018 - 7:27 pm

==Committee Requested==

**Committee:** Planning Committee

==Requestor Information==

**Name of Individual:** Paul Busnello

**Name of Organization:**

**Contact Number:**

**Email Address:**

**Mailing Address:** 126 Cartier Crescent,  
Hamilton, Ontario

**Reason(s) for delegation request:**

I wish to address the committee when the report regarding Sonoma Homes Zoning Bylaws for 1518 Upper Sherman is on the agenda ". Thank you.

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** No

## 4.3

### **Form: Request to Speak to Committee of Council**

Submitted on Tuesday, March 20, 2018 - 8:59 am

==Committee Requested==

**Committee:** Planning Committee

==Requestor Information==

**Name of Individual:** Helen McKenzie

**Name of Organization:**

**Contact Number:**

**Email Address:**

**Mailing Address:** 91 Cartier Cres

**Reason(s) for delegation request:** I wish to address the committee when the report regarding Sonoma Homes Zoning Bylaws for 1518 Upper Sherman is on the agenda

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** Yes



(/node/63786) Agenda System Upgrade (/alert/63786)  
Read more about the upgrades to the Council and Committees pages...

4.4



## Request to Speak to Committee of Council Form

If your request is for a specific committee meeting, this form must be received by 12 noon the day before the scheduled committee meeting.

- Requests for Monday meetings this form must be received by 12 noon the Friday before the meeting.
- Requests for meetings scheduled for the day after a statutory holiday this form must be received by 12 noon the last business day before the meeting.

For summer meeting requests (July/August), please contact the City Clerk's Office at 905-546-4408 for further information.

Answers to fields and questions with an asterisk ( \* ) are mandatory

### COMMITTEE REQUESTED

**Committee \***

### REQUESTOR INFORMATION

**Name of Individual \***

**Name of Organization**

**Contact Number \***

**Email Address \***

**Mailing Address \***

**Reason(s) for delegation request \***

**Will you be requesting funds from the City? \***

- Yes  
 No

**Will you be submitting a formal presentation? \***

- Yes  
 No

Requests to speak to Council are forwarded to the Committee and will be placed on a Committee agenda for consideration. Once considered by Committee, and approved, you will be notified of the date for your presentation.

This form is not for the purpose of presenting unsolicited proposals by Vendors to Committee. Such proposals are subject to a competitive process as required by the City's Purchasing Policy.

The City of Hamilton has a Lobbyist Registry in place. If you are a lobbyist or intend to lobby the City of Hamilton's public office holders, please visit [www.hamilton.ca/lobbyistregistry](http://www.hamilton.ca/lobbyistregistry) (<http://www.hamilton.ca/lobbyistregistry>) for more information about registering.

The City makes a video record of Committee and Council meetings. If you make a presentation to a Committee, the City will be video recording you and will make the recording public by publishing the recording on the City's website.

The City collects personal information as authorized under Section 5.11 of the City's Procedural By-law No. 14-300 for the purpose of entertaining individuals requesting an opportunity to appear as a delegation before Committee. The Procedural By-law is a requirement of Section 238(2) of the Municipal Act. Questions about the collection of personal information can be directed to the Manager, Legislative Services / Deputy Clerk, City Hall, 71 Main St. W., Hamilton, ON L8P 4Y5 (905 546-2424 ext. 4304).

Submit

Date modifiedd: 2018-03-12

November 2<sup>nd</sup>, 2017

GL/A-17:368

Michael & Susan Rahija  
2301 Kirk Road, Glanbrook

Appearances were:

Michael Rahija, Applicant. Interested parties were: nil

Those members present for the hearing of this application were: M. Dudzic (Chairman), V. Abraham, M. Smith, D. Serwatuk, P. Mallard, N. Mleczko, D. Smith, L. Gaddy, W. Pearce.

A summary comment from the Planning and Economic Development Division together with comments from other departments and agencies were entered into the record.

Letters were entered into the record from: nil

M. Rahija

- he has read the comments

L. Gaddy  
(Committee Member)

- the Committee just denied an application where the structure was twice the size allowed; he thinks this is a similar situation
- the sketch is hard to understand but it looks like it's going to be 19' high
- there is also another 16' x 24' building for storage
- recently the Committee denied an application on Woodburn Road for the storage of vehicles
- he wants to know why staff is supporting this

R. Ferrari  
(staff)

- the existing 20' x 25' building is being demolished
- they are replacing something that is currently there with something that's a little bigger
- the information provided to staff satisfied their requirements

L. Gaddy  
(Committee Member)

- it's more than double what is currently there

M. Rahija

- he has a trailer and classic cars
- he needs to keep them under locked storage for insurance purposes
- he also has a 20' long boat
- he doesn't like having everything all over the property
- he thought if he took down the 20' x 50' building that he could add that on to what he could build

...../2

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Page 2

- N. Mleczko  
(Committee Member) - questioned if there is a variance required for the height
- R. Ferrari  
(staff) - they are permitted 6m so whether it's 12' or 15' they still comply
- D. Serwatak  
(Committee Member) - if approved he would like a condition added that the existing 20' x 50' and 24' x 16' buildings be demolished
- M. Rahija - the 24' x 16' building is staying
- P. Mallard  
(Committee Member) - he's having a hard time differentiating between this and the previous one  
- the house is only 1,300 sq. ft. and he has over 3,000 sq. ft. of accessory storage  
- he's having a hard time figuring where the break line is for a minor variance
- V. Abraham  
(Committee Member) - each application needs to be looked at on its own merits

Following discussion it was moved by Mr. Abraham and seconded by Ms. Mleczko that the application be granted.

Mr. Serwatak supported the motion to grant the application.

Mr. Pearce, Mr. Mallard, Mr. Smith, Mr. Gaddy and Ms. Smith voted in opposition to the motion to grant the application.

#### **MOTION DEFEATED.**

Moved by Mr. Mallard and seconded by Mr. Pearce that the relief requested be **DENIED** for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.
2. The relief requested is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 45 of The Planning Act, 1990.

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3. The Committee having regard to the intensity of use of the subject parcel of land is of the opinion that such development would not be appropriate for the lands.

Mr. Smith, Mr. Gaddye & Ms. Smith voted in support of the motion to deny the application.

Mr. Abraham, Ms. Mleczko & Mr. Serwatak voted in opposition to the motion to deny the application.

**MOTION CARRIED.**

**NOTE:** The Secretary-Treasurer advised that he received a call from the Building Division, Zoning Section, stating that the variance should have been to By-Law 05-200 not 464 as stated on the notice.

The Decision needs to be amended to reflect the correct By-Law number.

Moved by Mr. Mallard and seconded by Mr. Pearce that the application be **AMENDED** to reflect By-Law 05-200.

**CARRIED.**



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT**  
 Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 3, 2018
<b>SUBJECT/REPORT NO:</b>	Committee of Adjustment Minor Variance Application – GL/A-17:368, 2301 Kirk Road, Glanbrook – Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (Ward 11) (PED18070)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Ryan Ferrari (905) 546-2424 Ext. 5865
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## RECOMMENDATION

That Council take no action with respect to the Ontario Municipal Board, either in support of the Committee's decision or against the decision for Committee of Adjustment Minor Variance Application – GL/A-17:368 (see Appendix "C" to Report PED18070), for the property known as 2301 Kirk Road, Glanbrook, as shown on Appendix "A" to Report PED18070, supported by the Planning and Economic Development Department but denied by the Committee of Adjustment.

## EXECUTIVE SUMMARY

The applicant submitted Minor Variance Application GL/A-17:368 to permit the construction of a 223 sq m accessory structure at 2301 Kirk Road. An existing single detached dwelling is located on the subject lands. The application would facilitate the demolition of an existing 100 sq m accessory structure on the subject property in order to construct a new accessory structure and retain an existing accessory structure. Variances were required due to the aggregate size of the accessory structures (259.0 sq m proposed for all accessory structures whereas a maximum size of 120.0 sq m is permitted).

Application GL/A-17:368 was considered at the Committee of Adjustment on November 2, 2017. Comments from Planning staff to the Committee of Adjustment supported the

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*OUR Vision: To be the best place to raise a child and age successfully.*

*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Committee of Adjustment Minor Variance Application – GL/A-17:368, 2301 Kirk Road, Glanbrook – Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (Ward 11) (PED18070) - Page 2 of 5**

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Application (see Appendix “B” to Report PED18070), and the merits of the application were discussed at the meeting (see Appendix “E” to Report PED18070). The proposal was considered to be consistent with the Provincial Policy Statement and met the four tests of a Minor Variance in accordance with Section 45 (1) of the *Planning Act*.

The Committee of Adjustment denied the Application for the reasons provided in attached Appendices “C” and “E” to Report PED18070. The decision was appealed to the Ontario Municipal Board (OMB) by the applicant on November 15, 2017. A hearing date has been set for June 14, 2018.

***Alternatives for Consideration – See Page 4***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** Planning and Economic Development Department staff (Building, Growth Management and Planning) supported the subject applications. However, if Council wishes to support the Committee of Adjustment’s decision to deny the application, the City must retain an outside planning consultant, and any other experts who can professionally support the denial. If an outside planning consultant is retained, the costs would be approximately \$3,000 to \$5,000 for each day of a hearing. In keeping with the funding source for other appeals where Council authorizes the retainer of outside consultants, the amount required to retain such experts to support the City’s position before the OMB be funded from the Tax Stabilization Reserve -110046.

**Staffing:** One representative from Legal Services would be required for preparation and attendance at the OMB Hearing should Council support Option 2 (support the appeal).

**Legal:** No legal implications are expected.

**HISTORICAL BACKGROUND**

**Roles and Responsibilities of the Committee of Adjustment (PD02116(a))**

In December 2002, City Council endorsed a staff report related to the roles and responsibilities of the Committee of Adjustment. The recommendations included the following:

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*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

**SUBJECT: Committee of Adjustment Minor Variance Application – GL/A-17:368, 2301 Kirk Road, Glanbrook – Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (Ward 11) (PED18070) - Page 3 of 5**

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“That the Planning and Development Department be authorized and directed to prepare an Information Report to the Committee of the Whole when an appeal is made to the Ontario Municipal Board, of a decision made by the Committee of Adjustment to deny an application(s) that was supported by staff. In response to such a report, Council may determine its position on the Committee of Adjustment decision, and may instruct Legal Services to attend the Ontario Municipal Board Hearing, in support of the Committee decision, and to retain outside professional(s) accordingly.”

**Proposal**

The subject property is located at 2103 Kirk Road, Glanbrook (see Appendix “A” to Report PED18070).

The purpose of Minor Variance Application GL/A-17:368 for 2301 Kirk Road is to facilitate the demolition of an existing 100 sq m accessory structure on the subject property and to construct a 223 sq m structure accessory to a single detached dwelling. The variance also was intended to recognize an existing 36 sq m accessory shed on the property which resulted in a total requested gross floor area of 259.0 sq m for all accessory structures on the property. The purpose of the new accessory structure is to provide adequate space for the personal storage of the property owner. The following variance as shown on Appendix “D” to Report PED18070 is required in order to implement the proposal:

- “1. That a maximum gross floor area of 259.0 sq m be provided for all buildings accessory to the single detached dwelling instead of the requirement in the By-law which states that all buildings accessory to a single detached dwelling shall not exceed a gross floor area of 120 sq m.”

The application for a Minor Variance was denied by the Committee of Adjustment.

**Staff Assessment of the Application**

An analysis of the proposed variance was undertaken and comments were prepared by staff and provided to the Committee of Adjustment, which are included as Appendix “B” of Report PED18070. A summary of staff comments is as follows:

The application was reviewed against all the applicable Provincial and Local planning policy documents including the Provincial Policy Statement (2014) and Greenbelt Plan (2017). Staff noted that the application was consistent with provincial policy.

The subject lands are designated “Rural” in Schedule D of the Rural Hamilton Official Plan. Staff determined that the requested variance complied with the policies within the

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**SUBJECT: Committee of Adjustment Minor Variance Application – GL/A-17:368, 2301 Kirk Road, Glanbrook – Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (Ward 11) (PED18070) - Page 4 of 5**

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RHOP which include maintaining the general rural character of the surrounding neighbourhood.

The purpose of the proposed variance was to increase the maximum gross floor area for all accessory structures on the property from 120 sq m to 259 sq m in order to accommodate the existing 36 sq m accessory structure as well as the proposed 223 sq m accessory structure. Staff evaluated the proposed variance against the general rural character of the immediate area as well as the perceived impact of the structure on the surrounding properties. Staff did not perceive a negative impact on the surrounding properties given that many of the neighbouring properties are either vacant agricultural land, or agricultural properties containing large farm buildings. In addition, staff were also satisfied that the proposed accessory structure would be for the personal storage use of the applicant and would not facilitate an illegal business on the property.

No correspondence was received from members of the public as a result of the circulation of the application nor did any property owners appear at the Committee of Adjustment hearing to speak to this matter.

Planning staff recommended approval of the Minor Variance Application as the proposal maintained the general intent and purpose of the RHOP and Zoning By-law No. 05-200, and was determined to be minor in nature and appropriate for the development of the subject property.

### **Niagara Peninsula Conservation Authority**

In addition to internal staff comments, the application was circulated to the Niagara Peninsula Conservation Authority for comment. The NPCA noted that they had no objection to the application.

## **ALTERNATIVES FOR CONSIDERATION**

### **Option 1**

Council may instruct Legal Services to attend the Ontario Municipal Board Hearing, in support of the Committee of Adjustment decision, and to retain outside professional(s) to attend as an expert witness. Funding to retain outside professionals would come from the Tax Stabilization Reserve – 110046.

### **Option 2**

Council may decide to support the appeal against the Committee of Adjustment's decision to deny, and direct Legal Services to attend the Ontario Municipal Board Hearing in support of the appeal to the application, and to use City Planning staff as its professional witness.

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**SUBJECT: Committee of Adjustment Minor Variance Application – GL/A-17:368, 2301 Kirk Road, Glanbrook – Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (Ward 11) (PED18070) - Page 5 of 5**

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### **Option 3**

As per the staff recommendation, Council may decide to take no action by deciding to not send Legal Services to the Ontario Municipal Board, either in support of the Committee's decision, or against the decision.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

### **Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

### **Our People and Performance**

*Hamiltonians have a high level of trust and confidence in their City government.*

## **APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A": Location Map for 2301 Kirk Road
- Appendix "B": Staff Comments for GL/A-17:368
- Appendix "C": GL/A-17:368 Committee of Adjustment Decision
- Appendix "D": GL/A-17:368 Committee of Adjustment Application
- Appendix "E": Minutes of Public Meeting

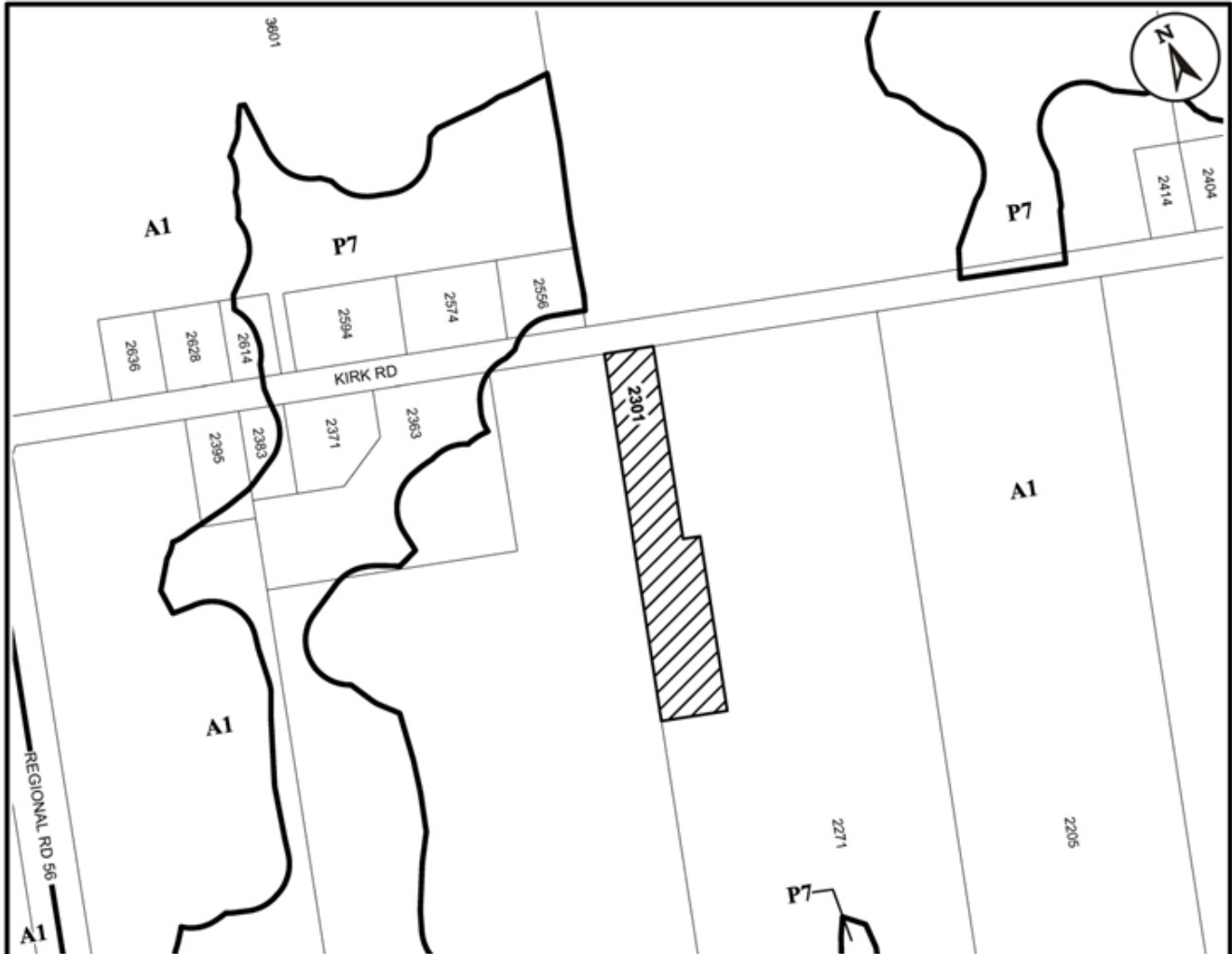
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● Site Location



Key Map - Ward 11

N.T.S.



# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
GL/A-17:368

Date:  
February 8, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
RF/AL

### Subject Property

 2301 Kirk Road

November 2<sup>nd</sup>, 2017GL/A-17:368 (2301 Kirk Road, Glanbrook)PLANNING and ECONOMIC DEVELOPMENT DEPARTMENTDevelopment Planning – Rural:

The purpose of this application is to permit the construction of a 1 storey pole barn accessory to the existing single detached dwelling notwithstanding that a maximum gross floor area of 259.0m<sup>2</sup> shall be provided for all buildings accessory to a single detached dwelling instead of the requirement in the By-law which states that all buildings accessory to a single detached dwelling shall not exceed an area of 120.0m<sup>2</sup>.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS), namely the Rural Lands in Municipalities policies 1.1.4. Staff are of the opinion that the application is consistent with the policies that manage growth and regeneration within rural areas.

Greenbelt Plan

The Greenbelt Plan Designates the subject property as "Protected Countryside". The following policies, amongst others are applicable:

"4.5.1 All existing uses are permitted.

4.5.2. Single dwellings are permitted on existing lots of record, provided they were zoned for such as of the date the Greenbelt Plan came into force. Municipalities are encouraged to retain existing lots of record for *agricultural uses* and discourage non-agricultural uses where appropriate. "

Since the single detached dwelling was constructed prior to the Greenbelt Plan coming into effect the use is allowed to continue on the subject property.

Rural Hamilton Official Plan

The Urban Hamilton Official Plan designates the property as "Agriculture" in Schedule D – Rural Land Use Designations. The following policies, amongst others, are applicable:

"C.3.1.4 The following uses shall be permitted in the Agriculture, Specialty Crop, and Rural designations, provided the applicable conditions are met: (OPA (R)-5) a) Except as permitted in Sections D.2.1.1.4 and C.3.1.4 b) and c) of this Plan, a maximum of one dwelling per lot shall be permitted in designations where residential uses are permitted. The Zoning By-law shall limit permitted dwellings to a maximum of one residence per lot in designations where residential uses are permitted;"

...../2

GL/A-17:368

Page 2

The single detached dwelling predates the Rural Hamilton Official Plan, notwithstanding the dwelling is permitted to continue to exist on the subject lands and the intent of the Rural Hamilton Official Plan is maintained.

#### Hamilton Zoning By-law No. 05-200

The subject lands are zoned Agriculture (A1) Zone.

#### Variance 1

The applicant is requesting to have a total of 259m<sup>2</sup> of GFA for all accessory buildings to a single detached dwelling whereas the By-law permits a total of 120m<sup>2</sup> of GFA for all accessory buildings to a single detached dwelling. An existing pole barn having an area of approximately 100±m<sup>2</sup> will be torn down in favour of a new 222.96 m<sup>2</sup> pole barn. The subject property is located in an agricultural area and is characterized by large lots and vacant farmland. The subject property is narrow and the proposed accessory structure will be located near the rear of the property, adjacent to vacant farmland. Based on the information provided, the proposed pole barn is in character with the neighbourhood and the impact on neighbouring properties is minimal due to the lack of residential homes in the area. The accessory structure is for personal use and does not facilitate a business. The variance is minor in nature and appropriate for the development of the subject property. Accordingly, staff support the variance.

#### Recommendation:

Based on the preceding information, the requested variances maintain the general intent and purpose of the Rural Hamilton Official Plan, City of Hamilton Zoning By-law 05-200. The variances are considered to be minor in nature and desirable for the appropriate use of the property. In conclusion, Staff recommends that the application be approved.

#### NOTE:

**"Acknowledgement:** The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Tourism, Culture and Sport. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Tourism, Culture and Sport.

...../3

GL/A-17:368

Page 3

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392)."

**Building Division:**

1. The variance should be altered to include in the notes the following:

*Please be advised that a portion of this property is under Conservation Management. Please contact Niagara Peninsula Conservation Authority prior to any development.*

2. The variance should be altered to include in the notes the following:

*It appears that the subject property may have been merged in title with the adjacent lands to the south.*

3. Subject to the issuance of a building permit in the normal manner.

**Development Engineering:**

Provided that the existing drainage patterns are maintained, Development Approvals has no concerns from a drainage perspective.

**PUBLIC WORKS DEPARTMENT****Corridor Management (Traffic):**

1. Corridor Management has no comments relating to the specifics of this Committee of Adjustment Application.
2. During construction, all vehicles, equipment, and materials must be kept on private property and cannot occupy the municipal sidewalk or roadway. Should occupancy be required, a Temporary Lane Closure Permit (formerly Road Occupancy Permit) must be obtained from the Corridor Management Section. Should long-term occupancy be required (3 months or more), a Construction Management Site Plan (CMSP) will be required as a condition of Building Permit that illustrates any lane/sidewalk closures, crane locations, and truck haul routes. Approval of this Plan must be obtained from the Corridor Management Section at [CorridorPlanning@hamilton.ca](mailto:CorridorPlanning@hamilton.ca)

GL/A-17:368

Page 4

3. Should water and/or sewer connections be required, the Applicant requires the approval of Development Engineering. Should the Applicant be required to close the road during these connection(s), the Applicant must obtain a Temporary Road Closure Permit from Corridor Management. More information as well as a copy of the application can be found at <http://hamilton.ca/cm>

**See attached for additional comments.**



Committee of Adjustment  
 Hamilton City Hall  
 71 Main Street West, 5<sup>th</sup> floor  
 Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221  
 Fax (905) 546-4202

## COMMITTEE OF ADJUSTMENT

### DECISION OF THE COMMITTEE

APPLICATION NO. GL/A-17:368  
 SUBMISSION NO. A-368/17

**IN THE MATTER OF** The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 05-200, of the City of Hamilton (formerly Glanbrook), Sections 4 & 12.1.3.3i).

**AND IN THE MATTER OF** the Premises known as Municipal number 2301 Kirk Road formerly in the Township of Glanbrook, now in the City of Hamilton and in an "A1" (Agriculture) district;

**AND IN THE MATTER OF AN APPLICATION** by the owners Michael & Susan Rahija, for relief from the provisions of the Zoning By-Law No. 05-200, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of a 1 storey pole barn accessory to the existing single detached dwelling notwithstanding that a maximum gross floor area of 259.0 m<sup>2</sup> shall be provided for all buildings accessory to a single detached dwelling instead of the requirement in the By-Law which states that all buildings accessory to a single detached dwelling shall not exceed an area of 120.0 m<sup>2</sup>.

#### NOTE:

The elevations provided do not indicate height from grade to the uppermost point of the building as defined; therefore, applicant shall ensure that maximum permitted height is not exceeded; otherwise, further variances may be required.

#### THE DECISION OF THE COMMITTEE IS:

That the variances, as set out in paragraph three above, are **DENIED** for the following reasons:

1. The Committee having regard to the evidence is of the opinion that the relief requested is beyond that of a minor nature.
2. The relief requested is undesirable for the appropriate development of the land and building and is inconsistent with the general intent and purpose of the By-law and of the Official Plan as referred to in Section 45 of The Planning Act, 1990.
3. The Committee having regard to the intensity of use of the subject parcel of land is of the opinion that such development would not be appropriate for the lands.

**DATED AT HAMILTON** this 2nd day of November, 2017

\_\_\_\_\_  
 M. Dudzic (Chairman)

\_\_\_\_\_  
 P. Mallard

\_\_\_\_\_  
 L. Gaddy

\_\_\_\_\_  
 M. Smith

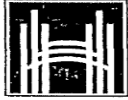
\_\_\_\_\_  
 D. Smith

\_\_\_\_\_  
 W. Pearce

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **November 22nd, 2017.**

**NOTE: This decision is not final and binding unless otherwise noted.**





Hamilton

Committee of Adjustment  
 City Hall  
 5<sup>th</sup> floor, 71 Main Street West  
 Hamilton, ON L8P 4Y5  
 Telephone (905) 546-2424, ext. 4221  
 Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT  
 NOTICE OF PUBLIC HEARING  
 APPLICATION FOR MINOR VARIANCE**

**APPLICATION NO. GL/A-17:368**

**IN THE MATTER OF** The Planning Act, R.S.O., 1990, c.P. 13, as amended and of the Zoning By-Law No. 464, of the City of Hamilton (formerly Glanbrook), Sections 4 & 12.1.3.3i).

**AND IN THE MATTER OF** the Premises known as Municipal number 2301 Kirk Road formerly in the Township of Glanbrook, now in the City of Hamilton and in an "**A1**" (**Agriculture**) district;

**AND IN THE MATTER OF AN APPLICATION** by the owners Michael & Susan Rahija, for relief from the provisions of the Zoning By-Law No. 464, under Section 45 of The Planning Act, R.S.O. 1990, c. P. 13, so as to permit the construction of a 1 storey pole barn accessory to the existing single detached dwelling notwithstanding that a maximum gross floor area of 259.0 m<sup>2</sup> shall be provided for all buildings accessory to a single detached dwelling instead of the requirement in the By-Law which states that all buildings accessory to a single detached dwelling shall not exceed an area of 120.0 m<sup>2</sup>.

**NOTE:**

The elevations provided do not indicate height from grade to the uppermost point of the building as defined; therefore, applicant shall ensure that maximum permitted height is not exceeded; otherwise, further variances may be required.

**TAKE NOTICE** that this application will be heard by the Committee as shown below:

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<b>DATE:</b>	<b>Thursday, November 2nd, 2017</b>
<b>TIME:</b>	<b>1:30 p.m.</b>
<b>PLACE:</b>	<b>Rooms 192 &amp; 193, 1<sup>st</sup> floor Hamilton City Hall</b>

---

If there is any further information you may require on this application please contact this office, at (905) 546-2424, ext. 4221 or 4144.

By order of the Committee of Adjustment,

DATED: October 17<sup>th</sup>, 2017

Scott Baldry,  
 Secretary-Treasurer

**Note:** If you wish to be notified of the decision of the Committee in respect of this application, you must submit a written request to the Committee of Adjustment. This will also entitle you to be advised of a possible Ontario Municipal Board hearing. Even if you are the successful party, you should request a copy of the decision since the Committee's decision may be appealed to the Ontario Municipal Board by the applicant or another member of the public.

**Information respecting this application is being collected under the authority of The Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.**

**Note to Applicant:** In default of appearance of yourself or of any person duly authorized by you to appear on your behalf, the Committee may dismiss the application for lack of prosecution.



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
*Licensing and By-law Services Division*

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 3, 2018
<b>SUBJECT/REPORT NO:</b>	Expanding Administrative Penalty System (APS) to include the Parks By-law 01-219 (PED18071) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Luis Ferreira (905) 546-2424 Ext. 3087
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That the Administrative Penalty By-law 17-225 (APS) be amended to include By-law 01-219 being a By-law to Manage and Regulate Municipal Parks (Parks By-law) by adding Table 12 to Schedule A, in accordance with the amending by-law attached as Appendix "A" to Report PED18071 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

### EXECUTIVE SUMMARY

At its meeting of September 27, 2017 Council approved Item 3 of Planning Committee Report 17-015 directing staff to implement APS to Municipal By-laws. Staff is now ready to include the Parks By-law as Table 12 to the Administrative Penalties By-law.

Municipal Law Enforcement (MLE) Officers issued 176 Part I Provincial Offence Tickets and one Part III Summons while patrolling Albion Falls from July to October of last year.

Including the Parks By-law to the APS By-law will transfer Part I tickets issued annually under the *Provincial Offence Act* to the municipality as an Administrative Penalty Notice.

This approach aids in reducing congestion in the courts, as well as providing a more local, accessible and less adversarial dispute resolution process.

### ***Alternatives for Consideration – Not Applicable***

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**SUBJECT: Expanding Administrative Penalty System (APS) to include the Parks By-law (PED18071) (City Wide) - Page 2 of 3**

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**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial / Staffing / Legal: N/A

**HISTORICAL BACKGROUND**

In 2007, amendments to the *Municipal Act, 2001* provided statutory authority for municipalities to implement Administrative Penalties for the enforcement of Parking and Licensing By-laws.

On May 30, 2017, Bill 68 was passed cementing the application of APS to all by-laws enacted under the *Municipal Act, 2001*.

At its meeting of September 27, 2017, Council approved Item 3 of Planning Committee Report 17-015 directing staff to implement APS to Municipal By-laws.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The APS By-law 17-225 will be amended to include the Parks By-law 01-219 as Table 12 in Schedule A.

**RELEVANT CONSULTATION**

N/A

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The Administrative Penalty System has been adopted by numerous municipalities across Ontario. The benefits of this system include: improving service excellence, enhancing staff efficiencies and effectiveness, supporting operational cost recovery and autonomy over infraction penalty amounts as contained in *s. 434.1(3) of the Municipal Act, 2001*.

The inclusion of the Parks By-law into the APS By-law will introduce approximately 527 violations to ensure the safety and enjoyment of all persons who visit, explore and play in our parks.

In 2017, between the months of July to October approximately 49,925 individuals visited Albion Falls resulting in 176 tickets issued for various violations of the Parks By-law which if disputed must be addressed through the Provincial Court System.

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**SUBJECT: Expanding Administrative Penalty System (APS) to include the Parks By-law (PED18071) (City Wide) - Page 3 of 3**

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APS provides a better customer experience with regards to the dispute resolution process of Administrative Penalty Notices (APN) through a quasi-judicial process with Hearing Officers having final and binding authority over the matter.

The *Municipal Act, 2001* authorizes the use of APS for designated by-laws. The City of Hamilton's APS By-law has been written as such to allow for inclusion of other Municipal By-laws. Staff is seeking approval to include the Parks By-law as Table 12 to the APS By-law.

This complies with Council's direction to expand the APS process to by-laws enacted under the *Municipal Act, 2001*.

**ALTERNATIVES FOR CONSIDERATION**

N/A

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

**Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

**Clean and Green**

*Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.*

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A": By-law Adding Table 12 – Parks By-law

KL/LF/st

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**Authority:** Item ,  
Report  
CM:  
Ward: City Wide

**Bill No.**

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

**To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties**

**WHEREAS** Council enacted a By-law to Establish a System of Administrative Penalties, being By-law No. 17-225; and

**WHEREAS** this By-law amends By-law No. 17-225;

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

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Section 1 (definitions), to repeal and replace the definition of Officer as follows:  
  
"Officer" means an individual appointed or by under authority of a City By-law to enforce a Designated By-law, or any employee or agent whose responsibilities include the enforcement of a by-law, an Act or a regulation under an Act, while in the discharge of his or her duties;
3. Schedule A of By-law No. 17-225 is amended by adding a new Table 12 entitled BY-LAW NO. 01-219 To Manage and Regulate Municipal Parks.

**TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS**

<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
1	01-219	Sec. 3	enter park between the hours of 11:00 pm and 6:00 am	\$75.00
2	01-219	Sec. 4	enter area posted prohibited	\$75.00
3	01-219	Sec. 4	enter area posted restrict admission of the public	\$75.00
4	01-219	Sec. 5(a)	indulge in riotous conduct in park	\$200.00
5	01-219	Sec. 5(a)	indulge in violent conduct in park	\$200.00
6	01-219	Sec. 5(a)	indulge in threatening conduct in park	\$200.00
7	01-219	Sec. 5(a)	indulge in illegal conduct in park	\$200.00
8	01-219	Sec. 5(a)	use profane language in park	\$75.00
9	01-219	Sec. 5(a)	use abusive language in park	\$75.00

## Appendix "A" to Report PED18071

## To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

Page 2 of 15

<b>TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
10	01-219	Sec. 5(b)	cast object that may/endanger person in park	\$200.00
11	01-219	Sec. 5(b)	cast object that causes injury to a person in park	\$200.00
12	01-219	Sec. 5(b)	cast object that causes damage to a person in park	\$200.00
13	01-219	Sec. 5(b)	cast object that may/does endanger property in park	\$200.00
14	01-219	Sec. 5(b)	cast object that causes damage to property in park	\$200.00
15	01-219	Sec. 5(b)	throw object that may/does endanger person in park	\$200.00
16	01-219	Sec. 5(b)	throw object that causes injury to a person in park	\$200.00
17	01-219	Sec. 5(b)	throw object that causes damage to a person in park	\$200.00
18	01-219	Sec. 5(b)	throw object that may/does endanger property in park	\$200.00
19	01-219	Sec. 5(b)	throw object that causes damage to property in park	\$200.00
20	01-219	Sec. 5(b)	propel object that may/does endanger person in park	\$200.00
21	01-219	Sec. 5(b)	propel object that causes injury to a person in park	\$200.00
22	01-219	Sec. 5(b)	propel object that causes damage to a person in park	\$200.00
23	01-219	Sec. 5(b)	propel object that may/does endanger property in park	\$200.00
24	01-219	Sec. 5(b)	propel object that causes damage to property in park	\$200.00
25	01-219	Sec. 5(c)	spy on another person in park	\$75.00
26	01-219	Sec. 5(c)	accost another person in park	\$75.00
27	01-219	Sec. 5(c)	frighten another person in park	\$75.00
28	01-219	Sec. 5(c)	annoy another person in park	\$75.00
29	01-219	Sec. 5(c)	disturb another person in park	\$75.00
30	01-219	Sec. 5(d)	create a nuisance in a park	\$100.00
31	01-219	Sec. 5(d)	interfere with peaceful enjoyment of park by other persons	\$100.00
32	01-219	Sec. 6	possession of a firearm in park	\$200.00
33	01-219	Sec. 6	possession of an air gun in park	\$200.00
34	01-219	Sec. 6	possession of a bow and arrow in park	\$200.00
35	01-219	Sec. 6	possession of an axe in park	\$200.00
36	01-219	Sec. 6	possession of an offensive weapon in park	\$200.00
37	01-219	Sec. 7	ignite firecrackers in park	\$50.00
38	01-219	Sec. 7	discharge firecrackers in park	\$50.00
39	01-219	Sec. 7	set off firecrackers in park	\$50.00
40	01-219	Sec. 7	ignite rockets in park	\$50.00
41	01-219	Sec. 7	discharge rockets in park	\$50.00
42	01-219	Sec. 7	set off rockets in park	\$50.00
43	01-219	Sec. 7	ignite fireworks in park	\$50.00
44	01-219	Sec. 7	discharge fireworks in park	\$50.00
45	01-219	Sec. 7	set off fireworks in park	\$50.00
46	01-219	Sec. 8(a)	climb/descend building in a park	\$50.00
47	01-219	Sec. 8(a)	climb/descend structure in a park	\$50.00
48	01-219	Sec. 8(a)	climb/descend equipment in a park	\$50.00
49	01-219	Sec. 8(a)	climb/descend natural formation in a park	\$50.00
50	01-219	Sec. 8(a)	climb/descend cliff in a park	\$50.00
51	01-219	Sec. 8(a)	climb/descend precipice in a park	\$50.00
52	01-219	Sec. 8(a)	climb/descend rock face in a park	\$50.00

## Appendix "A" to Report PED18071

## To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

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<b>TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
53	01-219	Sec. 8(a)	climb/descend overhang in a park	\$50.00
54	01-219	Sec. 8(a)	climb/descend gorge in a park	\$50.00
55	01-219	Sec. 8(b)	break flowers in park	\$50.00
56	01-219	Sec. 8(b)	break plant material in park	\$50.00
57	01-219	Sec. 8(b)	break trees in park	\$50.00
58	01-219	Sec. 8(b)	break vegetation in park	\$50.00
59	01-219	Sec. 8(b)	break equipment in park	\$50.00
60	01-219	Sec. 8(b)	break City property in park	\$50.00
61	01-219	Sec. 8(b)	injure flowers in park	\$50.00
62	01-219	Sec. 8(b)	injure plant material in park	\$50.00
63	01-219	Sec. 8(b)	injure trees in park	\$50.00
64	01-219	Sec. 8(b)	injure vegetation in park	\$50.00
65	01-219	Sec. 8(b)	deface building in park	\$200.00
66	01-219	Sec. 8(b)	deface structure in park	\$200.00
67	01-219	Sec. 8(b)	deface equipment in park	\$200.00
68	01-219	Sec. 8(b)	deface City property in park	\$200.00
69	01-219	Sec. 8(b)	move/remove flowers in park	\$50.00
70	01-219	Sec. 8(b)	move/remove plant material in park	\$50.00
71	01-219	Sec. 8(b)	move/remove trees in park	\$200.00
72	01-219	Sec. 8(b)	move/remove vegetation in park	\$50.00
73	01-219	Sec. 8(b)	move/remove building in park	\$200.00
74	01-219	Sec. 8(b)	move/remove structure in park	\$200.00
75	01-219	Sec. 8(b)	move/remove equipment in park	\$200.00
76	01-219	Sec. 8(b)	move/remove City property in park	\$200.00
77	01-219	Sec. 8(c)	move/remove rocks in park	\$200.00
78	01-219	Sec. 8(c)	move/remove boulders in park	\$200.00
79	01-219	Sec. 8(c)	move/remove soil in park	\$200.00
80	01-219	Sec. 8(c)	move/remove sand in park	\$200.00
81	01-219	Sec. 8(c)	move/remove wood in park	\$200.00
82	01-219	Sec. 8(c)	move/remove any property in park	\$200.00
83	01-219	Sec. 8(c)	move/remove anything in park	\$200.00
84	01-219	Sec. 8(d)	disturb ground which is under repair in park	\$200.00
85	01-219	Sec. 8(d)	disturb ground which is prepared for planting in park	\$200.00
86	01-219	Sec. 8(d)	disturb ground which is newly seeded or sodded	\$200.00
87	01-219	Sec. 8(d)	disturb ground which is posted in park	\$200.00
88	01-219	Sec. 8(e)	conduct archaeological research in park	\$200.00
89	01-219	Sec. 8(e)	remove any relic in park	\$200.00
90	01-219	Sec. 8(e)	remove any artefact in park	\$200.00
91	01-219	Sec. 8(e)	remove any natural object in park	\$200.00
92	01-219	Sec. 8(f)	drive in area posted prohibited in park	\$75.00
93	01-219	Sec. 8(f)	park in area posted prohibited in park	\$75.00
94	01-219	Sec. 8(f)	walk in area posted prohibited in park	\$75.00
95	01-219	Sec. 9(a)	dispose/dump garbage in park	\$100.00

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## To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

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<b>TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
96	01-219	Sec. 9(a)	dispose/dump litter in park	\$100.00
97	01-219	Sec. 9(a)	dispose/dump tree trimmings in park	\$100.00
98	01-219	Sec. 9(a)	dispose/dump refuse in park	\$100.00
99	01-219	Sec. 9(a)	dispose/dump any matter/thing in park	\$100.00
100	01-219	Sec. 9(b)	dispose/dump garden refuse in park	\$100.00
101	01-219	Sec. 9(c)	dump/deposit snow in park	\$100.00
102	01-219	Sec. 9(c)	dump/deposit fill in park	\$100.00
103	01-219	Sec. 9(c)	dump/deposit soil in park	\$100.00
104	01-219	Sec. 9(c)	dump/deposit building material in park	\$200.00
105	01-219	Sec. 9(c)	dump/deposit construction material in park	\$200.00
106	01-219	Sec. 9(d)	dump/drain onto soil material or toxic substance in park	\$200.00
107	01-219	Sec. 9(d)	dump/drain into pool material or toxic substance in park	\$200.00
108	01-219	Sec. 9(d)	dump/drain into pond material or toxic substance in park	\$200.00
109	01-219	Sec. 9(d)	dump/drain into lake material or toxic substance in park	\$200.00
110	01-219	Sec. 9(d)	dump/drain into stream material or toxic substance in park	\$200.00
111	01-219	Sec. 9(d)	dump/drain into fountain material or toxic substance in park	\$200.00
112	01-219	Sec. 9(d)	dump/drain into watercourse material or toxic substance in park	\$200.00
113	01-219	Sec. 9(e)	release any balloons in park	\$50.00
114	01-219	Sec. 10(a)	kill any animal in park	\$200.00
115	01-219	Sec. 10(a)	attempt to kill any animal in park	\$200.00
116	01-219	Sec. 10(a)	maim any animal in park	\$200.00
117	01-219	Sec. 10(a)	injure any animal in park	\$200.00
118	01-219	Sec. 10(a)	trap any animal in park	\$200.00
119	01-219	Sec. 10(a)	remove/disturb any animal in park	\$200.00
120	01-219	Sec. 10(a)	kill any bird in park	\$200.00
121	01-219	Sec. 10(a)	attempt to kill any bird in park	\$200.00
122	01-219	Sec. 10(a)	maim any bird in park	\$200.00
123	01-219	Sec. 10(a)	injure any bird in park	\$200.00
124	01-219	Sec. 10(a)	trap any bird in park	\$200.00
125	01-219	Sec. 10(a)	remove/disturb any bird in park	\$200.00
126	01-219	Sec. 10(a)	kill any waterfowl in park	\$200.00
127	01-219	Sec. 10(a)	attempt to kill any waterfowl in park	\$200.00
128	01-219	Sec. 10(a)	maim any waterfowl in park	\$200.00
129	01-219	Sec. 10(a)	injure any waterfowl in park	\$200.00
130	01-219	Sec. 10(a)	trap any waterfowl in park	\$200.00
131	01-219	Sec. 10(a)	remove/disturb any waterfowl in park	\$200.00
132	01-219	Sec. 10(a)	kill any worms in park	\$50.00
133	01-219	Sec. 10(a)	attempt to kill any worms in park	\$50.00
134	01-219	Sec. 10(a)	maim any worms in park	\$50.00
135	01-219	Sec. 10(a)	injure any worms in park	\$50.00
136	01-219	Sec. 10(a)	trap any worms in park	\$50.00
137	01-219	Sec. 10(a)	remove/disturb any worms in park	\$50.00



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## To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

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**TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS**

<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
138	01-219	Sec. 10(a)	kill any wildlife in park	\$100.00
139	01-219	Sec. 10(a)	attempt to kill any wildlife in park	\$100.00
140	01-219	Sec. 10(a)	maim any wildlife in park	\$100.00
141	01-219	Sec. 10(a)	injure any wildlife in park	\$100.00
142	01-219	Sec. 10(a)	trap any wildlife in park	\$100.00
143	01-219	Sec. 10(a)	remove/disturb any wildlife in park	\$100.00
144	01-219	Sec. 10(b)	touch any nest or egg therefrom in park	\$100.00
145	01-219	Sec. 10(b)	injure any nest or egg therefrom in park	\$100.00
146	01-219	Sec. 10(b)	remove any nest or egg therefrom in park	\$100.00
147	01-219	Sec. 11(a)	feed bird in park	\$50.00
148	01-219	Sec. 11(a)	feed fish in park	\$50.00
149	01-219	Sec. 11(b)	throw material in area where birds kept for public display	\$100.00
150	01-219	Sec. 11(b)	deposit material in area where birds kept for public display	\$100.00
151	01-219	Sec. 11(b)	place material in area where birds kept for public display	\$100.00
152	01-219	Sec. 11(b)	throw material in area where fish kept for public display	\$100.00
153	01-219	Sec. 11(b)	deposit material in area where fish kept for public display	\$100.00
154	01-219	Sec. 11(b)	place material in area where fish kept for public display	\$100.00
155	01-219	Sec. 11(c)	kill any bird kept for public display	\$100.00
156	01-219	Sec. 11(c)	attempt to kill any bird kept for public display	\$100.00
157	01-219	Sec. 11(c)	maim any bird kept for public display	\$100.00
158	01-219	Sec. 11(c)	injure any bird kept for public display	\$100.00
159	01-219	Sec. 11(c)	molest any bird kept for public display	\$100.00
160	01-219	Sec. 11(c)	kill any waterfowl kept for public display	\$100.00
161	01-219	Sec. 11(c)	attempt to kill any waterfowl kept for public display	\$100.00
162	01-219	Sec. 11(c)	maim any waterfowl kept for public display	\$100.00
163	01-219	Sec. 11(c)	injure any waterfowl kept for public display	\$100.00
164	01-219	Sec. 11(c)	molest any waterfowl kept for public display	\$100.00
165	01-219	Sec. 11(c)	kill any fish kept for public display	\$100.00
166	01-219	Sec. 11(c)	attempt to kill any fish kept for public display	\$100.00
167	01-219	Sec. 11(c)	maim any fish kept for public display	\$100.00
168	01-219	Sec. 11(c)	injure any fish kept for public display	\$100.00
169	01-219	Sec. 11(c)	molest any fish kept for public display	\$100.00
170	01-219	Sec. 12	fence on parkland	\$100.00
171	01-219	Sec. 12	structure on parkland	\$100.00
172	01-219	Sec. 12	dumping/storage of any materials on parkland	\$100.00
173	01-219	Sec. 12	planting on parkland	\$75.00
174	01-219	Sec. 12	cultivating on parkland	\$75.00
175	01-219	Sec. 12	grooming on parkland	\$75.00
176	01-219	Sec. 12	landscaping on parkland	\$75.00
177	01-219	Sec. 13(1)	possess alcoholic beverage in park	\$75.00
178	01-219	Sec. 13(1)	consume alcoholic beverage in park	\$75.00
179	01-219	Sec. 13(1)	serve alcoholic beverage in park	\$75.00
180	01-219	Sec. 13(1)	sell alcoholic beverage in park	\$75.00

## Appendix "A" to Report PED18071

## To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

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<b>TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
181	01-219	Sec. 13(2)	serve/sell alcoholic beverage without proper insurance	\$75.00
182	01-219	Sec. 13(2)	serve/sell alcoholic beverage not complying with permit	\$75.00
183	01-219	Sec. 13(3)	playing/betting on any games in park	\$75.00
184	01-219	Sec. 13(3)	use gambling table/instrument of gambling or gaming in park	\$75.00
185	01-219	Sec. 14(a)	light fire/bonfire in park	\$100.00
186	01-219	Sec. 14(a)	build fire/bonfire in park	\$100.00
187	01-219	Sec. 14(a)	stoke fire/bonfire in park	\$100.00
188	01-219	Sec. 14(b)	use charcoal portable barbeques in park	\$100.00
189	01-219	Sec. 14(b)	use solid fuelled portable barbeques in park	\$100.00
190	01-219	Sec. 14(c)	use other than charcoal/briquettes in stationary barbeques	\$100.00
191	01-219	Sec. 14(d)	leave barbeque without extinguishing fire and ambers	\$100.00
192	01-219	Sec. 14(d)	leave campfire without extinguishing the fire and ambers	\$100.00
193	01-219	Sec. 15(a)	have a picnic in park	\$75.00
194	01-219	Sec. 15(a)	have a public meeting in park	\$75.00
195	01-219	Sec. 15(a)	have organized gathering with more than 12 people in park	\$75.00
196	01-219	Sec. 15(a)	have an organized event with more than 12 people in park	\$75.00
197	01-219	Sec. 15(b)	interfere with a picnic in park authorized by permit	\$75.00
198	01-219	Sec. 15(b)	interfere with organized gathering authorized by permit	\$75.00
199	01-219	Sec. 15(b)	interfere with organized event authorized by permit in park	\$75.00
200	01-219	Sec. 16	operate loud speakers in park	\$75.00
201	01-219	Sec. 16	operate amplifying equipment in park	\$75.00
202	01-219	Sec. 16	operate radio that interferes with other person's enjoyment of park	\$75.00
203	01-219	Sec. 16	operate tape player that interferes with other person's enjoyment of park	\$75.00
204	01-219	Sec. 16	operate compact disk player that interferes with other person's enjoyment of park	\$75.00
205	01-219	Sec. 17	dwelt in park no permit	\$75.00
206	01-219	Sec. 17	camp in park no permit	\$75.00
207	01-219	Sec. 17	lodge in park no permit	\$75.00
208	01-219	Sec. 18	place temporary tent in park	\$75.00
209	01-219	Sec. 18	install temporary tent in park	\$75.00
210	01-219	Sec. 18	erect temporary tent in park	\$75.00
211	01-219	Sec. 18	place permanent tent in park	\$75.00
212	01-219	Sec. 18	install permanent tent in park	\$75.00
213	01-219	Sec. 18	erect permanent tent in park	\$75.00
214	01-219	Sec. 18	place temporary structure in park	\$75.00
215	01-219	Sec. 18	install temporary structure in park	\$75.00
216	01-219	Sec. 18	erect temporary structure in park	\$75.00
217	01-219	Sec. 18	place permanent structure in park	\$75.00
218	01-219	Sec. 18	install permanent structure in park	\$75.00
219	01-219	Sec. 18	erect permanent structure in park	\$75.00

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## To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

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<b>TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
220	01-219	Sec. 19(a)	enter swimming pool, except during designated times	\$75.00
221	01-219	Sec. 19(b)	fail to abide by posted signs at swimming pool	\$75.00
222	01-219	Sec. 19(b)	fail to obey the instructions of lifeguard	\$75.00
223	01-219	Sec. 19(b)	fail to obey the instructions of authorized person	\$75.00
224	01-219	Sec. 19(c)	swim in fountain in park	\$75.00
225	01-219	Sec. 19(c)	swim in pond in park	\$75.00
226	01-219	Sec. 19(c)	swim in water course in park	\$75.00
227	01-219	Sec. 19(c)	swim in lake in park	\$75.00
228	01-219	Sec. 19(c)	swim in stream in park	\$75.00
229	01-219	Sec. 19(c)	bathe in fountain in park	\$75.00
230	01-219	Sec. 19(c)	bathe in pond in park	\$75.00
231	01-219	Sec. 19(c)	bathe in water course in park	\$75.00
232	01-219	Sec. 19(c)	bathe in lake in park	\$75.00
233	01-219	Sec. 19(c)	bathe in stream in park	\$75.00
234	01-219	Sec. 19(c)	wade in any fountain in park	\$75.00
235	01-219	Sec. 19(c)	wade in any pond in park	\$75.00
236	01-219	Sec. 19(c)	wade in any water course in park	\$75.00
237	01-219	Sec. 19(c)	wade in any lake in park	\$75.00
238	01-219	Sec. 19(c)	wade in any stream in park	\$75.00
239	01-219	Sec. 19(d)	utilize facilities without being properly attired	\$75.00
240	01-219	Sec. 19(e)	dress/undress except in facility provided	\$75.00
241	01-219	Sec. 19(f)	bring any weapon to swimming/wading/bathing area	\$200.00
242	01-219	Sec. 20(1)	enter washroom designated for the opposite sex	\$75.00
243	01-219	Sec. 20(1)	enter change-room designated for the opposite sex	\$75.00
244	01-219	Sec. 20(1)	enter bathhouse designated for the opposite sex	\$75.00
245	01-219	Sec. 20(1)	enter bathing station designated for the opposite sex	\$75.00
246	01-219	Sec. 20(2)	loiter in/around washroom in park	\$75.00
247	01-219	Sec. 20(2)	loiter in/around change-room in park	\$75.00
248	01-219	Sec. 20(2)	loiter in/around bathhouse in park	\$75.00
249	01-219	Sec. 20(2)	loiter in/around bathing station in park	\$75.00
250	01-219	Sec. 21(1)(a)	engage in organized sport without permit in park	\$75.00
251	01-219	Sec. 21(1)(a)	engage in organized activity without permit in park	\$75.00
252	01-219	Sec. 21(1)(b)	interfere with organized sport/activity under permit in park	\$75.00
253	01-219	Sec. 21(2)	utilize area without permit where posted prohibited	\$75.00
254	01-219	Sec. 21(3)	take part in game except in area specifically designated	\$75.00
255	01-219	Sec. 21(3)	take part in sport except in area specifically designated	\$75.00
256	01-219	Sec. 21(3)	take part in activity except in area specifically designated	\$75.00
257	01-219	Sec. 22(1)	fish in area posted prohibited in park	\$75.00
258	01-219	Sec. 22(2)	fish in park not in compliance with the Fish and Wildlife Conservation Act 1997, S.O. 1997, c.41, as amended	\$100.00
259	01-219	Sec. 22(2)	fish in park not in compliance with the Fisheries Act, Chapter F-14, as amended	\$100.00
260	01-219	Sec. 22(3)	fish in park for commercial purposes	\$75.00

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## To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

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<b>TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
261	01-219	Sec. 23(1)	play golf in park	\$75.00
262	01-219	Sec. 23(1)	practice golf in park	\$75.00
263	01-219	Sec. 23(1)	strike a golf ball in park	\$75.00
264	01-219	Sec. 23(2)(a)	not registered to play golf in park	\$75.00
265	01-219	Sec. 23(2)(a)	not registered to practice golf in park	\$75.00
266	01-219	Sec. 23(2)(b)	hunt/pick up lost golf balls in park	\$75.00
267	01-219	Sec. 23(2)(b)	hunt/pick up misplaced golf balls in park	\$75.00
268	01-219	Sec. 23(2)(b)	hunt/pick up abandoned golf balls in park	\$75.00
269	01-219	Sec. 23(2)(c)	enter upon playing area not registered on day as player	\$75.00
270	01-219	Sec. 23(2)(c)	enter upon playing area not registered on day as caddy	\$75.00
271	01-219	Sec. 24	operate powered model aircraft no permit	\$75.00
272	01-219	Sec. 24	operate powered rocket no permit	\$75.00
273	01-219	Sec. 24	operate powered watercraft no permit	\$75.00
274	01-219	Sec. 24	operate powered ground vehicle no permit	\$75.00
275	01-219	Sec. 25	tether fixed wing aircraft in park	\$200.00
276	01-219	Sec. 25	launch fixed wing aircraft in park	\$200.00
277	01-219	Sec. 25	land fixed wing aircraft in park	\$200.00
278	01-219	Sec. 25	tether helicopter in park	\$200.00
279	01-219	Sec. 25	launch helicopter in park	\$200.00
280	01-219	Sec. 25	land helicopter in park	\$200.00
281	01-219	Sec. 25	tether hot air balloon in park	\$200.00
282	01-219	Sec. 25	launch hot air balloon in park	\$200.00
283	01-219	Sec. 25	land hot air balloon in park	\$200.00
284	01-219	Sec. 25	tether hang glider in park	\$200.00
285	01-219	Sec. 25	launch hang glider in park	\$200.00
286	01-219	Sec. 25	land hang glider in park	\$200.00
287	01-219	Sec. 25	tether ultra light aircraft in park	\$200.00
288	01-219	Sec. 25	launch ultra light aircraft in park	\$200.00
289	01-219	Sec. 25	land ultra light aircraft in park	\$200.00
290	01-219	Sec. 25	tether similar conveyance in park	\$200.00
291	01-219	Sec. 25	launch similar conveyance in park	\$200.00
292	01-219	Sec. 25	land similar conveyance in park	\$200.00
293	01-219	Sec. 26(a)	use speed skates on ice surface no permit	\$75.00
294	01-219	Sec. 26(a)	use speed skates on ice surface not in posted area	\$75.00
295	01-219	Sec. 26(b)	skate in a manner that interferes with others	\$75.00
296	01-219	Sec. 26(b)	act in a manner that interferes with others using ice surface	\$75.00
297	01-219	Sec. 26(b)	skate in a manner that endangers other person	\$100.00
298	01-219	Sec. 26(b)	act in a manner that endangers other person	\$100.00
299	01-219	Sec. 26(c)	use stick other than in accordance with posted conditions	\$75.00
300	01-219	Sec. 27(1)	downhill ski in area of park not permitted by sign	\$75.00
301	01-219	Sec. 27(1)	toboggan in area of park not permitted by sign	\$75.00
302	01-219	Sec. 27(1)	snowboard in area of park not permitted by sign	\$75.00
303	01-219	Sec. 27(1)	skibob in area of park not permitted by sign	\$75.00

## Appendix "A" to Report PED18071

## To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

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<b>TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
304	01-219	Sec. 27(1)	sled in area of park not permitted by sign	\$75.00
305	01-219	Sec. 27(2)	cross country ski in area of park posted prohibited	\$75.00
306	01-219	Sec. 28(1)(a)	operate/utilize skate board where signs prohibit/restrict use	\$75.00
307	01-219	Sec. 28(1)(a)	operate/utilize roller skates where signs prohibit/restrict use	\$75.00
308	01-219	Sec. 28(1)(a)	operate/utilize in-line/linear skates where signs prohibit/restrict use	\$75.00
309	01-219	Sec. 28(1)(a)	operate/utilize scooters where signs prohibit or restrict use	\$75.00
310	01-219	Sec. 28(1)(a)	operate/utilize like conveyance where signs prohibit/restrict use	\$75.00
311	01-219	Sec. 28(1)(b)	obstruct other users while operating/utilizing skate boards	\$75.00
312	01-219	Sec. 28(1)(b)	obstruct other users while operating/utilizing roller skates	\$75.00
313	01-219	Sec. 28(1)(b)	obstruct other users while operating/utilizing in-line/linear skates	\$75.00
314	01-219	Sec. 28(1)(b)	obstruct other users while operating/utilizing scooters	\$75.00
315	01-219	Sec. 28(1)(b)	obstruct other users while operating/utilizing like conveyance	\$75.00
316	01-219	Sec. 28(1)(b)	inconvenience other users while operating/utilizing skate boards	\$75.00
317	01-219	Sec. 28(1)(b)	inconvenience other users while operating/utilizing roller skates	\$75.00
318	01-219	Sec. 28(1)(b)	inconvenience other users while operating/utilizing in-line/linear skates	\$75.00
319	01-219	Sec. 28(1)(b)	inconvenience other users while operating/utilizing scooters	\$75.00
320	01-219	Sec. 28(1)(b)	inconvenience other users while operating/utilizing like conveyance	\$75.00
321	01-219	Sec. 28(1)(b)	endanger other users while operating/utilizing skate boards	\$75.00
322	01-219	Sec. 28(1)(b)	endanger other users while operating/utilizing roller skates	\$75.00
323	01-219	Sec. 28(1)(b)	endanger other users while operating/utilizing inline/linear skates	\$75.00
324	01-219	Sec. 28(1)(b)	endanger other users while operating/utilizing scooters	\$75.00
325	01-219	Sec. 28(1)(b)	endanger other users while operating/utilizing like conveyance	\$75.00
326	01-219	Sec. 28(2)	fail to give way to the right while operating/utilizing skate board on trail/path/roadway	\$75.00
327	01-219	Sec. 28(2)	fail to give way to the right while operating/utilizing roller skates on trail/path/roadway	\$75.00
328	01-219	Sec. 28(2)	fail to give way to the right while operating/utilizing in-line/linear skates on trail/path/roadway	\$75.00
329	01-219	Sec. 28(2)	fail to give way to the right while operating/utilizing scooter on trail/path/roadway	\$75.00
330	01-219	Sec. 28(2)	fail to give way to the right while operating/utilizing like conveyance on trail/path/roadway	\$75.00

## Appendix "A" to Report PED18071

## To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

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<b>TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
331	01-219	Sec. 28(3)	while operating/utilizing skate board fail to yield the right of way to person on foot	\$75.00
332	01-219	Sec. 28(3)	while operating/utilizing roller skates fail to yield the right of way to person on foot	\$75.00
333	01-219	Sec. 28(3)	while operating/utilizing in-line/linear skates fail to yield the right of way to person on foot	\$75.00
334	01-219	Sec. 28(3)	while operating/utilizing scooter fail to yield the right of way to person on foot	\$75.00
335	01-219	Sec. 28(3)	while operating/utilizing like conveyance fail to yield the right of way to person on foot	\$75.00
336	01-219	Sec. 28(4)	while operating/utilizing skate board fail to give audible warning when overtaking/passing person	\$75.00
337	01-219	Sec. 28(4)	while operating/utilizing roller skates fail to give audible warning when overtaking/passing person	\$75.00
338	01-219	Sec. 28(4)	while operating/utilizing in-line/linear skates fail to give audible warning when overtaking/passing person	\$75.00
339	01-219	Sec. 28(4)	while operating/utilizing scooter fail to give audible warning when overtaking/passing person	\$75.00
340	01-219	Sec. 28(4)	while operating/utilizing like conveyance fail to give audible warning when overtaking/passing person	\$75.00
341	01-219	Sec. 28(5)	occupy more than 50% of the width of any path/trail with another person	\$75.00
342	01-219	Sec. 28(6)	child 16 years old or less riding bicycle no helmet	\$75.00
343	01-219	Sec. 28(7)	permit child 16 years old or less to ride bicycle no helmet	\$75.00
344	01-219	Sec. 28(8)	child 16 years old or less using roller skates no helmet	\$75.00
345	01-219	Sec. 28(8)	child 16 years old or less using in-line skates no helmet	\$75.00
346	01-219	Sec. 28(8)	child 16 years old or less using scooter no helmet	\$75.00
347	01-219	Sec. 28(8)	child 16 years old or less using skate board no helmet	\$75.00
348	01-219	Sec. 28(8)	child 16 years old or less using like conveyance no helmet	\$75.00
349	01-219	Sec. 28(9)	permit child 16 years old or less use roller skates no helmet	\$75.00
350	01-219	Sec. 28(9)	permit child 16 years old or less use in-line skates no helmet	\$75.00
351	01-219	Sec. 28(9)	permit child 16 years old or less use scooter no helmet	\$75.00
352	01-219	Sec. 28(9)	permit child 16 years old or less use skate board no helmet	\$75.00
353	01-219	Sec. 28(9)	permit child 16 years old or less use like conveyance no helmet	\$75.00
354	01-219	Sec. 29	enter upon designated area for tennis not in accordance with posted rules/regulation	\$75.00
355	01-219	Sec. 29	walk upon designated area for tennis not in accordance with posted rules/regulation	\$75.00
356	01-219	Sec. 29	play upon designated area for tennis not in accordance with posted rules/regulation	\$75.00
357	01-219	Sec. 30(2)	drive vehicle except on roadway/parking area	\$100.00

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## To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

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<b>TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
358	01-219	Sec. 30(2)	operate vehicle except on roadway/parking area	\$100.00
359	01-219	Sec. 30(2)	pull vehicle except on roadway/parking area	\$100.00
360	01-219	Sec. 30(2)	ride vehicle except on roadway/parking area	\$100.00
361	01-219	Sec. 33(1)	wash vehicle in a park	\$75.00
362	01-219	Sec. 33(1)	clean vehicle in a park	\$75.00
363	01-219	Sec. 33(1)	service vehicle in a park	\$75.00
364	01-219	Sec. 33(2)	instruct person in the driving of a vehicle in park	\$75.00
365	01-219	Sec. 33(2)	teach person in the driving of a vehicle in park	\$75.00
366	01-219	Sec. 33(2)	coach person in the driving of a vehicle in park	\$75.00
367	01-219	Sec. 34(1)	ride/operate bicycle in park where signs prohibit	\$75.00
368	01-219	Sec. 34(1)	be in possession of bicycle in park where signs prohibit	\$75.00
369	01-219	Sec. 34(2)	obstruct other users while riding/operating bicycle	\$75.00
370	01-219	Sec. 34(2)	inconvenience other users while riding/operating bicycle	\$75.00
371	01-219	Sec. 34(2)	endanger other users while riding/operating bicycle	\$75.00
372	01-219	Sec. 34(4)	ride abreast of more than 1 other cyclist	\$75.00
373	01-219	Sec. 34(5)	operate bicycle not equipped with bell/horn	\$75.00
374	01-219	Sec. 34(6)	operate bicycle after dark not equipped with front light	\$75.00
375	01-219	Sec. 34(6)	operate bicycle after dark not equipped with rear light	\$75.00
376	01-219	Sec. 34(7)	fail to activate bicycle lighting system after dark	\$75.00
377	01-219	Sec. 34(8)	ride/operate bicycle in area not for that purpose	\$75.00
378	01-219	Sec. 34(9)	fail to maintain control of bicycle at all times	\$75.00
379	01-219	Sec. 35	ride recreational vehicle in park not in designated area	\$100.00
380	01-219	Sec. 35	drive recreational vehicle in park not in designated area	\$100.00
381	01-219	Sec. 35	park recreational vehicle in park not in designated area	\$100.00
382	01-219	Sec. 35	in possession of recreational vehicle not in designated area	\$100.00
383	01-219	Sec. 35	control of recreational vehicle in park not in designated area	\$100.00
384	01-219	Sec. 36(a)	drive heavy machinery/equipment in park	\$200.00
385	01-219	Sec. 36(a)	operate heavy machinery/equipment in park	\$200.00
386	01-219	Sec. 36(a)	pull heavy machinery/equipment in park	\$200.00
387	01-219	Sec. 36(a)	ride heavy machinery/equipment in park	\$200.00
388	01-219	Sec. 36(b)	drive truck/trailer/bus in park	\$200.00
389	01-219	Sec. 36(b)	operate truck/trailer/bus in park	\$200.00
390	01-219	Sec. 36(b)	pull truck/trailer/bus in park	\$200.00
391	01-219	Sec. 36(b)	ride truck/trailer/bus in park	\$200.00
392	01-219	Sec. 37(a)	operate any vehicle exceeding posted speed limit in park	\$75.00
393	01-219	Sec. 37(b)	operate bicycle at a speed which endangers other persons	\$75.00
394	01-219	Sec. 38	drive vehicle on a one-way roadway opposite direction of traffic	\$75.00
395	01-219	Sec. 39(1)	permit horse to enter/remain in park	\$75.00
396	01-219	Sec. 39(2)	horse obstructing other users of the park	\$75.00
397	01-219	Sec. 39(2)	horse inconveniencing other users of the park	\$75.00
398	01-219	Sec. 39(2)	horse endangering other users of the park	\$75.00
399	01-219	Sec. 39(3)	hitch/fasten horse at any place in park	\$75.00

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## To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

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<b>TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
400	01-219	Sec. 40(1)(a)	allow dog to run at large	\$75.00
401	01-219	Sec. 40(1)(b)	permit dog to be in any area posted prohibited	\$75.00
402	01-219	Sec. 40(1)(c)	permit dog to be at special event when posted prohibited	\$75.00
403	01-219	Sec. 40(1)(c)	permit dog to be at carnival when posted prohibited	\$75.00
404	01-219	Sec. 40(1)(c)	permit dog to be at celebration when posted prohibited	\$75.00
405	01-219	Sec. 40(1)(c)	permit dog to be at festival when posted prohibited	\$75.00
406	01-219	Sec. 40(2)(a)	dog on leash/chain exceeding 2.4 meters in length	\$75.00
407	01-219	Sec. 40(2)(b)	fail to pick-up/remove excrement left by dog in park	\$75.00
408	01-219	Sec. 41(1)	have animal in park that constitutes a danger to other person	\$100.00
409	01-219	Sec. 41(1)	have animal in park that may constitute a danger to other person	\$100.00
410	01-219	Sec. 41(1)	have animal in park that is likely to give rise to justified apprehension of other person	\$100.00
411	01-219	Sec. 41(1)	have animal in park that is likely to interfere with other person	\$100.00
412	01-219	Sec. 41(2)	Livestock in park	\$100.00
413	01-219	Sec. 41(3)	fail to restrain animal in park	\$75.00
414	01-219	Sec. 42	place watercraft in area of park posted prohibited	\$75.00
415	01-219	Sec. 42	operate watercraft in area of park posted prohibited	\$75.00
416	01-219	Sec. 42	drive watercraft in area of park posted prohibited	\$75.00
417	01-219	Sec. 42	ride watercraft in area of park posted prohibited	\$75.00
418	01-219	Sec. 43(a)	moor watercraft in park not in designated area	\$75.00
419	01-219	Sec. 43(b)	moor watercraft in park for more than 48 hours	\$75.00
420	01-219	Sec. 43(c)	moor watercraft in park that endangers/inconvenience others	\$75.00
421	01-219	Sec. 43(d)	moor watercraft in park without prior payment of fee	\$75.00
422	01-219	Sec. 43(e)	moor watercraft in park not in compliance with Schedule C	\$75.00
423	01-219	Sec. 44(1)(a)	sell/offer or display for sale food in park	\$75.00
424	01-219	Sec. 44(1)(a)	sell/offer or display for sale drink in park	\$75.00
425	01-219	Sec. 44(1)(a)	sell/offer or display for sale refreshment in park	\$75.00
426	01-219	Sec. 44(1)(b)	sell/offer or display for sale any goods in park	\$75.00
427	01-219	Sec. 44(1)(b)	sell/offer or display for sale wares in park	\$75.00
428	01-219	Sec. 44(1)(b)	sell/offer or display for sale merchandise in park	\$75.00
429	01-219	Sec. 44(1)(b)	sell/offer or display for sale articles in park	\$75.00
430	01-219	Sec. 44(1)(b)	sell/offer or display for sale promotional material in park	\$75.00
431	01-219	Sec. 44(1)(b)	sell/offer or display for sale souvenirs/novelties in park	\$75.00
432	01-219	Sec. 44(1)(b)	sell/offer or display for sale wares in park	\$75.00
433	01-219	Sec. 44(1)(b)	sell/offer or display for sale wares in park	\$75.00
434	01-219	Sec. 44(1)(c)	sell/offer or display for sale art in park	\$75.00
435	01-219	Sec. 44(1)(c)	sell/offer or display for sale skill in park	\$75.00
436	01-219	Sec. 44(1)(c)	sell/offer or display for sale service in park	\$75.00
437	01-219	Sec. 44(1)(c)	sell/offer or display for sale work in park	\$75.00



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## To Amend By-law 17-225, a By-law to Establish a System of Administrative Penalties

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<b>TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
438	01-219	Sec. 44(2)	practice trade in park	\$75.00
439	01-219	Sec. 44(2)	practice occupation in park	\$75.00
440	01-219	Sec. 44(2)	practice business in park	\$75.00
441	01-219	Sec. 44(2)	practice profession in park	\$75.00
442	01-219	Sec. 44(2)	carry on trade in park	\$75.00
443	01-219	Sec. 44(2)	carry on occupation in park	\$75.00
444	01-219	Sec. 44(2)	carry on business in park	\$75.00
445	01-219	Sec. 44(2)	carry on profession in park	\$75.00
446	01-219	Sec. 44(2)	conduct trade in park	\$75.00
447	01-219	Sec. 44(2)	conduct occupation in park	\$75.00
448	01-219	Sec. 44(2)	conduct business in park	\$75.00
449	01-219	Sec. 44(2)	conduct profession in park	\$75.00
450	01-219	Sec. 44(2)	solicit for trade in park	\$75.00
451	01-219	Sec. 44(2)	solicit for occupation in park	\$75.00
452	01-219	Sec. 44(2)	solicit for business in park	\$75.00
453	01-219	Sec. 44(2)	solicit for profession in park	\$75.00
454	01-219	Sec. 44(3)	vending machine/game in park not authorized	\$75.00
455	01-219	Sec. 45	beg in a park	\$75.00
456	01-219	Sec. 45	solicit in a park	\$75.00
457	01-219	Sec. 45	invite subscriptions in a park	\$75.00
458	01-219	Sec. 45	ask for contributions in a park	\$75.00
459	01-219	Sec. 46(a)	take for remuneration film unless otherwise posted	\$75.00
460	01-219	Sec. 46(a)	take for remuneration photograph unless otherwise posted	\$75.00
461	01-219	Sec. 46(a)	take for remuneration videotape unless otherwise posted	\$75.00
462	01-219	Sec. 46(a)	take for remuneration television broadcast unless otherwise posted	\$75.00
463	01-219	Sec. 46(a)	permit to be taken for remuneration film unless otherwise posted	\$75.00
464	01-219	Sec. 46(a)	permit to be taken for remuneration photograph unless otherwise posted	\$75.00
465	01-219	Sec. 46(a)	permit to be taken for remuneration videotape unless otherwise posted	\$75.00
466	01-219	Sec. 46(a)	permit to be taken for remuneration television broadcast unless otherwise posted	\$75.00
467	01-219	Sec. 46(b)(c)	take for remuneration film not by permit and in accordance with Schedule B	\$75.00
468	01-219	Sec. 46(b)(c)	take for remuneration photograph not by permit and in accordance with Schedule B	\$75.00
469	01-219	Sec. 46(b)(c)	take for remuneration videotape not by permit and in accordance with Schedule B	\$75.00
470	01-219	Sec. 46(b)(c)	take for remuneration television broadcast not by permit and in accordance with Schedule B	\$75.00

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<b>TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
471	01-219	Sec. 46(b)(c)	permit to be taken for remuneration film not by permit and in accordance with Schedule B	\$75.00
472	01-219	Sec. 46(b)(c)	permit to be taken for remuneration photograph not by permit and in accordance with Schedule B	\$75.00
473	01-219	Sec. 46(b)(c)	permit to be taken for remuneration videotape not by permit and in accordance with Schedule B	\$75.00
474	01-219	Sec. 46(b)(c)	permit to be taken for remuneration television broadcast not by permit and in accordance with Schedule B	\$75.00
475	01-219	Sec. 47(1)(a)	distribute handbill in park	\$50.00
476	01-219	Sec. 47(1)(a)	distribute notice/bill in park	\$50.00
477	01-219	Sec. 47(1)(a)	distribute advertisement in park	\$50.00
478	01-219	Sec. 47(1)(a)	discard handbill in park	\$50.00
479	01-219	Sec. 47(1)(a)	discard notice/bill in park	\$50.00
480	01-219	Sec. 47(1)(a)	discard advertisement in park	\$50.00
481	01-219	Sec. 47(1)(a)	display handbill in park	\$50.00
482	01-219	Sec. 47(1)(a)	display notice/bill in park	\$50.00
483	01-219	Sec. 47(1)(a)	display advertisement in park	\$50.00
484	01-219	Sec. 47(1)(b)	post poster on park property	\$75.00
485	01-219	Sec. 47(1)(b)	post sign on park property	\$75.00
486	01-219	Sec. 47(1)(b)	post notice on park property	\$75.00
487	01-219	Sec. 47(1)(b)	post placard on park property	\$75.00
488	01-219	Sec. 47(1)(b)	post bill on park property	\$75.00
489	01-219	Sec. 47(1)(b)	post advertisement on park property	\$75.00
490	01-219	Sec. 47(1)(b)	post paper on park property	\$75.00
491	01-219	Sec. 47(1)(b)	nail poster on park property	\$75.00
492	01-219	Sec. 47(1)(b)	nail sign on park property	\$75.00
493	01-219	Sec. 47(1)(b)	nail notice on park property	\$75.00
494	01-219	Sec. 47(1)(b)	nail placard on park property	\$75.00
495	01-219	Sec. 47(1)(b)	nail bill on park property	\$75.00
496	01-219	Sec. 47(1)(b)	nail advertisement on park property	\$75.00
497	01-219	Sec. 47(1)(b)	nail paper on park property	\$75.00
498	01-219	Sec. 47(1)(b)	attach poster on park property	\$75.00
499	01-219	Sec. 47(1)(b)	attach sign on park property	\$75.00
500	01-219	Sec. 47(1)(b)	attach notice on park property	\$75.00
501	01-219	Sec. 47(1)(b)	attach placard on park property	\$75.00
502	01-219	Sec. 47(1)(b)	attach bill on park property	\$75.00
503	01-219	Sec. 47(1)(b)	attach advertisement on park property	\$75.00
504	01-219	Sec. 47(1)(b)	attach paper on park property	\$75.00
505	01-219	Sec. 47(1)(b)	stencil poster on park property	\$75.00
506	01-219	Sec. 47(1)(b)	stencil sign on park property	\$75.00
507	01-219	Sec. 47(1)(b)	stencil notice on park property	\$75.00
508	01-219	Sec. 47(1)(b)	stencil placard on park property	\$75.00
509	01-219	Sec. 47(1)(b)	stencil bill on park property	\$75.00

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<b>TABLE 12: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS</b>				
<b>ITEM</b>	<b>COLUMN 1 DESIGNATED BY-LAW &amp; SECTION</b>		<b>COLUMN 2 SHORT FORM WORDING</b>	<b>COLUMN 3 SET PENALTY</b>
510	01-219	Sec. 47(1)(b)	stencil advertisement on park property	\$75.00
511	01-219	Sec. 47(1)(b)	stencil paper on park property	\$75.00
512	01-219	Sec. 47(1)(b)	fasten poster on park property	\$75.00
513	01-219	Sec. 47(1)(b)	fasten sign on park property	\$75.00
514	01-219	Sec. 47(1)(b)	fasten notice on park property	\$75.00
515	01-219	Sec. 47(1)(b)	fasten placard on park property	\$75.00
516	01-219	Sec. 47(1)(b)	fasten bill on park property	\$75.00
517	01-219	Sec. 47(1)(b)	fasten advertisement on park property	\$75.00
518	01-219	Sec. 47(1)(b)	fasten paper on park property	\$75.00
519	01-219	Sec. 47(1)(b)	erect poster on park property	\$75.00
520	01-219	Sec. 47(1)(b)	erect sign on park property	\$75.00
521	01-219	Sec. 47(1)(b)	erect notice on park property	\$75.00
522	01-219	Sec. 47(1)(b)	erect placard on park property	\$75.00
523	01-219	Sec. 47(1)(b)	erect bill on park property	\$75.00
524	01-219	Sec. 47(1)(b)	erect advertisement on park property	\$75.00
525	01-219	Sec. 47(1)(b)	erect paper on park property	\$75.00
526	01-219	Sec. 53(2)(a)	fail to desist from activity which contravenes the By-law	\$100.00
527	01-219	Sec. 53(2)(c)	fail to leave the park	\$100.00

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
F. Eisenberger  
Mayor

\_\_\_\_\_  
City Clerk



Hamilton

**HAMILTON MUNICIPAL HERITAGE COMMITTEE**

**REPORT 18-003**

**12:00 p.m.**

**March 15, 2018**

**Room 264, 2<sup>nd</sup> Floor**

**Hamilton City Hall**

**71 Main Street West**

**Present:** Councillor M. Pearson  
A. Denham-Robinson (Chair), W. Arndt, D. Beland, G. Carroll, C. Dmitry, M. McGaw, T. Ritchie,

**Absent with Regrets:** Councillors A. Johnson and J. Partridge – Personal, K. Garay, R. Sinclair, K. Stacey, and T. Wallis

**THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 18-003 AND RESPECTFULLY RECOMMENDS THE FOLLOWING:**

1. **Recommendation to Include the *Maintenance* Covers Located in front of 201 Robert Street and 10 Mulberry Street, Hamilton, in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest (Ward 2)(PED18067)**
  - (a) That the *maintenance* cover located in front of 201 Robert Street, Hamilton, as shown in Appendices "A" and "B" to Report PED18067, be included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest.
  - (b) That the *maintenance* cover located in front of 10 Mulberry Street, Hamilton, as shown in Appendices "C" and "D" to Report PED18067, be included in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest.
2. **Education Working Group's List of Heritage Nominations 2018 (Added Item 8.2)**

That the following Nominations for the Heritage Recognition Awards be approved:

- (a) **Property Recognition Awards Nominations:**

1. 6 Forest Avenue, Hamilton, Rastrick House (Quarrington House)
2. 2844 Governor's Road, Ancaster
3. Medical Arts Centre, 4 Yonge Street, Hamilton
4. 76 Mill Street N., Waterdown, (The Slater House)
5. 25 Mill St. N., Waterdown (Brown Financial Security, former East Flamborough Town Hall)
6. 23 Lake Ave. S., Stoney Creek, Church of the Redeemer
7. 262 McNab Street N., Hamilton, ("Painted Lady")

**(b) Education in Heritage Award Nominations:**

1. Donna Reid for the Hamilton Store and Graham Crawford
2. Brian Henley, Historian and Author
3. Nathan Tidridge, Historian and Author

**(c) Making Heritage Accessible Award Nominations:**

1. Waterdown Memorial Hall, 317 Dundas St. East, Waterdown
2. Binbrook Soldiers' Memorial Hall, 2600 Hamilton Regional Rd. 56, Binbrook

**(d) Heritage Group/Society Award Nominations:**

1. Friends of the Gore
2. Restoration Team for 992 King St. E at St. Clair (also 2 St. Clair Avenue) (Inventoried) Date of Construction 1920– Owners Amanda and Mike Herman, Julia and Doug Veenstra, Bill McTaggart – This community group bought the building, an eyesore in their community and have restored it over the past two years.
3. Waterdown Mill Street Heritage District Committee

**(e) Heritage Landscape Award Nominations:**

1. 1468 Hamilton Regional Road 8, Stoney Creek, Puddicombe Farms, Winery & Cider
2. Shaver Family Cemetery (Repair of stone walls), Shaver Family & Restoration Company

**(f) Adaptive Reuse of a Heritage Property Award Nominations:**

1. 7-11 Brock Street, Hamilton (Conversion from Industrial commercial to Residential)

**(g) Heritage Property Developer Award Nominations:**

1. Ralph Naccarato for purchase and restoration of multiple heritage properties, including 5 Mill Street S., Waterdown (Old Weeks Hardware) and 49 Main St. N. (McGregor House).

2. Don Husack, Dawn Victoria Homes - Owner/builder/developer, for the purchase and restoration of multiple heritage properties including 297 Dundas St. E., Waterdown (White Tea House or Crocker House)

**3. Funding Approval for the Purchase of Vinyl Banners for the Hamilton Municipal Heritage Committee (Item 9.1)**

**(Pearson/Carroll)**

That the amount of \$193.75 be approved for the purchase of vinyl banners for the Hamilton Municipal Heritage Committee, and charged to Account 812020-53130.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Clerk advised the Committee of the following change to the agenda:

**1. ADDED DISCUSSION ITEM:**

- 8.2 Education Working Group's List of Heritage Nominations 2018

The Agenda for the March 15, 2018 Hamilton Municipal Heritage Committee were approved, was amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

None.

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

**(i) February 15, 2018 (Item 3.1)**

The Minutes of the February 15, 2018 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

**(d) DISCUSSION ITEM (Item 8)**

**(i) Recommendation to Include the Manhole Covers Located in front of 201 Robert Street and 10 Mulberry Street, Hamilton, in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest (Ward 2)(PED18067) (Item 8.1)**

Chelsey Tyers, Cultural Heritage Planner, addressed the Committee respecting the Recommendation to Include the Manhole Covers Located in front of 201 Robert Street and 10 Mulberry Street, Hamilton, in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest (Ward

2)(PED18067), with the aid of photographic images. The images have been included in the official record and are available at [www.hamilton.ca](http://www.hamilton.ca).

Report PED18067, respecting a Recommendation to Include the Manhole Covers Located in front of 201 Robert Street and 10 Mulberry Street, Hamilton, in the City of Hamilton's Register of Property of Cultural Heritage Value or Interest, was amended by deleting the word "Manhole" and replacing it with the word "Maintenance" throughout the entire document. For disposition of this matter, refer to Item 1.

A. Denham-Robinson relinquished the Chair to the Vice-Chair to address the Committee respecting the Education Working Group's List of Heritage Nominations 2018.

**(ii) Education Working Group's List of Heritage Nominations 2018 (Added Item 8.2)**

A. Denham-Robinson addressed the Committee respecting the Education Working Group's List of Heritage Nominations 2018, with the aid of a PowerPoint presentation. The presentation has been included in the official record, and available at [www.hamilton.ca](http://www.hamilton.ca).

That the members of the Education Working Group work with the Legislative Coordinator to continue to update the List of Heritage Nominations with property descriptions and photos.

For disposition of this matter, refer to Item 2.

A. Denham-Robinson assumed the Chair.

**(e) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

**(i) Buildings and Landscapes (Item 11.1)**

That the following updates be received:

**(a) Endangered Buildings and Landscapes (RED):  
(Red = Properties where there is a perceived immediate threat to heritage resources through: demolition; neglect; vacancy; alterations, and/or, redevelopment)**

(i) Tivoli, 108 James Street North, Hamilton (D) – A. Johnson  
No report.

(ii) Book House, 167 Book Road East, Ancaster (R) – M. McGaw

Jeremy Parsons, Cultural Heritage Planner, advised the Committee that a report respecting the Book House, 167 Book Road East, Ancaster, will be presented at the next Hamilton Municipal Heritage meeting on April 19, 2018. The owner (Diocese of Hamilton) will be providing a Document & Salvage report to the committee at the April 19, 2018 meeting.

- (iii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – M. McGaw

No report.

- (iv) Century Manor, 100 West 5th Street, Hamilton (D) – K. Garay

No report.

- (v) Beach Canal Lighthouse (D) – J. Partridge

No report.

- (vi) 18-22 King Street East, Hamilton (R)(NOI) – K. Stacey

No report.

- (vii) 24-28 King Street East, Hamilton (R)(NOI) – K. Stacey

No report.

- (viii) 1 St. James Place, Hamilton (D) – K. Stacey

No report.

- (ix) 2 Hatt Street, Dundas – K. Stacey

No report.

- (x) James Street Baptist Church, 98 James Street South, Hamilton (D) – A. Denham-Robinson

S. Robichaud, Director, Planning, advised the Committee that there is a new owner of the property known as James Street Baptist Church, 98 James Street South, Hamilton, and that a revised development proposal will be coming forward. The new owner will be incorporating the heritage façade into their design, in keeping with the heritage easement and planning provisions held on the property.

**(b) Buildings and Landscapes of Interest (YELLOW):**



**(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)**

- (i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland

No report.

- (ii) St. Giles United Church, 85 Holton Avenue South (L) – D. Beland

No report.

- (iii) 2251 Rymal Road East, Stoney Creek (R) – C. Dimitry

No report.

- (iv) Former Valley City Manufacturing, 64 Hatt Street, Dundas – K. Stacey

No report.

- (v) St. Joseph's Motherhouse, 574 Northcliffe Avenue, Dundas - K. Stacey

No report.

- (vi) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North – G. Carroll

G. Carroll advised the Committee that there are issues with the roof of the property known as the Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North. Staff advised that a follow-up with the Property Standards Committee will be conducted.

**(c) Heritage Properties Update (GREEN):  
(Green = Properties whose status is stable)**

- (i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie

No report.

- (ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – K. Garay

No report.

- (iii) Jimmy Thompson Pool, 1099 King Street E., Hamilton (R) – T. Ritchie

No report.

- (iv) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie

No report.

- (v) 104 King Street West, Dundas (Former Post Office) – K. Stacey

No report.

**(d) Heritage Properties Update (black):  
(Black = Properties that HMHC have no control over and may be demolished)**

- (i) Auchmar Gate House, Claremont Lodge 71 Claremont Drive  
(R) – K. Garay

No report.

**(f) ADJOURNMENT (Item 12)**

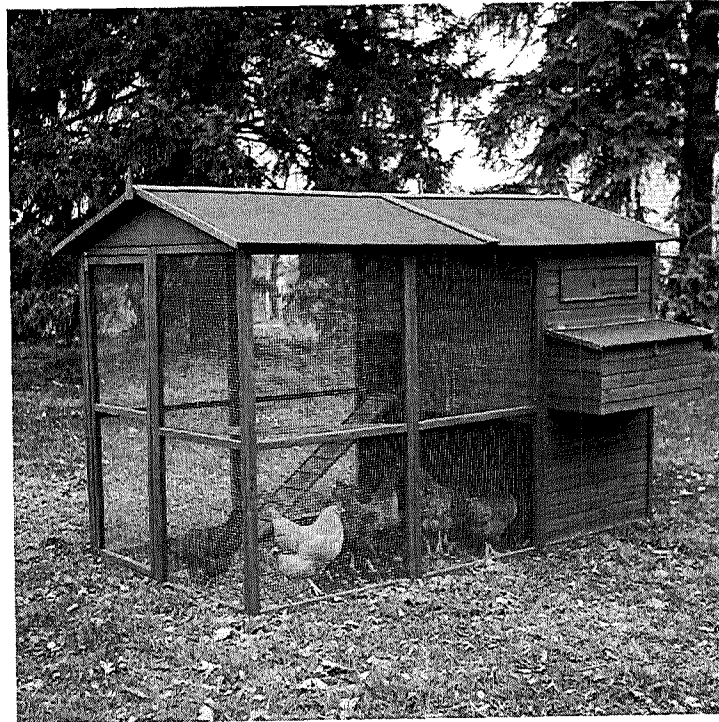
There being no further business, the Hamilton Municipal Heritage Committee adjourned at 12:54 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair  
Hamilton Municipal Heritage Committee

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk

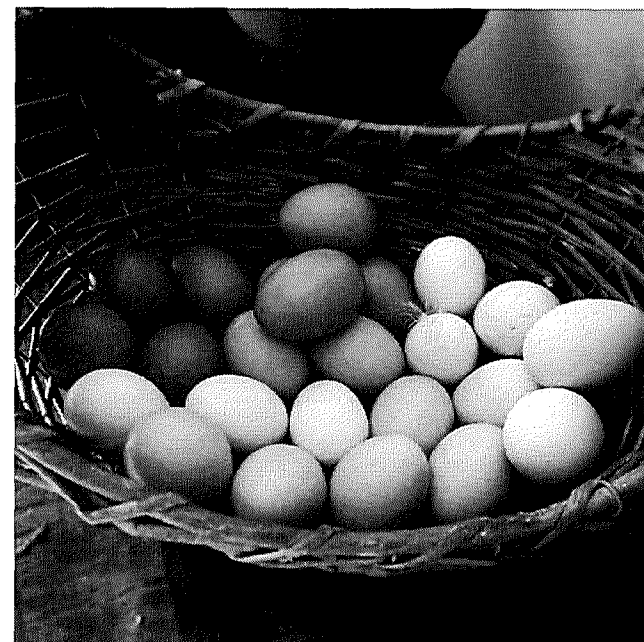
# Backyard Hens For Hamilton, Ontario



**March 2018**

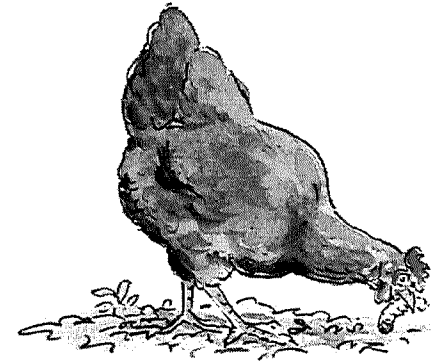
## EGGS

- On average, one hen lays one egg per day
- Provide food for low income families
- Teach children where food comes from
- Eggs from hens raised on pasture compared to factory farmed hens contain more of the good stuff and less of the bad stuff
  - 1/4 less saturated fat
  - 2/3 more vitamin A
  - 2 times more omega-3 fatty acids
  - 3 times more vitamin E
  - 7 times more beta carotene
  - 4 times more vitamin D



## PEST CONTROL

- Chickens love to eat insects
- Serve as an organic pest-cleanup crew in your garden
- Devour ticks on your property
- Eat many weeds
- When you feed your chickens kitchen scraps they poop out a nitrogen-rich fertilizer which you compost with yard waste, creating invaluable organic soil for your garden

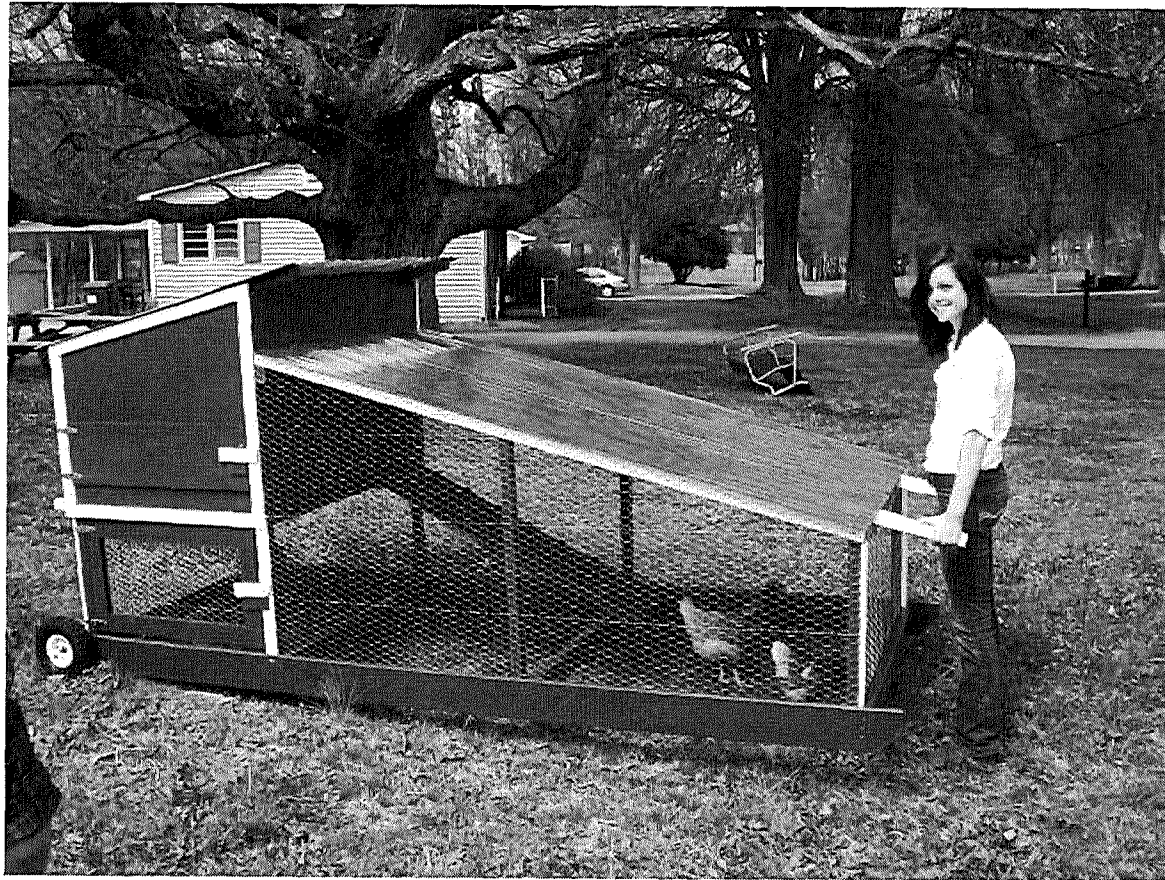


## City of Hamilton At Risk Area for Lyme Disease

- The Tick population in Hamilton is exploding
- Ticks = Lyme Disease = Higher Healthcare Costs
- Conservation Hamilton is working with Royal Botanical Gardens to come up with a solution. Chickens eat ticks and are a natural solution.
- A 1991 study showed that chickens who scavenged for 30 minutes among tick-infested cattle in Kenya ate an average of 81 ticks per chicken.



# Portable Chicken Coop





## KEEP FOOD AND YARD WASTE OUT OF LANDFILLS

- A single chicken can “bio-recycle” about seven pounds of food residuals in a month
- If just 2000 households raise hens, it could divert 252 tons of waste from landfills annually
- In Flanders, Belgium and Paris, France the city actually GIVES laying hens to homes in an effort to reduce landfill costs

## CHICKENS MAKE GREAT PETS

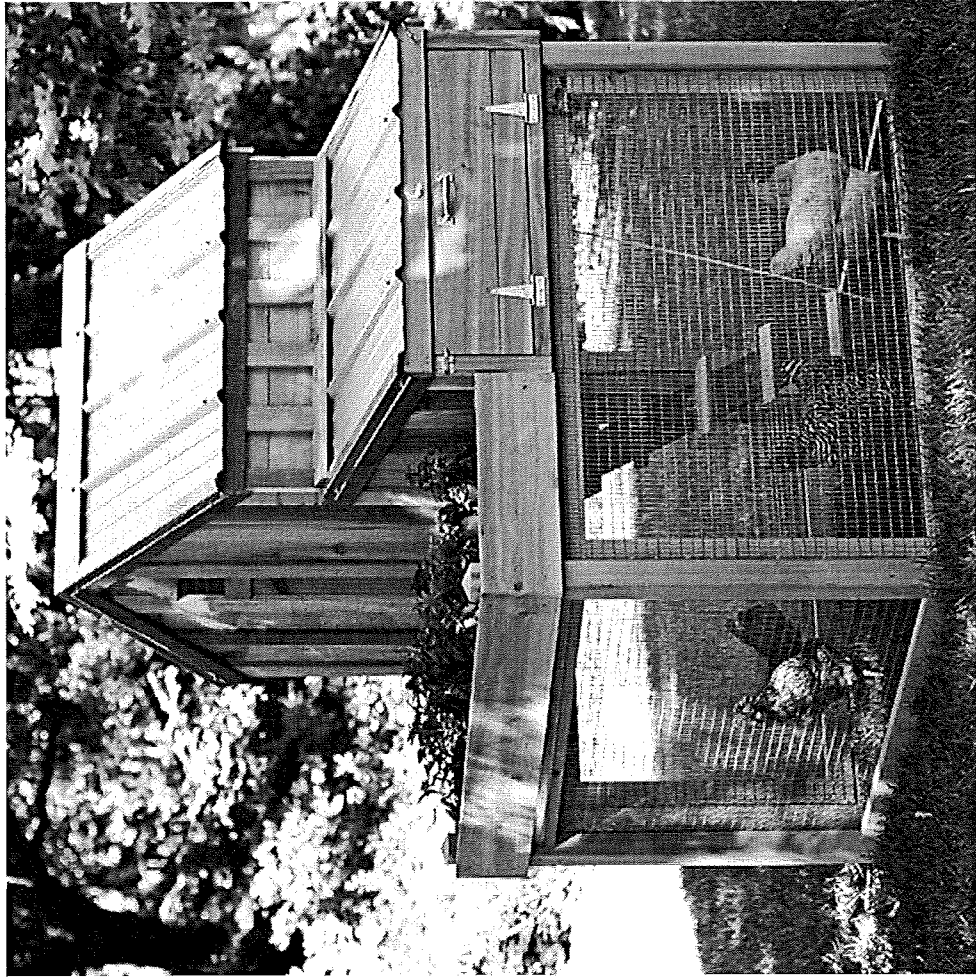
- Chickens are like any other pet
- You need to feed and water them daily, collect the eggs and clean the coop
- They are gentle and great with kids
- They provide great company



## IT'S BEEN PROVEN SUCCESSFUL

- All of Hamilton's surrounding municipalities allow for backyard hens and they have had great success!!
- Toronto, Guelph, Caledon, Brampton, Kingston, Niagara Falls, Newmarket etc all allow for backyard hens
- Hamilton can easily use these city's regulations as a template

**THANK YOU FOR YOUR SUPPORT!**



### **Feedback from Surrounding Municipalities that Allow Backyard Hens Regarding Complaints**

“We had many people send letters of support of how it teaches their children responsibility.” - David Wiedrick, Manager, Bylaw Compliance, Security and Licensing, Operations Department, City of Guelph in response to the positive feedback the City of Guelph has received since allowing backyard chickens.

“In Niagara Falls, where backyard chickens have been permitted for 20 years, there were 10 complaints to the city about the animals in 2016. In that same time period, there were 500 noise complaints about dogs.” – Source Councillor Justin DiCiano, Toronto

“We received 12 complaints of chickens in 2017 (this included chickens running at large, coops too close to property lines, and ensuring the condition of the coops for hygiene). Zero in 2018. Most people are good and communicate with their neighbours and share the eggs laid from the hens.” – Source David Wiedrick, Manager, Bylaw Compliance, Security and Licensing, Operations Department, City of Guelph – February 14, 2018

“In Guelph, there are about 40 chickens per 40,000 households and a handful of complaints from neighbours per year.” – Source CBC News, December 13, 2012

“The City of Kingston issued 23 backyard hen permits in 2017. The By-Law Enforcement Department has received only a couple of complaints over the past several years since the program was adopted. The City has received feedback from stakeholders which include the following benefits:

- Fosters responsibility within the family dynamics (creates potential growth, responsibility, teamwork and leadership from parents to children)
- Promotes community local food source sharing
- Sustainable initiative
- Health and wellness benefits which include an excellent source of protein and Vitamins A, D, E and Vitamin B12
- Education and awareness”

– Source Kevin Pickell, Licensing Agent, Licensing and Enforcement, Planning, Building, Licensing and Enforcement, Community Services, City of Kingston – February 16, 2018

## **Surrounding Municipalities Regulations for Backyard Hens**

- 1) Brampton's Bylaw regarding backyard hens, no license is required
- 2) Kingston's Regulations on backyard hens and their application form
- 4) Niagara Falls Bylaw regarding backyard hens, no license is required
- 5) Caledon, Committee of the Whole recommendation to allow backyard hens, approved in December 2017, no license is required
- 6) Guelph's Bylaw regarding backyard hens
- 7) Toronto's City Council Decision to allow backyard hens
- 8) Newmarket's Amendment to their bylaw, allowing backyard hens, no license is required

**BRAMPTON BYLAW**

4.1 (340-2012) In addition to other requirements of this by-law and the Zoning By-law, the following are the rules for persons wishing to own more than two hens or rabbits: (340-2012)

(1) No person shall keep more than two hens or rabbits on a lot unless a licence is obtained from the Licence Issuer.

(2) For the purposes of this section:

a) The licensing period shall be for 12 months commencing on the day the licence is issued.

b) The applicant shall complete a licence application, file any information as may be required by the Licence Issuer and pay the required fee as set out in the User Fee By-law prior to a licence being issued.

c) The applicant shall provide notice to adjoining property owners that a licence for the keeping of hens and rabbits has been applied for. The notice shall include:

- i) information regarding the numbers and types of animals to be kept; and
- ii) information that the application may be objected to by sending an objection in writing to the Licence Issuer within 20 days of delivery of the notice.

d) notice under this section shall be deemed to be delivered: i) in the case of mailed documents, four days following the mailing, as determined from the postmark, ii) in the case of an emailed or faxed document, the day of emailing or faxing, unless the document is emailed or faxed after 4:30 p.m., in which case it will be deemed to have been delivered the following day, iii) in the case of a document that is delivered in person, the date of delivery, provided the document is delivered before 4:30 p.m. If the document is delivered after 4:30 p.m., it will be deemed to have been delivered the following day.  
Office Consolidation – Animal Control By-law – Page 7 of 11

e) The applicant shall provide the Licence Issuer with proof of delivery of the notice to adjoining property owners, in the form of a copy of the notice and affidavit that the notice has been delivered.

f) A licence shall not be issued for owners to keep more than two hens or rabbits on a lot of less than one acre in size.

g) A licence shall be issued to an owner whose application meets all the requirements of this By-law except if the Licence Issuer is of the opinion that:

- i) the issuance or the holding of a licence would be contrary to the public interest in respect of:
  - (1) the health and safety of any person or animal; or
  - (2) a nuisance affecting any land or person in Brampton;
- ii) any application or other document provided to the Licence Issuer by or on behalf of the applicant contains a false statement, or provides false information;
- iii) the applicant does not meet all the requirements of this By-law or any other City By-law.

h) In making a decision under subsection 14.1(2)(g)(i)(2), the Licence Issuer shall consider any objection received from an adjoining property owner regarding the proposed issuance of a licence for the keeping of hens and rabbits.

i) Where the Licence Issuer has refused to issue a licence, the applicant may appeal to the Brampton Appeal Tribunal in accordance procedures established by the Licensing By-law 1-2002.

j) When it considers an appeal under this By-law, the Tribunal shall not make any decision or finding that impacts an application for a minor variance.

k) Any person holding a licence under this section shall produce the licence upon the request of the Licence Issuer or animal control officer.

(3) No person shall be licensed to keep more than ten hens or ten rabbits or a total of ten hens and rabbits in any combination.

(4) Notwithstanding Sections 14.1(1) and 14.1(3), a veterinarian who is keeping hens or rabbits for treatment or other purposes directly related to his or her Office Consolidation – Animal Control By-law – Page 8 of 11 practice of veterinary medicine is not subject to licensing requirements or maximum numbers of hens and rabbits.

(5) All hens and rabbits must be kept in an animal quarter located, constructed and maintained in compliance with Section 13 of this by-law, the Zoning Bylaw and any other applicable legislation.

(6) In addition to the requirements in Section 13, animal quarters must be located at least eight (8) metres (25 feet) from the rear lot line and at least eight (8) metres (25 feet) from any side lot line of the lot on which the animal quarter is located.

(7) Every owner of hens and rabbits shall permit entry on the lot for the purpose of enforcing this or any other City by-law and it is an offence to obstruct any City employee in the execution of his or her duties under this by-law.



## City of Kingston Rules and Regulations Pertaining to Backyard Hens

### Definitions:

*"hen" means a domesticated female chicken that is at least four months old."*

*"hen run" means covered secure enclosure that allows hens' access to outdoors."*

*"coop" means a fully enclosed weatherproof building where hens are kept and which the interior of includes nest boxes for egg laying, perches for the hens to sleep on and food and water containers."*

*"owner" includes any person who possesses, harbours or keeps an animal or hen and, where an owner is a minor, includes the person who is responsible for the custody of the minor."*

*"at large" means, in the case of a dog being in a place other than a property owned or occupied by its owner and not under the control of its owner or another person acting on behalf of the owner and, in the case of a hen, means being outside a coop or run."*

### Regulations for the keeping of backyard hens and coops:

- The license fee for a hen coop is in accordance with By-Law 2005-10 which is renewable each calendar year (on or before December 31) with the Building and Licensing Department and registered in the identification system.
- A maximum of 6 hens are permitted on any residential property.
- All hens must be at least 4 months old.
- The keeping of roosters is prohibited.
- A tenant must obtain permission from the property owner to keep hens on the owner's property.
- The owner of the hens must reside on the property where the hens are kept.
- Applicants must advise their neighbours of their intention to obtain a hen coop permit prior to submitting application.
- Hens must be kept in their coops from 9:00 p.m. to 6:00 a.m.
- Hens must be kept in an enclosed hen run when not in their coop.
- Hen coops and runs shall be a distance of at least 1.2m from the rear lot line and at least 1.2m from any side lot line of the dwelling lot on which the hen coop is located.
- Hen coops and hen runs shall be located at least 15 m from any school.
- Hen coops and hen runs shall be located at least 7.5 metres from any church or business.
- Hen coops and hen runs shall be a minimum distance of 3 m from all windows and doors of dwellings that are located on an abutting property.
- Hen coops are not permitted in any front or side yard.
- Sales of eggs, manure and other products associated with the keeping of hens are prohibited.
- Hen coops and hen runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odours, substances and vermin.
- Stored manure shall be kept in an enclosed structure such as a compost bin in accordance with compost regulations, and no more than three cubic feet shall be stored at any one time.
- Manure shall be disposed of in accordance with Municipal by-laws. Hen waste must be solid and bagged.
- Home slaughter of hens is prohibited and any deceased hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.



City Of Kingston  
216 Ontario Street  
Kingston, Ontario  
K7L 2Z3

## City of Kingston Application for Hen Coop Permit

Applicant Name: \_\_\_\_\_  
(Please Print Name)

Phone Number: (\_\_\_\_) - \_\_\_\_\_ Cell Number: (\_\_\_\_) - \_\_\_\_\_

Permit Address (where backyard hens will be housed): \_\_\_\_\_

Postal Code: \_\_\_\_\_

Number of backyard hens to be kept at the permit address \_\_\_\_\_ (6 maximum):

The total area of all coops and runs are less than 108 square feet (10 square metres):

The hen coop and hen run is one story high and less than 15 feet:

Please include a site plan illustrating where the hen coop, and run will be located on your property.

### DECLARATION

#### IN THE MATTER OF AN APPLICATION FOR THE GRANT OF A MUNICIPAL PERMIT

#### TO WIT:

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_

in the \_\_\_\_\_ do solemnly declare:

1. That I am the applicant for the grant of a permit authorizing me to keep backyard hens pursuant to By-Law 2004-144 within the City of Kingston now and hereafter in force. I undertake to conform to the terms, conditions and regulations set out in By-Law 2004-144 and understand that I must comply with all applicable regulations and requirements of: 1) every by-law of the City of Kingston; and 2) every Provincial and Federal Act and regulation made under such an Act.
2. That I understand that any permit issued pursuant to the said application is subject to revocation.
3. I have served written notice to the abutting property owner(s) that I have made application for a hen coop and a hen run permit. These notices are attached to this application.
4. That the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act".

DECLARED BEFORE ME at the City of Kingston,

this \_\_\_\_\_ day of \_\_\_\_\_

Day Month Year Applicant,

A Commissioner, etc \_\_\_\_\_

#### (FOR OFFICE USE ONLY)

PERMIT NO. ISSUED:

PERMIT APPLICATION

ISSUED BY:

NOTICE OF COLLECTION: Personal Information collected is pursuant to the Municipal Freedom of Information and Protection of Privacy Act (and all other applicable privacy provincial and federal legislation). Such legislation is reviewed and applied for the collection, use, disclosure and destruction of the information. The personal information collected as a result of this application may be used to assist in reporting information when requested. Questions regarding this collection should be forwarded to Kim Leonard, Manager of Licensing and Enforcement, 216 Ontario Street, Kingston, Ontario, K7L 2Z3 or by e-mailing kleonard@cityofkingston.ca

Updated June 14, 2011

City Of Kingston  
216 Ontario Street  
Kingston, Ontario  
K7L 2Z3



## NEIGHBOUR NOTIFICATION Backyard Hen Coop

**Applicant Name:**

---

**Name of Abutting Neighbour:**

---

**Address of Abutting Neighbour:**

---

No permit shall be issued to a person, by the City of Kingston, and no hens shall be allowed to be kept unless the owner(s) of all residentially zoned abutting properties are made aware of the application for the permit in writing.

I, am the abutting property owner of the applicant and I, am aware of the application for a permit to keep backyard hens.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Niagara Falls

**SCHEDULE "C"  
CHICKENS**

1. In this Schedule:  
  
"being at large" means to be found in any place other than the property of the owner of the chicken and "be at large" has a corresponding meaning.
2. No owner shall allow or permit his or her chicken to be at large.
3. No person shall keep a rooster are not permitted within the Urban Boundary.
4. The total number of chickens permitted within the Urban Boundary shall be as follows;
  - (a) On and after July 15, 2002: maximum 20 chickens
  - (b) On and after July 15, 2005: maximum 10 chickens
5. All chicken coops shall be located only in the rear yard and must fully enclose the chickens and prevent them from escaping.
6. The chicken coop shall be designed and constructed to ensure proper ventilation and sufficient space for the chickens and maintained in accordance with good animal husbandry practices and shall keep all vermin out.
7. All dead chickens must be disposed of immediately and in any event, within 24 hours.
8. There must be hygienic storage of and prompt removal of chicken feces.
9. The chicken's food supply must be protected against vermin.
10. All lots housing chickens must have:
  - (1) detached dwellings on them;
  - (2) a frontage of at least 40 feet; and,
  - (3) a depth of at least 100 feet.
11.
  - (1) The chicken coop shall be located at least 25 feet from the rear lot line of the lot on which the chicken coop is located.
  - (2) The chicken coop shall be located at least 15 feet from any side lot line of the lot on which the chicken coop is located.

Caledon

**Schedule A to Staff Report 2017-131  
Recommended Regulations for Residential Backyard Hens**

- (1) With the exception of multiple-residential properties, hens shall be permitted to be kept on lots which are zoned residential.
- (2) A maximum of four (4) hens shall be permitted to be kept per lot.
- (3) The hen owner shall reside on the property where the hens are kept.
- (4) The keeping of roosters is prohibited.
- (5) All hens shall be a minimum of four (4) months old.
- (6) All hens shall be kept in a coop or run at all times and shall not be free range.
- (7) Hens shall be kept in locked coops from 9:00 p.m. to 6:00 a.m.
- (8) When not required to be kept in a coop, hens shall at all times have access to a run.
- (9) Hens shall be provided with access to feed and clean water at all times.
- (10) Hens shall be kept in a clean and healthy condition free from disease.
- (11) Hens must be provided with appropriate space and environmental conditions conducive to good health, the opportunity to socialize and engage in fundamental behaviours such as scratching, roosting and dust bathing and, where necessary, shall be provided with veterinary care.
- (12) Owners shall ensure that hens are kept in a manner in order to not cause a nuisance to any adjacent neighbour.
- (13) The sale of eggs, manure or other products derived from the keeping of hens is prohibited.
- (14) The home slaughter or euthanasia of hens is prohibited and any deceased hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.
- (15) A maximum of one (1) hen coop and one (1) hen run shall be permitted per lot.
- (16) Coops and hen runs combined shall be less than ten (10) square metres.
- (17) All coops and hen runs shall be constructed to be completely enclosed to ensure that hens are contained within at all times.
- (18) Coops must be constructed and maintained to have adequate ventilation, provide protection from weather, to exclude rodents and include a lock to be secured against the entry of predators.

- (19) Coops must include at least one (1) nest box and one (1) roost providing twenty (20) centimetres of space per hen.
- (20) Food and water containers must be provided, cleaned regularly and disinfected.
- (21) Coops, including perches and nest boxes, shall be thoroughly cleaned and disinfected a minimum of two (2) times annually.
- (22) A minimum of 0.37 square meters per hen is required for the coop floor area, along with a minimum of 0.93 square meters ground area per hen for the outdoor hen run.
- (23) Hen coops and runs shall be a maximum of two (2) metres in height as measured from the highest point of the coop or run and the ground directly below such point.
- (24) Hen coops, runs and any associated feed or manure storage shall only be permitted in rear yards.
- (25) Hen coops, runs and any associated feed and manure storage shall be set back at least two (2) metres from any lot line.
- (26) A hen coop and run shall be required to comply with the provisions for an accessory structure under the Town's Zoning By-law, as amended.
- (27) Hen coops, runs and any associated feed and manure storage shall be at least fifteen (15) meters from any lot on which a church, business or school is located.
- (28) Hen coops, runs and any associated feed and manure storage shall be a minimum distance of three (3) meters from any dwelling on an adjacent property.
- (29) Hen runs must include a floor of any combination of vegetated or bare earth.
- (30) Hen coops and runs shall be maintained in good repair and in a clean and sanitary condition, being kept free of obnoxious odours or substances and vermin.
- (31) Feed must be stored in rodent proof containers and secured at all times to prevent rodents or other animals from accessing it and leftover feed must be removed in a timely manner.
- (32) Manure and droppings shall be removed in a timely manner and stored manure shall be kept in an enclosed structure that prevents any odour and no more than .085 cubic metres shall be stored at any time.

Guelph

4. The City may from time to time establish fees, procedures/timelines and charges in respect of Animal Licences.
5. The City may determine whether, and in what circumstances, Animal Licences will take the form of Animal Tags.
6. Every Animal Licence expires one year after its issuance.
7. No Animal Licence is transferable except with the approval of the City or the Pound Operator.
8. Every Animal Licence expires and becomes void upon the sale, transfer, death or disposal of the Animal in respect of which it was issued unless permitted as in section 7. Above.

#### **Animal Tags in General**

9. If an Animal Licence in the form of an Animal Tag has been issued to the Keeper of an Animal, the Keeper of the Animal shall keep that Animal Tag securely affixed on the Animal at all times.
10. No person shall use an Animal Tag upon any Animal other than the Animal for which the Animal Tag was issued. However, should the animal expire before the end of the licensing period, the license may be transferred to a new animal and a new tag issued.
11. If an Animal Tag is lost or destroyed before the expiry of the corresponding Licence, the Pound Operator may issue a replacement Animal Tag.

#### **Animal Registrations**

12. Any person who keeps domestic poultry shall register such keeping with the City or Pound Operator. No person shall keep a rooster within the City limits.
13. No person shall keep any domestic poultry unless it is kept at all times in a pen that:
  - (a) Has a solid floor that is kept free from standing water, and is cleaned and disinfected regularly; and
  - (b) Is located at least 15 metres (50 feet) from any school, church or residence building on any land other than the land owned or occupied by the Keeper.
14. Any person keeping reptiles for the purposes of breeding, as permitted under the Prohibited Animals Schedule, shall register such keeping with the City or Pound Operator.
15. The Pound Operator shall maintain a register listing Poultry, Reptiles, Sheep and Goats that have been registered. The register shall list the number of animals, the name and address of the Keeper, the date of registration, the date and result of any inspection completed and the name of the Animal Protection Officer performing the inspection.

#### **Microchips**

16. Every Keeper of an Animal that contains a Microchip shall ensure that the Keeper's name and contact information, which is accessible from the code in the Microchip, is kept current.

#### **Dog Licence**

17. Every Keeper of a Dog over the age of four months, other than a Police Work Animal, shall register it with, and obtain an Animal Licence from the City or the Pound Operator.
18. Every Keeper of a Dog shall ensure that when applying for an Animal Licence in respect of a Dog, or at any time during the licensed period, the Dog has a current rabies immunization certificate, and upon demand, shall provide it to the City or the Pound Operator.

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Agenda Item History - 2017.LS20.1



## Tracking Status

- City Council adopted this item on October 2, 2017 with amendments.
- City Council considered this item on July 4, 2017 and postponed its consideration to a later date. Consult the text of the decision for further information on the deferral.
- This item was considered by Licensing and Standards Committee on June 14, 2017 and was adopted with amendments. It will be considered by City Council on July 4, 2017.
- See also By-laws 1048-2017, 1109-2017

### City Council consideration on October 2, 2017

LS20.1	ACTION	Amended		Ward:All
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## Prohibited Animals Review

### City Council Decision

City Council on October 2, 3 and 4, 2017, adopted the following:

1. City Council amend Toronto Municipal Code Chapter 349, Animals, by:
  - a. adding the following birds to the Prohibited Animals list in Schedule A: Gruiformes (cranes, rails), Phoenicopteriformes (flamingos), and Shenisciformes (penguins);
  - b. delaying the come into force date for the deletion of the prohibited animals' exception for educational programs to January 1, 2018;
  - c. permitting Earth Rangers to continue to use their existing skunk, pine martin, armadillo and porcupine for educational purposes in the City of Toronto until January 1, 2021; and
  - d. deleting part D. of Chapter 349-4 Exceptions: "The premises of the Toronto Zoo" and inserting the following new part D:
 

349-4. D. Toronto Zoo Animals
2. City Council direct the Executive Director, Municipal Licensing and Standards to work with relevant City divisions, agencies, boards and external stakeholders to strengthen public educational efforts on animals permitted to be used for mobile live animal programs and best practices for public health and safety and animal care and welfare.
3. City Council direct the Executive Director, Municipal Licensing and Standards to follow the criteria listed below prior to reporting on whether an animal should be added or removed from the prohibited animals list and to help evaluate if certain animals should be added or deleted from the list:



- a. determining if animal is on federal or provincial protected, at-risk, endangered or prohibited list;
- b. determining if animal is venomous or poisonous;
- c. determining if animal will present an undue danger to human health or safety;
- d. determining if animal care and welfare needs can be reasonably met by owner;
- e. determining if animal presents an invasive to local animals or the environment;
- f. determining if animal will cause public nuisance problems (such as noise, odour or significant garbage/waste); and
- g. determining if there is substantial independent, impartial, scientific, peer-reviewed evidence showing that the animal is relatively easy and inexpensive to keep and capable of being housed and cared for with respect to its fundamental biological, behavioural, ecological and welfare needs. Each animal's nutritional, thermal, lighting and other environment needs and landscape, furnishing, shelter and privacy requirements must be known and can be comprehensively, inexpensively and easily met.

4. City Council request the Executive Director, Municipal Licensing and Standards to examine the advantages and merits of a positive list for the regulation of animals in the City of Toronto and to report back to the Licensing and Standards Committee in the first quarter of 2018.

5. Notwithstanding that chickens are currently on the List of Prohibited Animals in Toronto, City Council authorize the Executive Director, Municipal Licensing and Standards to develop and implement a pilot program as soon as possible and at least prior to the end of October, 2017 permitting backyard hens in Wards 5, 13, 21 and 32 for a period of up to three years from the date of implementation, with an interim review after 18 months, such pilot program is to include the following conditions:

- a. participants in the pilot program must register, as directed, with the City and must be the owner or lawful occupant of the property;
- b. only residential properties are permitted to be registered. Neither apartment buildings, condominium buildings, nor properties without sufficient outdoor space to house the hens, as determined by the Executive Director, Municipal, Licensing and Standards will be permitted;
- c. limit of four backyard hens per property;
- d. participants agree to permit City staff to attend and inspect the property as deemed necessary to fulfill the purposes of the pilot program, and compliance with applicable bylaws;
- e. participants shall agree to terms and conditions satisfactory to the Executive Director, Municipal Licensing and Standards prior to keeping hens on the owner's property;
- f. no roosters are permitted;

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g. participants must comply with Chapter 349, Article III, Care of Animals and all other applicable laws;

h. hens must remain on the owner's property, and further, any hen found off the property of the owner will be considered at large in the City; and

i. the eggs produced are for personal consumption. The sale, or offering for sale, or any other type of distribution is prohibited.

6. City Council direct the Executive Director, Municipal Licensing and Standards to develop evaluation metrics to review and measure outcomes of the pilot program permitting backyard hens; such evaluation is to be done in cooperation with Toronto Public Health staff and the Toronto Food Policy Council and to include neighbourhood reaction, health impacts, and animal care.

7. City Council direct the Executive Director, Municipal Licensing and Standards to consider, create and require participants in the Backyard Hen Pilot Program to abide by terms and conditions on the following matters in a form and with content satisfactory to the Executive Director, Municipal Licensing and Standards:

a. side and rear yard setbacks for the locating of outdoor hen enclosures;

b. prescribed standards/guidelines for the outdoor enclosure structure and operating conditions, as appropriate, to ensure participants are taking appropriate measures to mitigate against attracting pests, vermin, or other wildlife;

c. conditions that participants are required to ensure that appropriate animal care and welfare needs are reasonably met;

d. prescribed standards to ensure that public health and safety concerns are mitigated; and

e. any other criteria as deemed necessary by the Executive Director, Municipal Licensing and Standards, to ensure community nuisance concerns are minimized.

8. City Council direct that all participants in the Backyard Hen Pilot Program be required to register with the City in a form as set out by the Executive Director, Municipal Licensing and Standards and enter into an agreement with the City requiring the participant to abide by the terms and conditions set by the Executive Director, Municipal Licensing and Standards in Part 7 above, and City Council authorize the Executive Director, Municipal Licensing and Standards to execute any agreement with participants of the Backyard Hen Pilot Program on behalf of the City.

9. City Council authorize the Executive Director, Municipal Licensing and Standards to suspend any registered participants from the Backyard Hen Pilot Program, who are believed to be jeopardizing public health, causing community disruption, or who are not adequately caring for the hens.

10. City Council direct the Executive Director, Municipal Licensing and Standards to report back to the Licensing and Standards Committee during the Backyard Hen Pilot Program, should significant public health, community nuisance or animal welfare issues arise.

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11. City Council direct the Executive Director, Municipal Licensing and Standards to include in the report back to the Licensing and Standards Committee at the end of the Backyard Hen Pilot Program, details including:

- a. complaints received;
- b. actions taken;
- c. staffing and/or resource impacts; and
- d. financial impacts.

12. City Council amend Chapter 349, Animals as deemed necessary to give effect to the Backyard Hen Pilot Program.

*Public Notice Given*

**Background Information (Committee)**

(May 31, 2017) Report from the Executive Director, Municipal Licensing and Standards on Prohibited Animals Review

(<http://www.toronto.ca/legdocs/mmis/2017/ls/bgrd/backgroundfile-104538.pdf>)

Attachment 1 - Schedule A, Chapter 349 - List of Prohibited Animals

(<http://www.toronto.ca/legdocs/mmis/2017/ls/bgrd/backgroundfile-104621.pdf>)

Public Notice - Proposed Amendments to Toronto Municipal Code Chapter 349, Prohibited Animals

(<http://www.toronto.ca/legdocs/mmis/2017/ls/bgrd/backgroundfile-104747.pdf>)

**Communications (Committee)**

(June 8, 2017) E-mail from Nicole Corrado including a petition containing approximately 705 individuals (petition is on file in the City Clerk's Office) (LS.New.LS20.1.1)

(June 13, 2017) E-mail from Tamie Fulford (LS.New.LS20.1.2)

(June 13, 2017) E-mail from Linda Langero (LS.New.LS20.1.3)

(June 13, 2017) E-mail from Margo MacNaughton (LS.New.LS20.1.4)

(June 13, 2017) E-mail from Carol and Peter Tracey (LS.New.LS20.1.5)

(June 13, 2017) E-mail from Alison Darmon (LS.New.LS20.1.6)

(June 13, 2017) E-mail from Paul MacKenzie (LS.New.LS20.1.7)

(June 13, 2017) E-mail from Denise Abramovitz (LS.New.LS20.1.8)

(June 13, 2017) E-mail from Cindy Wasney (LS.New.LS20.1.9)

(June 13, 2017) E-mail from Roberta Mura (LS.New.LS20.1.10)

(June 13, 2017) E-mail from Rosemarie Morris (LS.New.LS20.1.11)

(June 13, 2017) E-mail from Mano Narayanan (LS.New.LS20.1.12)

(June 13, 2017) E-mail from Kathy Bosci (LS.New.LS20.1.13)

(June 13, 2017) E-mail from Donna Lee Milne (LS.New.LS20.1.14)

(June 13, 2017) E-mail from Jeff Shimizu (LS.New.LS20.1.15)

(June 13, 2017) E-mail from Kathy Boci (LS.New.LS20.1.16)

(June 13, 2017) E-mail from Diane Moore (LS.New.LS20.1.17)

(June 13, 2017) E-mail from Mir Bahmanyar (LS.New.LS20.1.18)



Corporation of the Town of Newmarket

By-law Number 2017-34

A By-law to amend By-law Number 2016-53 being a by-law for the regulation, licensing and control of animals in the Town of Newmarket.

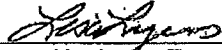
Whereas it is deemed necessary to amend Schedule "A" of By-law 2016-53.

Therefore be it enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. That Schedule "A" be replaced with Schedule "A" attached hereto indicating that the Prohibited Galliformes – chickens be removed from the Prohibited Animals.

Enacted this 6<sup>th</sup> day of June, 2017.

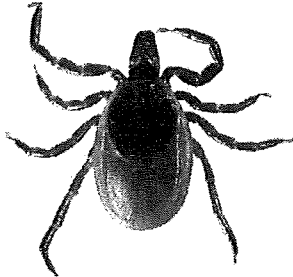
  
Tony Van Bynen, Mayor

  
Lisa Lyons, Town Clerk

## City of Hamilton at-risk area for Lyme disease

### Public health notes the chances of catching Lyme disease from the bacteria-carrying blacklegged ticks remains low

NEWS Mar 20, 2018 by [Teviah Moro](#) Hamilton Spectator



Hamilton has been deemed an "estimated risk area" for Lyme disease after blacklegged ticks were found at Christie Lake Conservation Area in the spring and fall of 2016.

Hamilton is now on Ontario's Lyme disease map, a development local public health officials say shouldn't come as a surprise given the blacklegged tick's steady migration north.

The city qualifies as a "Lyme disease estimated risk area" after local tick catchers found three blacklegged ticks in the spring and three more in the fall at Christie Lake Conservation Area last year.

This means public health will encourage doctors to be more aware of Lyme disease as the city looks to increase tick warning signs around natural areas.

"Now that we're an estimated risk area we're certainly going to be looking at what extra information needs to be added," Susan Harding-Cruz, manager of the city's vector-borne disease program, told the board of health Monday.

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Public health still notes the chances of catching Lyme disease from the bacteria-carrying blacklegged ticks remains low.

That said, the city committee has been meeting for months on a "tick management plan" that explores how urban design in parks and trails can be used to reduce the risk of contracting the disease through bites.

Coun. Brenda Johnson said some Glanbrook residents whose neatly kept yards back onto an overgrown hydro corridor are concerned about blacklegged ticks hitching rides onto their properties.

"That's the part that's frustrating to me," Johnson said. "It's just a matter of hopping onto their family dog and away you go."

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Harding-Cruz suggested the committee could look at the issue, but later noted the urban design strategy aims to strike a balance, noting too much cutting of long grass could invite other pests to invade residential areas.

City staff have been working with the Royal Botanical Gardens and Conservation Hamilton on the tick management plan.

An influx of ticks in Ontario has been expected for some time with the onset of climate change and farmland turning into forested areas. The pests have also hitched rides north on migratory birds and humans.

"We're certainly in the zone of an expected tick abundance and of Lyme disease," Harding-Cruz said.

The disease caused by bacteria in blacklegged ticks can initially cause flu-like symptoms, such as fatigue, fever and headaches, but can progress to nerve damage, heart problems and arthritis.

The nearest estimated risk area to Hamilton is Wainfleet Bog in Niagara Region. Other hot spots are along Lake Erie and in eastern Ontario.

For an area to be labelled a provincial Lyme disease estimated risk area, blacklegged ticks must be found during "dragging" in spring and fall in the same area.

In Hamilton, that happened at Christie Lake Conservation Area, from which a 20-kilometre radius now maps out the estimated risk area. Seven blacklegged ticks were also found at Royal Botanical Gardens paths and Borer's Falls in Dundas, but not during spring and fall.

In 2016, dragging, which basically involves a stick and a net, yielded one blacklegged tick in Cootes Paradise in the fall. It tested negative for the bacteria that causes Lyme disease.

Last year, members of the public submitted 892 ticks to public health in Hamilton. Seventy-eight were blacklegged, of which eight tested positive for Lyme — with one test result pending. In 2016, public health received 297 ticks, 26 of which were blacklegged.

"One of the things that we need to do ... is kind of face the facts that the ticks are here," Harding-Cruz said. "Unfortunately, this disease needs to be prevented through personal measures."

That includes removing ticks from skin as soon as they're noticed, and taking preventative measures, such as wearing long pants and sleeves in shady, long-grass areas, where the critters are most common.

On Monday, the board of health backed Coun. Sam Merulla's suggestion to have staff explore the "pros and cons" of the city using tick pesticides to stamp them out in problematic parts of town.

[Type here]

Such products are available to individual consumers for private use in Ontario, but can't be used in public areas.

"Under the circumstances and considering the public health issues of Lyme disease, there should be some sort of discussion of can cities be exempt if they're deemed to be in that problematic area," Merulla said after the meeting.



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 3, 2018
<b>SUBJECT/REPORT NO:</b>	Application to Amend the City of Hamilton Zoning By-law No. 6593, for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069)
<b>WARD(S) AFFECTED:</b>	Ward 6
<b>PREPARED BY:</b>	Michael Fiorino (905) 546-2424 Ext. 4424
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-16-063, (Dr. A. Cattafi, Owner)**, for a modification to the "C" (Urban Protected Residential, Etc.) District, to permit limited commercial uses, being a business or professional person's office; a photographer's or artist studio, but not including motion picture studio, and personal services uses within the existing single detached dwelling on lands located at 1011 Fennell Avenue East (Hamilton), as shown on Appendix "A" to Report PED18069, be APPROVED, on the following basis:

- i) That the draft By-law, attached as Appendix "B" to Report PED18069, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow); and,
- iii) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593, for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069) - Page 2 of 13**

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## **EXECUTIVE SUMMARY**

The proposed Zoning By-law Amendment is for a modification to the “C” (Urban Protected Residential, etc.) District, to permit limited commercial uses, being a business or professional person’s office; a photographer’s or artist studio, but not including motion picture studio, and personal service uses within the existing single detached dwelling. The modifications also recognize the existing zoning non-conformities as they relate to the existing parking location, manoeuvring space, driveway access as well as recognizing the size, location and encroachments of the existing accessory structure. Furthermore, the by-law has been amended to restrict the commercial uses within the first storey only, and restricting the existing floor below grade (cellar) and accessory structure for storage purposes.

The proposed Zoning By-law Amendment has merit, and can be supported, since the proposal is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan. The proposal is considered to be compatible with existing development in the area and provides for a compact and efficient urban form that uses existing infrastructure while being in keeping with the character of the area.

***Alternatives for Consideration – See Page 13***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** N/A

**Staffing:** N/A

**Legal:** As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment.

## **HISTORICAL BACKGROUND**

The subject site, totalling 464.59 sq m in area, is located east of the intersection of Fennell Avenue East and Upper Gage Avenue, on the north east corner of Fennell Avenue East and East 43<sup>rd</sup> Street, and known municipally as 1011 Fennell Avenue East (see location map attached as Appendix “A” to Report PED18069).

The subject site is used currently as a chiropractic office (home occupation) within the existing single detached residential dwelling, with an accessory building and four parking spaces at the rear of the property. The property has frontage on Fennell Avenue East, however, vehicular access to the subject land is from East 43<sup>rd</sup> Street. The applicant has submitted a Zoning By-law Amendment application to recognize the

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593, for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069) - Page 3 of 13**

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existing Chiropractic Office as a primary use and to permit a business or professional person's office; a photographer's or artist studio, but not including motion picture studio, and personal service uses. The existing Chiropractic Office has been operating on the subject lands since the mid 1950's. Staff note that the proposal is to permit commercial uses within the existing dwelling and no expansion of the dwelling has been proposed.

**Chronology:**

October 7, 2016: Zoning By-law Amendment Application ZAC-16-063 received.

November 2, 2016: Application ZAC-16-063 deemed incomplete.

July 21, 2017: Zoning By-law Amendment Application ZAC-16-063 resubmitted.

August 14, 2017: Application ZAC-16-063 deemed complete.

August 23, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for ZAC-16-063 was mailed to 91 property owners within 120 metres of the subject property.

November 21, 2017: A Public Notice sign was established on the property.

March 7, 2018: Public Notice sign updated to reflect the date of Public Meeting.

March 16, 2018: Circulation of Notice of Public Meeting to 91 property owners within 120 m of the subject property.

**DETAILS OF SUBMITTED APPLICATION:**

**Owner:** Dr. A. Cattafi

**Location:** 1011 Fennell Avenue East (Hamilton) (see Appendix "A" to Report PED18069)

**Property Description:**

Frontage	14.8 m
Area	464.59 sq m
Depth	31.79 m

**Services:** Municipal piped water system and Sanitary Sewer system

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593, for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069) - Page 4 of 13**

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**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Single Detached Dwelling with home occupation (Chiropractic Office)	“C” (Urban Protected Residential, Etc.) District
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Single Detached Dwelling	“C” (Urban Protected Residential, Etc.), District
<b>East</b>	Single Detached Dwelling	“C” (Urban Protected Residential, Etc.) District
<b>South</b>	Single Detached Dwelling	“C” (Urban Protected Residential, Etc.) District
<b>West</b>	Commercial Plaza with Grocery Store	“G-1” (Design Shopping Centre) District in (Force and Effect) District Commercial (C6) Zone (Council Adopted)

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial Plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial Planning Policy Framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593, for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069) - Page 5 of 13**

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As the application complies with the Official Plan, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*, and,
- consistent with the Provincial Policy Statement (2014).

**Growth Plan for the Greater Golden Horseshoe (2017)**

The proposal conforms to the Guiding Principles, Section 1.2.1, as it is designed to support healthy and active living and meet people's needs for daily living. It also provides for a range and mix of land uses to serve and improve quality of life for people of all ages, abilities, and incomes.

Policy Section 2.2.1, 4. a) and b) provides direction on managing this growth whereby population and employment growth will be accommodated by, amongst other things:

- “a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; and,
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes.”

In review, the subject lands are located within the Urban Boundary, in a settlement area where full municipal services are available, and will provide for a complete community through a compact design that includes a diverse range and mix of land uses with easy access to local stores and services in the area and planned transit.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2017).

**Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP, and within the Built Boundary on Appendix “G” – Boundaries Map. The following policies, amongst others, are applicable to the subject application.

**Neighbourhoods**

- “E.3.8.1 Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhoods designation.

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593, for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069) - Page 6 of 13**

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E.3.8.2 The following uses shall be permitted:

- a) retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, medical office, business office, professional office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service; and,
- b) medical offices or clinic, provided it has direct access to an arterial road and is adjacent to other local commercial uses.
- c) residential uses, in accordance with Policy E.3.8.10.

E.3.8.4 Local commercial uses may be permitted in the following built forms:

- a) small single-use buildings such as those occupied by a convenience store or a medical office; and,

E.3.8.8 Local commercial uses shall comply with the following provisions:

- a) The gross floor area for any individual office shall not exceed 500 square metres.”

The applicant proposes to convert the existing single detached dwelling containing a home occupation (Chiropractic office) to permit a business or professional person’s office; a photographer’s or artist studio, but not including motion picture studio, and personal service uses, to serve the daily and weekly needs of the surrounding neighbourhood, and is supported by Policy E.3.8.1.

The property has frontage on Fennell Avenue East, however, vehicular access to the subject land is from East 43<sup>rd</sup> Street. In addition, the subject land is in the immediate vicinity of existing commercial uses to the west, which is also supported by Policy E.3.8.2.

The intent of Policy E.3.8.4 a) supports small, single use commercial buildings being established in a converted single detached dwelling. In addition, by locating local commercial uses within an existing dwelling this proposal will maintain the exterior façade, streetscape and character along Fennell Avenue East.

Accordingly, the proposal meets the general intent of Policy E.3.8.4 and E.3.8.8 since the building is in keeping with the existing character and the commercial use does not exceed 500 sq m.

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593, for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069) - Page 7 of 13**

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“E.3.8.9 Development and redevelopment of local commercial uses shall:

- a) front and have access to a major arterial, minor arterial, or collector road;
- b) provide safe and convenient access for pedestrians and cyclists; and,
- c) be compatible with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.

E.3.8.13 New local commercial buildings or uses which could result in strip commercial development shall not be permitted, but new local commercial buildings or uses may be permitted within or as an expansion of an existing main street area provided such buildings or uses:

- a) are located up to the street or in line with other buildings along the main street;
- b) strengthen the pedestrian focus of the main street and assist in creating a vibrant and active street; and,
- d) do not exacerbate an oversupply of retail space in the neighbourhood or along the main street.

E.3.8.17 No parking, drive-throughs, or stacking lanes should be permitted between buildings and the public sidewalk.”

As per the attached Concept Plan, attached as Appendix “C” to Report PED18069, the dwelling is not being altered and will maintain compatibility with the surrounding area and the proposed By-law requires the commercial uses to be limited to the existing building. The existing massing of the building is in line with and consistent with the surrounding built form in terms of setbacks, scale and height. All parking will be provided on the existing driveway, with no drive-through facilities existing or proposed. The existing landscaping located within the front yard will not be altered. Pedestrian access is also provided on site and will maintain the pedestrian focus and create a vibrant, active street. No retail uses are proposed, which satisfies the intent of Policy E.3.8.13 d).

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593, for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069) - Page 8 of 13**

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Transportation

The subject property is classified on Schedule “C” Functional Road Classification Plan as having frontage on a “Minor Arterial Road”, being Fennell Avenue East, and a “Local Road”, being East 43<sup>rd</sup> Street.

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

- d) Minor arterial roads, subject to the following policies:
  - i) The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
  - ii) Land accesses shall be permitted with some controls.
  - iii) The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres unless otherwise specifically described in Schedule C-2 – Future Road Widening.
- f) Local roads, subject to the following policies:
  - i) The primary function of a local road shall be to provide direct land accesses. The secondary function shall be to enable the movement of low volumes of traffic to collector roads.
  - ii) The basic maximum right-of-way widths for local roads shall be 26.213 m in designated Employment Areas and 20.117 m in all other areas, unless specifically described otherwise in Schedule C-2 – Future Road Widening;
  - iii) The City recognizes that in older urban built up areas there are existing road right-of-way widths significantly less than 20.117 m. Notwithstanding the other road right-of-way widening policies of this Plan, it is the intent of the City to increase these existing road rights-of-ways to a minimum of 15.24 m with daylight triangles at intersections instead of the minimum required 20.117 m road right-of-way width, provided all the required road facilities, municipal sidewalks and utilities can be accommodated in this reduced road right-of-way width.”

In accordance with the Urban Hamilton Official Plan, Fennell Avenue East is designated a “Minor Arterial Road” with an ultimate width of 26.213 m. As the subject section of

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593, for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069) - Page 9 of 13**

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Fennell Avenue East currently meets this designated width, no future road widenings are anticipated along this frontage. East 43<sup>rd</sup> Street, which flanks the subject lands, is designated a “Local” road and currently meets the minimum required width of 20.12 m; as such, no widenings are required along this frontage. Staff note that if the lands are to be redeveloped in the future, the Owner will be required to dedicate to the City of Hamilton a daylight triangle or radius at the intersection of Fennell Avenue East and East 43<sup>rd</sup> Street.

Based on the foregoing, the proposal complies with the policies of the UHOP.

**Hamilton Zoning By-law No. 6593**

The subject lands are currently zoned “C” (Urban Protected Residential, Etc.) District, in the Hamilton Zoning By-law No. 6593, as shown on Appendix “A” to Report PED18069. The applicant has requested a modification to the “C” (Urban Protected Residential, Etc.) District, in the City of Hamilton Zoning By-law No. 6593, to permit a business or professional person’s office; a photographer’s or artist studio, but not including motion picture studio, and personal service uses within the existing dwelling on lands located at 1011 Fennell Avenue East (Hamilton). Further evaluation of the proposed modifications are included in the Analysis and Rationale for Recommendation section of Report PED18069.

**RELEVANT CONSULTATION**

The following Departments / Agencies have no comments or objections:

- Recreation Planning, Public Works Department; and,
- Landscape Architectural Services, Public Works Department.

The following Departments and Agencies have provided comments on the application:

**Forestry and Horticulture Section, Public Works Department** has advised that there are municipal tree assets on the subject lands, however, as there is no proposed construction or alteration to the subject lands, no negative impacts are expected and therefore a Tree Management Plan is not anticipated or required. Furthermore, as the applicant is not proposing to redevelop the subject lands, a Landscape Plan will not be required.

**Recycling & Waste Disposal Section (Public Works Department)** have advised that the 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 No. 09-067, as amended.

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593, for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069) - Page 10 of 13**

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**Transportation Management (Public Works Department)** have advised that the development must consider the needs of pedestrians with disabilities, ensure sidewalks are a minimum of 1.5 m and that the Transit Oriented Development (TOD) guidelines be implemented. Staff note that there is no proposed redevelopment of the subject lands, however, it is noted that there are existing walkways and sidewalks provided to the main entrance.

### **Public Consultation**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 91 property owners within 120 m of the subject property on August 23, 2017, for the proposed Zoning By-law Amendment application.

To date, no letters or correspondence has been received from the public through this circulation.

A Public Notice Sign was posted on the property on November 21, 2017 and updated on March 7, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on March 16, 2018.

### **Public Consultation Strategy**

As per the statutory requirements of the *Planning Act*, the applicant submitted a Public Consultation Strategy which identified that the owner would consult with the surrounding residents. The owner has confirmed that the surrounding property owners have been consulted and made aware of the proposal. To date, no letters or correspondence has been received as a result of this consultation.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
  - ii) It complies with the Urban Hamilton Official Plan (UHOP); and,
  - iii) The proposal represents good planning by providing a compatible development that is in keeping with existing and planned development in the surrounding area.

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593, for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069) - Page 11 of 13**

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2. The applicant has requested a change in zoning to a site specific “C-S/1757” (Urban Protected Residential, etc.) District, Modified to permit a business or professional person’s office; a photographer’s or artist studio, but not including motion picture studio, and personal service uses within the existing single detached dwelling. A modification to the “C” District is appropriate to ensure the subject lands maintain the existing massing, character and streetscape of the surrounding properties, limits the uses to the existing dwelling only and would also allow the subject lands to be used for residential purposes. The uses are restricted to permit a business or professional person’s office; a photographer’s or artist studio, but not including motion picture studio, and personal service uses within the existing building and the proposal complies with the Local Commercial polices of the UHOP and is, in keeping with existing and planned development in the surrounding area. Staff support the proposed modification. In addition, to permit the uses within the existing dwelling, the following site specific modifications are required:

Permitted Uses

The Zoning By-law Amendment application is to permit a business or professional person’s; a photographer’s or artist studio, but not including motion picture studio and personal service uses within the existing dwelling. The amending By-law, as shown in Appendix “B” to Report PED18069, restricts the commercial uses to within the existing single detached dwelling which is a one storey bungalow with a Gross Floor Area (GFA) of 95 sq m. Staff note that the amending by-law has provided one additional square metre to allow for flexibility. The amending by-law also restricts the existing floor below grade (basement or cellar) and accessory structure for storage purposes. Accordingly, the proposed uses comply with the Local Commercial uses in Volume 1 of the UHOP, as the uses will operate at a relatively small scale and can operate on the site without external changes to the building. The proposed commercial uses will also serve as a transition from the Commercial Plaza to the west, but at a scale that is compatible with the surrounding residential neighbourhood to the north, south, and east of the subject lands. A building permit will be required for a change in use at which time the applicant will be required to demonstrate conformity with the maximum gross floor area permissions.

Setbacks

The proposed Zoning By-law (see Appendix “B” to Report PED18069) includes a provision to recognize the existing accessory structure’s front, side and rear yard setbacks. This request is based on recognizing the location of the existing accessory structure. As this is an existing situation, staff are of the opinion that the modification is reasonable and can be supported.

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593, for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069) - Page 12 of 13**

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Encroachments into Yards

The proposed Zoning By-law (see Appendix “B” to Report PED18069) includes a provision to recognize existing encroachments such as eaves, gutters, porches, and stairs into the required yards for the dwelling and accessory structure. The modification is to recognize the existing structures only, and any new structures would require conformity to the provisions of the By-law. Staff are of the opinion that the modifications are reasonable and can be supported by staff.

Parking

*Number of Parking Spaces*

The required number of parking spaces for a chiropractic office is one space per 19 sq m. Staff note that this is the most restrictive parking calculation required for the proposed uses under the Zoning By-law. Zoning staff have noted that based on 94.76 sq m of GFA provided within the first storey of the dwelling, the required number of parking spaces is five spaces. The applicant is proposing to provide four parking spaces. Due to the relatively small scale of the dwelling, the reduction of one parking space is considered acceptable as the size and scale of the building will limit the number of patients / clients who can be served. The applicant is providing parking spaces located at the rear of the property, along East 43<sup>rd</sup> Street, in the existing driveway. Furthermore, the subject lands are located on a Minor Arterial road, which is serviced by the HSR route #21 and having seven day service. Staff are of the opinion that the subject lands can accommodate commercial uses on the site while providing adequate on-site parking and support this modification.

*Location of Driveway*

The applicant has proposed to provide parking for clients / patients within the existing driveway, which is located at the rear of the property and is accessed from East 43<sup>rd</sup> Street. The existing home occupation (Chiropractic Office) has been operating on the subject lands since the mid 1950's. Although vehicular access is from the East 43<sup>rd</sup> Street, clients / patients will not need to travel through the neighbourhood to access the site, and will therefore not create additional traffic. The existing driveway is located 0 m from the property line, separated from the adjacent property by a concrete curb. The driveway is aligned with the existing accessory structure and the requirement for additional landscaping will result in the loss of a parking space and require the widening of the access curb. As the driveway is existing, staff are of the opinion that the modification is reasonable and can be supported.

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 6593, for Lands Located at 1011 Fennell Avenue East (Hamilton) (Ward 6) (PED18069) - Page 13 of 13**

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*Manoeuvring*

The applicant has requested that no manoeuvring space be provided for the parking spaces. Staff note that the ingress and egress will function in the same manner as a single detached residential dwelling, with vehicles reversing onto a local road. Due to the small scale nature of the proposal, the removal of manoeuvring space is considered acceptable as the scale and intensity of the use will limit the number of patients / clients who can be served at any given time. Staff are of the opinion that the removal of manoeuvring space will not have a negative impact on traffic movement and support the modification.

3. There are existing services available to the property and no concerns have been identified by Development Engineering staff regarding the proposed uses. Staff note that if the lands are to be redeveloped in the future, the Owner will be required to dedicate to the City of Hamilton a daylight triangle or radius at the intersection of Fennell Avenue East and East 43<sup>rd</sup> Street.

**ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment Application be denied, the property would remain under the “C” (Urban Protected Residential, etc.) District, and the existing Chiropractic office (medical clinic) would be able to remain as a home occupation only.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

**Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

**Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

**APPENDICES AND SCHEDULES ATTACHED**

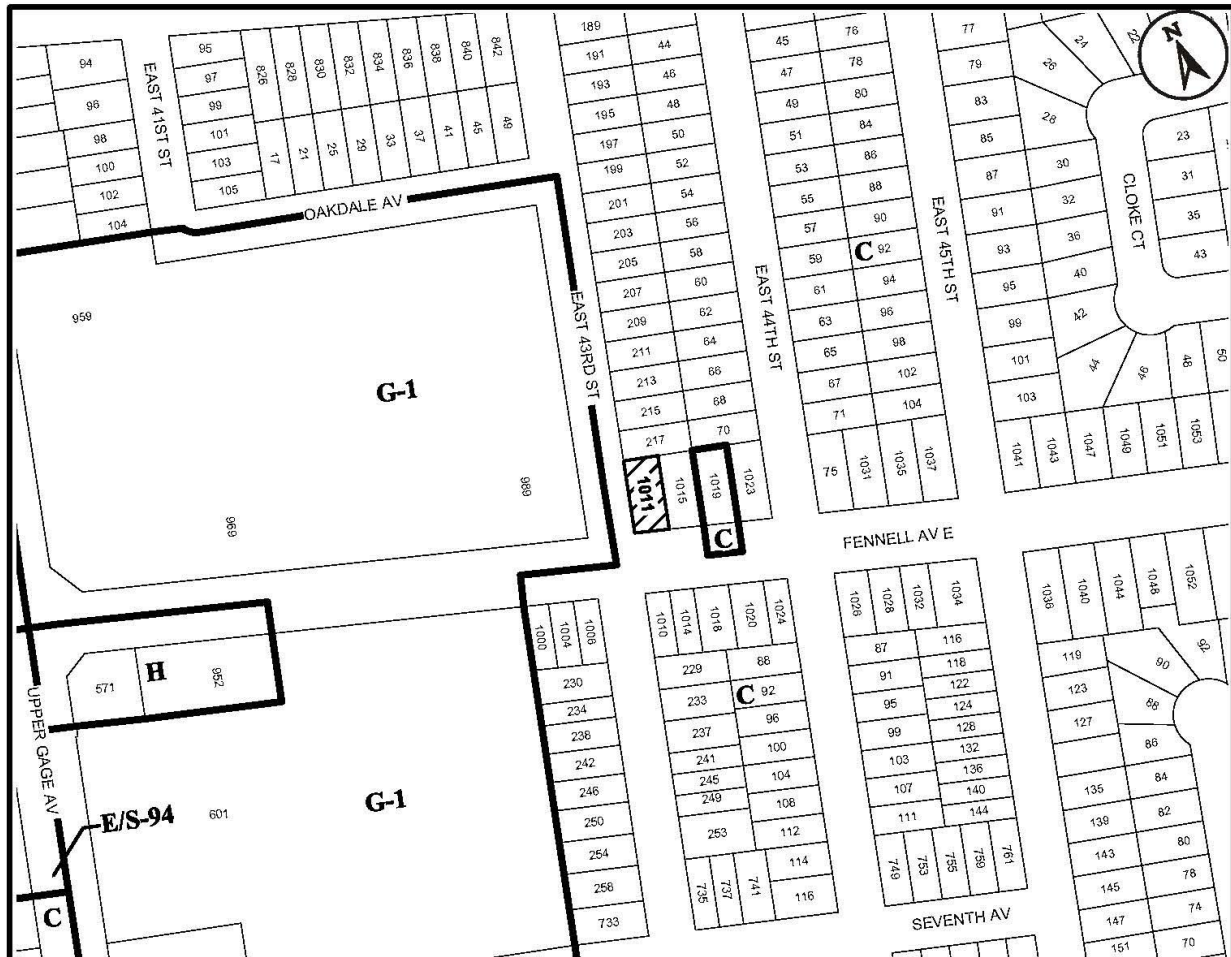
- Appendix “A”: Location Map
- Appendix “B”: Zoning By-law Amendment to By-law No. 6593
- Appendix “C”: Concept Plan
- Appendix “D”: Survey Plan

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● Site Location



Key Map - Ward 6

N.T.S.

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-16-063

Date:  
February 20, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
MF/VS

### Subject Property

1011 Fennell Avenue East



Change in zoning from the "C" (Urban Protected Residential, Etc.) District to the "C-S/1757" (Urban Protected Residential, Etc.) District, Modified

**Authority:** Item ,  
Report  
CM:  
Ward: 6

**Bill No.**

## **CITY OF HAMILTON**

### **BY-LAW NO.**

#### **To Amend Zoning By-law No. 6593, Respecting Lands Located at 1011 Fennell Avenue East, Hamilton**

**WHEREAS** the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule 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 full 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 18-\_\_\_\_\_ of the Planning Committee, at its meeting held on the 3<sup>rd</sup> day of April 2018, 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;

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

1. That Sheet No. E47 of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the "C" (Urban Protected Residential, Etc.) District to the "C-S/1757" (Urban Protected Residential, Etc.) District, Modified; the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

**To Amend Zoning By-law No. 6593,  
Respecting Lands Located at 1011 Fennell Avenue East, Hamilton**

2. That the "C" (Urban Protected Residential, Etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be further modified to include the following special requirements:
  - a) In addition to Section 9 (1), the following uses shall be permitted:
    - (i) A business or professional person's office;
    - (ii) A photographer's or artist studio, but not including a motion picture studio; and,
    - (iii) Personal service uses.
  - b) That the commercial uses in Section 2a) of this By-law shall only be permitted in the first storey of the dwelling existing on the date of the passing of the By-law that being April 11, 2018 and the total gross floor of the commercial use shall not exceed 96 square metres.
  - c) The gross floor area (GFA) of the basement or cellar and accessory structure shall only be used for storage purposes.
  - d) That notwithstanding Section 18(3)(vi)(b)(c)(e) the yard encroachments of the dwelling and accessory structure existing on the date of the passing of this By-law shall be deemed to comply.
  - e) That notwithstanding Section 18(4)(iii) and (iv), the existing accessory structure shall be deemed to comply in terms of location and height.
  - f) That notwithstanding Section 18A(1)(a) and Table 1, four parking spaces shall be provided.
  - g) That notwithstanding Section 18A(1)(f), (9), (21), (22) and Table 6, manoeuvring spaces shall not be required.
  - h) That notwithstanding Section 18A(26), the existing access driveway shall be permitted 0.0 metres from the rear property line.
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 "C-S/1757" (Urban Protected Residential) District provisions, subject to the special requirements referred to in Section 2.
4. That Sheet No. E47 of the District Maps is amended by marking the lands referred to in Section 1 of the By-law as "C-S/1757".
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.

**To Amend Zoning By-law No. 6593,  
Respecting Lands Located at 1011 Fennell Avenue East, Hamilton**

**PASSED this \_\_\_ day of \_\_\_\_\_, 2018**

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F. Eisenberger  
Mayor

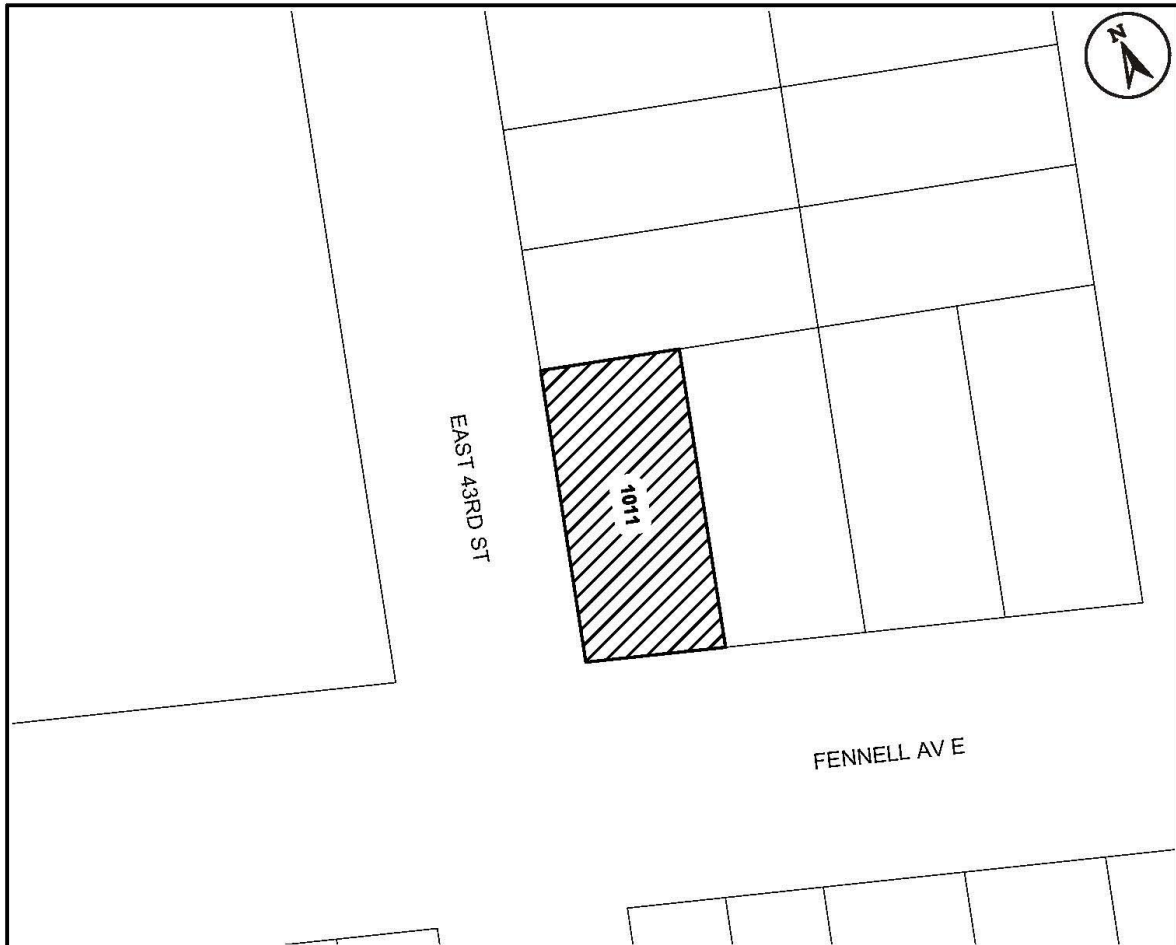
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City Clerk

ZAC-16-063



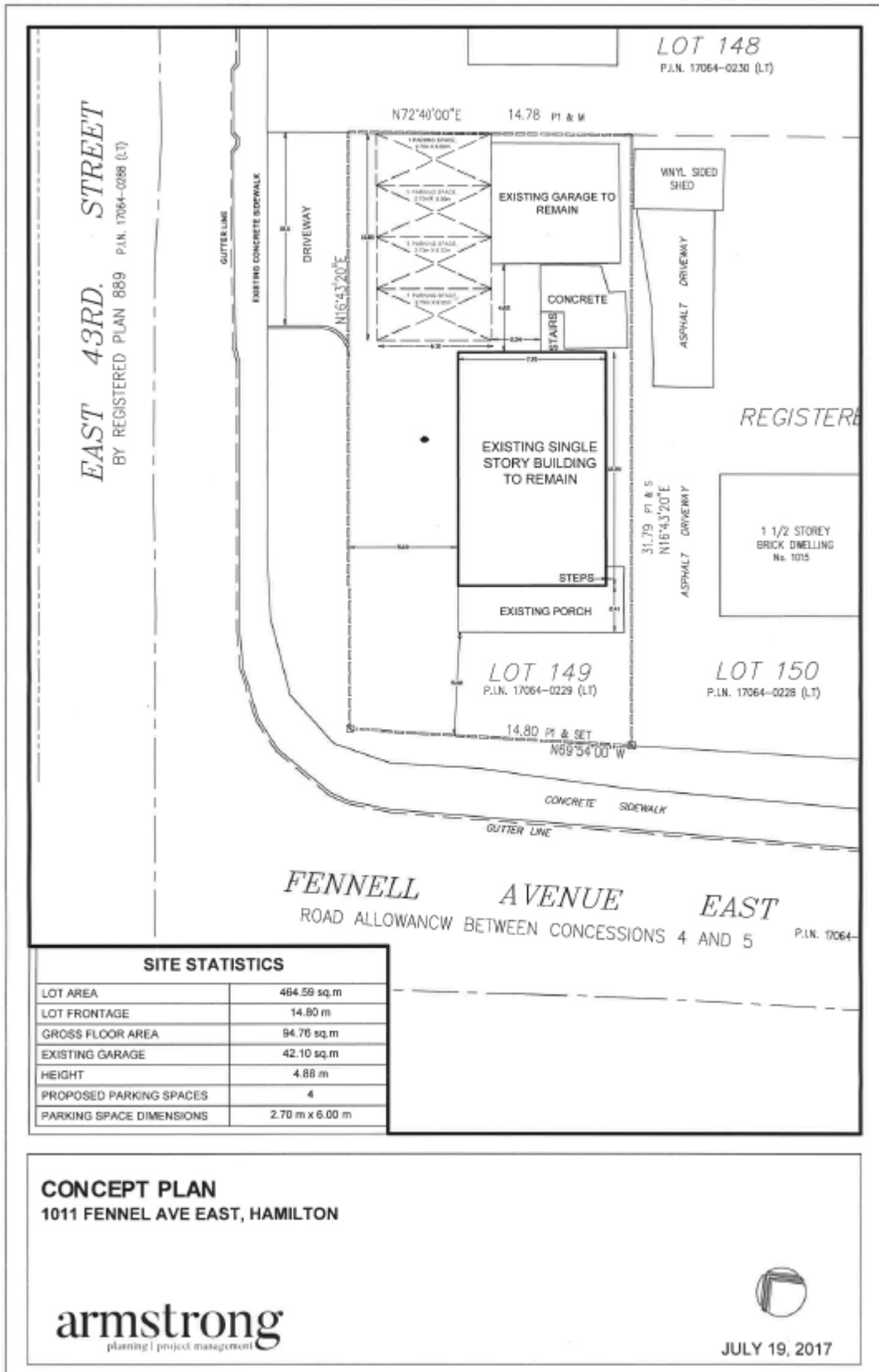
**To Amend Zoning By-law No. 6593,  
Respecting Lands Located at 1011 Fennell Avenue East, Hamilton**



This is Schedule "A" to By-law No. 18-  Passed the ..... day of ....., 2018	_____ Mayor  _____ Clerk
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<h2>Schedule "A"</h2>  Map Forming Part of By-law No. 18-_____  to Amend By-law No. 6593	<b>Subject Property</b> 1011 Fennell Avenue East  Change in zoning from the "C" (Urban Protected Residential, Etc.) District to the "C-S/1757" (Urban Protected Residential, Etc.) District, Modified
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Scale: N.T.S.	File Name/Number: ZAC-16-063	 <b>Hamilton</b>
Date: February 20, 2018	Planner/Technician: MF/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



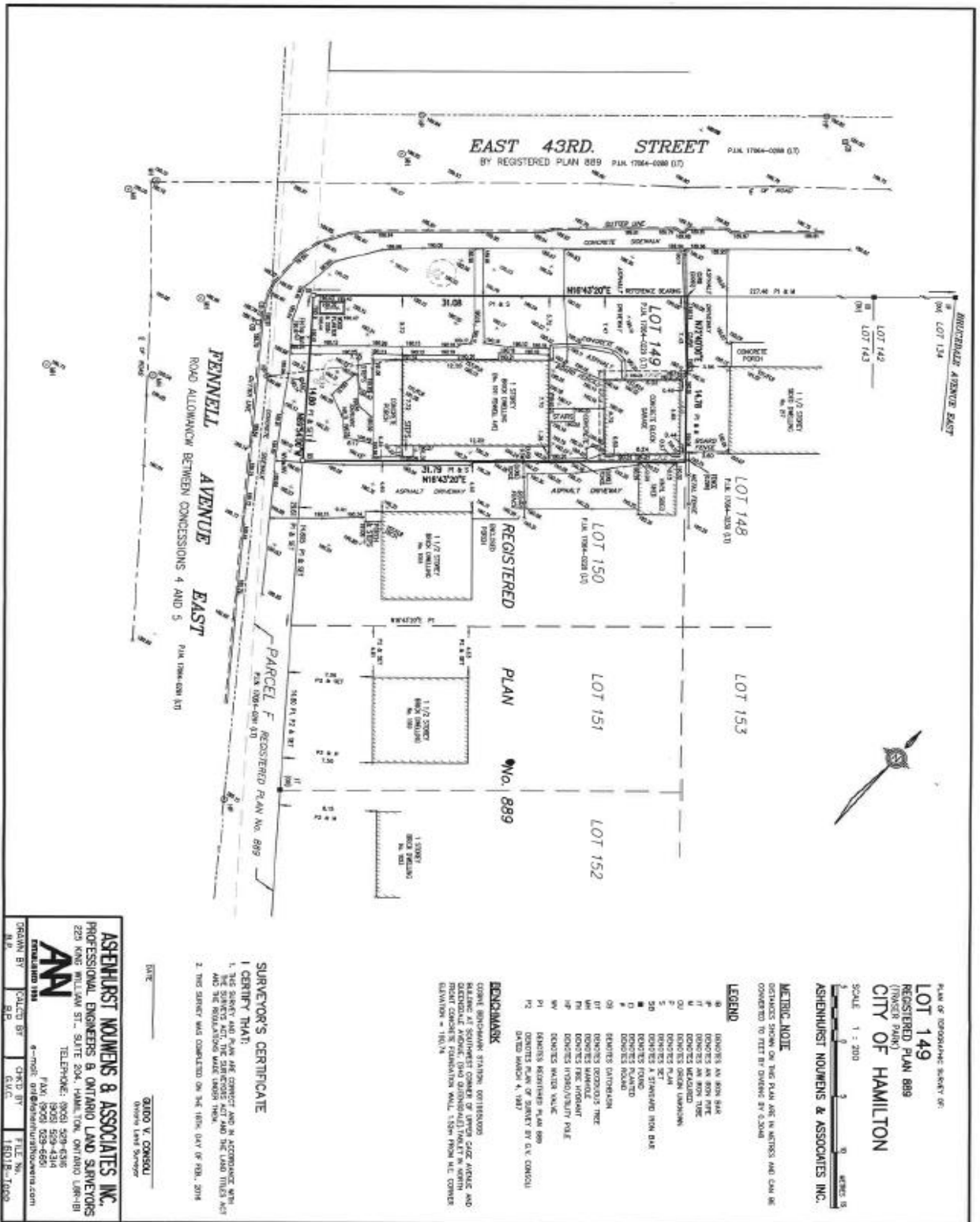
**SITE STATISTICS**

LOT AREA	464.59 sq.m
LOT FRONTAGE	14.80 m
GROSS FLOOR AREA	84.76 sq.m
EXISTING GARAGE	42.10 sq.m
HEIGHT	4.88 m
PROPOSED PARKING SPACES	4
PARKING SPACE DIMENSIONS	2.70 m x 6.00 m

**CONCEPT PLAN**  
1011 FENNEL AVE EAST, HAMILTON



JULY 19, 2017





**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 3, 2018
<b>SUBJECT/REPORT NO:</b>	Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 412 Aberdeen Avenue, Hamilton (Ward 1) (PED18072)
<b>WARD(S) AFFECTED:</b>	Ward 1
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAR-17-040 by Mario Neves and Susana Da Silva, Owners,** for a further modification to the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, to legalize an existing illegal triplex within the existing building, for lands located at 412 Aberdeen Avenue, Hamilton, as shown on Appendix “A” to Report PED18072, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18072, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
  - (ii) That the amending By-law attached as Appendix “B” to Report PED18072, be added to District Map No. W14 of Zoning By-law No. 6593.
  - (iii) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning.

The Holding Provision “D/S-1758-‘H’” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Holding, Modified, be removed conditional upon:

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 412 Aberdeen Avenue, Hamilton (Ward 1) (PED18072) - Page 2 of 23**

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- 1) The Owner apply for a Building Permit to legalize the two dormer additions and internal renovations to create three dwelling units, to the satisfaction of the City's Chief Building Official.
  - 2) The Owner undertake a noise study
  - 3) The Owner submits and receives approval of an updated wastewater generation assessment, to the satisfaction of the Senior Director, Growth Management.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.
- (b) That upon finalization of the amending By-law, that the Kirkendall North Neighbourhood Plan be amended to re-designate the subject lands from "Single and Double" to "Low Density Apartment".

## **EXECUTIVE SUMMARY**

The purpose and effect of the proposed Zoning By-law Amendment to the City of Hamilton Zoning By-law No. 6593 is for a change in zoning from the "D/S-1381" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to the "D/S-1758-'H'" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Holding, Modified, in order to legalize an existing illegal triplex within the existing three storey residential building.

Modifications to the Zoning By-law are also required to recognize the existing situation with respect to eave and gutter encroachments, landscaping, reduced on-site manoeuvring, parking within the front yard, and to reduce the length of a parking space.

A 'H' Holding Provision has been included for the necessary Building Permits, noise warning clauses and updated wastewater generation assessment. The proposed development will be permitted once the Holding Provision is removed by Council.

The application has merit and can be supported since the proposal is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.

### ***Alternatives for Consideration – See Page 22***

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**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for amendment to the Zoning By-law.

**HISTORICAL BACKGROUND**

The subject property is located on the north side of Aberdeen Avenue, east of Dundurn Street South, and is occupied by an existing three storey, 8.7 m high residential building. There are four on-site parking spaces, one within the front accessed from Aberdeen Avenue, and three at the rear accessed from the alleyway.

The last recognized use of the property is a single detached dwelling. On January 20, 2016, City inspectors attended the subject property due to the construction of two dormer additions without the required Building Permit, and at that time the City was informed of the presence of three illegal dwelling units within the building. An Order to Comply was issued by the City of Hamilton on January 21, 2016.

Following the Formal Consultation meeting in October, 2016, the applicant applied to change the zoning of the property from the "D/S-1381" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified to a site specific "DE-2" (Multiple Dwelling) District, in order to legalize the triplex within the existing building with site specific modifications.

The "DE-2" (Multiple Dwelling) District permits a three family dwelling (triplex) but also permits a multiple dwelling with a maximum height restriction of eight storeys, a six resident emergency shelter, and a long term care facility within the existing building. Based on the scale of the proposal and that the proposed triplex is being restricted to the existing residential building, it is the opinion of staff that the "DE-2" District is not the appropriate zone for the proposed use and as a result, staff have amended the application to further amend the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District. The amended Zoning By-law Amendment will ensure that the subject lands can only be utilized for the proposed triplex or the permitted uses of the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District (which includes single detached dwellings, semi-detached dwellings, and duplexes). It is further noted that the amended Zoning By-law would no longer permit the use of a new and used book store as permitted by By-law 97-132. The proposed Zoning By-law Amendment also includes modifications to the Zoning By-law to recognize the existing situation with respect to eave and gutter encroachments, landscaping, reduce on-site

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manoeuvring, parking within the front yard, and to reduce the length for one of the required parking spaces.

**Chronology**

April 27, 2017: Zoning By-law Amendment Application ZAR-17-040 was received.

May 25, 2017: Application ZAR-17-040 deemed complete.

June 1, 2017: Notice of Complete Application and Preliminary Circulation was sent to 232 property owners within 120 m of the subject lands.

June 8, 2017: Public Notice Sign posted on the subject lands.

March 7, 2018: Public Notice Sign updated with Public Meeting date.

March 16, 2018: Circulation of the Notice of Public Meeting to 232 property owners within 120 m of the subject lands.

**Details of Submitted Application:**

**Location:** 412 Aberdeen Avenue, Hamilton

**Owner / Applicant:** Mario Neves and Susana Da Silva

**Agent:** Same as Owner

**Property Description:**

<u>Lot Frontage:</u>	15.24 m
<u>Lot Depth:</u>	37.92 m
<u>Lot Area:</u>	577 sq m
<u>Servicing:</u>	Existing Full Municipal Services

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Single Detached Dwelling	"D/S-1381" (Urban Protected Residential – One and Two Family

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Dwellings, etc.) District, Modified

**Surrounding Land Uses:**

<b>North</b>	Single Detached Dwellings	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District
<b>South</b>	Single Detached Dwelling and Commercial Plaza	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District and “H” (Community Shopping and Commercial, etc.) District
<b>East</b>	Single Detached Dwelling	“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District
<b>West</b>	Hamilton Hydro	“H” (Community Shopping and Commercial, etc.) District

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Policy Framework**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

Staff note the Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policy of the PPS (2014) also applies:

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- “2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

Although the subject property is not formally recognized under the *Ontario Heritage Act* through registration or designation, the existing building is a representative example of Period Tudor Revival style of architecture from around the 1900's and therefore is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the building and are contextually appropriate. As the proposal is to recognize internal renovations of the building and dormer additions to the existing building, staff are satisfied that the heritage attributes of the heritage property are being conserved.

Also, the subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) In the vicinity of distinctive or unusual landforms;
- 2) In areas of pioneer EuroCanadian settlement; and,
- 3) Along historic transportation routes.

Notwithstanding the current surface conditions, there is no concern from an archaeological prospective with respect to the Zoning By-law Amendment application to legalize a triplex within an existing building.

As the application for a change in zoning complies with the Official Plan, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*; and,
- Consistent with the Provincial Policy Statement.

**Growth Plan for the Greater Golden Horseshoe (2017)**

As of July 1, 2017, the policies of the Growth Plan for the Greater Golden Horseshoe, 2017 apply to any Planning decision.

The Growth Plan is focused on accommodating forecasted growth in complete communities and provides policies on managing growth. The following policies, amongst others, apply:

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- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) The vast majority of growth will be directed to *settlement areas* that:
    - i. have a *delineated built boundary*;
    - ii. have existing or planned *municipal water and wastewater systems*; and,
    - iii. can support the achievement of complete communities.
- 2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:
- a) feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services, and *public service facilities*;
  - c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; and,
  - d) expand convenient access to:
    - i. a range of transportation options, including options for the safe, comfortable and convenient use of *active transportation*;
- 2.2.2.1 By the year 2031, and for each year thereafter, a minimum of 60 per cent of all residential development occurring annually within each upper- or single-tier municipality will be within the *delineated built-up area*.”

The subject application is to legalize a triplex within a settlement area. The proposed residential units will enhance the housing options and the proposal is in keeping with the existing residential character of the neighbourhood as no external renovations are proposed. The proposed development supports the achievement of complete communities by proposing a residential development, in a mixed use area, that utilizes existing infrastructure, including transit. Also, the subject application contributes to intensification within the delineated built-up area. Therefore, the proposal conforms to the Growth Plan.

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**Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations. The following policies, amongst others, apply to the proposal:

Function

“E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.

E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E -1 – Urban Land Use Designations:

- a) residential dwellings, including second dwelling units and *housing with supports*.

Scale and Design

E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

E.3.2.15 The City shall encourage the adaptive reuse of the existing building stock for appropriate land uses. Rezoning applications for new uses shall be evaluated to ensure compatibility with surrounding land uses.”

The proposed development is to legalize a triplex within an existing building, which will form part of the complete community and will contribute to a full range of residential dwelling types and densities (Policies E.3.2.1, E.3.2.3, and E.3.2.15). As the building is existing, the proposal does not change the existing streetscape character of the area and therefore the character of the area is maintained. The proposed triplex is similar in height to the building to the west which is one and one half storeys in height but the peak of the roof is similar to that of the building on the subject lands. Additionally, the proposed triplex has a building height of approximately 8.7 m and is therefore below the maximum building height permitted in the “D” District of 14 m. Therefore, the proposed development is compatible with the scale and character of the existing residential neighbourhood (Policy E.3.2.4).

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Residential Uses – General Policies

- “E.3.3.1 Lower density residential uses and building forms shall generally be located in the interior of neighbourhood areas with high density dwelling forms and supporting uses located on the periphery of the neighbourhoods on or in close proximity to major or minor arterial roads.
- E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.”

The proposed triplex is considered to be a low density residential use in the UHOP (as per Policy E.3.4.3 below). Low density residential uses shall generally be located in the interior of the neighbourhood with higher density forms on the periphery of the neighbourhood on or in close proximity to major or minor arterial roads. While the subject property is located on the periphery of the neighbourhood and on a minor arterial road, Policy E.3.3.1 does not preclude lower density residential uses from being located on the periphery of neighbourhoods, and low density uses both within the existing building and along Aberdeen Avenue represent an existing situation.

The subject property is classified as a low density use and is located adjacent to an area of lower density residential uses to the north, east and south of the subject lands. As the proposal is to legalize an existing illegal triplex within an existing building, the height, massing and arrangement of the building will be maintained.

Low Density Residential

Function

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2 Low Density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- E.3.4.3 Uses permitted in low density residential areas include single detached, semi detached, duplex, triplex, and street townhouse dwellings.”

The use of a triplex represents a permitted use for low density residential lands. As previously noted, the subject property is located on the periphery of the neighbourhood and not the interior where lower density residential uses are preferred. However, Policy E.3.4.1 does not preclude low density residential uses on the periphery of the neighbourhood, and low density residential uses currently exist within the existing

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building, as well as along Aberdeen Avenue. The existing three storey building represents a low profile form of development and all three units have access by way of a common front entrance as well as separate direct access on the easterly side of the building either at grade or from a second storey deck. Therefore, the proposed development complies with the low density residential policies with respect to function.

#### Scale

“E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.

E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

The triplex has a residential density of 51.99 units per net hectare and the existing building will maintain a height of three storeys, which complies with the low density residential designation.

#### Design

“E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:

- a) Direct access from lots to adjacent major or minor arterial roads shall be discouraged.
- c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

The existing property currently has direct access to a minor arterial however the majority of the on-site parking is accessed at the rear by way of an existing assumed alleyway. The subject property is an existing lot of record and therefore the lot size will not be changed by way of this application. Also the exterior design of the building will not be changed as a result of the proposal, and the proposed use will contribute to the mix of dwelling unit types in the area. The proposed Zoning By-law Amendment will establish zoning regulations to recognize the existing building which is compatible with the character of the area. Therefore, the proposed development complies with the low density residential policies with respect to design.

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Residential Intensification

- "B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation.
- B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:
- a) a balanced evaluation of the criteria in b) through g) as follows;
  - b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
  - c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
  - d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
  - e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
  - f) infrastructure and transportation capacity; and,
  - g) the ability of the development to comply with all applicable policies."

As the proposal is to legalize an existing illegal triplex within an existing building, the existing pattern and built form will be maintained (Policy B.2.4.1.4 b)). The proposed triplex within the existing building represents a use that is compatible with the other residential uses in the area and the existing building is of a scale and character that is similar to other existing buildings in the area (Policy B.2.4.1.4 d)). The proposal contributes to maintaining and achieving a range of dwelling types and tenures in the area (Policy B.2.4.1.4 c)), and the scale, form and character of the existing building will remain compatible with the surrounding area (Policy B.2.4.1.4 d)). Also the proposed development is in line with the planned urban structure for lands identified as Neighbourhoods (Policy B.2.4.1.4 e)) and has adequate infrastructure (subject to a holding respecting wastewater generation) and transportation capacity to meet the needs of the proposed development (Policy B.2.4.1.4 f)).

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"B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of cultural heritage resources; and,
- j) infrastructure and transportation capacity and impacts."

The proposal does not alter the existing streetscape character in respect to height, massing and scale nor change the existing established pattern and built form as no exterior changes to the existing building are proposed (Policy B.2.4.2.2 c)). As a result, there will be no change with respect to shadowing, overlook, noise or lighting, and the two additional dwelling units will not significantly alter the traffic demand for the property (Policy B.2.4.2.2 b)). The subject property currently maintains an amenity area that is in excess of 100 sq m to the north and east of the existing building which will not be altered as a result of the proposal, thereby providing adequate amenity space (Policy B.2.4.2.2 f)). The proposal does not alter the existing lot pattern, setbacks or building separations (Policy B.2.4.2.2 e) and g)) and adaptively re-uses a building with cultural heritage interest (Policy B.2.4.2.2 i)). Finally the property has access to adequate municipal infrastructure (subject to a holding respecting wastewater generation) and

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utilizes existing transportation capacity primarily from a rear assumed alleyway (Policy B.2.4.2.2 j)).

Therefore the proposal to legalize an existing illegal triplex within an existing building complies with the Residential Intensification policies of the UHOP.

#### Noise

"B.3.6.3.1 *Development of noise sensitive land uses*, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

B.3.6.3.7 A noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands in the following locations:

- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification."

The subject property is located on Aberdeen Avenue and within 60 m of Dundurn Street South, which are both classified as minor arterial roads in the UHOP. Given the presence of these potential noise sources, a noise brief was prepared and submitted with the Zoning By-law Amendment application. The noise study tested the existing noise levels within the existing building and noted that the levels conformed to MOECC requirements. The testing was conducted with the windows of the building closed and it is expected the noise levels with the windows open would exceed the MOECC requirements. In situations where MOECC requirements can be met only so long as windows remain closed, the preferred approach to ensure that the windows can remain closed is by providing centralized air conditioning. Given that the building pre-dates the 1900's, the building is not designed to accommodate central air conditioning and it is not practical to require the establishment of a centralized air condition for the building. It is however prudent for the applicant to include a noise warning clause on title advising all purchasers / tenants that sound levels due to road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment and Climate Change's noise criteria. Staff are proposing to include an 'H' Holding Provision as part of the Zoning By-law Amendment, which will include a condition that requires the applicant include the noise warning clause on title and in all purchase and sale / lease agreements to advise prospective purchasers and tenants about the potential noise impacts.

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### Infrastructure

- “C.5.3.5 All new *development* and *redevelopment* within the *urban area* shall be connected to the City’s water and wastewater system.
- C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system.
- C.5.3.15 The City shall be satisfied that adequate infrastructure services can be provided prior to any *development* or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.”

The existing building has connections to the municipal water and wastewater system. As part of the application for Zoning By-law Amendment, the applicant submitted a wastewater generation assessment. Through the review of the wastewater generation assessment, Growth Management staff identified that the total flows identified in the assessment were incorrect and that the assessment should be updated. Staff are proposing to include an ‘H’ Holding Provision as part of the Zoning By-law Amendment, with a condition that requires that the applicant update the wastewater generation assessment to the satisfaction of the Senior Director, Growth Management Division.

### Neighbourhood Plans

- “F.1.2.7 Neighbourhood plans are policies adopted by council resolution and do not form part of the Official Plan. Any proposal for development or redevelopment must conform to the designations, and policies in the Neighbourhood Plan.
- F.1.2.8 Any amendment to the Neighbourhood Plan must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment.”

With respect to the above noted policies, an amendment to the Kirkendall North Neighbourhood Plan is required to change the designation from “Single and Double” to “Low Density Apartment”. Staff are in support of this Neighbourhood Plan Amendment which is discussed in the following section.

Based on the foregoing, the proposal complies with the policies of the UHOP.

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Kirkendall North Neighbourhood Plan

The subject property is designated “Single and Double” in the Kirkendall North Neighbourhood Plan. The “Single and Double” designation does not permit a triplex. The triplex is a use that is in line with the “Low Density Apartment” designation of the Kirkendall North Neighbourhood Plan.

The policies of the Kirkendall North Neighbourhood Plan “permit a range of residential densities in Kirkendall North and South Neighbourhoods that will provide a variety of housing types while maintaining and enhancing the positive characteristics of the Neighbourhood and that the variety of accommodations encourage a full range of the population cross section, young families through to senior citizens to provide a stable viable neighbourhood”. The proposed triplex contributes to the range of residential densities and housing types and is compatible with the character of the neighbourhood. Therefore, the proposed amendment to the Kirkendall North Neighbourhood Plan is appropriate.

**City of Hamilton Zoning By-law No. 6593**

The subject property is currently zoned “D/S-1381” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, which permits single detached dwellings, semi-detached dwellings, duplexes, and includes a site specific By-law provision that permits a book store for the sale of new and used books. The proposal is to further modify the existing site specific “D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District, Modified. The “D” District does not permit a triplex (three family dwelling). The proposal is for a site specific modification to the existing “D” (Urban Protected Residential – One and Two Family Dwelling, etc.) District, Modified, to remove the use of a book store for the sale of new and use books and establish the use of a triplex (three family dwelling) within the building existing on the date of the passing of the By-law as a permitted use.

Modifications to the Zoning By-law are also required to recognize the existing situation with respect to eaves and gutter encroachments, height, landscaping, reduced on-site manoeuvring space, parking within the front yard, and to reduce the length of a parking space. An analysis of the site specific modifications is included in the Analysis and Rationale for Recommendation section below.

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 412 Aberdeen Avenue, Hamilton (Ward 1) (PED18072) - Page 16 of 23**

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## **RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections to the applications:

- Recreation Division, Community and Emergency Services Department;
- Strategic Planning, Public Works Department;
- Alectra Utilities (formerly Horizon Utilities), and,
- Corridor Management, Public Works Department.

The following Departments and Agencies have provided comments with respect to the proposed application:

**Operations Division, Public Works Department** staff note that the development is eligible for municipal waste collection services subject to meeting the City's requirements.

**Transportation Planning, Public Works Department** staff note that Aberdeen Avenue is classified as a Minor Arterial Road with an anticipated road allowance width of 36.576 m. Transportation Planning also noted that the sidewalks within the municipal right-of-way should have a minimum width of 2 m and that sidewalks through the site should maintain a width of 1.5 m. Planning staff note there are existing sidewalks along Aberdeen Avenue and existing internal sidewalks through the site which are not being altered as part of the Zoning By-law Amendment application.

### **Public Consultation:**

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 232 property owners within 120 m of the subject lands on June 1, 2017 requesting public input on the application. A Public Notice sign was also posted on the property on June 8, 2017 and updated on March 7, 2018 with the date of the Public Meeting.

Notice of the Public Meeting was also given in accordance with the requirements of the *Planning Act*, through the circulation to property owners within 120 m of the subject lands. At the time of the writing of this Report no letters of correspondence have been received.

### **Public Consultation Strategy**

The applicant engaged in a Public Consultation Strategy that consisted of visiting the adjacent landowners to discuss the zoning proposal. The applicant advised staff that they met with ten neighbouring property owners over the course of the summer of 2017,

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and that the primary concern raised in the meetings was that the existing building would be demolished and a new multiple dwelling would be established. This issue will be further discussed in the Analysis and Rationale for Recommendation section of this Report.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - i) It is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);
  - ii) It complies with the policies of the Urban Hamilton Official Plan; and,
  - iii) The existing building forms part of the existing character of the area, is of a size and scale that is compatible with other buildings in the area, and represents good planning.
2. **Zoning By-law Amendment**

The application for Zoning By-law Amendment is to change the zoning from the “D/S-1381” (Urban Protected Residential – One and Two Family Dwelling, etc.) District, Modified to the “D/S-1758-‘H’” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Holding, Modified.

The proposed change in zoning will repeal Site Specific By-law 97-132 which established the site specific “D/S-1381” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified District.

It is noted that a triplex is defined in the City of Hamilton Zoning By-law No. 6593 as a three family dwelling.

The intent of the Zoning By-law Amendment is to legalize an existing illegal triplex within the building existing on the date of the passing of the By-law. By restricting the use to no more than three units and to the existing building, any future redevelopment would continue to be subject to the By-law requirements of the “D” District.

The proposed change in zoning will not permit a multiple dwelling and will maintain the existing building that forms part of the character of the area. The proposed Zoning By-law Amendment increases the number of permitted dwelling units within the existing building and therefore complies with the policies that

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promote intensification on the periphery of neighbourhoods along major transportation routes.

Therefore, the proposed change in zoning is supported by staff.

Additionally, the following site specific modifications to Zoning By-law No. 6593 are required to implement the proposal:

Lot Dimensions, Building Height and Setbacks

The site specific By-law permits a three family dwelling within the building existing on the date of the passing of the By-law. As a three family dwelling is not a use permitted within the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, there are no minimum lot width, lot area, building height, front yard setback, side yard setback, or rear yard setback requirements that would apply to the proposed use. Therefore, the site specific Zoning By-law will recognize the existing lot dimensions of the subject property and recognize the building height and setbacks of the existing building. This includes recognition of the building height and setbacks of the dormer additions that have been established on the third floor of the existing dwelling but did not receive the necessary building permits. Given the existing condition of the building would remain unchanged, the existing streetscape character of the area will be maintained. Therefore, the proposed modification can be supported.

Eave and Gutter Encroachments

The eaves and gutters on the westerly side of the existing building do not conform to the maximum side yard encroachment of not more than half the required side yard or 1 m whichever is lesser. The existing building is located 0.3 m from the westerly side lot line and the existing eaves and gutters project into the required side yard. As the modification is to recognize the existing eaves and gutters, the proposed modification can be supported.

Minimum Front Yard Landscaping

A minimum of 50% of the front yard is required to be landscaped whereas 25% is currently being provided, and a maximum of 50% of the front yard can be occupied by parking whereas 75% is currently being provided.

The 75% of the front yard that is occupied by parking and 25% of the front yard landscaping represents an existing situation that will not change as a result of the proposed application. Also, as the site is already developed there is no opportunity to increase the amount of front yard landscaping or decrease the

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 412 Aberdeen Avenue, Hamilton (Ward 1) (PED18072) - Page 19 of 23**

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amount of the front yard occupied by parking. The proposed modification is to recognize the existing situation with respect to front yard landscaping and parking therefore, the existing streetscape character of the area will be maintained. The proposed modification can be supported.

Minimum On-Site Manoeuvring Space and Parking Space Access

A minimum on-site manoeuvring space aisle width of 6 m is required whereas 0 m is proposed on-site for the parking at the rear and 3 m for the parking in the front yard. The parking space in the front yard is accessed from Aberdeen Avenue, whereas the manoeuvring space and access driveway for the parking spaces at the rear is to be provided off-site by way of an existing assumed alleyway, whereas manoeuvring space and access driveways are required to be located on-site and have access to a municipal road.

Parking spaces are required to maintain a minimum aisle width of 6 m on-site for manoeuvring in order to access the parking spaces without creating traffic conflicts. The access is required to be provided from a municipal road in order to ensure that the parking spaces are accessible. The three parking spaces located at the rear of the subject lands are accessed by a rear public alleyway and therefore the parking spaces and the respective manoeuvring space will be accessible. The manoeuvring space for the three parking space accessed from the rear will occur off-site over the alleyway. As the alleyway serves only a limited number of properties fronting onto Aberdeen Avenue and Homewood Avenue, the alleyway is not expected to have significant levels of traffic and therefore the proposed reduction in on-site manoeuvring space and allowing the access driveway and manoeuvring for the parking spaces to occur over the alleyway is not expected to create traffic conflicts.

In respect to the one parking space located at the front of the building, the parking space will be accessed from Aberdeen Avenue and will have 3 m of on-site manoeuvring space. Given the width of the existing driveway area at the front of the existing building, there is sufficient space on-site in which to manoeuvre into and out of the parking space and exit onto Aberdeen Avenue in a forward manner by way of the existing paved area located in front of the existing building. Therefore, the parking space will be accessible and will not create traffic conflicts.

Therefore, the proposed modifications can be supported.

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 412 Aberdeen Avenue, Hamilton (Ward 1) (PED18072) - Page 20 of 23**

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Parking Space within the Front Yard

One of the four required on-site parking spaces is to be provided partially within the required front yard whereas no parking space is permitted to be located within the required front yard.

Parking is not permitted within the required front yard in order to maintain the streetscape character of the area. The one parking space located near the front of the property is primarily located to the side of the existing building however the back portion of the parking space is partially located within the required front yard. The parking is partially screened by an existing landscaped area that is located between the parking space and the street. The parking space that is partially within the front yard represents an existing situation and therefore, the modification will not change the existing streetscape character of the area. Therefore, the modification can be supported.

Minimum Parking Space Size

A minimum parking space size of 3.2 m by 5.5 m in the rear and 3.2 m by 6 m in the front are proposed whereas 2.7 m by 6 m is required.

A minimum parking space size of 2.7 m by 6 m is required in order to ensure that parking is of an adequate size to accommodate a wide variety of different types of vehicles. All the proposed parking spaces have widths that are greater than 2.7 m and therefore the proposed 3.2 m minimum parking space width represents an increase in the parking space size. In respect to length, the one parking space at the front of the property has a length of 6.77 m and therefore exceeds the existing 6 m requirement. In respect to the parking spaces at the rear of the subject lands, the applicant is proposing to relocate a portion of an existing chain link fence at the rear of the property in order to increase the length of two of the proposed three parking spaces that are provided at the rear of the property accessed from the alleyway. The modification for reduction in parking space length pertains to only one of the on-site parking space. The applicant is seeking to not relocate the chain link fence for the westerly most parking space due to the proximity to an existing mature tree and concern that relocating the fence for the westerly most parking space could negatively impact this tree. The proposed modification will only apply to a maximum of one on-site parking space and therefore the majority of the on-site parking spaces will conform to the minimum required length of 6 m. Furthermore, it is noted that the proposed modification with respect to the westerly most parking space is to recognize the existing situation with respect to the length of the parking space. As the majority of the on-site parking spaces will conform to the minimum length the on-site parking will be able to accommodate the parking needs of a wide variety of

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different types of vehicles. As the proposed modification is to recognize the existing situation with respect to parking space length for one of the on-site parking spaces, the proposed modification can be supported.

3. As the triplex has been built illegally without the necessary Building Permits, staff are placing an 'H' Holding Provision on the subject lands to ensure that Building Permits are applied for, thereby legally establishing the triplex, recognizing the change of use and the previously established dormer additions.

In addition, staff are placing an 'H' Holding Provision on the subject lands to ensure that a noise warning clause is placed on title and in all purchase and sale and lease agreements. This is being required in order to ensure that future purchasers and tenants are advised that noise levels may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment and Climate Change's noise criteria.

Furthermore, staff are also placing an 'H' Holding Provision on the subject lands to ensure that an updated wastewater generation assessment is completed. This is being required in order to ensure that wastewater generation in respect to total flows is properly calculated.

4. Growth Management staff reviewed the Zoning By-law Amendment application and advised that as part of any future development application, the applicant will be required to transfer any road widening to the City of Hamilton. The existing combined sewer is capacity-deficient under current City guidelines and therefore on-site private sewer back-up prevention measures are recommended. A wastewater generation assessment was submitted with the application for a Zoning By-law Amendment. Staff were generally satisfied with the wastewater generation assessment however it was identified that total flows should be 14,750 L/d + 1,382.4 L/d instead of 2,950 L/d + 1,382.4 L/d and that the wastewater generation assessment should be corrected and resubmitted. The resubmission of the wastewater generation assessment is being undertaken as a condition of lifting the 'H' Holding Provision.
5. Development of a triplex is subject to Site Plan Control. Based on the small size and scale of the existing dormer additions and based on the fact that the dormer additions are only required to improve the liveability of one of the dwelling units, the proposed additions do not substantially increase the size and usability of the property. As the 'H' Holding Provision requires that the applicant include the noise warning clause on title and in any purchase and sale or lease agreements and update the wastewater generation assessment, a Site Plan Control application is not required to ensure that these issues are adequately addressed.

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**SUBJECT: Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 412 Aberdeen Avenue, Hamilton (Ward 1) (PED18072) - Page 22 of 23**

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6. The applicant advised staff that as part of their Public Consultation Strategy, a number of neighbouring property owners raised concern with respect to the existing building being demolished and a new multiple dwelling being established on-site. The applicant advised the neighbouring property owners to whom they met with that the proposal was to permit three dwelling units within the existing building.

The proposed site specific Zoning By-law will permit a maximum of three units within the building existing on the date of the passing of the By-law. The proposed site specific Zoning By-law will not permit a multiple dwelling within the existing building nor permit a multiple dwelling or a triplex within a new building.

## **ALTERNATIVES FOR CONSIDERATION**

Should the application be denied, the subject property would remain zoned “D/S-1381” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, in the City of Hamilton By-law No. 6593, and would be subject to the provisions of the site specific zoning. Furthermore the applicant would be required to adhere to the Order to Comply and would be required to discontinue the use of the existing building as a triplex.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

### **Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

### **Clean and Green**

*Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.*

### **Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

### **Our People and Performance**

*Hamiltonians have a high level of trust and confidence in their City government.*

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**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A": Location Map
- Appendix "B": Draft Amendment to Zoning By-law No. 6593
- Appendix "C": Concept Plan

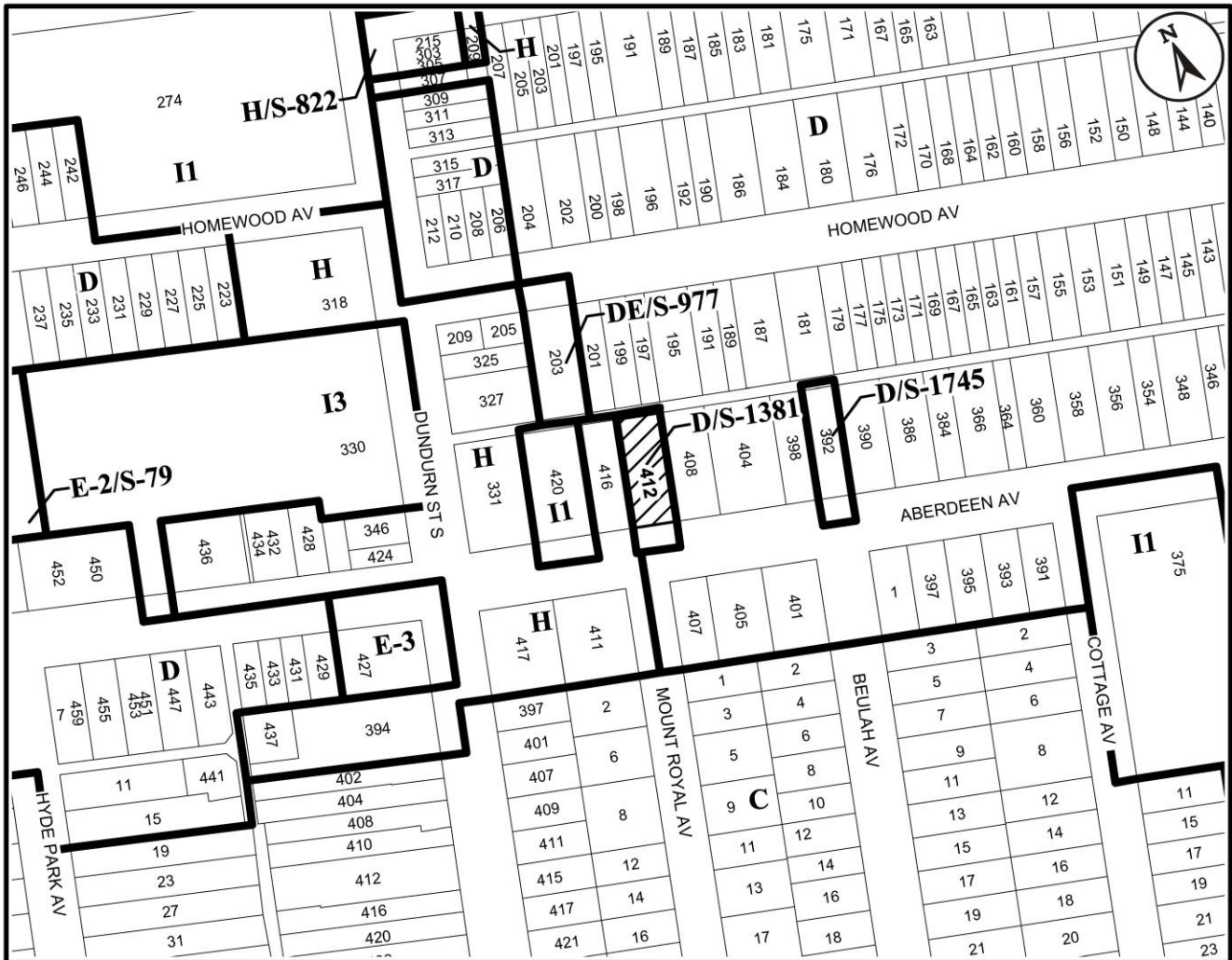
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● Site Location



Key Map - Ward 1

N.T.S.



# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAR-17-040

Date:  
February 14, 2018

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
DB/AL

### Subject Property

412 Aberdeen Avenue



Change in Zoning from the "D/S-1381" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, to the "D/S-1758-'H'" (Urban Protected Residential - One and Two Family Dwellings, etc.) District Holding, Modified

**Authority:** Item, Planning Committee  
Report  
CM: April 3, 2018  
Ward: 1

**Bill No.**

## CITY OF HAMILTON

### BY-LAW NO.

To Amend Zoning By-law No. 6593 (Hamilton) as amended,  
Respecting Lands Located at 412 Aberdeen Avenue, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

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";

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;

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);

WHEREAS the Council of the City of Hamilton, in adopting Item \_\_\_\_\_ of Report 18-\_\_\_\_\_ of the Planning Committee, at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan approved August 16, 2013.

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

1. That By-law No. 97-132 is hereby repealed in its entirety.
2. That Sheet No. W14 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is further amended by changing from the "D/S-1381" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified to the "D/S-1758-'H'" (Urban Protected Residential – One

and Two Family Dwellings, etc.) District, Holding, Modified on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

3. That the "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District provisions as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements:
  - a) That in addition to Section 10 (1), a three family dwelling shall be permitted within the building existing on the date of the passing of this By-law.
  - b) Notwithstanding Section 18 (3) (vi) (b) (iii), the existing encroachment of any eaves or gutters on the westerly side of the building existing on the date of the passing of this By-law shall be permitted.
  - c) Notwithstanding Section 18A (1) (f), no on-site manoeuvring shall be provided for parking spaces located at the rear of the property and not less than 3 metres of on-site manoeuvring shall be provided for a parking space located at the front of the property.
  - d) Notwithstanding Section 18A (7), a maximum of one (1) required parking space, other than a parallel parking space, shall have dimensions not less than 3.2 metres wide and 5.5 metres long, for all other required parking spaces, other than a parallel parking space, shall have dimensions not less than 3.2 metres wide and 6 metres long.
  - e) Notwithstanding Section 18A (9), the required manoeuvring space shall not be provided and maintained on the lot in which the principal use, building, or structure is located.
  - f) Notwithstanding Section 18A (14b) (i) and (ii), not more than 75% of the gross area of the front yard shall be occupied for parking and not less than 25% of the gross area of the front yard shall be used for a landscaped area, excluding concrete, asphalt, gravel, pavers or other similar materials.
  - g) Notwithstanding Section 18A (14g), one (1) parking space shall be located in a required front yard.
  - h) That in addition to Section 18A (21), all parking spaces and manoeuvring spaces may also be accessed by an alleyway.
  - i) That in addition to Section 18A (23), an access driveway may also be accessed by an alleyway.
4. That the 'H' symbol applicable to the lands referred to in Sections 1 shall be removed conditional upon:

- i) The Owner apply for a Building Permit to legalize the two (2) dormer additions and internal renovations to create three (3) dwelling units, to the satisfaction of the City's Chief Building Official.
  - ii) The Owner includes the following noise warning clause on title and agrees to include the following noise warning clause in all offers of purchase and sale and lease agreements to the satisfaction of Director of Planning and Chief Planner:  
  
"Purchasers / tenants are advised that sound levels due to increased road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment and Climate Change's noise criteria".
  - iii) The Owner submits and receives approval of an updated wastewater generation assessment, to the satisfaction of the Senior Director, Growth Management.
5. 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 "D" District provisions, subject to the special requirements in Section 3 of this By-law.
  6. That By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1758.
  7. That Sheet No. W14 of the District maps is amended by making the lands referred to in Section 2 of this By-law as Schedule S-1758.
  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 [REDACTED] day of [REDACTED], 2018.

---

F. Eisenberger  
Mayor

---

City Clerk

ZAR-17-040



This is Schedule "A" to By-law No. 18-

Passed the ..... day of ....., 2018

-----  
Mayor

-----  
Clerk

## Schedule "A"

Map Forming Part of  
By-law No. 18-\_\_\_\_\_

to Amend By-law No. 6593

### Subject Property

412 Aberdeen Avenue



Change in Zoning from the "D/S-1381"  
(Urban Protected Residential - One and Two  
Family Dwellings, etc.) District, Modified, to the  
"D/S-1758-'H'" (Urban Protected Residential -  
One and Two Family Dwellings, etc.) District  
Holding, Modified

Scale:  
N.T.S.

File Name/Number:  
ZAR-17-040

Date:  
Feb. 8, 2018

Planner/Technician:  
DB/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

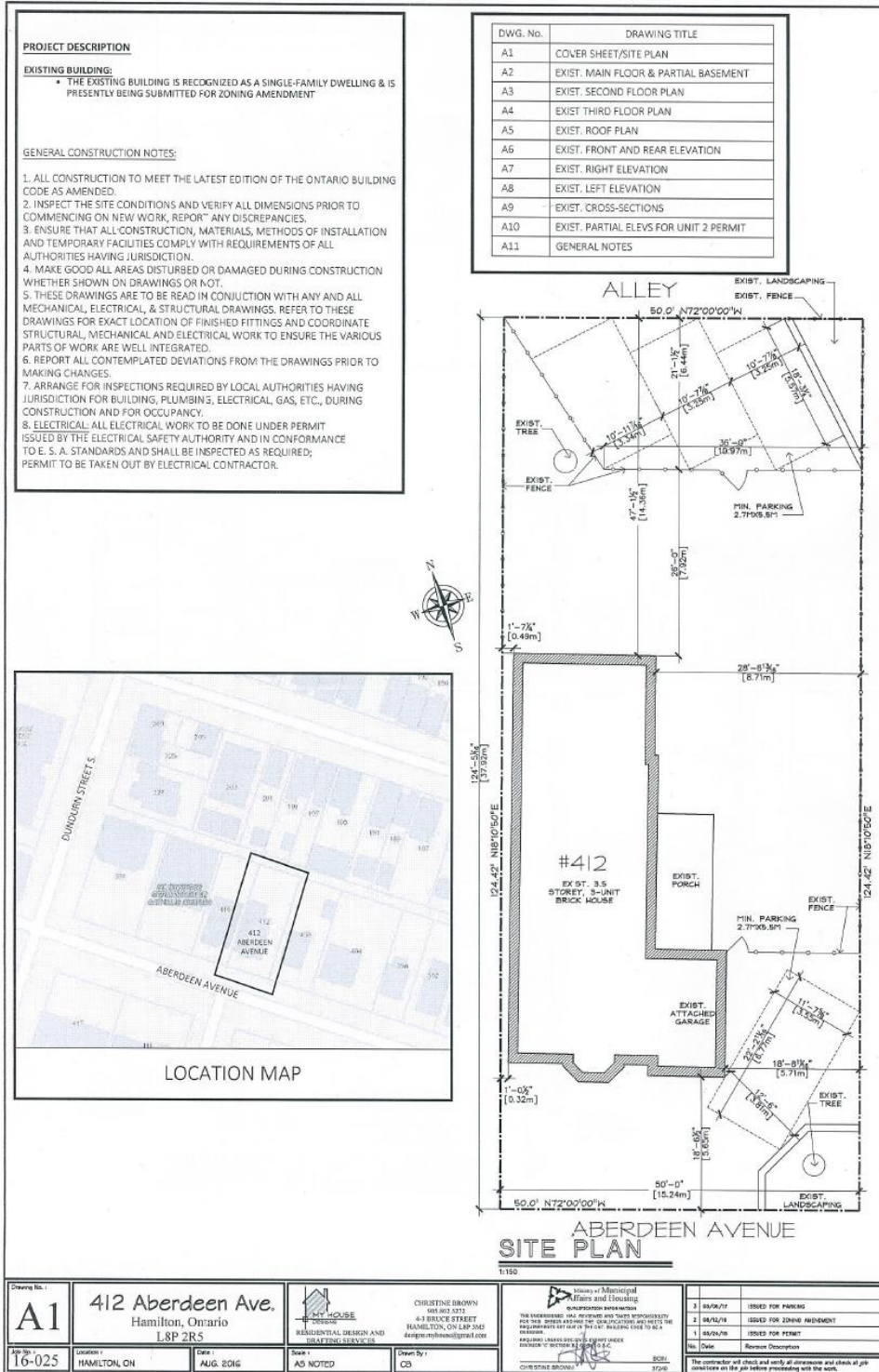
Is this by-law derived from the approval of a Committee Report? Yes

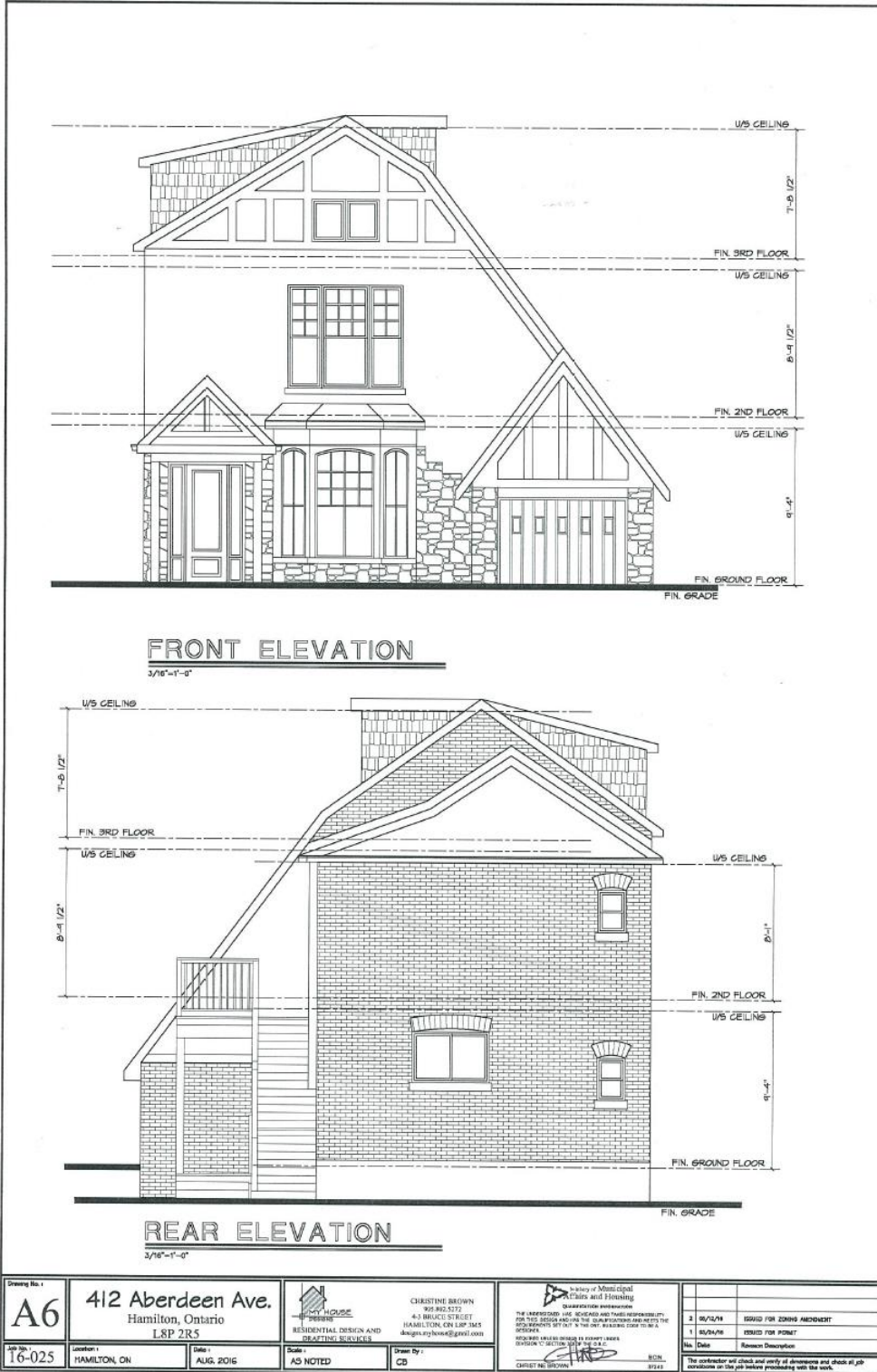
Committee: Steve Robichaud      Report No.: PED18XXX      Date: 04/03/2018  
Ward(s) or City Wide: Ward: 1      (MM/DD/YYYY)

Prepared by: Daniel Barnett      Phone No: 905-546-2424 ext. 4445

*For Office Use Only, this doesn't appear in the by-law*

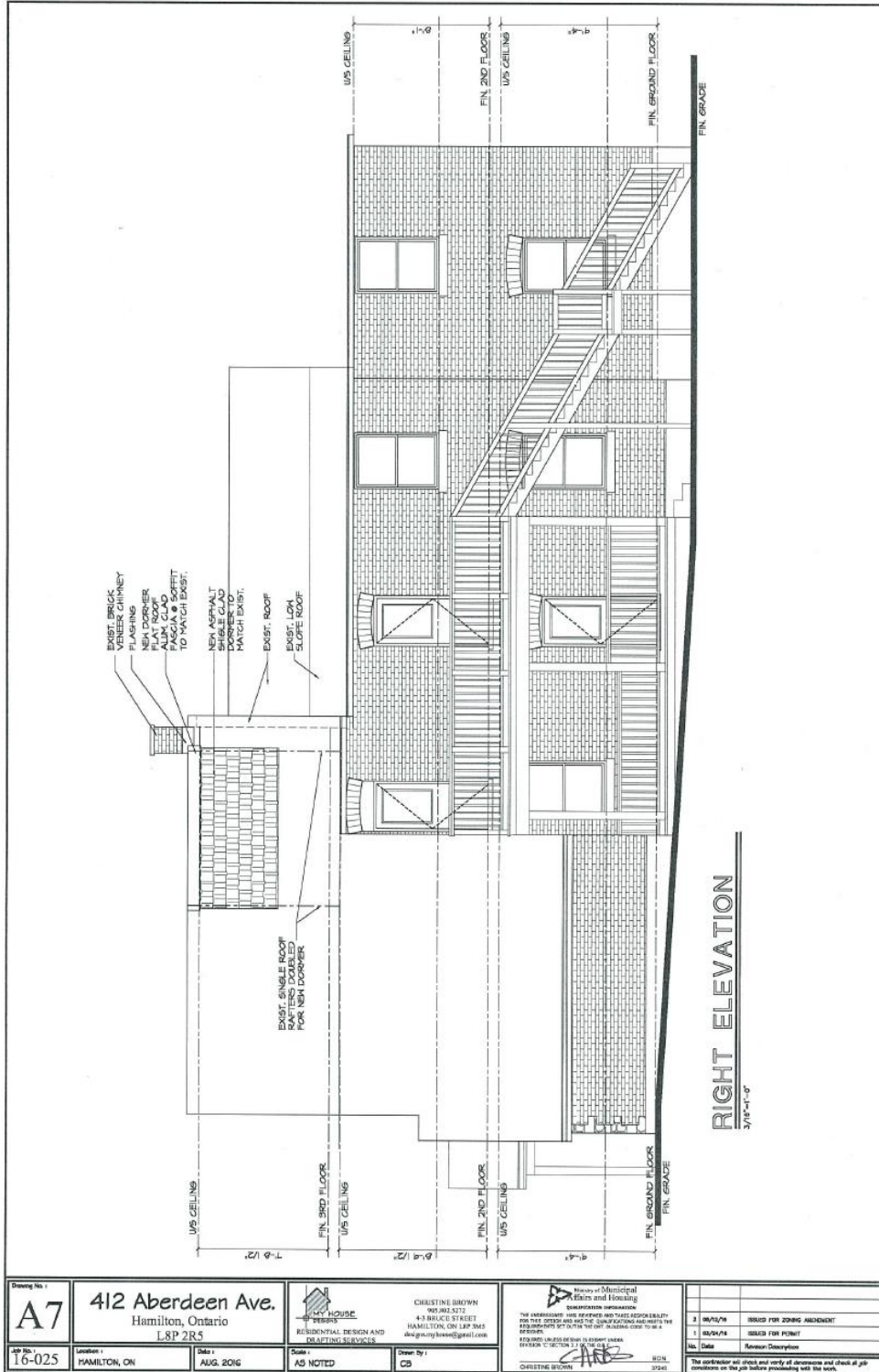






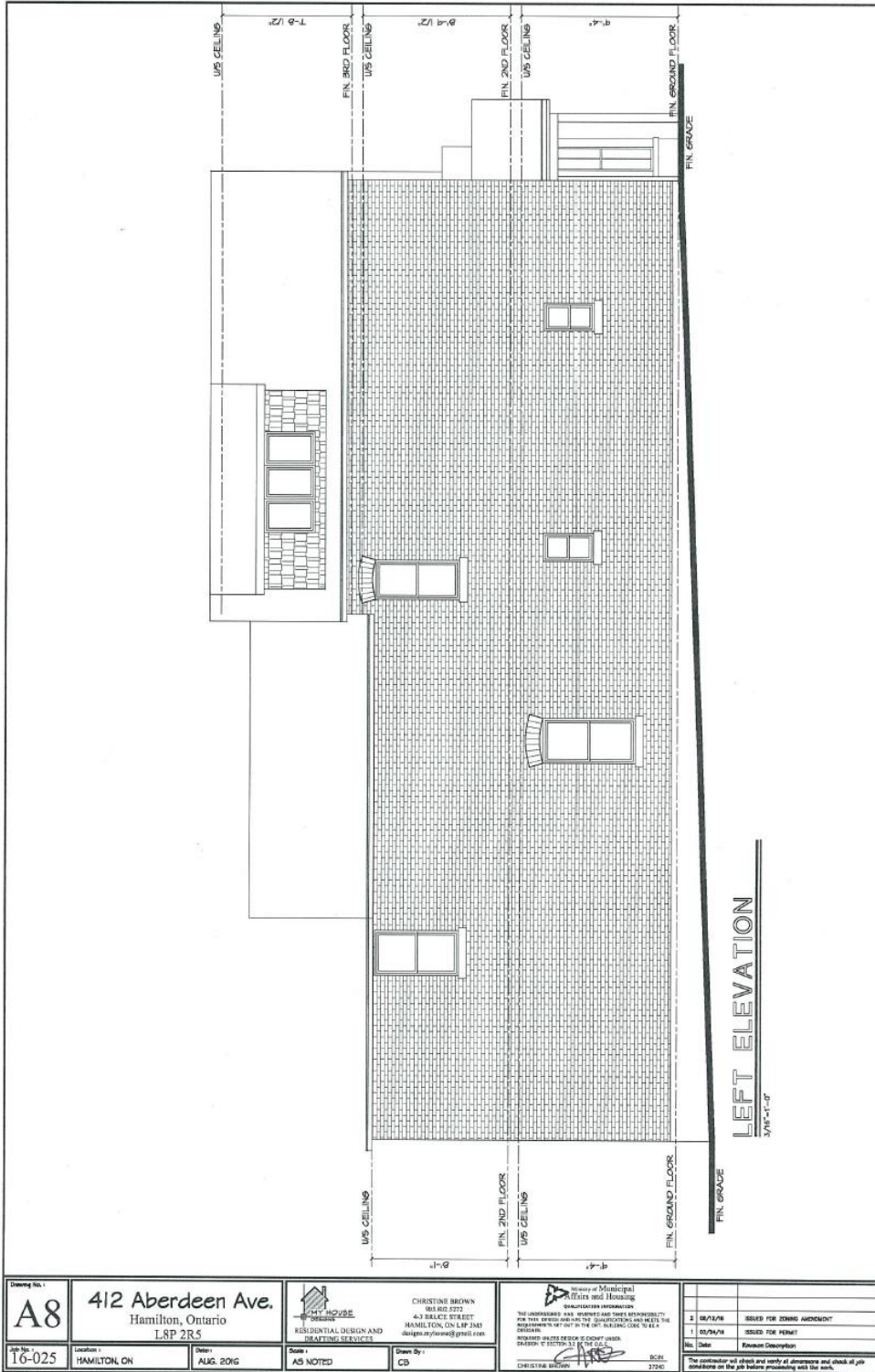
Drawing No. <b>A6</b>	412 Aberdeen Ave. Hamilton, Ontario L8P 2R5	 RESIDENTIAL DESIGN AND RETRACTING RESOURCES	CHRISTINE BROWN 802 802 5372 4-3 BRUCE STREET HAMILTON, ON L8P 2A5 design@ryhouse@gmail.com	City of Hamilton Office of Municipal Affairs and Planning 2016-08-08 The undersigned has reviewed and finds satisfactory the design and construction of the proposed structure and hereby certifies that the same conform to the provisions of the City of Hamilton Official Code, Chapter 210, Part 1, Section 210.12.1.1. CHRISTINE BROWN CITY CLERK	2 08/12/16 ISSUED FOR ZONING AMENDMENT
					1 08/24/16 ISSUED FOR PERMIT
16-025	Location: HAMILTON, ON	Date: AUG. 2016	Scale: AS NOTED	Drawn By: CB	No. Date Reason Description

The contractor will check and verify all dimensions and shades at job conditions on the job before proceeding with the work.



**RIGHT ELEVATION**  
3/16"=1'-0"

<p>Drawing No. <b>A7</b></p>	<p><b>412 Aberdeen Ave.</b> Hamilton, Ontario L8P 2R5</p>		<p><b>CHRISTINE BROWN</b> 960 AND 5212 4-3 BULLOCK STREET HAMILTON, ON L8P 5M6 design@christinebrown.com</p>	<p>City of Hamilton Department of Planning and Housing CONSTRUCTION SUPERVISOR</p> <p>THE APPLICANT HAS ACCEPTED AND TAKES RESPONSIBILITY FOR THE CONTENT AND THE CONSTRUCTION AND MEETS THE REQUIREMENTS SET FORTH IN THE CITY ZONING CODE TO BE A RESIDENTIAL DEVELOPMENT.</p> <p>APPROVED FOR THE CITY OF HAMILTON CHRISTINE BROWN CIB</p>	<table border="1"> <tr> <th>No.</th> <th>Date</th> <th>Revision Description</th> </tr> <tr> <td>3</td> <td>06/25/16</td> <td>ISSUED FOR ZONING ASSIGNMENT</td> </tr> <tr> <td>1</td> <td>02/24/14</td> <td>ISSUED FOR PERMIT</td> </tr> </table>	No.	Date	Revision Description	3	06/25/16	ISSUED FOR ZONING ASSIGNMENT	1	02/24/14	ISSUED FOR PERMIT
	No.	Date				Revision Description								
3	06/25/16	ISSUED FOR ZONING ASSIGNMENT												
1	02/24/14	ISSUED FOR PERMIT												
<p>APP No. <b>16-025</b></p>	<p>Location: <b>HAMILTON, ON</b></p>	<p>Date: <b>AUG. 2016</b></p>	<p>Scale: <b>AS NOTED</b></p>	<p>Drawn By: <b>CS</b></p>	<p>The applicant will check and verify all dimensions and check all job conditions on the job before proceeding with the work.</p>									



Drawing No.: <b>A8</b>	<b>412 Aberdeen Ave.</b> Hamilton, Ontario LRP 2R5	 RESIDENTIAL DESIGN AND TRAPPING SERVICES	CHRISTINE BROWN 901 802 2732 43 BALLET STREET HAMILTON, ON L8P 2A7 christine@myhousedesign.com	 THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN AND THE INFORMATION AND DATA PROVIDED HEREIN TO BE IN ACCORDANCE WITH THE CITY OF HAMILTON DESIGN STANDARDS AND SPECIFICATIONS AND THE CITY OF HAMILTON DESIGN STANDARDS AND SPECIFICATIONS.	<table border="1"> <tr> <th>No.</th> <th>Date</th> <th>Revision Description</th> </tr> <tr> <td>1</td> <td>06/12/16</td> <td>ISSUED FOR ZONING AMENDMENT</td> </tr> <tr> <td>1</td> <td>02/24/18</td> <td>ISSUED FOR PERMIT</td> </tr> </table>	No.	Date	Revision Description	1	06/12/16	ISSUED FOR ZONING AMENDMENT	1	02/24/18	ISSUED FOR PERMIT
No.	Date	Revision Description												
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Job No.: T6-025	Location: HAMILTON, ON	Date: AUG. 2016	Check: AS NOTED	Drawn By: CB	The contractor will obtain and verify all dimensions and check all job conditions on the job before proceeding with the work.									



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 3, 2018
<b>SUBJECT/REPORT NO:</b>	Proposed Official Plan Amendment and Amendment to Hamilton Zoning By-law No. 05-200 to rezone Industrial Zones for the Port Lands, Certain Remnant Industrial Zoned Lands, and Open Space Zones, and Amendment to Hamilton Zoning By-law No. 6593 to delete Harbour Zones (Wards 3, 4 and 5) (PED18064)
<b>WARD(S) AFFECTED:</b>	Wards 3, 4 and 5
<b>PREPARED BY:</b>	Timothy Lee (905) 546-2424 Ext. 1249
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That approval be given to Official Plan Amendment (UHOPA) No. XX to the Urban Hamilton Official Plan (UHOPA) to amend the Employment Area – Shipping and Navigation Designation policies in Volume 1, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “A” to Report PED18064, be adopted by Council; and,
  - (ii) That the proposed Official Plan Amendment (OPA) No. XX is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe 2017.
- (b) That approval be given to amended City Initiative CI-18-B for portions of the Urban Area, to add two new Industrial Zones to Hamilton Zoning By-law No. 05-200 for lands around Hamilton Harbour; introduce parking provisions related to Marine Service; amend definitions associated with the new Industrial Zones; amend the administrative section of the By-law to implement the new Industrial Zones; and add a Holding Provision requiring studies to permit certain industrial uses for lands located in the former municipality of Hamilton on the following basis:

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- (i) That the Draft By-law, attached as Appendix “B” to Report PED18064, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
  - (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP) upon approval of Official Plan Amendment (OPA) No. \_\_.
- (c) That approval be given to amended City Initiative CI-18-B to incorporate the following lands located in and around Hamilton Harbour, as shown in Appendices “D1” and “D2” from Hamilton Zoning By-law No. 6593 and into Hamilton Zoning By-law No. 05-200:
- (i) That lands located at 440 Victoria Avenue North be rezoned from the “K” (Heavy Industry, etc.) District to Light Industrial (M6) Zone with a Special Exception;
  - (ii) That Windemere Basin be rezoned from the “L-s” (Planned Development Special Study) District to Conservation/Hazard Land (P5) Zone, and the northerly lands that surround Windemere Basin be rezoned from “A/S-1450a” (Conservation Open Space Park and Recreation) District to Open Space (P4) Zone, with a Special Exception;
  - (iii) That the Draft By-law, attached as Appendix “C” to Report PED18064, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
  - (iv) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP).
- (d) That approval be given to amended City Initiative CI-18-B to delete the “F-2” (Open Space Harbour) District and “F-2A” (Harbour) District from Hamilton Zoning By-law No. 6593 for Hamilton Harbour (water) on the following basis:
- (i) That the Draft By-law, attached as Appendix “D” to Report PED18064 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,
  - (ii) The proposed changes in zoning is in conformity with the Urban Hamilton Official Plan (UHOP).

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## EXECUTIVE SUMMARY

The purpose of this City Initiative is to address the following amendments to Hamilton Zoning By-law No. 05-200 and Hamilton Zoning By-law No. 6593:

### New Shipping and Navigation Zones – Hamilton Zoning By-law No. 05-200

Two new Industrial Zones are proposed for the Port Lands along Hamilton Harbour in Hamilton Zoning By-law No. 05-200 (see Appendix “B” to Report PED18064). The two zones are the Shipping and Navigation (M13) and (M14) Zones.

Furthermore, a Holding Provision is proposed for the Shipping and Navigation (M13) Zone to require the necessary studies to determine the impact of a Waste Processing Facility or a Waste Transfer Facility on the neighbouring communities. Standalone Waste Processing Facilities and Waste Transfer Facilities are not directly related to port operations, and therefore the establishment of such uses require an Environmental Compliance Report (ECR) from the Province. The studies identified in the Holding Provision establish the minimum requirements that would have to be satisfied prior to the City of Hamilton removing the Holding Provision and the use being permitted.

The proposed Zones are to replace existing Industrial Districts for Hamilton Zoning By-law No. 6593 applicable to the Hamilton Port Authority lands. The proposed Shipping and Navigation (Port Lands) (M13) Zone is applied to Piers 11, 12, 14, 15, and 22-24, and the Shipping and Navigation (Port Lands) (M14) Zone applied to Piers 25 to 27. In addition, the Zoning By-law also includes new and amended definitions and a new parking requirement for Marine Service applicable to the shipping related activities within the Port Lands.

However, lands located at Pier 10, including the existing brewery located at 201 – 207 Burlington Street East and are currently zoned “J” District in Hamilton Zoning By-law No. 6593, are not part of this process as these lands are located in the Setting Sail Secondary Plan in the former Hamilton Official Plan. This Secondary Plan has not been added into the UHOP due to an OMB appeal / non decision. Zones under Hamilton Zoning By-law No. 05-200 will be added for all lands within the Setting Sail Secondary Plan area once the Secondary Plan has been incorporated into the UHOP. This method is consistent with the Commercial and Mixed Use Zones approved in November 2017. This comprehensive zoning amendment will include public consultation.

An accompanying housekeeping Official Plan Amendment (see Appendix “A” to Report PED18064) amends a policy in the Employment Area – Shipping and Navigation

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Designation to remove references to ownership requirements by the Hamilton Port Authority.

Former Industrial District Lands to be added to Hamilton Zoning By-law No. 05-200

Numerous properties throughout the City have retained the existing industrial zoning in the former municipal Zoning By-laws. Over time these old zones on these lands are to be replaced with new zones in Hamilton Zoning By-law No. 05-200. This Report addresses some of these remnant parcels with industrial zoning. Specifically, the lands are the Former Otis Elevator/Studebaker Office (440 Victoria Avenue North) (Appendix “C” to Report PED18064). The change in zoning from Hamilton Zoning By-law No. 6593 to Hamilton Zoning By-law No. 05-200 is based on the existing designations in the Urban Hamilton Official Plan. Lands containing the Hamilton Wentworth Detention Centre located at 165 Barton Street East which is zoned “K” District in Hamilton Zoning By-law No. 6593, are not included in this zoning project as these lands are located in the Setting Sail Secondary Plan of the former Hamilton Official Plan. Zones under Hamilton Zoning By-law No. 05-200 will be added for all lands within the Setting Sail Secondary Plan area once the Secondary Plan has been incorporated into the UHOP, which will include public consultation.

Remnant lands with industrial zoning that are not addressed in this Report will be updated through future amendments to Hamilton Zoning By-law No. 05-200, particularly through the Residential Zoning review, a review of the Institutional Zones, and future housekeeping amendments.

Finally, the draft Zoning By-law (See Appendix “C” to Report PED18064) also changes the zoning of Windemere Basin from “L-s” (Planned Development Special Study) District in Hamilton Zoning By-law No. 6593 to Conservation/Hazard Lands (P5) Zone of Hamilton Zoning By-law No. 05-200 to provide more consistency in zoning with Red Hill Creek, which is also zoned Conservation/Hazard Lands (P5) Zone. Furthermore, the existing “A-H/S-1450a” (Conservation Open Space Park and Recreation) District, modified located on the north side of Windemere Basin is to be rezoned to Open Space (P4) Zone, with a special Exception to provide more consistent zoning with other lands surrounding Windemere Basin, and to permit the continued usage of a private road operated to provide access between piers. A location map identifying the lands affected by the draft Zoning By-law is contained in Appendix “D1” to Report PED18064.

Deletion of the Harbour and Waterfront Zones from Hamilton Zoning By-law No. 6593

It is proposed to remove the existing two Harbour Zones from the waters of Hamilton Harbour from Hamilton Zoning By-law No. 6593 (See Appendix “D” to Report

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PED18064). The removal of these zones do not prevent the use of the Harbour for shipping and navigation and recreational purposes, as the Harbour is federally controlled by Transport Canada. A location map identifies the extent of the two existing Harbour zones in Appendix “D1” to Report PED18064.

Lands containing the HMCS Star and HMCS Haida (Pier 9) located at 650 - 658 Catharine Street North are currently zoned “F-1” Zone in Hamilton Zoning By-law No. 6593 are not included in this zoning project as these lands are located in the Setting Sail Secondary Plan of the former Hamilton Official Plan. Zones under Hamilton Zoning By-law No. 05-200 will be added for all lands within the Setting Sail Secondary Plan area as part of a comprehensive zoning amendment once the Secondary Plan has been incorporated into the UHOP, which will include public consultation.

***Alternatives for Consideration – Page 30***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider amendments to the Official Plan and Zoning By-law.

**HISTORICAL BACKGROUND**

The City of Hamilton’s new Comprehensive Zoning By-law No. 05-200 came into effect on May 25, 2005, Open Space and Park Zones were added in 2006, Institutional Zones in 2006, and Industrial Zones were subsequently added in 2010. However, lands owned by the Hamilton Port Authority (HPA) were not included in the 2010 Industrial Zones. This Report brings forward amendments to the Official Plan and Hamilton Zoning By-law No. 05-200 to add two new Industrial Zones to zone the remaining harbour lands and adds isolated properties to the appropriate uses to provide up to date and consistent zoning.

Furthermore, a proposal to permit the construction of a waste to energy facility located at 530 Sherman Avenue North in 2015 was bumped up from a Class Environmental Assessment to a full Environmental Assessment at the request by the City. As a result of this requirement, the proponent elected to not pursue this project. The proposed Holding Provision for the Shipping and Navigation (M13) Zone requires the necessary studies to determine the impact of a Waste Processing Facility or a Waste Transfer

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Facility on the neighbouring communities. These studies identified in the Holding Provision establish the minimum requirements that would have to be satisfied prior to the City of Hamilton removing the Holding Provision and the use being permitted. (See Appendix “B” to Report PED18064).

The property at 440 Victoria Avenue North was originally included in the proposed industrial zoning and associated mapping in 2010. However, a council resolution approved in 2010 deferred the zoning of 440 Victoria Avenue North from the new Industrial Zones proposed in Hamilton Zoning By-law No. 05-200 to allow the property owners with additional time to advance their development proposal (see Appendix “C” to Report PED18064). The effect of this deferral was to retain the “K” District zoning applicable to the subject lands.

Open Space Zones in Hamilton Zoning By-law No. 05-200 were introduced in 2006 but the zone was never applied to Windemere Basin. It is proposed to change the zone for these lands to Conservation/Hazard Lands (P5) Zone in Hamilton Zoning By-law No. 05-200.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **1.0 Federal Policy**

#### **1.1 Letters Patent for the Hamilton Port Authority**

The roles and functions of the Hamilton Port Authority (HPA) as a federal government agency are mandated by the *Canada Marine Act* through the Letters Patent, which took effect on May 1, 2001. This document identifies uses and activities that may be undertaken by the HPA that allows for the proper functioning of the Port and the financial sustainability of the organization. These activities and uses include port and port-related uses such as stevedoring and boat repair and maintenance; certain industrial uses and activities such as warehousing and storage of goods and raw materials; and, ancillary uses that may be required to support the functioning of the port and its primary industrial tenants. Uses and activities that are not listed in the Letters Patent may not be undertaken and would be in contravention of the document.

The City generally cannot regulate above and beyond the powers given to the HPA as found in the Letters Patent. However, the City has the ability to set policies through its Official Plan and set zoning regulations on the HPA lands. For example, the proposed Shipping and Navigation M13 and M14 Zones provide zone regulations for the HPA lands while having respect to the powers as set by the Letters Patent.

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Based on the foregoing, the proposed Shipping and Navigation Industrial Zones conform to the regulations contained in the Letters Patent.

## 1.2 Hamilton Port Authority Land Use Plan (LUP) (2017)

As a legislative requirement under the *Canada Marine Act* and Letters Patent, the HPA is required to prepare a Land Use Plan containing visions and policies for the development and overall functioning of the Port. Despite the name of the document, the Land Use Plan is a document that identifies social, environmental, and economic objectives that the Port is responsible and mandated to perform. The Land Use Plan is prepared and approved by the HPA. The first Land Use Plan was adopted in 2002 following the creation of the Hamilton Port Authority, and has since been updated with an approved October 2017 version.

The Land Use Plan (2017) identifies individual Area-Specific Plans for each pier and proposes land use principles based on the HPA's vision. Furthermore, each Area Specific Plan further identifies designations for each property, such as Marine-Related Industrial and Open Space. Staff have reviewed the Land Use Plan (2017) and the proposed Shipping and Navigation Industrial Zones meet the policies and objectives of this document.

## **2.0 Provincial Policy**

### 2.1 Growth Plan for the Greater Golden Horseshoe (GGH)

The proposed Shipping and Navigation Zones implement and conform to the policies of the Growth Plan by:

- Ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment densities (Policy 2.2.5.1a);
- Designating all employment areas, including any Prime Employment Areas, in official plans and protect them for appropriate employment uses over the long-term (Policy 2.2.5.6);
- Promoting economic development and competitiveness through an appropriate mix of employment uses including industrial long term needs, providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities, and ensuring the necessary infrastructure is provided to support current and forecasted employment needs (Policy 2.2.6.2); and,

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- Providing for the establishment of priority routes for goods movement, where feasible, to facilitate the movement of goods into and out of areas of significant employment, industrial and commercial activity (Policy 3.2.4.4).

The change in zoning for lands located at 440 Victoria Avenue North conforms to the Growth Plan for the Greater Golden Horseshoe by:

- Making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities (Policy 2.2.5.1a);
- Ensuring the availability of sufficient land for a variety of employment to accommodate forecasted employment growth (Policy 2.2.5.1b); and,
- Integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment (Policy 2.2.5.1d).

Based on the above, the change in zoning from the “K” (Heavy Industry, etc.) District in Hamilton Zoning By-law No. 6593 to Light Industrial (M6) Zone in Hamilton Zoning By-law No. 05-200 protects Employment Area on the subject lands from the conversion of employment land to non-employment uses such as retail. The “K” (Heavy Industry, etc.) District not only permits industrial uses, but also a wide variety of commercial uses such as retail. However, the intent of the M6 Zone is to permit a variety of industrial uses such as industrial and warehouse, but also the M6 Zone permits limited commercial uses such as office, personal service, and restaurants that support workers from adjacent industrial uses. Retail is not permitted in the M6 zone.

The following components of the City Initiative conform to the Growth Plan for the Greater Golden Horseshoe on the following basis:

- The change in zoning to Open Space Zones in Hamilton Zoning By-law No. 05-200 for Windemere Basin and the lands north of Windemere Basin meets Policy 2.2.1.3e) with respect to the support environmental protection from abutting land uses. Furthermore, Policies 4.2.2.4 and 4.2.2.6 a) and b) are met as Windemere Basin is designated Open Space in the Urban Hamilton Official Plan, and the change in zoning protects the Basin from other land uses as directed by the Official Plan and the PPS.
- The removal of the two Harbour Zones from Hamilton Zoning By-law No. 05-200 conforms to Policies 4.2.1.1 and 4.2.1.4 as Hamilton Harbour continues to be environmentally protected as required in cooperation with the Conservation

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Authorities and various Provincial and Federal initiatives. Furthermore, any uses are prohibited except for Shipping and Navigation.

Based on the foregoing, the City Initiative to introduce new Shipping and Navigation Zones to Hamilton Zoning By-law No. 05-200, and apply new zoning to lands located at the Former Otis Elevator/Studebaker Office (440 Victoria Avenue North) and the removal of zones from Hamilton Harbour conform to the Growth Plan for the Greater Golden Horseshoe.

## 2.2 Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest related to land use planning and development. This policy document provides detailed direction regarding the goals related to land use, scale, compatibility, and design, which the UHOP has implemented.

More specifically, the proposed Shipping and Navigation Zones are consistent with the policies of the PPS by:

- Efficiently using infrastructure and public service facilities which are planned or available (Policy 1.1.3.2a.2.);
- Encouraging land use patterns within the settlement area which are freight supportive (Policy 1.1.3.2a.6.);
- Promoting economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses (Policy 1.3.1b.);
- Protecting employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations (Policy 1.3.2.3);
- Promoting transportation systems that facilitate the movement of people and goods, and are appropriate to address projected needs (Policy 1.6.7.1); and,
- Providing connectivity within and among transportation systems and modes as part of a multimodal transportation system, which should be maintained and, where possible, improved connections which cross jurisdictional boundaries (Policy 1.6.7.3).

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The proposed Shipping and Navigation Industrial Zones are consistent with the above policies as the zones will continue to promote economic development in the City by permitting port and port related activities. Furthermore, the Shipping and Navigation Industrial Zones are consistent with the following policies, specifically marine facilities, by:

- Planning for land uses in the vicinity of rail facilities and marine facilities so their long-term operation and economic roles are protected and sensitive land uses are appropriately designed, buffered and/or separated from each other (Policy 1.6.9.1); and,
- Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities (Policy 1.2.6.1).

The change in zoning for lands located at 440 Victoria Avenue North is consistent with the PPS (2014) by:

- Avoiding development and land use patterns which may cause environmental or public health and safety concerns (Policy 1.1.1c);
- Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs (Policy 1.1.1e);
- Providing for an appropriate mix and range of employment and institutional uses to meet long-term needs (Policy 1.3.1a); and,
- Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

The change in zoning from the “K” (Heavy Industry, etc.) District in Hamilton Zoning By-law No. 6593 to Light Industrial (M6) Zone in Hamilton Zoning By-law No. 05-200 for the lands located at 440 Victoria Avenue North will still permit industrial uses such as warehousing and manufacturing, but prohibits industrial uses that are considered impactful on abutting residential uses, such as rock crushing plant or rendering plant. However, the proposed M6 Zone permits development patterns and standards and that allow for an appropriate mix of employment uses.

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The following components of the City Initiative are consistent with the PPS (2014) by:

- The change in zoning to Open Space Zones in Hamilton Zoning By-law No. 05-200 for Windemere Basin and the lands north of Windemere Basin is consistent with Policy 1.1.1h) by promoting development and land use patterns that conserve biodiversity and consider the impacts of climate change such as the need for flood protection and biodiversity conservation.
- The removal of the two Harbour Zones from Hamilton Zoning By-law No. 6593 is also consistent with Policy 1.1.1h) by promoting development and land use patterns that conserve biodiversity and consider the impacts of climate change such as the need for flood protection and biodiversity conservation. Furthermore, remove of the two Harbour Zones is consistent with Policy 2.1.6 and 2.1.7 as any development (i.e. filling of the Harbour) in Hamilton Harbour will continue to be in accordance with Federal requirements.

Based on the foregoing, the City Initiative to introduce new Shipping and Navigation Zones to Hamilton Zoning By-law No. 05-200 (with the exception of Pier 10), and apply new zoning to lands located at the former Otis Elevator/Studebaker Office (440 Victoria Avenue North) and the removal of zones from Hamilton Harbour, is consistent with the PPS (2014).

### **3.0 Urban Hamilton Official Plan (UHOP)**

Lands subject to the proposed M13 and M14 Shipping and Navigation Zones are designated as “Shipping and Navigation” on Schedule “E-1” – Land Use Designation. Also, these lands are identified as “Employment Areas” on Schedule “E” – Urban Structure. Furthermore, Hamilton Harbour has been identified as a Major Transportation Facility and Routes for the Port of Hamilton in the UHOP – Volume 1 in Appendix “B” to Report PED18064.

#### **3.1 Integrated Transportation Network and Goods Movement Network**

The following policy goals apply to maintaining and fostering an integrated transportation network:

- Providing for a balance and integrated transportation network which includes all modes of transportation such as marine (Policy C.4.1.1);

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- Recognizing the relationship of transportation and land use planning in connecting communities, land uses and activities and the role of the integrated transportation network (Policy C.4.1.2);
- Facilitating the safe and efficient movement of goods and services through various modes within the integrated transportation network (Policy C.4.1.3); and,
- Work in cooperation with other levels of government and government agencies interregional transit and highway, marine, and airport initiatives (C.4.1.5).

As noted in Policy Goals C.4.1.1 and C.4.1.3, the Port of Hamilton is recognized as a vital transportation hub for the City providing an important linkage with other cities in the Great Lakes for goods movement, thus reducing congestion on highways and rails. In addition, in accordance with Policy Goals C.4.1.2 and C.4.1.5, the City has consulted with the HPA on the creation of the two new proposed Industrial Zones within Hamilton Zoning By-law No. 05-200 to implement policies in the UHOP and to link port activities important for their day-to-day functioning of the port, and land use planning.

In addition, Policy C.4.6.1 states the need to maintain, protect, and enhance the goods movement network to support Hamilton's economic development strategy, and Policy C.4.6.3 to encourage the development of facilities, including inter-modal facilities, for the transfer of goods between marine and truck modes of transportation to and within the designated Employment Areas.

The Port of Hamilton is considered part of the marine network within the Major Transportation Facility and Routes system, as identified in Appendix "B" of the UHOP, where road access and adequate rail service shall be provided to the Port of Hamilton for the efficient use of harbour facilities and services (Policy C.4.9.1). Also, the City shall support the Federal Government and the Port Authority to provide services for the Port of Hamilton that are consistent with economic and environmental goals (Policy C.4.9.2). It is acknowledged the Port of Hamilton is an important transportation hub for the quick movement of goods and shall be protected and enhanced to support the City's economic development goals and objectives, and the proposed Shipping and Navigation Zones support the above policies.

### 3.2 Shipping and Navigation Designation

Lands owned by the Hamilton Port Authority are designated Shipping and Navigation on Schedule E-1 – Urban Land Use Designations. Under Section E.5.6.1, the following uses are permitted:

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- Uses such as the movement, management, safety and convenience of ships; uses involved in the carriage of goods or passengers to other modes of transportation;
- Related storage and processing;
- Vessel and barge docks;
- Industry and commerce ancillary or necessary to the port;
- Recreational boat facilities;
- Ancillary uses including retail and restaurant; and,
- Provision of services such as security, employment, immigration, labour, administration, technical, food, fuel and maintenance.

An Official Plan Amendment is proposed to amend Policy E.5.6.1 (Volume 1) to remove a section of the policy with respect to the ownership requirement within the Shipping and Navigation Designation. The amendment includes removing the wording “so long as they are owned by the Hamilton Port Authority” has been removed through the OPA because the designation is specific to the Federal regulations and as one parcel is owned by the Federal Government (see Appendix A” to Report PED18064). The remainder of the policy is unchanged.

Also, Policy E.5.6.1 f) permits ancillary retail and restaurants, and a further restriction found in Policy E.5.6.2 limits retail uses to 500 sq m of gross floor area (GFA) to limit retail uses to smaller establishments that cater to employees of the Port and surrounding industrial areas. Furthermore, commercial uses generate traffic demands which may result in conflict with existing freight traffic. The proposed Shipping and Navigation Zones implement the above policies as a variety of industrial, port, and port-related uses such as marina and marine services, are permitted with the appropriate performance standards and GFA regulations.

The proposed Industrial Zones implement the above policies with respect to permitting certain industrial and limited commercial uses, and restricting retail to a maximum floor area of 500 sq m, or 25% of the total floor area, whichever is lesser (see Appendix “B” to Report PED18064).

Policy E.5.6.5 requires the City to consult with the Hamilton Port Authority prior to any future amendments to the Official Plan or Zoning By-law regarding lands within the

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Shipping and Navigation designation on E-1 – Urban Land Use Designations. Staff consulted with the HPA on the proposed Shipping and Navigation Zones and provided comments to the HPA’s Land Use Plan (2017), and a letter of support from the HPA was received by staff in early-March 2018 (See Appendix “E” to Report PED18064).

Under Policy F.1.8, a Holding Provision may be placed on lands where development should not take place until certain studies or conditions for development are met. The proposed Holding Provision for the entire extent of the Shipping and Navigation (M13) Zone requires studies to allow the City of Hamilton to assess the potential impact of a Waste Processing Facility or a Waste Transfer Facility might have on the neighbouring communities. Concerns such as air quality, environmental, and human health impacts were raised by the community in response to a previous proposal to establish a Waste Processing Facility on the Port Lands. The Holding Provision will require the owner/applicant to submit and receive approvals to the studies to ensure impacts are minimized (See Appendix “B” to Report PED18064).

Some of the highlights of the discussions are addressed under the Analysis and Rationale for Recommendation Section.

### 3.3 Industrial Zone Review

The property located at 440 Victoria Avenue North is designated Industrial Land in Schedule E-1 – Urban Land Use Designations where employment uses are permitted. A change in zoning to the Light Industrial (M6) Zone in Hamilton Zoning By-law No. 05-200 implements the designation. The designation permits a variety of industrial uses such as manufacturing and warehousing, and limited commercial uses with restrictions to support employees within the designation.

There are other lands throughout the city that have old industrial zoning under Hamilton Zoning By-law No. 6593, and they include the following:

- The former municipality of Dundas contains numerous vacant properties along Spencer Creek, and are designated Open Space and Neighbourhoods in Schedule E-1 – Urban Land Use Designations. These properties will be addressed at the Residential Zoning stage under Hamilton Zoning By-law No. 05-200.
- Many properties with existing industrial zoning Hamilton Zoning By-law No. 6593 are designated Residential. They are also designated Neighbourhoods under Schedule E-1 – Urban Land Use Designations These properties will be

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addressed at the Residential Zoning stage under Hamilton Zoning By-law No. 05-200.

- Many properties along main transportation corridors such as Hwy. 403 and the Red Hill Expressway are designated Open Space in Schedule E-1 – Urban Land Use Designations. These properties are generally forested with lush vegetation, or have an existing highway going through these lands. These lands will be brought into Hamilton Zoning By-law No. 05-200 with an Open Space Zone at a future housekeeping amendment.
- The lands located at 165 Barton Street East (Hamilton Wentworth Detention Centre) is currently zone “K” District in Hamilton Zoning By-law No. 6593, and is designated as Institutional in the Setting Sail Secondary Plan and is in effect under the former Hamilton Official Plan. New zoning in Hamilton Zoning By-law No. 05-200 cannot be introduced at this time as the Secondary Plan is at the OMB due to an appeal / non decision. Once this Secondary Plan is brought into the UHOP, staff will introduce new zoning for the entire area as part of a comprehensive zoning amendment which includes public consultation to address public concerns.

These lands that are not addressed in this Report will be updated through future amendments to Hamilton Zoning By-law No. 05-200, particularly through the Residential Zoning review, a review of the Institutional Zones, and future housekeeping amendments.

### 3.4 Windemere Basin

Windemere Basin and the lands that surround the Basin is an ecologically sensitive feature and is designated Open Space in Schedule E-1 – Urban Land Use Designations. This designation permits limited recreation uses. A zone change is required to implement the land use designation (see Appendix “C” to Report PED18064).

### 3.5 Removal of Zones in Hamilton Harbour

Hamilton Harbour is subject to Federal requirements with respect to its use and also environmental protection (i.e. Watershed Fisheries Management Plan). The Harbour does not have a designation, however, is identified as a Key Hydrological Feature: Lakes and Littoral Zones in Schedule B-5: Detailed Natural Heritage Features in Volume 1 of the UHOP. The removal of the two Harbour Zones does not affect the environmental protection of the Harbour.

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Based on the foregoing, the proposed Shipping and Navigation Zones, as amended, conform to the policies of the UHOP.

#### 4.0 Setting Sail Secondary Plan (former Hamilton Official Plan)

Subsequent to the Public Meeting Notice, staff have removed the following lands from this project as these properties are located in the Setting Sail Secondary Plan of the former Hamilton Official Plan.

- Pier 10, located north of Burlington Street East and east of Ferguson Avenue North and zoned “J” District in Hamilton Zoning By-law No. 6593;
- Existing brewery located at 201 – 207 Burlington Street East and zoned “J” District in Hamilton Zoning By-law No. 6593;
- Hamilton Wentworth Detention Centre located at 165 Burlington Street East and zoned “K” District in Hamilton Zoning By-law No. 6593; and,
- HMCS Haida and HMCS Star located at Pier 9, 650 – 658 Catharine Street North and zoned “F-1” District in Hamilton Zoning By-law No. 6593.

As the Setting Sail Secondary Plan has not been incorporated into the Urban Hamilton Official Plan, new and updated Zones under Hamilton Zoning By-law No. 05-200 cannot be applied at this time. This method is consistent with the Commercial and Mixed Use (CMU) Zones where new zones were introduced throughout the urban area but left out in the Setting Sail Secondary Plan area pending the Secondary Plan being incorporated into the UHOP.

Once the Setting Sail Secondary Plan is incorporated into the UHOP, staff will apply zones in Hamilton Zoning By-law No. 05-200 for the entire Secondary Plan area as part of a comprehensive zoning by-law amendment. During this process, public consultation will also be undertaken to ensure concerns are addressed.

## **RELEVANT CONSULTATION**

### 1.0 Hamilton Port Authority

Meetings have been held between staff and the Hamilton Port Authority in August 2016 to discuss the draft Shipping and Navigation Zones and to allow for the HPA to review the draft Zoning By-law. Subsequently in 2017, an update to the 2002 Land Use Plan was circulated for municipal review, and comments were provided to the HPA in

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September 2017. The final draft of the Land Use Plan was approved in October 2017, where the document was used to refine the proposed Shipping and Navigation (M13) and (M14) Zones in Hamilton Zoning By-law No. 05-200.

Final discussions with the HPA were held in early-February 2018 to provide the final draft of the proposed Shipping and Navigation (M13) and (M14) Zones for final review and comment. No further comments or objections were received with respect to the proposed Zones.

A letter of support dated February 26, 2018 was received by the HPA in support of the Draft Shipping and Navigation Zones (see Appendix “E” to Report PED18064).

## 2.0 440 Victoria Avenue North

Staff met with the landowner and the planning consultant project managing the Site Plan Application in late-February 2018 to inform them on the change in zoning on the subject lands from the existing “K” (Heavy Industry, etc.) District in Hamilton By-law No. 6593 to Light Industrial (M6) Zone in Hamilton Zoning By-law No. 05-200. The change in zoning to the Light Industrial (M6) Zone is required to implement the Growth Plan and the UHOP. Under these two documents, commercial uses are restricted to preserve employment lands for industrial uses. However, it was acknowledged to the landowner that there is an existing Site Plan Application in process and a Special Exception has been added to the subject lands to ensure the process is not compromised.

Although the existing “K” (Heavy Industry, etc.) District permits a variety of heavy industrial uses, it also permits a wide range of commercial uses. In addition, the “K” (Heavy Industry, etc.) District permits heavy industry that, if established, will have an impact on abutting residential uses. In addition, the existing “K” (Heavy Industry, etc.) District permits a variety of commercial uses such as retail that do not conform to the Growth Plan for the Greater Golden Horseshoe with respect to the protection of Employment Areas from non-employment uses. Furthermore, moving forward with the change in zoning to the Light Industrial (M6) Zone implements the 2010 Council direction to change the zoning in Hamilton Zoning By-law No. 05-200.

Following the meeting with the landowner and the planning consultant, minor changes have been suggested such as modification to the landscape and planting strip depths to facilitate the proposed office development and yet still allow for enhanced landscaping to provide for a pleasing street edge.

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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

There are three parts to this Report, and a full discussion is provided below for each individual part:

- The first part is to establish two new Industrial Zones specifically for the Port Lands along Hamilton Harbour into Hamilton Zoning By-law No. 05-200 through the proposed Zoning By-law (see Appendix “B” to Report PED18064). The Shipping and Navigation (Port Lands) (M13) Zone are located in Piers 11, 12, 14, 15, and 22-24 located on the west side of Hamilton Harbour. The Shipping and Navigation (Port Lands) (M14) Zone are located in Piers 25 to 27 on the east side of Hamilton Harbour. Pier 10 and the existing brewery located at 201 – 207 Burlington Street East are not addressed through this process as these lands are located in the Setting Sail Secondary Plan under the former Hamilton Official Plan. All lands within the Secondary Plan area, including the lands above, will be addressed through a comprehensive zoning amendment once the Setting Sail Secondary Plan is brought into the UHOP, and includes public consultation to address resident concerns.
- The second part of this Report is to capture lands with remnant Industrial Districts in Hamilton Zoning By-law No. 6593 and change the zone to an Industrial Zone in Hamilton Zoning By-law No. 05-200 on a property located at 440 Victoria Avenue North in Hamilton Zoning By-law No. 05-200 for certain lands that currently have an existing Industrial District in Hamilton Zoning By-law No. 6593 (see Appendix “C” to Report PED18064). This ensures the subject lands have zoning that reflect the existing or planned land uses. The Hamilton Wentworth Detention Centre located at 165 Barton Street East are not addressed through this process as these lands are located in the Setting Sail Secondary Plan under the former Hamilton Official Plan. All lands within the Secondary Plan area, including the property above, will be addressed through a comprehensive zoning amendment once the Setting Sail Secondary Plan is brought into the UHOP, and includes public consultation to address resident concerns.

This component also captures lands with remnant Planned Development Districts in Hamilton Zoning By-law No. 6593 within the Windemere Basin area and establish Open Space Zones in Hamilton Zoning By-law No. 05-200 (See Appendix “C” to Report PED18064).

- The final part is to delete the “F-2A” (Harbour) District and the “F-2” (Open Space Harbour) District in Hamilton Zoning By-law No. 6593 (see Appendix “D” to Report PED18064), and are located on the waters of Hamilton Harbour. These

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Districts permit shipping and navigation uses and passive recreational uses. The removal of these zones will not impact on the usability of Hamilton Harbour as its use is regulated by the Federal Government.

- It should be noted that Pier 9 lands located at 650 – 658 Catharine Street North is not addressed through this process due as these lands are located in the Setting Sail Secondary Plan under the former Hamilton Official Plan. A comprehensive zoning amendment will add zones within Hamilton Zoning By-law No. 05-200 once the Setting Sail Secondary Plan has been incorporated into the UHOP. During this comprehensive zoning amendment, public consultation will take place to address concerns from residents.

#### 1.0 New Shipping and Navigation Zones in Hamilton Zoning By-law No. 05-200

Staff are proposing two new Industrial Zones for lands in the Port Lands along Hamilton Harbour. These zones were developed after consultations with the HPA and the approval by the Federal Government of their Land Use Plan in the second half of 2017. The new Shipping and Navigation Zones not only permit industrial uses such as Manufacturing and Warehouse, but also uses specific to the Port such as Marina and Marine Service that is unique only to lands in proximity to Hamilton Harbour. The two zones will be applied only on lands along Hamilton Harbour and nowhere else in the City. The following sections discuss each of the amendments to Hamilton Zoning By-law No. 05-200.

#### 1.1 Definitions

As part of the new Shipping and Navigation Zones, a new definition has been added to address uses related to marine activities, and the following existing definitions have been amended:

- The existing definition of **Marina** is amended to specify recreational boats and boat accessories as being permitted to be berthed, stored, serviced, repaired, constructed or kept or sales or lease, whereas the existing definition does not specify what type of boats are allowed. This provides further clarification that cargo ships or boats other than for recreational purposes, are not permitted.
- A new definition for **Marine Service** is proposed. Marine Service is defined as an establishment or premises used for the purpose of commercial shipping activities. Such activities shall include but not limited towing, piloting, inspecting of marine vessels, marine cargo and freight handling, marine salvage and marine vessel recovery, marine shipping agency, and boat and ship building and repairs.

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These activities apply only for commercial shipping activities such as cargo and passenger ships and do not include recreational boats and vessels such as yachts and pleasure boats, which fall within a different definition (see “Marina” below).

- The existing definition **Transport Terminal** is amended to include cargo ships as a form of transportation where cargo is loaded and unloaded, temporarily stored, dispatched, or parked for remuneration, whereas the existing definition does not recognize cargo ships as a form of transportation to be docked at a transport terminal.

### 1.2 Parking Requirement for Marine Service

A new parking requirement is proposed to be added to Section 5.6: Parking Schedule where for a Marine Service use, one parking space shall be provided for each 30.0 sq m of gross floor area which accommodates the office component of the use. This regulation ensures parking is only required for the office only and does not apply for warehousing or other accessory building or structures that make up a Marine Service use.

### 1.3 Proposed Shipping and Navigation Zones

The two Shipping and Navigation Zones are proposed to be applied to properties along Hamilton Harbour and currently owned by the HPA:

- The Shipping and Navigation (Port Lands) (M13) Zone will apply to Piers 11 – 12, 14, 15, generally located north of Burlington Street and between Ferguson Avenue North and Birch Avenue, and Piers 22-24 generally located north of Nikola Tesla Boulevard; and on the east and west sides of Strathearne Avenue; and,
- The Shipping and Navigation (East Port) (M14) Zone will apply to Piers 25 – 27 generally located north of Nikola Tesla Boulevard and between Kenilworth Avenue North and Windemere Basin.

The proposed Shipping and Navigation Zones apply to a very specific part of Hamilton along Hamilton Harbour as the permitted uses are specific to shipping and navigation. It is expected the zone will apply only along Hamilton Harbour and not anywhere else due to the type of uses permitted in this zone family. This branding of the new Industrial Zones are similar to the Airport Employment Growth District (AEGD) Zones where the

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AEGD family of zones are specific to Hamilton International Airport, and the intent is that they are not applied elsewhere in Hamilton.

The Shipping and Navigation Zones replace some of the last remaining Industrial lands along Hamilton Harbour with existing Hamilton Zoning By-law No. 6593. The new Industrial Zones include new updated zone regulations reflecting permitted uses under the Letters Patent specifically for the HPA, and elements of the HPA's Land Use Plan (2017).

Generally, the difference between the two Shipping and Navigation Zones is the M14 Zone prohibits certain industrial uses that may have a greater impact on the surrounding area such as a Salvage Yard. Furthermore, the M14 Zone is located abutting the QEW which is envisioned to have a greater degree of design and landscaping to create a business park setting, therefore creating a positive impression of the Port Lands.

### 1.3.1 Shipping and Navigation (Port Lands) (M13) Zone

The proposed M13 Zone is based on the existing General Industrial (M5) Zone in Hamilton Zoning By-law No. 05-200. The M13 Zone will permit marine related uses (both Marina and Marine Service) and other industrial uses that rely on the commercial shipping industry for its logistics such as manufacturing and warehousing. Marine uses that cater to cargo vessels and recreational boating, such as Marine Service and Marina uses are also permitted. However, lands located at Pier 10, including the existing brewery located at 201 – 207 Burlington Street East is not part of this process as these lands are located in the Setting Sail Secondary Plan in the former Hamilton Official Plan. Once the Setting Sail Secondary Plan has been incorporated into the UHOP, a comprehensive zoning amendment will introduce zones within Hamilton Zoning By-law No. 05-200 into the Secondary Plan area, and this process includes public consultations.

#### 1.3.1.1 Permitted Uses

Furthermore, as identified in the Letters Patent, certain industrial uses may require close proximity to a port facility such as manufacturing and warehousing. For example, raw materials such as coal, iron ore, and manufactured parts can only be transported by marine vessels, and the proximity of a manufacturing facility to the port supports its supply chain. A Transport Terminal, Bulk Fuel and Oil Storage Establishment, and Warehouse are permitted in the proposed zone as materials such as bulk fuel and lubricant, salt, sand, and raw food material such as flour, are shipped to the port and are unloaded into warehouses and transported to their final destination by rail or trucks as part of the overall logistics network. Landscape requirements which were absent in

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Hamilton Zoning By-law No. 6593 are required in the M13 Zone to provide an attractive and inviting streetscape, and also some buffering between the street and the industrial use.

Other permitted industrial uses include Research and Development Establishment, Waste Processing Facility, and Waste Transfer Facility which may require close proximity to a port.

Limited commercial uses such as laboratory, office, repair service, and catering service are permitted either as accessory to an industrial use (i.e. Office and Industrial Administrative Office) or are vital to the port activity (i.e. Catering Service and Repair Service). Accessory retail and showroom areas are permitted in conjunction with an industrial use, and are limited to a maximum of 25% of the Gross Floor Area or 500 sq m, whichever is lesser. The Zone permits a small retail store or a showroom alongside the principal industrial use but the size is restricted so the accessory use does not dominate the industrial use. As with other Industrial Zones in Hamilton Zoning By-law No. 05-200, residential uses and day nurseries are prohibited within this zone.

A regulation restricts the location of a Waste Processing Facility and Waste Transfer Facility to be located a minimum of 300 m from a Residential Zone or Institutional Zone. This regulation ensures impacts from these uses, such as odour, noise, vibration, vermin, and soil and water pollution are minimized.

#### 1.3.1.2 Storage of Stockpiles

To ensure stockpiles of soils and salts are properly and securely stored without exposure to weather elements, a regulation has been added to the M13 Zone to restrict the location of stockpiles of soils and to a minimum of 250 m from the lot line abutting a Residential Zone or an Institutional Zone. Furthermore, a regulation requires that the stockpiles be secured and protected with a roofed structure with a minimum of three walls, or the use of tarpaulin or other materials.

#### 1.3.2 Shipping and Navigation (East Port) (M14) Zone

The proposed Zone is based on the existing Prestige Business Park (M3) Zone in Hamilton Zoning By-law No. 05-200. The M14 Zone will permit marine related uses and other industrial uses that depend on the commercial shipping industry for its logistics, and other marine uses that cater to recreational boating, such as Marine Service and Marina uses. This is in addition to a limited number of permitted industrial uses as identified in the Letters Patent, such as Manufacturing, Warehouse, Transport Terminal, Private Power Generation Facility, and Research and Development Establishment.

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### 1.3.2.1 Permitted Uses

Similar to the existing Prestige Business Park (M3) Zone, certain manufacturing uses that may have adverse impacts on the surrounding lands are prohibited, such as Rock Crushing, Petroleum Refineries, and Salvage Yard. The intent of this zone is to permit prestige industrial uses that do not necessarily require large amounts of land for intensive manufacturing activities. Furthermore, in accordance to the HPA Land Use Plan (2017), the long term vision for Piers 25 to 27 includes attracting the agriculture and agri-food processing sector, and for long term protection of the Windermere Basin from more intensive development.

### 1.3.2.2 Design Regulations

The proposed M14 Zone requires a greater degree of landscaping and overall design due to the close proximity of the Eastport lands to the Queen Elizabeth Way and Red Hill Expressway. This is consistent with the existing industrial zones in Hamilton Zoning By-law No. 05-200 whereby the zones applied to lands along major arterial roads require a higher design standards with respect to landscaping, screening, and location of outdoor storage.

The proposed M14 Zone also incorporates design elements similar to the Prestige Business Park (M3) Zone. For example there is a maximum building setback abutting the street of 27.0 m, which ensures buildings are constructed close to the street. Furthermore, a minimum ground floor façade is required to be built between the minimum and maximum yard setback abutting the street to provide a street presence. Furthermore, landscape requirements which were absent in Hamilton Zoning By-law No. 6593 are required in the M13 Zone to provide an attractive and inviting streetscape, and also some buffering between the street and the industrial use.

Furthermore, a wide Landscape Area with restricted outdoor storage is required abutting the street, which is a greater requirement compared to the M13 Zone. This regulation ensures enhanced landscaping for a more attractive and inviting streetscape.

### 1.3.2.3 Storage of Stockpiles

Existing operations in Piers 25 and 26 include cargo ships loading and unloading of bulk materials onto the dock surface, followed by the transferring of these materials to covered stockpile storage. The bulk materials are stored in dome structure until needed where these materials are safe from wind patterns. Based on this operation, most of the particles become airborne when the bulk material is transferred from the ship and

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onto the dock surface. Bulk materials are already being stored in enclosed dome structures and are a normal port operation.

To ensure stockpiles of salts and soils are properly and securely stored without exposing to weather elements, a regulation has been added to the M14 Zone to restrict the location of stockpiles of aggregate, topsoil, or other materials to a minimum of 250 m from the lot line abutting a Residential Zone or an Institutional Zone. Furthermore, a regulation requires that the stockpiles be secured and protected with a roofed structure with a minimum of three walls, or the use of tarpaulin or other materials.

#### 1.4 Holding Provision for Shipping and Navigation (M13) Zone

A Waste Processing Facility and a Waste Transfer Facility are permitted uses in the M13 Zone, as its zone regulations such as a minimum 300 m separation distance of these uses from a Residential Zone are based on the General Industrial (M5) Zone. The vision of the M13 Zone is to permit a variety of industrial uses such as manufacturing and warehousing that would also be permitted in the M5 Zone. Often, lands within the M13 Zone abut lands within an M5 Zone. As stated above, the main distinction of the two zones is the addition of a Marine Service use for the M13 Zone to reflect the shipping and navigation characteristic of the zone.

A Holding Provision has been added to lands within the Shipping and Navigation (M13) Zone. This Holding Provision is required for any development resulting in the construction of a Waste Processing Facility and a Waste Transfer Facility as these are considered as more intensive industrial uses. These uses cannot be constructed without the approval of the following studies:

- Air Quality Study;
- Functional Servicing Report;
- Transportation Impact Study;
- Hydrogeological Study;
- Acoustical Report; and,
- Human Health Risk Assessment.

This Holding Provision is the result of a previous proposal to construct a waste to energy facility at Pier 15. The proposal was subject to a Class Environmental Assessment.

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The concerns that were raised in response to the proposal includes:

- Air quality concerns due to the emissions of burning waste material, and measures to reduce air emission through various technologies and monitoring. These contaminants may affect the surrounding residential neighbourhood;
- Stormwater management concerns with respect to surface runoff and the potential for pollutants to run off to Hamilton Harbour, and also the amount of water used during the incineration process, and the wastewater produced by this process;
- Traffic concerns and how waste would be transported to the facility. If wastes are transported by trucks, where the truck routes are located and the potential impact of the truck routes on the residential neighbourhood with respect to traffic safety, traffic congestion, and external factors associated with truck traffic such as vibration and noise;
- Pollutants seeping into the groundwater supply and whether the geology of the bedrock underneath and surrounding the facility could support the infiltration of potential pollutants;
- Potential acoustic concerns from the facility itself and measures to reduce noise from the source with the surrounding community; and,
- Potential impacts of the facility to human health, such as the effects of certain pollutants on human health, which would be determined through an assessment of pollutants on the health of residents in the surrounding community.

Studies to address these concerns are part of the ECR from the Province. The studies identified in the Holding Provision represent minimum requirements that are required to be satisfied prior to the City of Hamilton removing the Holding Provision and the use being permitted. Through the establishment of a Holding Provision, the City of Hamilton is being transparent, and provides clarity to the process and requirements on a go-forward basis.

## 2.0 Industrial Zone Review

Lands with industrial zoning found within the former municipal zoning by-laws can be found predominantly in the Industrial area along Hamilton Harbour and generally in the older parts of the City. Over time, these remnant industrial zoned properties are to be incorporated into Hamilton Zoning By-law No. 05-200 to provide consistency between

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zoning and Official Plan designations. The Commercial and Mixed Use Zone project incorporated many of the remnant industrial lands into Hamilton Zoning By-law No. 05-200 by establishing new commercial and mixed use zones for those properties that were designated primarily Neighbourhoods and Mixed Use Medium Designation in the UHOP, but given a Local Commercial Zone or a Mixed Use Medium Density (C5) Zone in Hamilton Zoning By-law No. 05-200.

An inventory of the remnant industrial zoned properties was conducted to determine their designations and proposed zoning, and the majority of these lands will be addressed in future amendments to Hamilton Zoning By-law No. 05-200 such as through the Residential Zoning project and a review of the Institutional Zones. These parcels can be grouped into the following themes:

- Properties located in the Setting Sail Secondary Plan of the former Hamilton Official Plan, including the Hamilton Wentworth Detention Centre located at 165 Barton Street East have existing Industrial Districts in Hamilton Zoning By-law No. 6593. These lands will be addressed as a future amendment when the West Harbour Secondary Plan in the UHOP is resolved by the Ontario Municipal Board and is brought into the UHOP. This will include extensive public consultation to address any concerns by the public.
- The Pier 9 lands located at 650 – 658 Catharine Street North are currently zoned “F-1” (Waterfront Recreational) District in Hamilton Zoning By-law No. 6593 and permits recreational uses such as a marina, passive and active recreation, and commercial uses. Existing uses include the HMCS Haida, which is considered as a Museum as defined in Hamilton Zoning By-law No. 05-200, and the existing HMCS Star and the Department of National Defence facility which is considered as a public use. Pier 9 is not part of this process as these lands are located in the Setting Sail Secondary Plan. Once the Setting Sail Secondary Plan has been incorporated into the UHOP, a comprehensive zoning amendment will introduce zones within Hamilton Zoning By-law No. 05-200 into the Secondary Plan area, and this process includes public consultations.
- Open Spaces and transportation corridors such as along the Chedoke Creek and the Highway 403 corridor, Mount Albion, and remnant portions near Cootes Paradise are zoned with an industrial District in Hamilton Zoning By-law No. 6593. A future amendment to the Hamilton Zoning By-law No. 05-200 will address these remnant industrial lands to an Open Space Zone.
- Numerous industrial properties with existing Industrial Districts in Hamilton Zoning By-law No. 6593 are located within the Centennial Neighbourhoods

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Secondary Plan and along Centennial Parkway North and are designated Mixed Use Medium Density – Pedestrian Focus under the Secondary Plan. A zoning amendment to change the zoning to a Mixed Use Medium Density – Pedestrian Focus (C5a) Zone in Hamilton Zoning By-law No. 05-200 will be undertaken in the future.

- Numerous railway lines and corridors currently have an industrial zoning in Hamilton Zoning By-law No. 6593, such as the shunting yard located south of Bayfront Park, and portions of the railway corridor north of Barton Street. A future amendment will include the zoning of these transportation corridors to a Utility Zone in Hamilton Zoning By-law No. 05-200.
- Numerous industrial properties in Dundas along Spencer Creek have retained the former industrial zones from Dundas Zoning By-law No. 1964 and predate the existing Dundas Zoning By-law No. 3581-86. Many of these properties are currently vacant and over time have been naturalized. Furthermore, many of these properties may be prone to flooding and have varying elevation changes which makes industrial development infeasible. A future review of this area will be conducted to determine the most appropriate zoning to be applied to these lands.

The following subsections provide a discussion on the changes to the zoning for Windemere Basin and the former Otis Elevator/Studebaker Office lands. The lands proposed to be added to Hamilton Zoning By-law No. 05-200 are shown in the Location Map in Appendix “D1” to Report PED18064.

#### 2.1 440 Victoria Avenue North (Former Otis Elevator/Studebaker Office lands)

A council resolution approved in 2010 deferred certain industrial properties such as 440 Victoria Avenue North from the new Industrial Zones proposed in Hamilton Zoning By-law No. 05-200. This ensured the existing “K” District in Hamilton Zoning By-law No. 6593 remained in effect. In 2010, the prospective purchaser was pursuing a sports and entertainment complex on the subject lands while the current owner is proceeding with industrial and office development for the subject lands. The proposed Zoning By-law brings forward updated Industrial Zones into the Hamilton Zoning By-law No. 05-200 and includes 440 Victoria Avenue North (see Appendix “C” to Report PED18064). This change in zoning to the Light Industrial (M6) Zone also removes many of the heavy industrial uses such as a rendering plant from being established abutting existing residential uses.

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A Plan of Subdivision (25T-201208) was registered on October 5, 2017 for the former Otis Elevator/Studebaker Office lands located at 440 Victoria Avenue North, located south of Burlington Street East. A Site Plan Application (DA-17-155) was submitted in August 2017 and received conditional approval on October 19, 2017. The Site Plan Application facilitates the development of an office park consisting of numerous office buildings of various gross floor area, with the maximum size of 3,300 sq m. The development is to be built in phases, and the Site Plan Application affects only the western half of the subject property.

The designation of the subject property is Employment Area – Industrial Land on Schedule “E-1” – Urban Land Use Designation in Volume 1 of the UHOP, and permits the proposed office use. The proposed Light Industrial (M6) Zone implements the policies of the Employment Area – Industrial Land designation with respect to the proposed Office Use. The Light Industrial (M6) Zone also permits other commercial uses such as personal service, hotel, and financial establishment to provide services to abutting employment areas.

Furthermore, Special Exception 678 addresses the following special regulations (see Appendix “C” to Report PED18064):

- Increase in the maximum Gross Floor Area for an Office use within an individual building to 3,500 sq m, whereas the parent regulation restricts Office use to 3,000 sq m per individual building;
- Reduction in the minimum yard setback abutting Victoria Avenue to 0.0 m to recognize the existing building located on the subject lands;
- Increase in the maximum height when abutting a Residential or Institutional Zone to 16.0 m, whereas the current maximum height is 11.0 m; and,
- Reduction in the minimum parking space size and barrier free parking space size dimension to recognize in the smaller parking space size as originally proposed in Site Plan Application DA-17-155.

## 2.2 Windemere Basin

Windemere Basin is an ecologically protected body of water and is the drainage basin for Red Hill Creek. Lands surrounding Windemere Basin are currently zoned Open Space (P4) Zone and Red Hill Creek is zoned Conservation/Hazard Lands (P5) Zone in the Hamilton Zoning By-law No. 05-200. However, Windemere Basin is currently zoned Planned Development Special Study Area (L-s) District in Hamilton Zoning By-law No.

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6593. Appendix “C” to Report PED18064 zones Windemere Basin as Conservation/Hazard Lands (P5) Zone in Hamilton Zoning By-law No. 05-200 which is appropriate and consistent with the waters of the Red Hill Creek. The Conservation/Hazard Lands (P5) Zone is appropriate to recognize the need for the conservation of the Basin and restrict permitted uses to conservation and erosion. In addition, the zone restricts uses to allow for flood control.

In addition to Windemere Basin, Appendix “C” to Report PED18064 also changes the zoning for a thin sliver of land located to the northwest of Windemere Basin that is currently zoned Conservation Open Space – Park and Recreation (A/S-1450a) District, modified of Hamilton Zoning By-law No. 6593. This parent District regulation permits conservation, passive recreation, and cemetery use, and the special exception further permits an existing private road access for pier access.

The change in zone from the existing zoning under Hamilton Zoning By-law No. 6593 to Open Space (P4) Zone in Hamilton Zoning By-law No. 05-200 on this sliver of land is consistent with lands that surrounds Windemere Basin which is also zoned Open Space (P4) Zone which provides conservation and passive recreation uses. This is different from the P5 Zone for Windemere Basin as the zone is more restrictive as recreation is not permitted. Further, a special exception has been included (Special Exception 671) to permit the existing private access road which provides private trucking access between Piers 24 and 25, and is not accessible to the general public (see Appendix “C” to Report PED18064).

### 3.0 Repealing Zoning in Hamilton Harbour

The final component of the City Initiative is to address the existing zoning of the waters of Hamilton Harbour in Hamilton Zoning By-law No. 6593. The UHOP does not designate Hamilton Harbour as the Harbour is federally controlled by Transport Canada. Furthermore, the Harbour is generally used primarily for shipping and navigation of cargo and recreational vessels, and recreational open space. Dredging and filling of Hamilton Harbour is strictly prohibited and any activity is regulated and approved by the Federal Government. No other uses are permitted on water.

Currently there are two Harbour Zones found on the waters of Hamilton Harbour that are in Hamilton Zoning By-law No. 6593. Section 12B identifies “F-2” (Open Space Harbour) District which permits Recreational Open Space and is found to the west of Bayfront Park and on the north of the Waterfront Trail. Section 12B-1 identifies “F-2A” (Harbour) District, and permits limited uses such as Recreational Open Space, Shipping and Navigation, Boating, and Open Space. A location map identifying the two Harbour zones is contained in Appendix “D1” to Report PED18064.

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A draft Zoning By-law (see Appendix “D” to Report PED18064) repeals both the “F-2” (Open Space Harbour) District and the “F-2A” (Harbour) District from Hamilton Zoning By-law No. 6593. Furthermore, the draft Zoning By-law removes Appendix 3 and 4 of the Zoning By-law that references the two Harbour Zones.

However, the removal of these Districts does not remove the use of the Harbour as primarily for Shipping and Navigation, Boating, and Open Space.

## **ALTERNATIVES FOR CONSIDERATION**

City Council would not adopt the OPA and the zoning by-law amendment. The existing UHOP and the Shipping and Navigation policies remains in effect. The existing industrial zoning within the former municipal zoning by-laws will remain in effect. The option is not preferred because the existing industrial zoning does not implement the policies of the Shipping and Navigation designation of the UHOP.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Economic Prosperity and Growth**

*Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.*

### **Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

### **Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

## **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A”: Official Plan Amendment
- Appendix “B”: Zoning By-law Amendment to add Shipping and Navigation Zones to Hamilton Zoning By-law No. 05-200
- Appendix “C”: Zoning By-law Amendment to Add an Industrial Zone for 440 Victoria Avenue North and Update Open Space Zones on lands around Windemere Basin to Hamilton Zoning By-law No. 05-200
- Appendix “D”: Zoning By-law Amendment to Repeal “F-2” (Open Space Harbour) District and “F-2A” (Harbour) District from Hamilton Zoning By-law No. 6593

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- Appendix “D1”: Location Map of Hamilton Harbour and waters zoned “F-2” (Open Space Harbour) District and “F-2A” (Harbour) District of Hamilton Zoning By-law No. 6593, and Updates to add an Industrial Zone for 440 Victoria Avenue North to Hamilton Zoning By-law No. 05-200
- Appendix “D2” Location Map of Windemere Basin and Updates to the Open Space Zones to Hamilton Zoning By-law No. 05-200
- Appendix “E”: Letter by the Hamilton Port Authority regarding the Draft Shipping and Navigation Zones.

TL:mo

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## **DRAFT Urban Hamilton Official Plan Amendment No. X**

The following text attached hereto, constitutes Official Plan Amendment No.      to the Urban Hamilton Official Plan.

### **1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to amend an existing policy in Volume 1 to ensure the new Shipping and Navigation Industrial Zoning conforms to the UHOP.

### **2.0 Location:**

The lands affected by this Amendment are located along Hamilton Harbour, in the former City of Hamilton.

### **3.0 Basis:**

The basis for permitting this Amendment is:

- The amendment allows for consistency between the policies of the Urban Hamilton Official Plan and the regulations proposed in the Shipping and Navigation Industrial Zones.
- The proposed amendment is consistent with the Provincial Policy Statement 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

### **4.0 Actual Changes:**

#### **4.1 Volume 1 – (Parent Plan)**

#### **Text**

##### **4.1.1 *Chapter E – Urban Systems and Designations***

- a. That Section E.5.6 – Employment Area – Shipping and Navigation Designation, Policy E.5.6.1 be amended by:
  - i) deleting the phrase “so long as they are owned by the Hamilton Port Authority, on” in between the words “Authority,” and the word “Piers”; and,

ii) adding the word "specifically" before the words "on Piers 10",

so the policy reads, as follows:

- "E.5.6.1 The following uses shall be permitted on lands owned by the Hamilton Port Authority, specifically on Piers 10 to 15 inclusive, Piers 22 to 27 inclusive, and the canal reserve lands south of the Burlington Ship Canal, excluding Windemere Basin Special Policy Area, designated Employment Area – Shipping and Navigation on Schedule E-1 – Urban Land use Designations:
- a) uses such as the movement, management, safety and convenience of ships; uses involved in the carriage of goods or passengers to other modes of transportation;
  - b) related storage and processing;
  - c) vessel and barge docks;
  - d) industry and commerce ancillary or necessary to the port;
  - e) recreational boat facilities;
  - f) ancillary uses including retail and restaurant, and,
  - g) the provision of services such as security, employment, immigration, labour, administration, technical, food, fuel and maintenance."

## 5.0 **Implementation:**

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

This Official Plan Amendment is Schedule "1" to By-law No. 18-XXX passed on the day of month, 2018.

**The  
City of Hamilton**

---

Fred Eisenberger  
MAYOR

---

CITY CLERK

Authority: Item  
Report (PED18064)  
CM  
Wards: 3, 4, and 5

Bill No.

## CITY OF HAMILTON

### BY-LAW NO. 18- XXX

#### To Amend By-law 05-200

To Create New Industrial Zones for Lands Located at Piers 11, 12, 14, 15, and 22 – 27  
at Hamilton Harbour and Owned by the Hamilton Port Authority

WHEREAS the City of Hamilton's new comprehensive Zoning By-law, being By-law No. 05-200, came into force on May 25, 2005;

WHEREAS this By-law amends By-law No. 05-200 to create two new Industrial Zones on lands located along Hamilton Harbour and owned by the Hamilton Port Authority, amending certain provisions of By-law No. 05-200 and, applying to certain lands located within Wards 3, 4, and 5 of the City, as hereinafter provided;

WHEREAS the Council of the City of Hamilton, in adopting Item █ of Report PED18█ of the Planning Committee, at its meeting held on the 3rd day of April, 2018, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and,

WHEREAS this By-law conforms with the Urban Hamilton Official Plan upon adoption of Official Plan Amendment No. .

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

1. That SECTION 2: INTERPRETATION of By-law No. 05-200 is hereby amended as follows:
  - 1.1. That Section 2.1d) is amended by adding the following new clauses in numerical order of the Industrial Zones.
  - 1.2. "d) **Industrial Classification**  
Zones

Shipping and Navigation (Port Lands) Zone	M13
Shipping and Navigation (East Port) Zone	M14"

To Amend By-law 05-200 to Create New Industrial Zones for Lands Located at Piers 11 – 12, 14, 15, and 22 to 27 and Owned by the Hamilton Port Authority.

2. That SECTION 3: DEFINITIONS of By-law No. 05-200 is hereby amended as follows:

2.1. That the following new definitions be added:

**“Marine Service** Shall mean an establishment or premises used for the purpose of commercial marine shipping activities, and shall include, but not limited to, the embarking and disembarking of cruise ship passengers, the towing, piloting and inspecting of marine vessels, marine cargo and freight handling, marine salvage and marine vessel recovery, marine shipping agency, and boat and ship building and repairs, but shall not include a Marina.”

2.2. That the definition of **Marina** be amended:

By adding the word “recreational” between “where” and “boats”, and adding the words “, but shall not include Marine Service” at the end of the sentence.

2.3. That the definition of **Transport Terminal** be amended:

By adding the words “cargo ships” in between “trailers” and “rail cars”.

3. That SECTION 5: PARKING REGULATIONS of By-law 05-200 is hereby amended as follows:

3.1. That Section 5.6 PARKING SCHEDULES be amended with the following new clause in alphabetical order to the existing parking requirements:

<b>v. Industrial Uses</b>	
Marine Service	1 for each 30.0 square metres of gross floor area, which accommodates the Office component of the use.

4. That SECTION 9: INDUSTRIAL is amended to By-law 05-200 by adding the following new subsections:



To Amend By-law 05-200 to Create New Industrial Zones for Lands Located at Piers 11 – 12, 14, 15, and 22 to 27 and Owned by the Hamilton Port Authority.

### **“9.13 SHIPPING AND NAVIGATION (PORT LANDS) (M13) ZONE**

***Explanatory Note:*** *The M13 Zone located primarily at Piers 11 – 12, 14, 15, and 22-24 permits specific industrial uses that are integral to the functioning of the Hamilton Port Authority and uses supporting shipping and navigation activities. This Zone is found primarily on lands owned by the Hamilton Port Authority and located north of Burlington Street and along Hamilton Harbour.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Shipping and Navigation (Port Lands) (M13) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

#### **9.13.1 PERMITTED USES**

Bulk Fuel and Oil Storage Establishment  
 Catering Service  
 Commercial Parking Facility  
 Courier Establishment  
 Equipment and Machinery Sales, Rental  
 and Service Establishment  
 Industrial Administrative Office  
 Laboratory  
 Labour Association Hall  
 Manufacturing  
 Marina  
 Marine Service  
 Office  
 Private Power Generation Facility  
 Repair Service  
 Research and Development Establishment  
 Restaurant  
 Salt Storage Facility  
 Transport Terminal  
 Warehouse  
 Waste Processing Facility  
 Waste Transfer Facility

#### **9.13.2 PROHIBITED USES**

Notwithstanding Section 9.13.1, the following uses are prohibited, even as an accessory use:

Day Nursery  
 Dwelling Unit

To Amend By-law 05-200 to Create New Industrial Zones for Lands Located at Piers 11 – 12, 14, 15, and 22 to 27 and Owned by the Hamilton Port Authority.

### 9.13.3 REGULATIONS

- |   |   |
|---|---|
| a) Minimum Lot Area   | 4000.0 square metres.   |
| b) Minimum Yard<br>Abutting Street  | Minimum 3.0 metre.  |
| c) Planting Strip Abutting<br>a Street  | Minimum 3.0 metre wide Planting Strip shall be provided and maintained abutting Burlington Street except for points of ingress and egress and shall not permit outdoor display.   |
| d) Limitation on Outdoor<br>Storage and Outdoor<br>Assembly                                 | Outdoor Storage and Outdoor Assembly shall not exceed 85% of the total lot area.  |
| e) Maximum Gross Floor<br>Area for Office Use   | Maximum Gross floor area for Office use within an individual building, shall be limited to 3,000 square metres.   |
| f) Maximum Gross Floor<br>Area for Industrial<br>Administrative Office                      | Maximum Gross floor area for an Industrial Administrative Office shall be limited to 10,000 square metres on a lot.   |
| g) Maximum Combined<br>Gross Floor Area for<br>Accessory Retail and<br>Showroom Area        | Maximum 25% of the gross floor area of the principal use or 500.0 square metres whichever is the lesser.  |
| h) Location Restriction of<br>a Waste Processing<br>Facility and Waste<br>Transfer Facility | In addition to regulations of Section 9.13.3, any building, structure, or land used for a Waste Processing Facility or a Waste Transfer Facility, shall be located a minimum of 300.0 metres from a Residentially Zoned or Institutionally Zoned property lot line. |

To Amend By-law 05-200 to Create New Industrial Zones for Lands Located at Piers 11 – 12, 14, 15, and 22 to 27 and Owned by the Hamilton Port Authority.

- |   |  |
|---|--|
| i) Restriction on Location and Covering of Stockpiles of Salt and Soils | In addition to Clause d) above, the following regulations shall also apply for stockpiles of salt and soils:                           |
|   | i) All stockpiles shall not be located within 250 metres of a lot line abutting a Residential Zone or an Institutional Zone; and,      |
|   | ii) All stockpiles shall be secured and protected with a roofed structure with a minimum of three walls, tarpaulin or other materials. |
| j) Parking  | In accordance with the requirements of Section 5 of this By-law.   |
| k) Accessory Buildings  | i) In accordance with the requirements of Sections 9.13.3 of this By-law.  |
|   | ii) In addition to i) above, no accessory building shall be permitted within a front yard or a flankage yard.                          |

#### **“9.14 SHIPPING AND NAVIGATION (EAST PORT) (M14) ZONE**

***Explanatory Note:*** *The M14 Zone located primarily at Piers 25 to 27 permits specific industrial uses that are integral to the functioning of the Hamilton Port Authority and uses supporting shipping and navigation activities. This Zone is found primarily on lands owned by the Hamilton Port Authority and located north of Burlington Street and along Hamilton Harbour.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Shipping and Navigation (East Port) (M14) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

- |                              |  |
|------------------------------|--|
| <b>9.14.1 PERMITTED USES</b> | Catering Service<br>Courier Establishment<br>Equipment and Machinery Sales, Rental and Service Establishment<br>Industrial Administrative Office<br>Laboratory<br>Labour Association Hall<br>Manufacturing |
|------------------------------|--|

To Amend By-law 05-200 to Create New Industrial Zones for Lands Located at Piers 11 – 12, 14, 15, and 22 to 27 and Owned by the Hamilton Port Authority.

Marina  
 Marine Service  
 Office  
 Private Power Generation Facility  
 Repair Service  
 Research and Development Establishment  
 Transport Terminal  
 Warehouse

#### 9.14.2 PROHIBITED USES

- i) Notwithstanding Section 9.14.1, the following types of manufacturing uses are prohibited, even as an accessory use:

Beverage Distillation  
 Breweries  
 Concrete Crushing  
 Manufacturing of Asbestos, Phosphate or Sulphur Products  
 Primary Production of Chemicals, Synthetic Rubber, Plastic, Asphalt or Cement, not including mixing, blending, treatment or similar process  
 Processing or Refining of Petroleum or Coal  
 Processing, Milling or Packaging of Animal Feed  
 Rock Crushing  
 Salvage Yard  
 Slaughtering, Eviscerating, Rendering or Cleaning of Meat, Poultry or Fish or by-products thereof  
 Smelting of Ore or Metal  
 Tanning or Chemical Processing of Pelts or Leather  
 Vulcanizing of Rubber or Rubber Products  
 Explosive Manufacturing  
 Pulp and Paper Mills.  
 Waste Processing Facility  
 Waste Transfer Facility

- ii) Notwithstanding Section 9.14.1, the following uses are prohibited, even as

To Amend By-law 05-200 to Create New Industrial Zones for Lands Located at Piers 11 – 12, 14, 15, and 22 to 27 and Owned by the Hamilton Port Authority.

an accessory use:

Day Nursery  
Dwelling Unit

### 9.14.3 REGULATIONS

- |  |  |
|--|--|
| a) Minimum Lot Area  | 4000.0 square metres   |
| b) Minimum Yard<br>Abutting a Street   | <ul style="list-style-type: none"> <li>i) Minimum 6.0 metre;</li> <li>ii) Maximum 27.0 metres; and,</li> <li>iii) Where a building(s) exists on a lot in conformity with i) and ii) above, with a ground floor façade being equal to 25% or more of the measurement of any street line, section ii) above shall not apply to any additional building(s).</li> </ul>  |
| c) Gross Floor Area for<br>Office Use  | Maximum Gross floor area for an Office use within an individual building, shall be limited to 3,000 square metres.   |
| d) Gross Floor Area for<br>Industrial<br>Administrative Office                       | Maximum Gross floor area for an Industrial Administrative Office shall be limited to 10,000 square metres on a lot.  |
| e) Maximum Combined<br>Gross Floor Area for<br>Accessory Retail and<br>Showroom Area | Maximum 25% of the gross floor area of the principal use or 500.0 square metres whichever is the lesser.   |
| f) Landscaped Area and<br>Planting Strip<br>Requirements                             | <ul style="list-style-type: none"> <li>i) Minimum 6.0 metre wide Landscaped Area shall be provided and maintained abutting a street, except for points of ingress and egress;</li> <li>ii) In addition to i) above, within the 6.0 metre Landscaped Area, a minimum 3.0 metre wide Planting Strip shall be required and maintained between parking spaces, aisles or driveways and a street, except for points of ingress and egress;</li> </ul> |

To Amend By-law 05-200 to Create New Industrial Zones for Lands Located at Piers 11 – 12, 14, 15, and 22 to 27 and Owned by the Hamilton Port Authority.

- |   |   |
|---|---|
| g) Location and Screening of Outdoor Storage and Outdoor Assembly | <p>Outdoor Storage and Outdoor Assembly of goods, materials or equipment shall be permitted in conjunction with a building and the following regulations shall apply:</p> <ul style="list-style-type: none"> <li>i) Outdoor Storage and Outdoor Assembly shall not be permitted in a Front Yard or a required Flankage Yard.</li> <li>ii) Outdoor Storage and Outdoor Assembly shall not exceed 85% of the total lot area.</li> <li>iii) Outdoor Storage and Outdoor Assembly shall be set back a minimum of 20.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone, and shall be screened by a Visual Barrier in accordance with Section 4.19 of this By-law.</li> <li>iv) Outdoor Storage shall be screened from view from any abutting street by a Visual Barrier in accordance with Section 4.19 of this By-law.</li> <li>v) Notwithstanding Clause iv) above and Section 4.19, an Outdoor Storage shall be screened from view from the Queen Elizabeth Way (QEW) by a Visual Barrier located not less than 3.0 metres from the street line of the QEW through a continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth, earth berm, or a combination thereof, with no maximum height of the visual barrier.</li> </ul> |
| h) Location and Size of Outdoor Display                           | <p>Outdoor Display of goods, materials or equipment shall be permitted only as an accessory use and the following regulations shall apply:</p>  |

To Amend By-law 05-200 to Create New Industrial Zones for Lands Located at Piers 11 – 12, 14, 15, and 22 to 27 and Owned by the Hamilton Port Authority.

- i) Outdoor Display shall be permitted in a yard abutting a street, but shall be no closer than 3.0 metres to the lot line;
    - ii) In addition to i) above, the area devoted to Outdoor Display shall be limited to a combined maximum of 25% the Landscaped Area required by Section 9.14.3 f) i) above.
  - i) Restriction on Location and Covering of Stockpiles of Salt and Soils
    - In addition to Clause g) above, the following regulations shall also apply for stockpiles of salt and soils:
      - i) All stockpiles shall not be located within 250 metres of a lot line abutting a Residential Zone or an Institutional Zone; and,
      - ii) All stockpiles shall be secured and protected with a roofed structure with a minimum of three walls, tarpaulin or other materials.
  - j) Parking
    - In accordance with the requirements of Section 5 of this By-law.
  - k) Accessory Buildings
    - i) In accordance with the requirements of Sections 9.14.3 of this By-law.
    - ii) In addition to i) above, no accessory building shall be permitted within a Yard abutting a street."
- 5. That Schedule "A" – Zoning Maps of By-law 05-200 is hereby added as follows:
  - a) by including Industrial Zone boundaries, as shown on the Maps numbered 752 and 788 attached in Schedule "1" of this By-law.
- 6. That Schedule "A" – Zoning Maps of By-law 05-200 is hereby amended as follows:
  - a) by including Industrial Zone boundaries, as shown on the Maps numbered 792, 793, 828, 829, 830, 833, 834, 870, 871, 872, 875, 876, 877, 917, 918, and 959 attached in Schedule "1" of this By-law.

To Amend By-law 05-200 to Create New Industrial Zones for Lands Located at Piers 11 – 12, 14, 15, and 22 to 27 and Owned by the Hamilton Port Authority.

7. That Schedule "D" – Holding Provisions of By-law 05-200 is hereby amended by adding the following Holding Provision:

"23. Notwithstanding Subsection 13.1 of this By-law, on those lands zoned Shipping and Navigation (Port Lands) Zone, identified on Maps 788, 828, 829, 830, 833, 834, 870, 871, 872, 875, 876, 917, 918, and 959 of Schedule "A" – Zoning Maps, the development of a Waste Processing Facility or a Waste Transfer Facility shall not be permitted until such time as:

- i) The Owner/Applicant submit and receive approval of an Air Quality Study, prepared by a qualified Professional, and should a peer review of the Study be warranted, all associated costs of this review should be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton.
- ii) The Owner/Applicant submit and receive approval of a Functional Servicing Report, prepared by a qualified Professional Engineer, to measure acceptable levels of quality control for stormwater discharge into Hamilton Harbour, water, and wastewater, to the satisfaction of the Senior Director of Growth Management.
- iii) The Owner/Applicant submit and receive approval of a Transportation Impact Study, prepared by a qualified Professional Traffic Engineer, to measure and determine the preferred truck route and impact on the residential neighbourhood, to the satisfaction of the Director of Engineering Services, Public Works Department.
- iv) The Owner/Applicant submit and receive approval of a Hydrogeological Study, prepared by a qualified Professional Engineer, to demonstrate the staging and handling of wastes, and the potential impacts on groundwater quality and quantity, to the satisfaction of the Senior Director of Growth Management.
- v) The Owner/Applicant investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment and Climate Change (MOECC) recommended sound level limits. An acoustical report shall be prepared by a qualified Professional containing the recommended control measures, and should a peer review of the Acoustical Report be warranted, all associated costs should be borne by the owner/applicant and shall







**Hamilton**  
 City of Hamilton  
 Zoning By-Law 05-200

**DRAFT**

Map Reference Number	By-Law Number	Effective Date of By-Law

**Legend**

- Special Exception
- Holding Provision
- Urban Boundary
- Zoning Boundary
- C.A. Regulated Area
- Lake
- Railway

*Note: Features in the Legend may not appear in each individual map for every batch series of map*



SCALE 1 : 3,332



**MAP 752 of Schedule 'A'**



Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

Legend

- Special Exception
- Holding Provision
- Urban Boundary
- Zoning Boundary
- C.A. Regulated Area
- Lake
- Railway

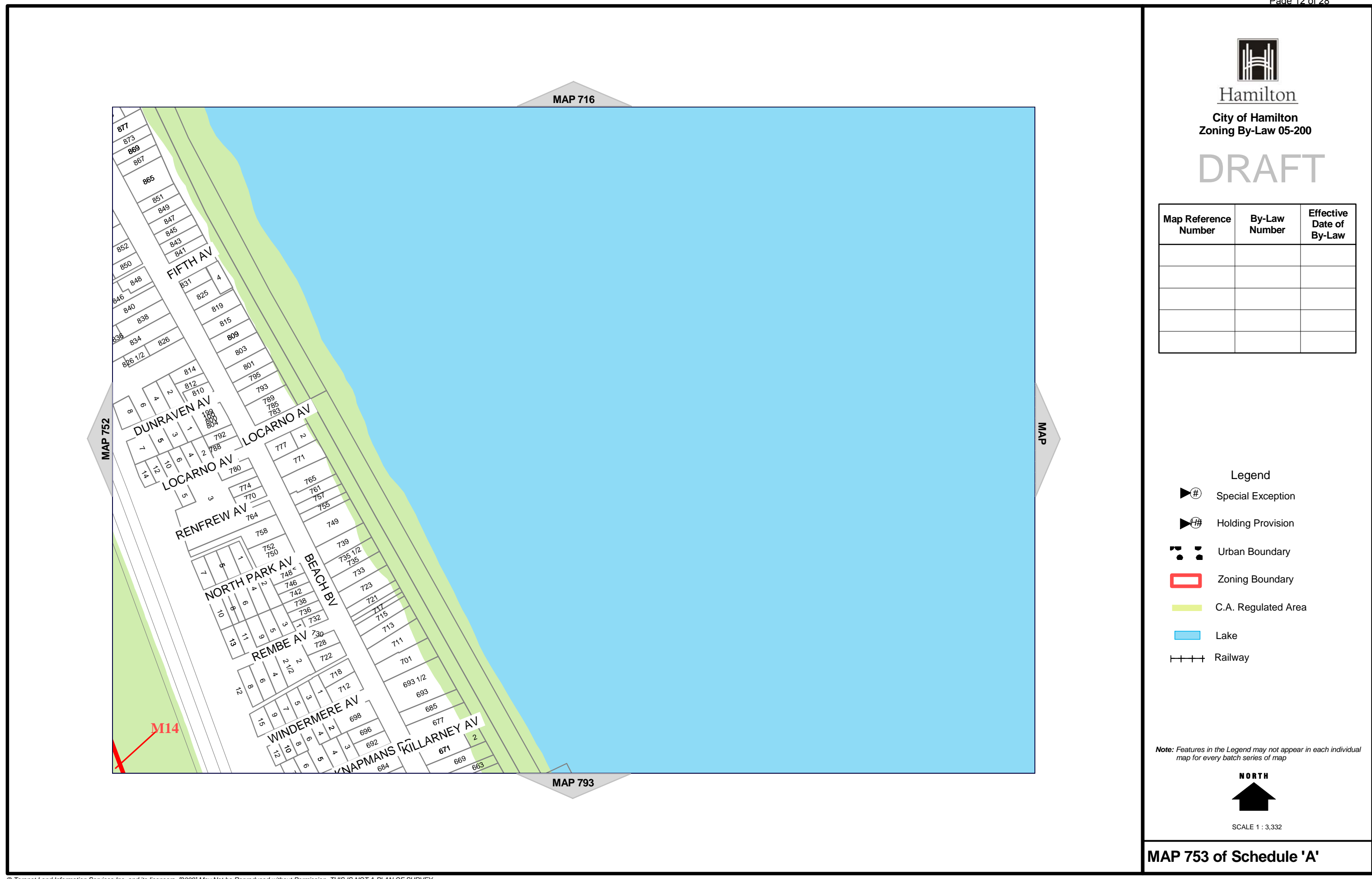
Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332

MAP 753 of Schedule 'A'





Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law



- Legend
- Special Exception
  - Holding Provision
  - Urban Boundary
  - Zoning Boundary
  - C.A. Regulated Area
  - Lake
  - Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332

MAP 792 of Schedule 'A'



Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law



- Legend
- Special Exception
  - Holding Provision
  - Urban Boundary
  - Zoning Boundary
  - C.A. Regulated Area
  - Lake
  - Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map



SCALE 1 : 3,332

MAP 793 of Schedule 'A'



Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

- Legend
- Special Exception
  - Holding Provision
  - Urban Boundary
  - Zoning Boundary
  - C.A. Regulated Area
  - Lake
  - Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332

MAP 828 of Schedule 'A'





Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

Legend

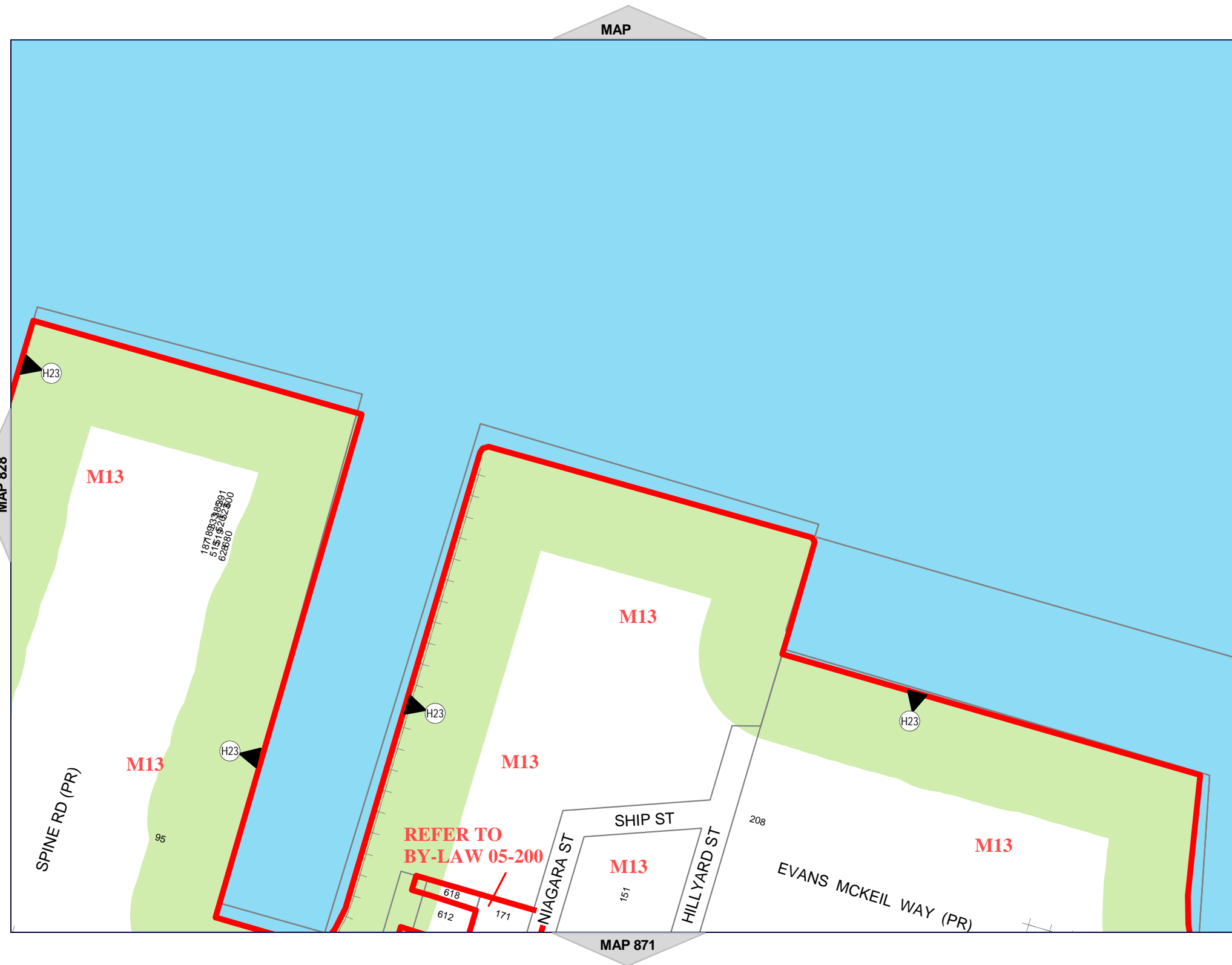
- Special Exception
- Holding Provision
- Urban Boundary
- Zoning Boundary
- C.A. Regulated Area
- Lake
- Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map



SCALE 1 : 3,332

MAP 829 of Schedule 'A'





Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

Legend

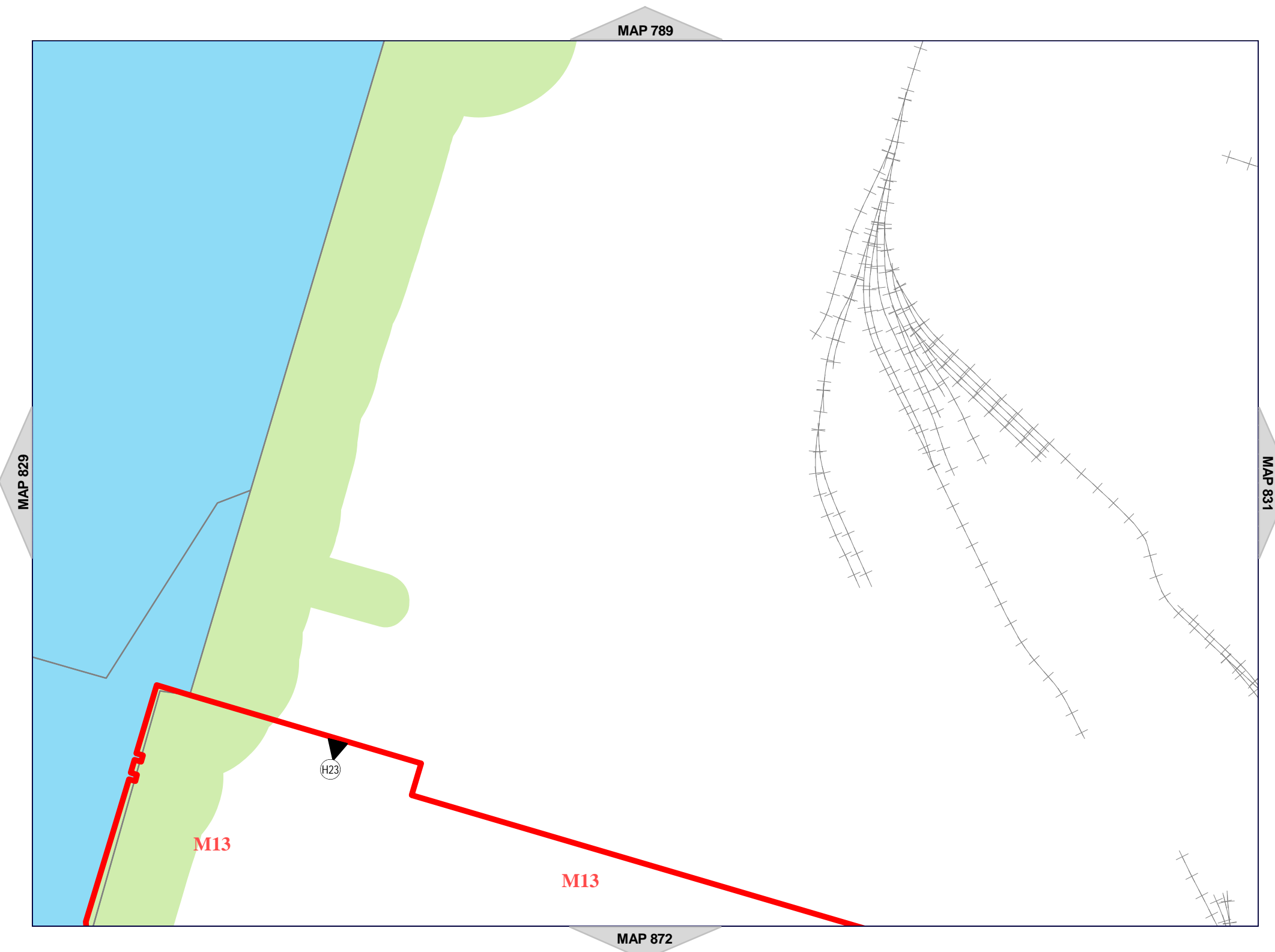
- Special Exception
- Holding Provision
- Urban Boundary
- Zoning Boundary
- C.A. Regulated Area
- Lake
- Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332



MAP 830 of Schedule 'A'





Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

Legend

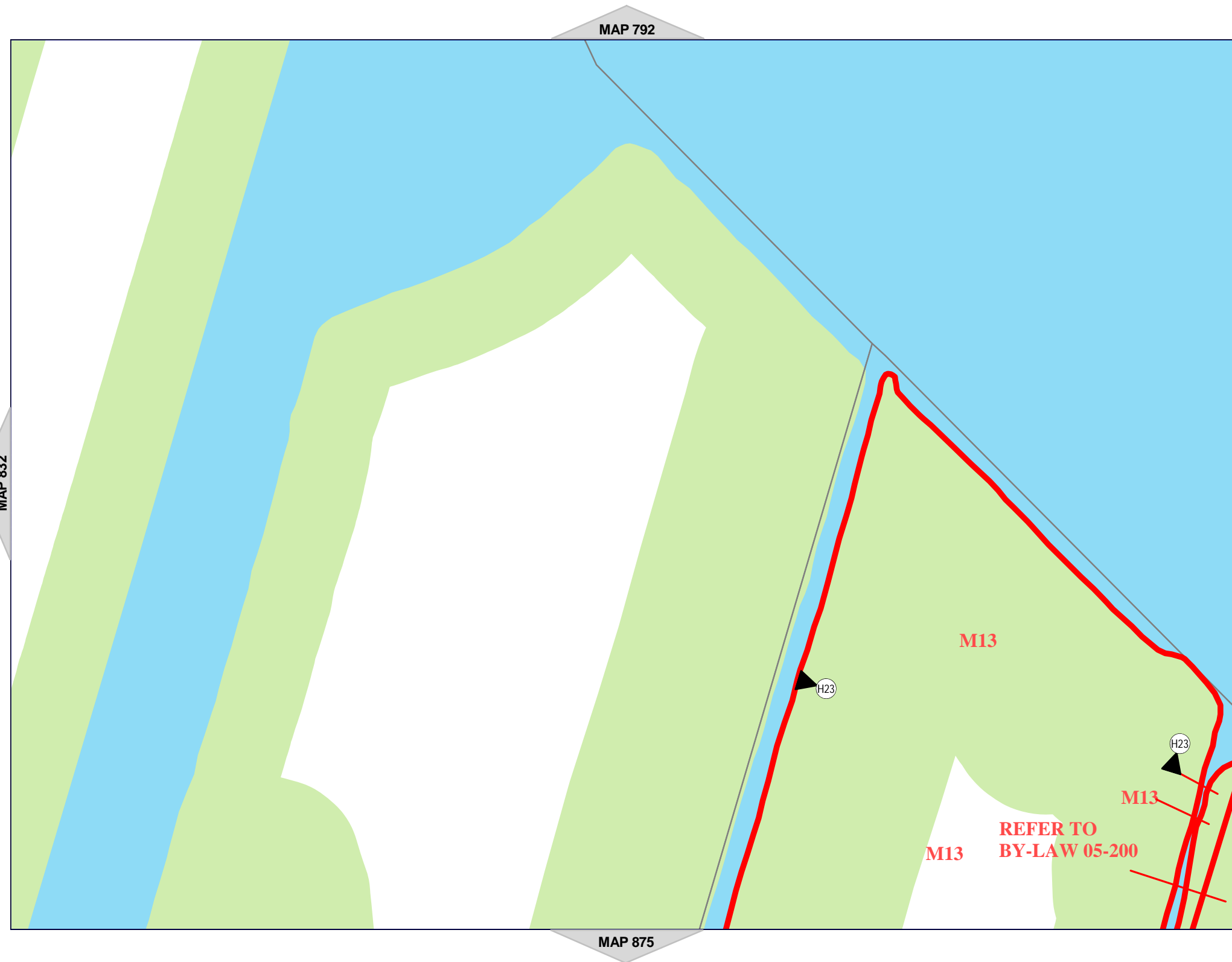
- Special Exception
- Holding Provision
- Urban Boundary
- Zoning Boundary
- C.A. Regulated Area
- Lake
- Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map



SCALE 1 : 3,332

MAP 833 of Schedule 'A'

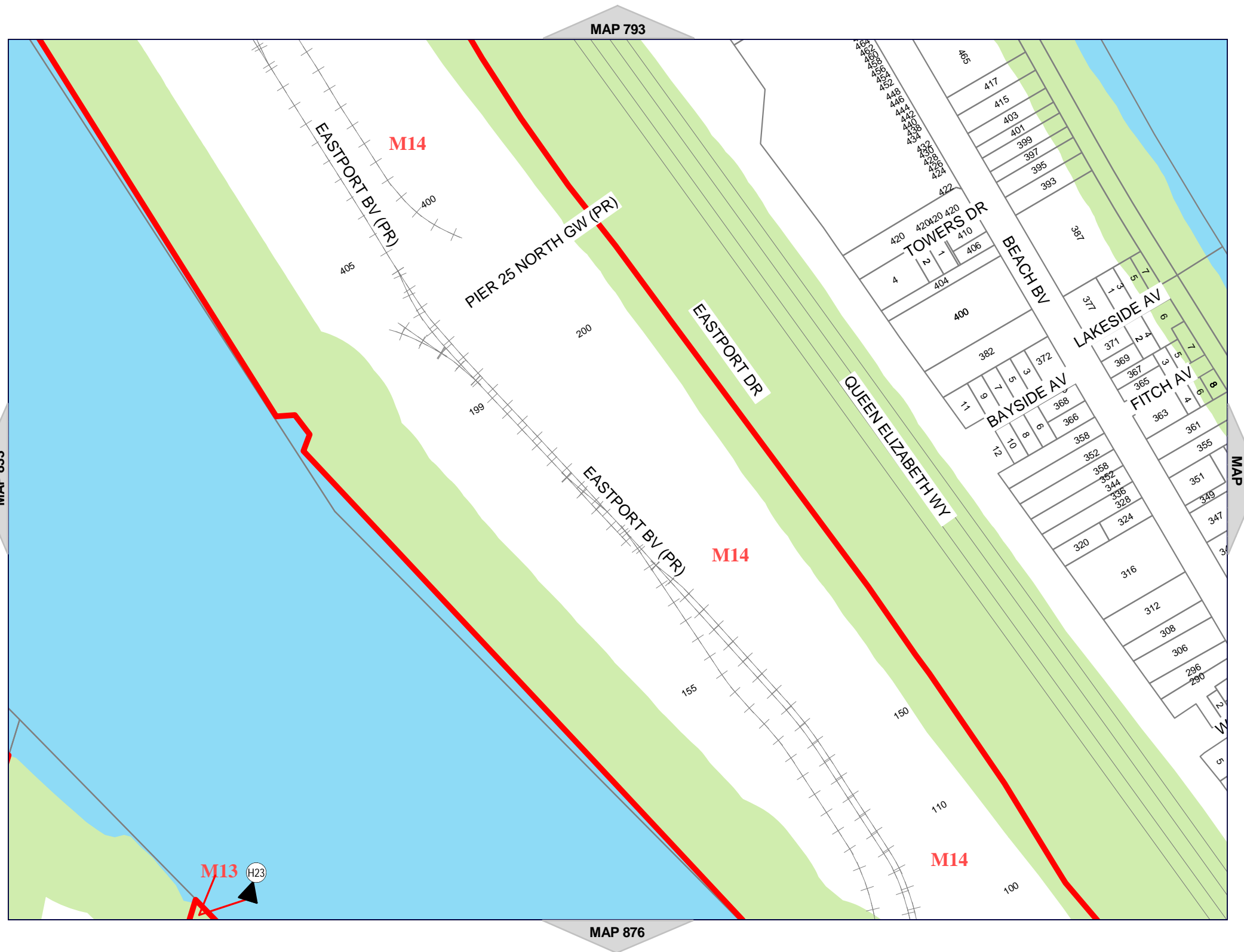




Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law



- Legend
- Special Exception
  - Holding Provision
  - Urban Boundary
  - Zoning Boundary
  - C.A. Regulated Area
  - Lake
  - Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332

MAP 834 of Schedule 'A'



Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

- Legend
- Special Exception
  - Holding Provision
  - Urban Boundary
  - Zoning Boundary
  - C.A. Regulated Area
  - Lake
  - Railway

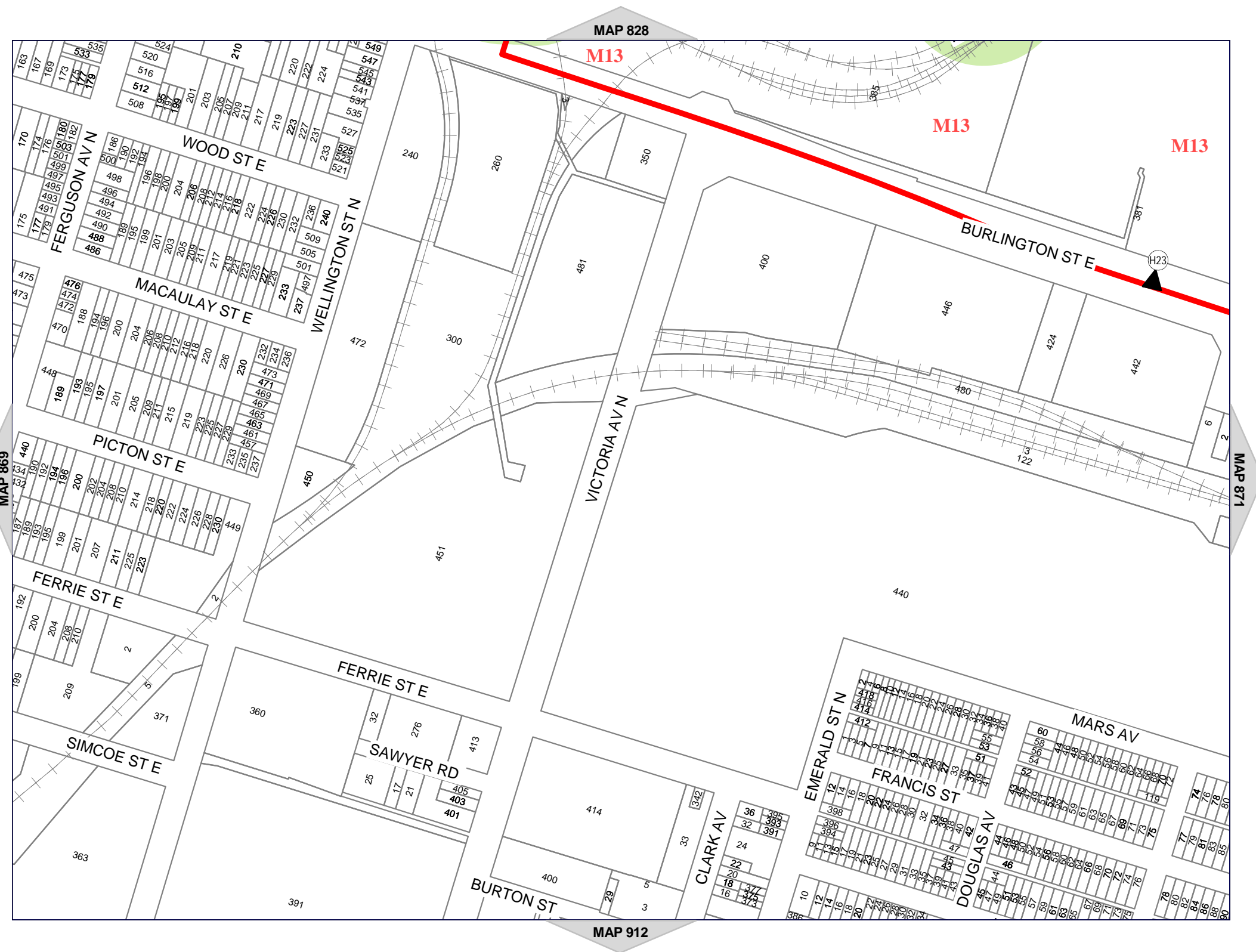
Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332

MAP 870 of Schedule 'A'

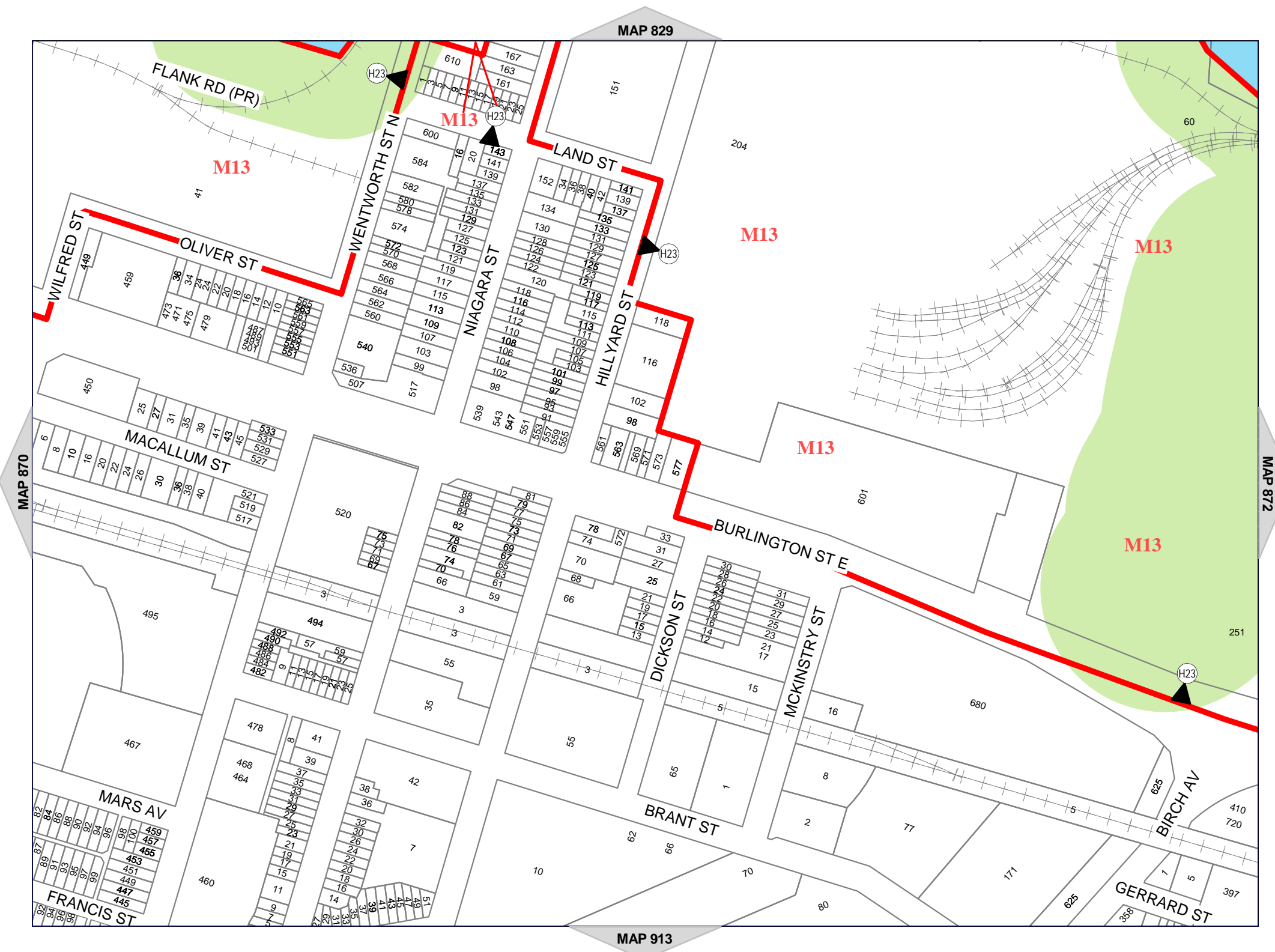




Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law



- Legend
- Special Exception
  - Holding Provision
  - Urban Boundary
  - Zoning Boundary
  - C.A. Regulated Area
  - Lake
  - Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map



SCALE 1 : 3,332

MAP 871 of Schedule 'A'



Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

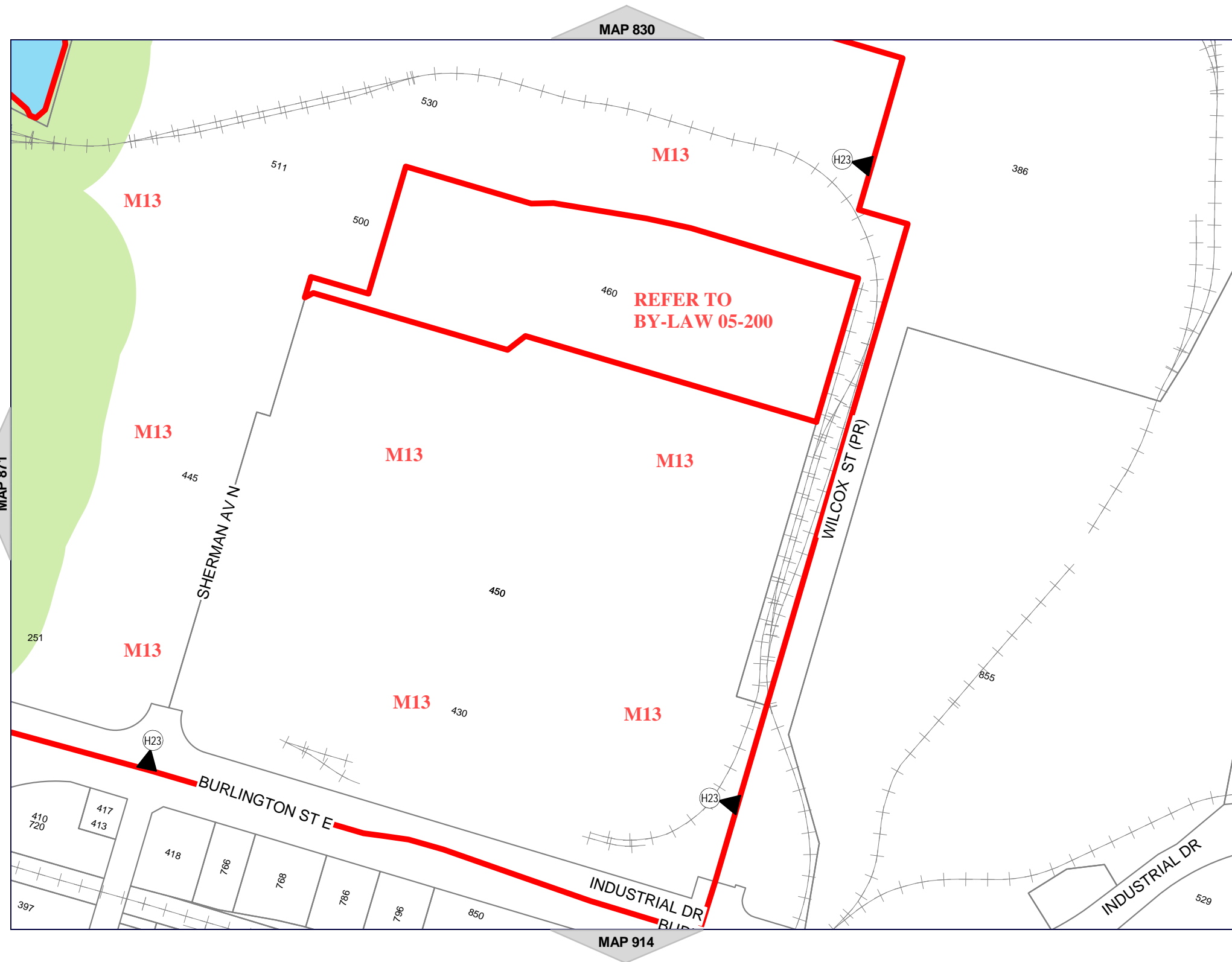
- Legend
- Special Exception
  - Holding Provision
  - Urban Boundary
  - Zoning Boundary
  - C.A. Regulated Area
  - Lake
  - Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332



MAP 872 of Schedule 'A'



Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

Legend

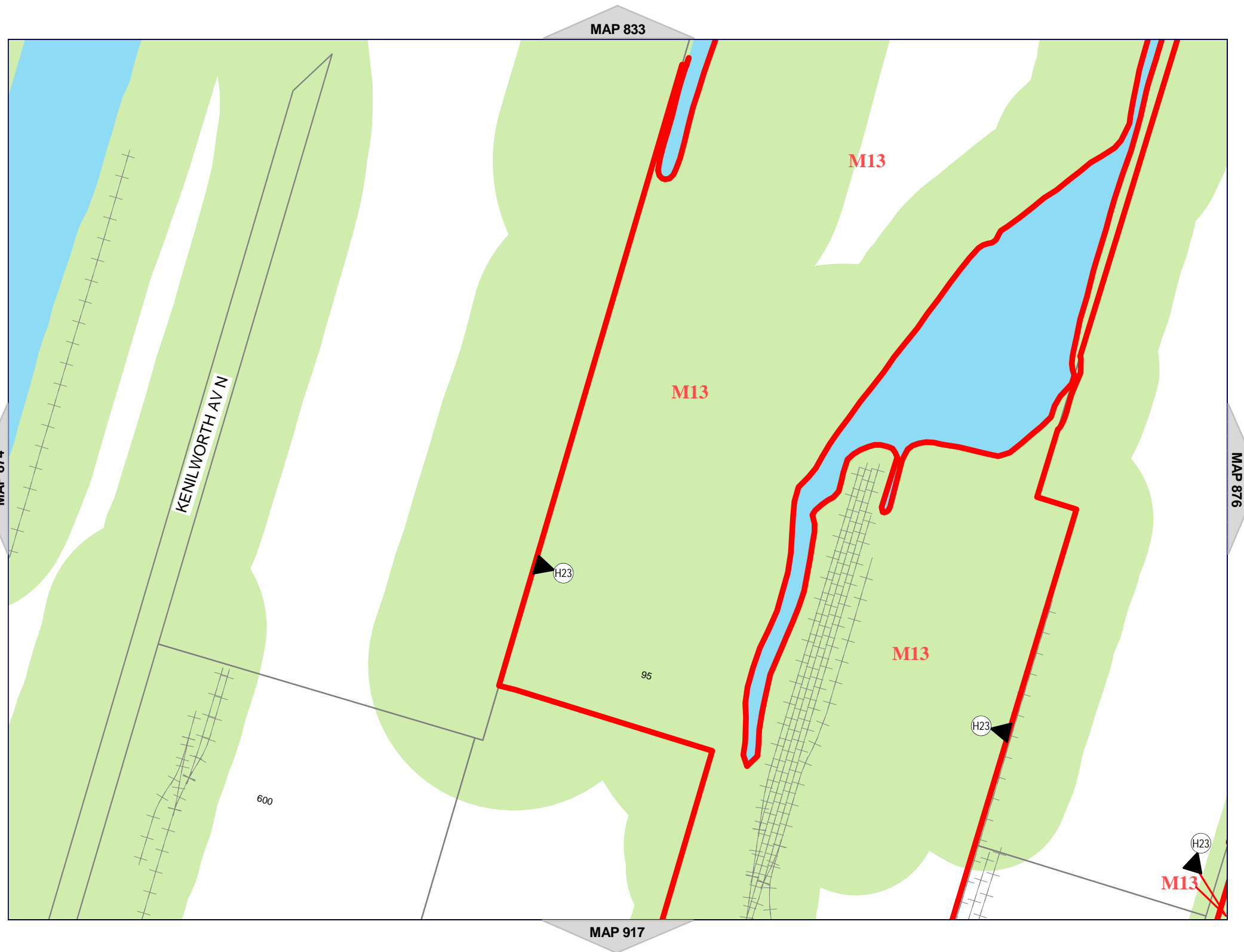
- Special Exception
- Holding Provision
- Urban Boundary
- Zoning Boundary
- C.A. Regulated Area
- Lake
- Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332



MAP 875 of Schedule 'A'



Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law



- Legend
- Special Exception
  - Holding Provision
  - Urban Boundary
  - Zoning Boundary
  - C.A. Regulated Area
  - Lake
  - Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map



SCALE 1 : 3,332

MAP 876 of Schedule 'A'



Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

- Legend
- Special Exception
  - Holding Provision
  - Urban Boundary
  - Zoning Boundary
  - C.A. Regulated Area
  - Lake
  - Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332



MAP 876

MAP

MAP

MAP 919

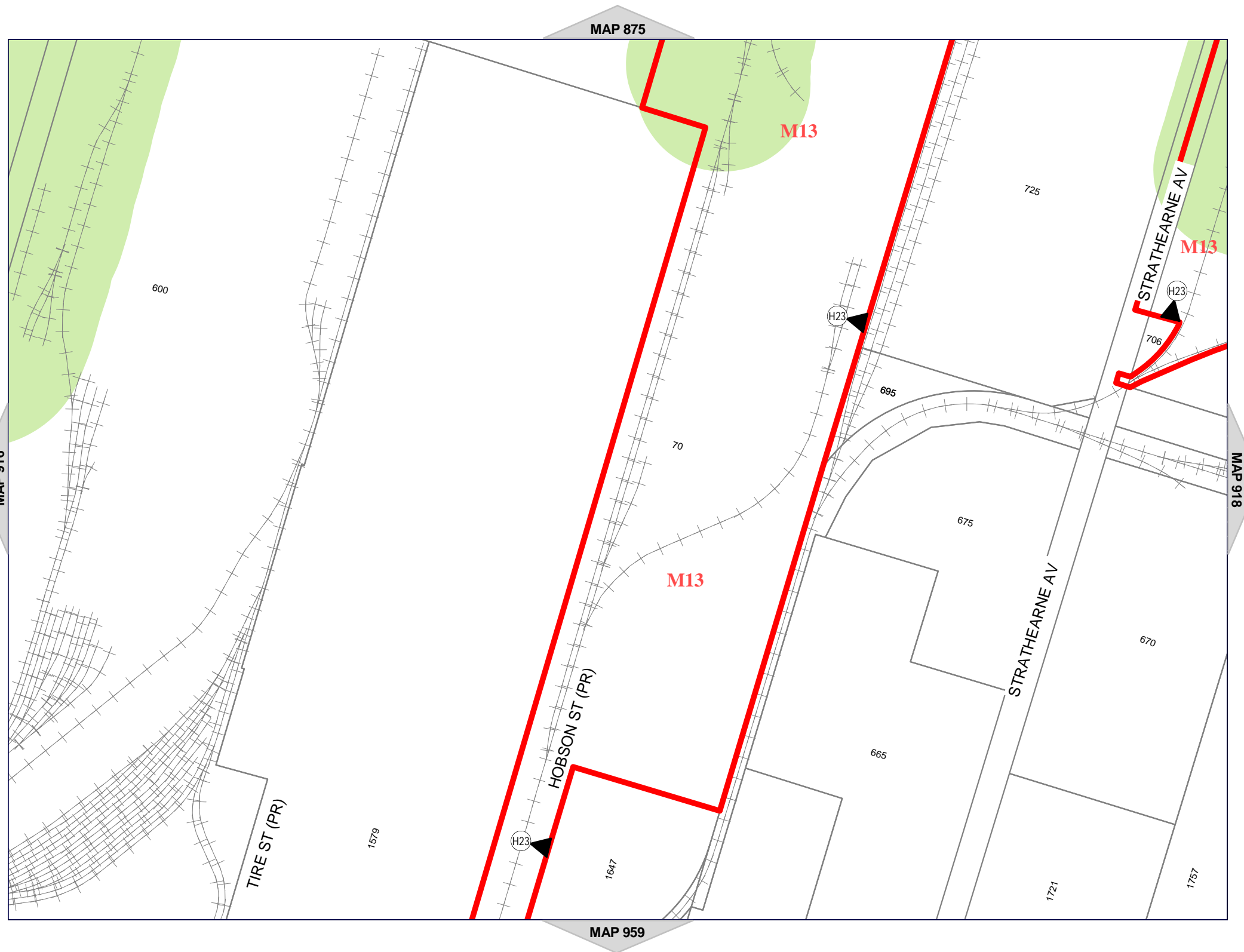




Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law



- Legend
- Special Exception
  - Holding Provision
  - Urban Boundary
  - Zoning Boundary
  - C.A. Regulated Area
  - Lake
  - Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332

MAP 917 of Schedule 'A'



Hamilton  
 City of Hamilton  
 Zoning By-Law 05-200

DRAFT

Map Reference Number	By-Law Number	Effective Date of By-Law

- Legend
- Special Exception
  - Holding Provision
  - Urban Boundary
  - Zoning Boundary
  - C.A. Regulated Area
  - Lake
  - Railway

Note: Features in the Legend may not appear in each individual map for every batch series of map

NORTH



SCALE 1 : 3,332



MAP 918 of Schedule 'A'



**Hamilton**  
 City of Hamilton  
 Zoning By-Law 05-200

**DRAFT**

Map Reference Number	By-Law Number	Effective Date of By-Law

**Legend**

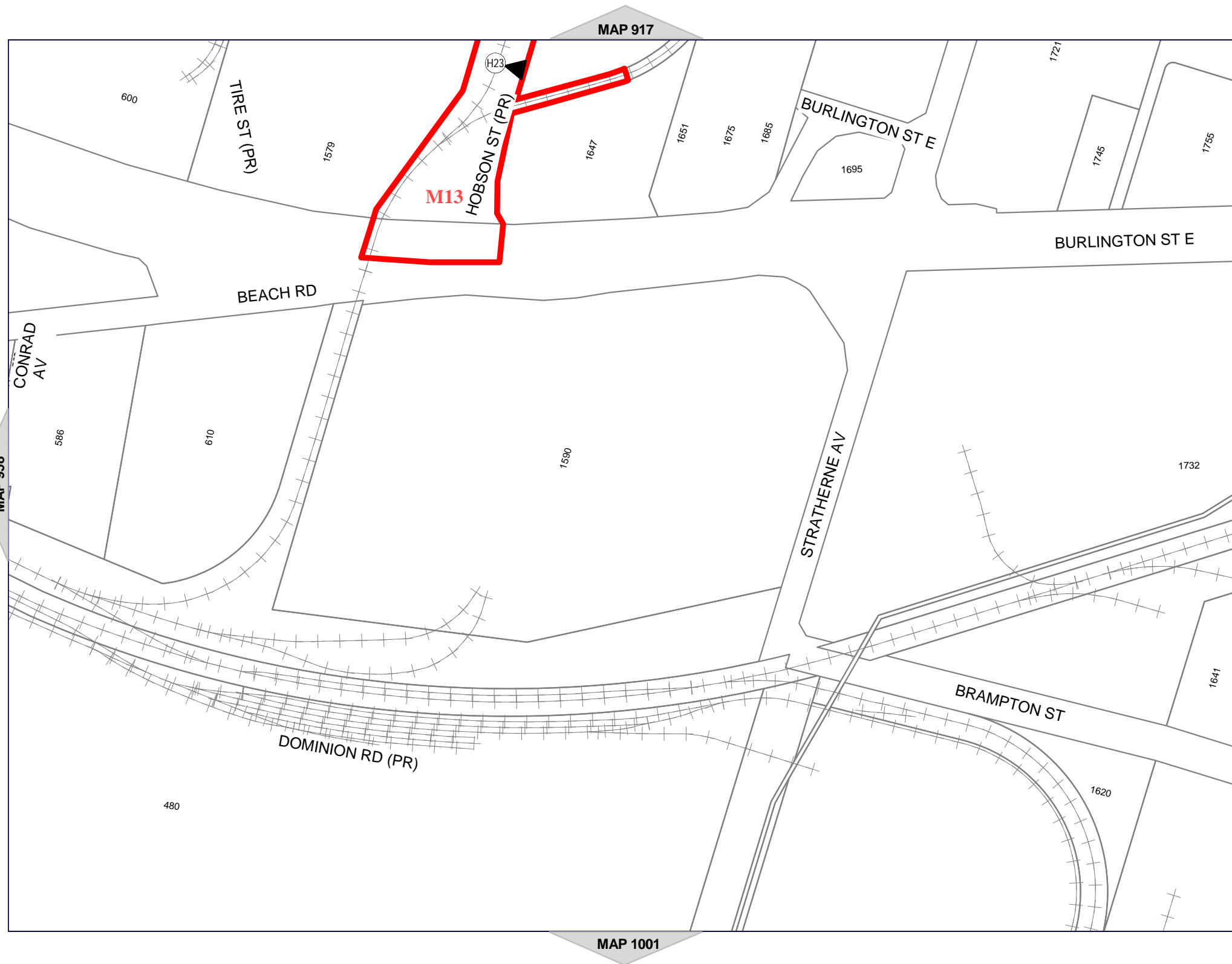
- Special Exception
- Holding Provision
- Urban Boundary
- Zoning Boundary
- C.A. Regulated Area
- Lake
- Railway

*Note: Features in the Legend may not appear in each individual map for every batch series of map*

**NORTH**



SCALE 1 : 3,332



**MAP 959 of Schedule 'A'**

Authority: Item  
Report (PED18064)  
CM  
Wards: 2, 3, and 4

Bill No.

## CITY OF HAMILTON

### BY-LAW NO. 18- XXX

To Amend By-law 05-200 to Rezone Existing Industrial Zone Lands Located Along Hamilton Harbour to Industrial and Institutional Zones, and Update Certain Lands Zoned Open Space Zone along Hamilton Harbour

WHEREAS the City of Hamilton's new comprehensive Zoning By-law, being By-law No. 05-200, came into force on May 25, 2005;

WHEREAS this By-law amends By-law No. 05-200 to rezone certain industrial zoned lands located along Hamilton Harbour to Industrial and Institutional Zone and update lands zoned Open Space Zones along Hamilton located within Wards 2, 3, and 4 of the City; and,

WHEREAS the Council of the City of Hamilton, in adopting Item █ of Report PED18012 of the Planning Committee, at its meeting held on the █ day of █, 2018, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and,

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan and the Setting Sail Secondary Plan (City of Hamilton Official Plan).

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

1. That Schedule "A" – Zoning Maps of By-law 05-200 is hereby amended as follows:
  - a) by including Industrial Zones, Institutional Zones, and Open Space Zones boundaries, as shown on the Maps numbered 827, 828, 870, 871, 876, 877, 911, 912, 918, 947 attached in Schedule "2A" to "2D" of this By-law.
2. That Schedule "C" – Special Exceptions of By-law 05-200 is hereby amended by adding additional Special Exceptions as follows:

To Amend By-law 05-200 to Rezone Existing Industrial Zone Lands Located Along Hamilton Harbour to Industrial and Institutional Zones, and Update Certain Lands Zoned Open Space Zone along Hamilton Harbour

"671. Within the lands zoned Open Space (P4) Zone, identified on Map 876 of Schedule "A" – Zoning Maps and described as part of 175 Pier 24 Gateway, the following special provisions shall apply:

a) In addition to Subsection 7.4.1, the following use shall also be permitted:

i) Private Access Road.

672. Within the lands zoned Community Institutional (I2) Zone, identified on Maps 827 and 828 of Schedule "A" – Zoning Maps and described as 650 – 658 Catherine Street North, the following special provisions shall apply:

a) Notwithstanding Subsection 8.2.1, the following uses shall only be permitted:

i) Museum;

ii) Marine Service;

iii) Place of Assembly;

iv) Recreation; and,

v) Retail.

b) Notwithstanding Subsection 8.2.1, the following uses shall be prohibited:

i) Lodging House;

ii) Multiple Dwelling;

iii) Retirement Home; and,

iv) Street Townhouse Dwelling.

c) In addition to Clause a) v) above, the maximum Gross Floor Area of each individual retail establishment shall not exceed 130 square metres.

676. Within the lands zoned Major Institutional (I3) Zone, identified on Maps 869 and 911 of Schedule "A" – Zoning Maps and described as 165 Barton Street East, the following special provisions shall apply:

To Amend By-law 05-200 to Rezone Existing Industrial Zone Lands Located Along Hamilton Harbour to Industrial and Institutional Zones, and Update Certain Lands Zoned Open Space Zone along Hamilton Harbour

- a) In addition to Subsection 8.3.1, the following use shall also be permitted:
  - i) Correction Facility
- b) Notwithstanding Subsection 8.3.1, the following uses shall be prohibited:
  - i) Lodging House;
  - ii) Multiple Dwelling;
  - iii) Retirement Home; and,
  - iv) Street Townhouse Dwelling.

677. Within the lands zoned Light Industrial (M6) Zone, identified on Maps 870 and 871 of Schedule "A" – Zoning Maps and described as 440 Victoria Avenue North, the following special provisions shall apply:

- a) Notwithstanding Subsections 9.6.3 e) i), c), and i), the following special regulations shall also apply:
  - i) Minimum Yard Abutting a Street
    - 1. 3.0 metres; and,
    - 2. 0.0 metres abutting Victoria Avenue
  - ii) Maximum Building Height Abutting Residential Zone or an Institutional Zone 16.0 metres.
  - iii) Gross Floor Area for Office Use
    - Maximum Gross Floor Area for Office use within an individual building, shall be limited to 3,500 square metres.
- b) Notwithstanding Subsections 5.2b) and f), the following parking regulation shall apply:
  - i) Parking Space Size Dimension
    - A minimum parking space size dimension of 2.6 metres by 5.5 metres shall be provided and maintained.

To Amend By-law 05-200 to Rezone Existing Industrial Zone Lands Located Along Hamilton Harbour to Industrial and Institutional Zones, and Update Certain Lands Zoned Open Space Zone along Hamilton Harbour

- ii) Barrier Free Parking Space Size Dimension      A minimum barrier parking space size dimension of 4.4 metres by 5.5 metres shall be provided and maintained."

- 3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law in accordance with the Planning Act.
- 4. That for the purposes of the Building Code, this by-law or any part of it is not made until it has come into force as provided by section 34 of the *Planning Act*.
- 5. That this By-law comes into force in accordance with section 34 of the Planning Act.

PASSED this \_\_\_\_ day of \_\_\_\_, 2018.

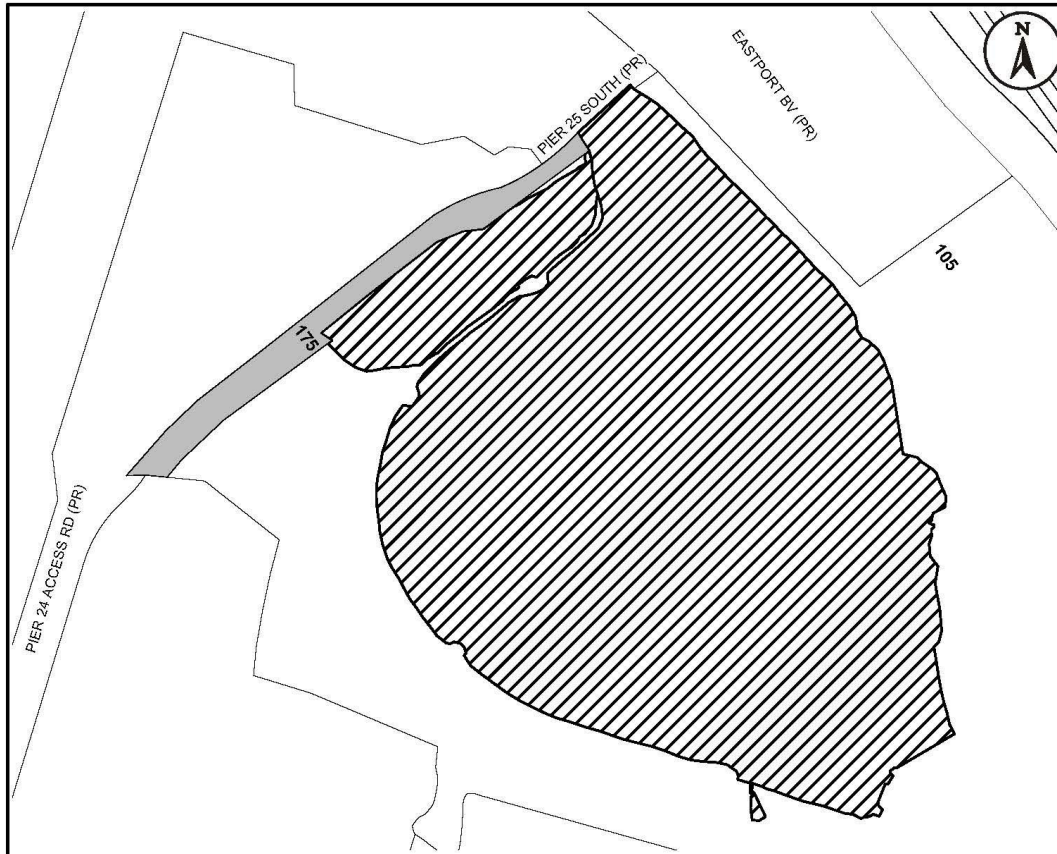
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Fred Eisenberger  
Mayor

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City Clerk

To Amend By-law 05-200 to Rezone Existing Industrial Zone Lands Located Along Hamilton Harbour to Industrial and Institutional Zones, and Update Certain Lands Zoned Open Space Zone along Hamilton Harbour



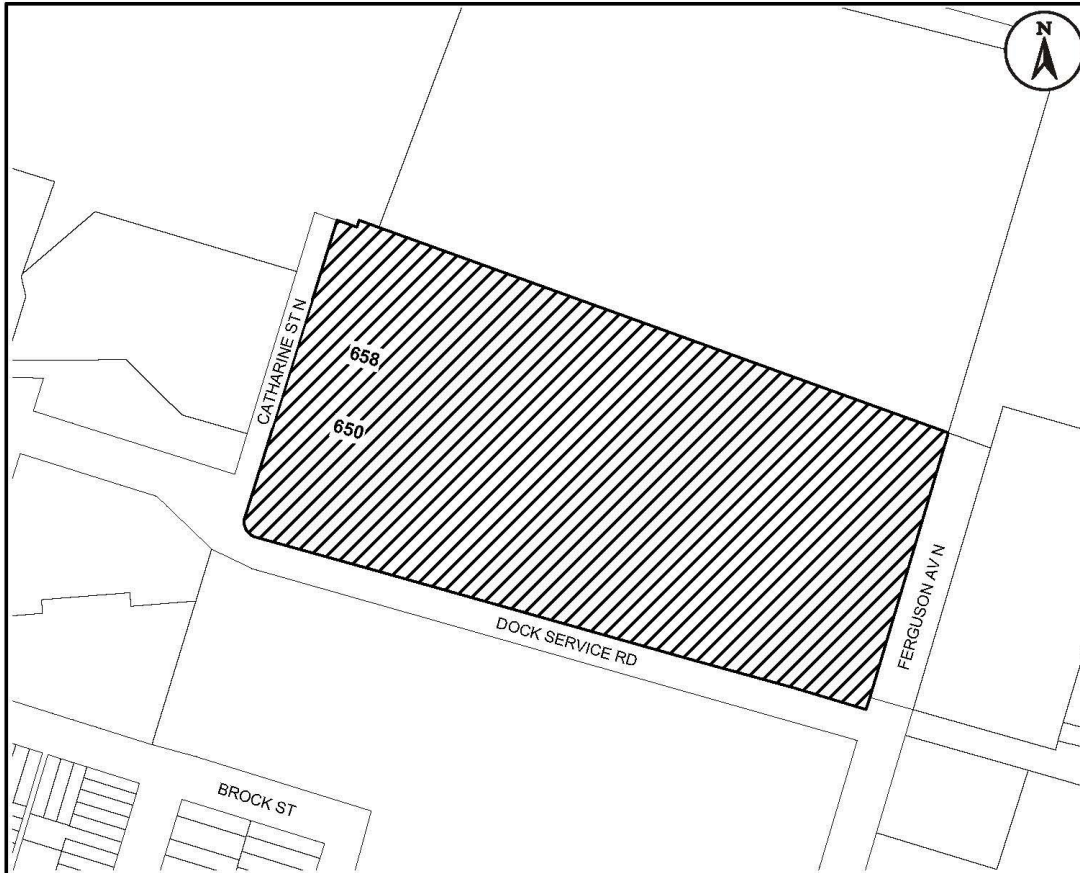
This is Schedule "A" to By-law No. 18-  Passed the ..... day of ....., 2018	----- Mayor  ----- Clerk
---	--------------------------------------

<p style="text-align: center;"><b>Schedule "A1"</b></p> <p style="text-align: center;">Map Forming Part of By-law No. 18-_____</p> <p style="text-align: center;">to Amend By-law No. 05-200 Map 876, 877, 918</p>	<p><b>Subject Property</b></p> <p> Lands added to By-law No. 05-200 and zoned Conservation/Hazard Land (P5) Zone</p> <p> Lands added to By-law No. 05-200 and zoned Open Space (P4, 671) Zone</p>
--	---

Scale: N.T.S.	File Name/Number: CI-18-B	
Date: February 14, 2018	Planner/Technician: TL/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



To Amend By-law 05-200 to Rezone Existing Industrial Zone Lands Located Along Hamilton Harbour to Industrial and Institutional Zones, and Update Certain Lands Zoned Open Space Zone along Hamilton Harbour



This is Schedule "A" to By-law No. 18-  Passed the ..... day of ....., 2018	----- Mayor  ----- Clerk
---	--------------------------------------

<h2>Schedule "A2"</h2>  Map Forming Part of By-law No. 18-_____  to Amend By-law No. 05-200 Map 827, 828	<b>Subject Property</b>  Lands added to By-law No. 05-200 and zoned Community Institutional (I2, 672)
--	--

Scale: N.T.S.	File Name/Number: CI-18-B	
Date: February 14, 2018	Planner/Technician: TL/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

To Amend By-law 05-200 to Rezone Existing Industrial Zone Lands Located Along Hamilton Harbour to Industrial and Institutional Zones, and Update Certain Lands Zoned Open Space Zone along Hamilton Harbour

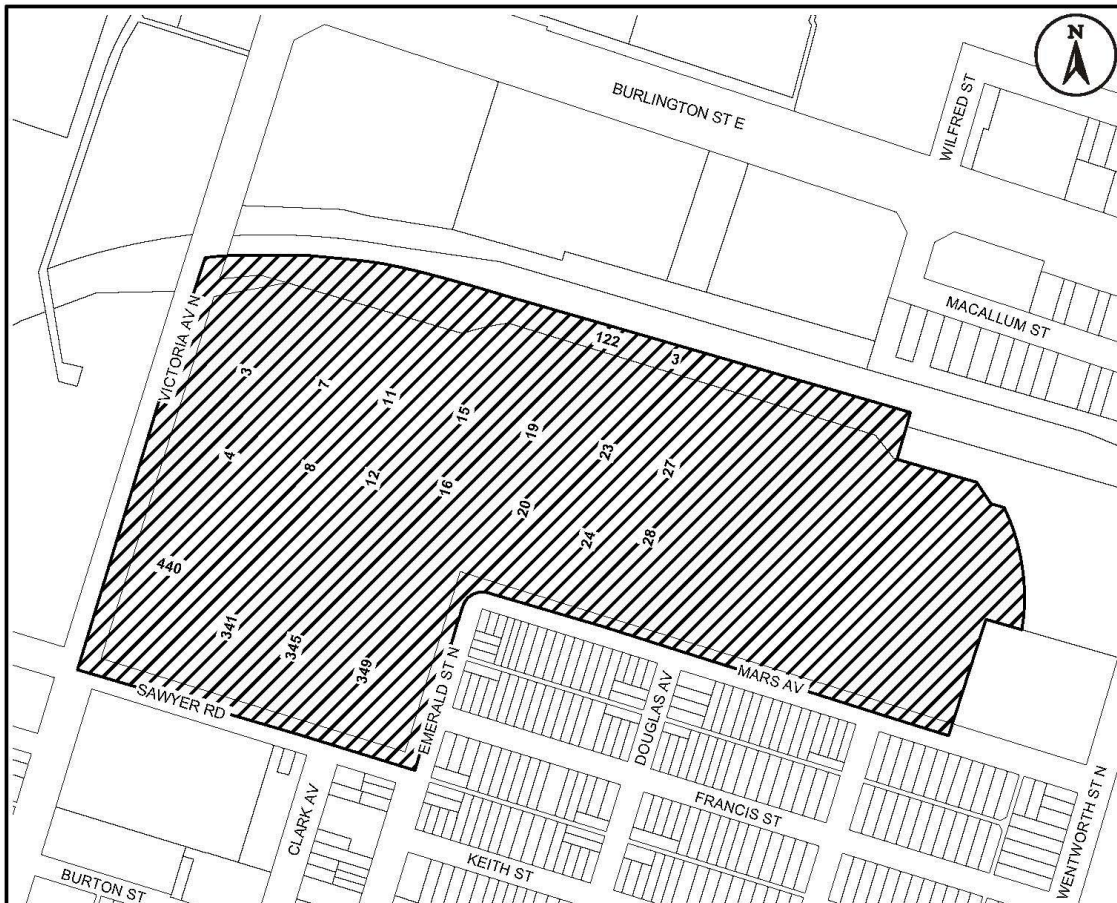




This is Schedule "A" to By-law No. 18-  Passed the ..... day of ....., 2018	_____ Mayor  _____ Clerk
---	--------------------------------------

<p style="text-align: center;"><b>Schedule "A3"</b></p> <p style="text-align: center;">Map Forming Part of By-law No. 18-_____</p> <p style="text-align: center;">to Amend By-law No. 05-200 Map 869, 911, 921</p>	<p><b>Subject Property</b></p> <p> Lands added to By-law No. 05-200 and zoned Major Institutional (I3, 677)</p>
--	---

Scale: N.T.S.	File Name/Number: CI-18-B	
Date: February 14, 2018	Planner/Technician: TL/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

To Amend By-law 05-200 to Rezone Existing Industrial Zone Lands Located Along Hamilton Harbour to Industrial and Institutional Zones, and Update Certain Lands Zoned Open Space Zone along Hamilton Harbour



<p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the ..... day of ....., 2018</p>		<p>-----</p> <p>Mayor</p> <p>-----</p> <p>Clerk</p>	
<p><b>Schedule "A4"</b></p> <p>Map Forming Part of By-law No. 18-_____</p> <p>to Amend By-law No. 05-200 Map 870, 871</p>		<p><b>Subject Property</b></p> <p> Lands added to By-law No. 05-200 and zoned Light Industrial (M6, 677) Zone</p>	
<p>Scale: N.T.S.</p>	<p>File Name/Number: CI-18-B</p>		
<p>Date: February 14, 2018</p>	<p>Planner/Technician: TL/NB</p>		
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			

To Amend By-law 05-200 to Rezone Existing Industrial Zone Lands Located Along Hamilton Harbour to Industrial and Institutional Zones, and Update Certain Lands Zoned Open Space Zone along Hamilton Harbour

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report? Yes Committee: Planning Committee      Report No.: PED18xxx      Date: 4/03/2018 Ward(s) or City Wide: Wards: 3, 4, and 5 (04/03/2018)
--

Prepared by: Timothy Lee      Phone No: 1249 <i>For Office Use Only, this doesn't appear in the by-law</i>
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Appendix "D" to Report PED18064  
Page 1 of 3

Authority: Item  
Report (PED18XXX)  
CM  
Wards: Not Applicable

Bill No.

**CITY OF HAMILTON****BY-LAW NO. 18-****To Repeal the "F-2" (Open Space Harbour) District and the "F-2A" (Harbour) District located on Hamilton Harbour (Water) from Hamilton Zoning By-law No. 6593**

**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";

**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";

**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;

**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);

**WHEREAS** the Council of the City of Hamilton, in adopting Item of Report 18 - \_\_\_\_ of the Planning Committee, at its meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2018, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan.

Appendix "D" to Report PED18064  
Page 2 of 3

To Amend Hamilton Zoning By-law No. 6593  
To Repeal the "F-2" (Open Space Harbour) District and the "F-2A" (Harbour) District

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

1. That Zoning By-law No. 6593 (Hamilton) is amended by deleting all text of Section 12B referencing the "F-2" (Open Space Harbour) District.
2. That Sheet Nos. W2, W11, W19, W20, W21, and W29 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by removing "F-2" (Open Space Harbour) District referred to in Section 12B of Zoning By-law No. 6593 (Hamilton).
3. That Zoning By-law No. 6593 (Hamilton) is amended by deleting Appendix 1: Schedule "A6" on the lands referred to in Sections 1 and 2 of this By-law.
4. That Zoning By-law No. 6593 (Hamilton) is amended by deleting all text of Section 12B-1 referencing the "F-2A" (Harbour) District.
5. That Sheet Nos. W1, W2, W3, W11, W18, W19, W20, W21, W28, W29, E1, E10, E19, E29, E40, E41, E50, E51, E60, E61, E70, E71, E80, E80a, E80b, E80c, E80d, E80e, E80f, E80g, and E80h of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by removing the "F-2A" (Harbour) District referred to in Section 12B-1 of Zoning By-law No. 6593 (Hamilton).
6. That Zoning By-law No. 6593 (Hamilton) is amended by deleting Appendix 3: Revised Schedule "A7" on the lands referred to in Sections 4 and 5 of this By-law.

**PASSED and ENACTED** this            day of            , 2018.

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Fred Eisenberger  
Mayor

---

City Clerk

Appendix "D" to Report PED18064

Page 3 of 3

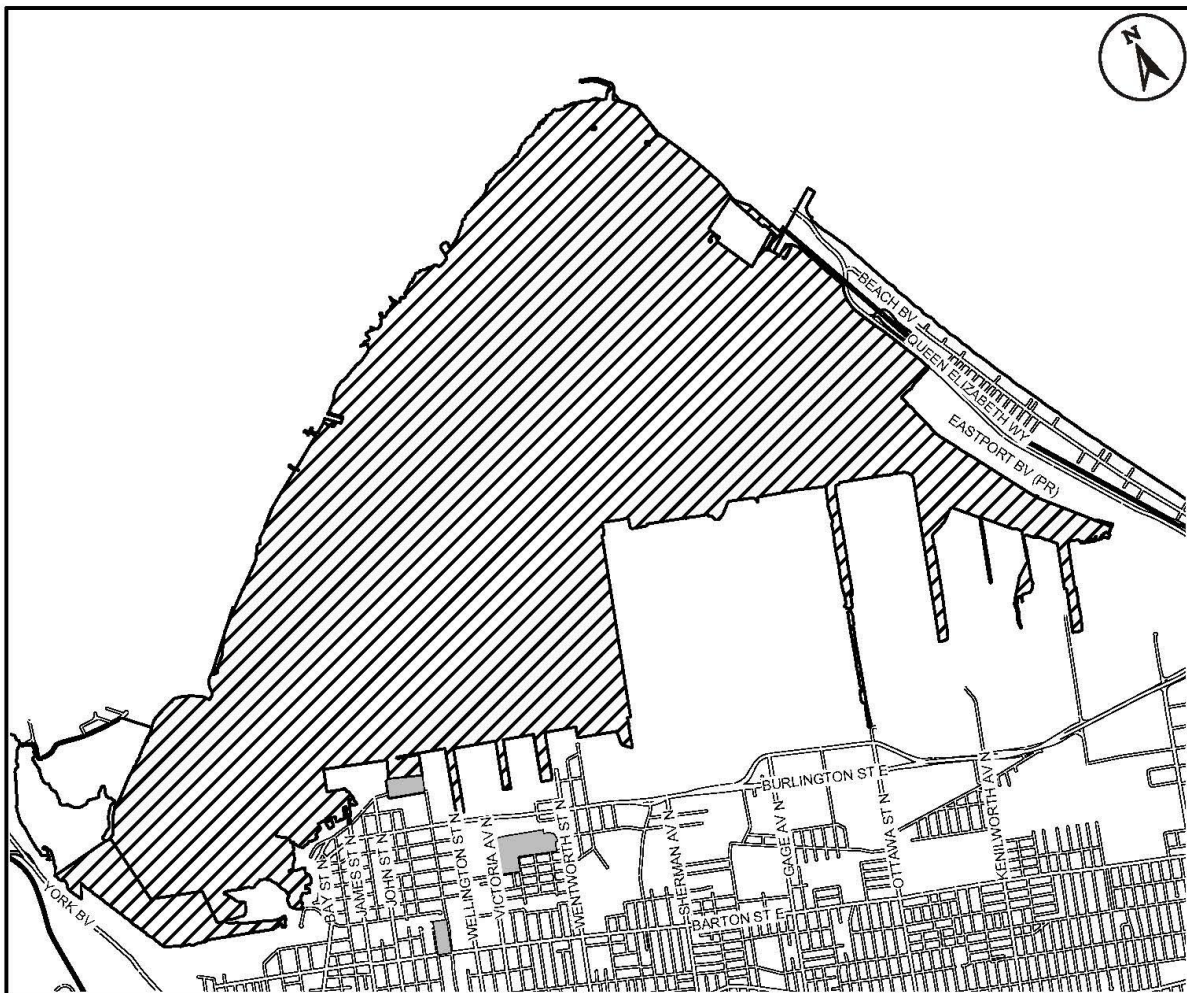
To Amend Hamilton Zoning By-law No. 6593  
To Repeal the "F-2" (Open Space Harbour) District and the "F-2A" (Harbour) District

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority  
Section of the by-law*

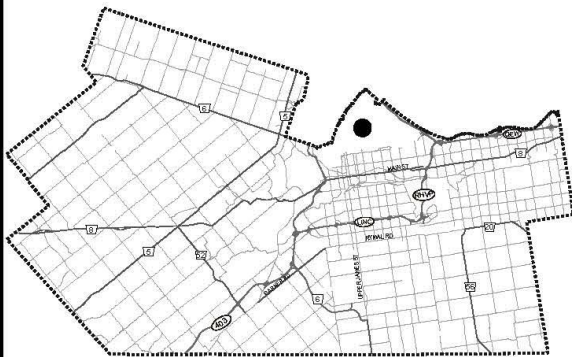
Is this by-law derived from the approval of a Committee Report? Yes
Committee: Planning Committee      Report No.: PED18xxx      Date: 4/03/2018
Ward(s) or City Wide: Wards: 3, 4, and 5 (04/03/2018)

Prepared by: Timothy Lee	Phone No: 1249
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*For Office Use Only, this doesn't appear in the by-law*



● Site Location



**City of Hamilton**

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
CI-18-A /Hamilton Harbour

Date:  
January 30, 2018

Appendix "D1"

Scale:  
N.T.S.

Planner/Technician:  
TL/NB

### Subject Property

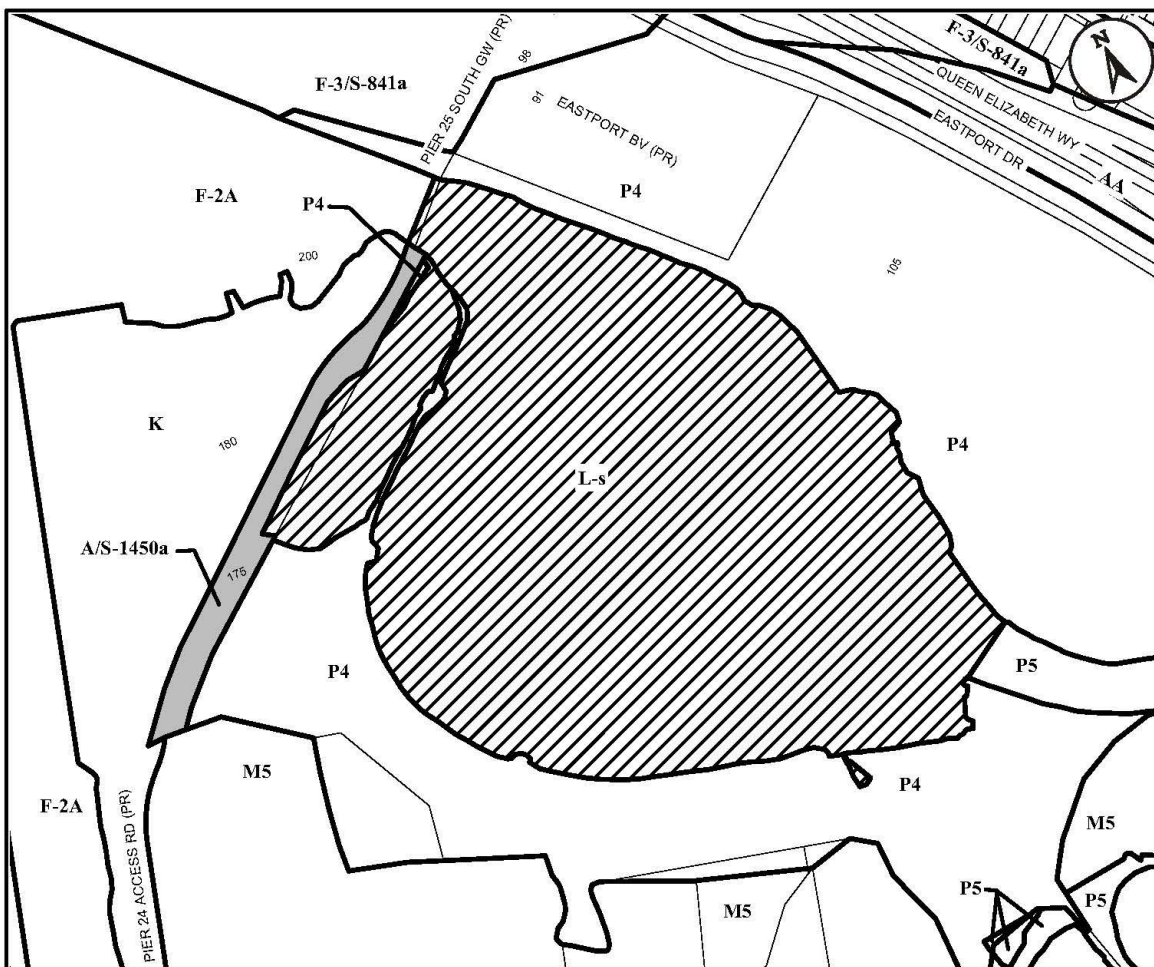


Hamilton Harbour

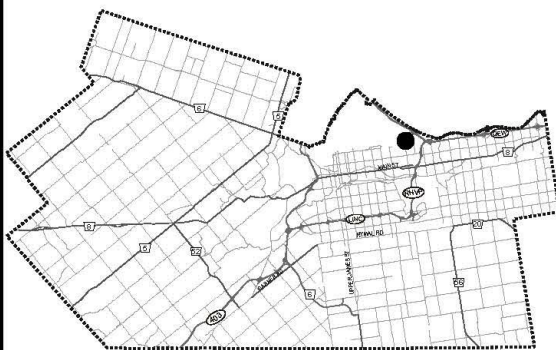


Lands to be rezoned to Hamilton Zoning  
By-law No. 05-200





● Site Location



**City of Hamilton**

**Location Map**



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
CI-18-A /Windemere Basin

Date:  
February 27, 2018

Appendix "D2"

Scale:  
N.T.S.

Planner/Technician:  
TL/NB

**Subject Property**



Lands added to By-law No. 05-200 and zoned Conservation/Hazard Land (P5) Zone



Lands added to By-law No. 05-200 and zoned Open Space (P4, 671) Zone



February 26, 2018

City of Hamilton  
Planning & Economic Development Department  
71 Main Street West, 4<sup>th</sup> Floor  
Hamilton, ON  
L8P 4Y5

Attention: Timothy Lee, Planner, Policy Planning and Zoning By-Law Reform

Dear Mr. Lee,

Please be advised that HPA has reviewed the draft City of Hamilton By-Law respecting amendments to By-Law 05-200, intended to create new industrial zones for port lands from Piers 10 through 27. Reference is made to the attached draft by-law amendments provided by the City, in consultation with HPA.

HPA is in agreement with the form and content of the draft by-law amendments, in particular the creation of two new zones, M13 (Piers 10 through 24) and M14 (Piers 25 through 27). We will attend at Planning Committee scheduled for early April 2018 and will be available to participate in any discussions that may transpire.

I trust this information is sufficient, please let me know if you require anything further.

Sincerely,

A handwritten signature in blue ink, appearing to read "William Fitzgerald".

William Fitzgerald, P. Eng.  
VP Operations  
Hamilton Port Authority

cc: Ian Hamilton, President & CEO  
Janet Knight, Executive Vice President  
Bob Hart, CAO and Corporate Secretary  
Larissa Fenn, Public Affairs Director



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 3, 2017
<b>SUBJECT/REPORT NO:</b>	Community Energy Plan Terms of Reference (City Wide) (PED18057)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Robert Clackett (905) 546-2424 Ext. 1274
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the City of Hamilton Community Energy Plan (CEP) Terms of Reference, attached as Appendix "A" to Report PED18057, be received for information;
- (b) That staff be directed to undertake a process to develop a Community Energy Plan in accordance with the Community Energy Plan (CEP) Terms of Reference as set out in Appendix "A" to Report PED18057;
- (c) That staff be directed and authorized to prepare a Request for Proposal (RFP) to retain a consultant to prepare the Community Energy Plan (CEP);
- (d) That staff be authorized to submit an application to the Federation of Canadian Municipalities' Green Municipal Fund or the Province of Ontario's Municipal Energy Plan Program to obtain additional funding sources for the project;
- (e) That should the City be successful in an application for funding, from the Federation of Canadian Municipalities' Green Municipal Fund and/or the Province of Ontario's Municipal Energy Plan Program, the Mayor and Clerk be authorized and directed to execute the Agreement together with any ancillary documentation, in a form satisfactory to the City Solicitor.

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**SUBJECT: Community Energy Plan Terms of Reference (City Wide) (PED18057) -  
Page 2 of 15**

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## **EXECUTIVE SUMMARY**

On July 7, 2015 Planning Committee approved a Motion directing “That Planning and Public Works staff investigate and report back on the feasibility and Terms of Reference for a Community Energy Plan including but not limited to:

- Renewable Energy Projects;
- appropriate planning policies; and,
- methods and uses.”

The Terms of Reference (TOR) attached to Report PED18057 as Appendix “A” fulfils Council’s direction and recommends moving forward with Hamilton’s Community Energy Plan (CEP).

A Community Energy Plan (CEP) is an integrated, comprehensive, long-term plan to meet local energy needs while improving energy and water efficiency, reducing greenhouse gas (GHG) emissions and fostering local sustainable and community supported energy solutions in a municipality. Community Energy Planning takes an integrated approach to local energy planning by aligning energy, infrastructure and land use planning to help meet community energy goals and reduce GHG emissions.

The Community Energy Plan TOR is based on provincial, federal, and local direction and support for municipal action that aims to mitigate climate change and improve energy security and sustainability. The CEP builds upon the success of climate change action projects which have been implemented in Hamilton through partnerships with local industries and neighbouring municipalities.

The CEP will be developed in three phases and will be completed within 12 to 15 months following the selection of a consultant or consultant team. The anticipated budget requirement to develop a CEP is \$180,000 (gross) to be funded from existing capital accounts in the Planning Division related to policy analysis and community planning initiatives.

Staff is investigating alternate funding sources for the CEP, such as the Federation of Canadian Municipalities (FCM) Green Municipal Fund and the Province of Ontario Municipal Energy Plan Program. These funds provide matching grants and if successful would offset the costs to do the CEP by up to \$90,000.

The Community Energy Plan will align with Hamilton’s Strategic Plan in four key areas: Community Engagement and Participation, Healthy and Safe Communities, Clean and Green, and Built Environment and Infrastructure.

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**SUBJECT: Community Energy Plan Terms of Reference (City Wide) (PED18057) -  
Page 3 of 15**

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Planning and Economic Development Department staff authored this Report with assistance and consultation from staff in the Public Works Department, Office of Energy Initiatives and the Public Health Services Department, Office of Health Hazards.

***Alternatives for Consideration – See Page 15***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** Funding of \$180,000 (gross) will be required to hire a consultant or consulting team to prepare the CEP, as well as project costs for room rental, open house and meeting expenses, printing maps and materials.

**Staffing:** A Planner from the Community Planning and GIS Section will be the Project Co-ordinator and will oversee the daily operation of the project. The CEP will require City staff time from various Sections (including the Office of Energy Initiatives, Air Quality and Climate Change – Public Health Services, Transportation Management, Neighbourhood and Community Initiatives, Hamilton Water, Growth Management, Development Planning, and Urban Renewal) to provide data and expertise, participate on the CEP Team, assist with meetings, open houses, and Focus Groups, and review drafts of the Strategy. The Project Co-ordinator will work closely with the Office of Energy Initiatives and Public Health Services Department.

**Legal:** None

**HISTORICAL BACKGROUND**

2006: The Electric City Report addressed concerns expressed by Council in 2005 about the “fossil fuel crisis”. The Report examined global oil market trends and suggested the social, economic, and environmental impacts of rising energy costs on a local scale for the City of Hamilton.

2006: Council adopted the Corporate Air Quality and Climate Change Action Plan.

2008: Council adopted the Corporate Air Quality and Climate Change Strategic Plan. This Plan explored ways to reduce Greenhouse Gas emissions and air pollutants produced through larger City energy and transportation systems, showing Hamilton’s city - wide concern for climate change adaptation.

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**SUBJECT: Community Energy Plan Terms of Reference (City Wide) (PED18057) -  
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- 2010: Taking Stock: Greenhouse Gas Emissions in Hamilton Report provided a full inventory of Hamilton's GHG emissions. It identified community engagement as the key to positive change.
- 2011: Over 470 signatories, including the City of Hamilton, made a voluntary commitment to Hamilton's Community Climate Change Action Charter, which established the predicted effects of climate change and stated a series of actions that ought to be taken in response.
- 2011: As part of a province-wide initiative, the Canadian Urban Institute (CUI) produced the City of Hamilton: Integrated Energy Mapping Strategy (H-IEMS) to assess the energy consumption patterns present in Hamilton's land-use, transportation, and energy systems, as well as to explore energy alternatives that may be implemented through future planning.
- 2014: The City of Hamilton updated the City's Corporate Energy Policy, which discusses the mitigation of energy and emissions, addresses legislated reporting, defines policies for capital investment and energy procurement.
- 2015: Council denied the request for endorsement in support of the proposed 15 Megawatt (MW) Mountsberg Solar Project by Samsung Renewable Energy Inc., located at 2037 Centre Road, Former Township of East Flamborough (PED15108). Council directed the preparation of a Community Energy Plan Terms of Reference, which is the subject of this Report.
- 2015: Council approved Taking Action on Climate Change in Hamilton – A Community Plan (BOH15025), also called the Hamilton Community Climate Change Action Plan. The Action Plan recommended the implementation of ten main actions identified to mitigate the impacts of climate change in Hamilton. Council directed that Public Health Services staff work with staff from other City departments, and community members toward implementing actions identified in the Hamilton Community Plan. One such action was to “Develop a Community Energy Plan to guide the Hamilton community's energy future”.
- 2016: Council passed a motion requesting staff report back on the feasibility of creating a local improvement charge loan program / home energy improvement plan for the City that uses Local Improvement Charges (LICs) to make building efficiency improvements more accessible for

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**SUBJECT: Community Energy Plan Terms of Reference (City Wide) (PED18057) -  
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citizens and meet the goals outlined in the City's existing climate change action plan. The CEP will review and include a report on the feasibility of such a program.

2017: The City of Hamilton, City of Burlington and Mohawk College announced the creation of the Bay Area Climate Change Partnership and the Mohawk Centre for Climate Change Management funded by the Province of Ontario through the Cap and Trade Program.

2017: The City of Hamilton joined Sustainable Hamilton Burlington as a Carbon Initiative reporting member. The City will be reporting on its GHG and energy related emissions beginning in 2018.

2017: Changes were made to the *Planning Act* regarding Climate Change making it an issue of Provincial Interest. As such, Official Plan policies will be required to address these legislative changes.

2018: The Province of Ontario's Ministry of Environment and Climate Change (MOECC) published the document: *Draft Guideline on Community Emissions Reduction Planning* for comment on the EBR Registry.

This Report is in response to the July 2015 Council Motion directing "that Planning and Public Works staff investigate and report back on the feasibility and Terms of Reference for a Community Energy Plan including but not limited to Renewable Energy Projects; appropriate planning policies, methods and uses, in consultation with Hamilton Utilities Corporation".

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The policy implications and legislated requirements of the CEP are addressed in detail in Appendix "F" to Report PED18057.

### ***Provincial Policy Statement (2014)***

The Provincial Policy Statement directs municipalities to provide opportunities for energy supply, energy conservation, and promotion of renewable and alternative energy systems.

The City will outline, through the CEP, any opportunities that exist for the development of energy supply. These opportunities will include electricity generation facilities as well as transmission and distribution systems. These opportunities will accommodate existing and future energy needs. The CEP will also promote renewable and alternative

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**SUBJECT: Community Energy Plan Terms of Reference (City Wide) (PED18057) -  
Page 6 of 15**

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energy systems while providing a framework for evaluating energy generation proposals in the City of Hamilton.

The CEP will support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns.

***Ontario's Green Energy and Green Economy Act (2009), Ontario Regulation 397/11 (2011)***

The *Ontario Green Energy and Green Economy Act* (GEA) provides a Province-led, coordinated approvals framework for renewable energy projects, with clear provincial rules and transparent decision-making. The new approvals framework established through the GEA and related regulations exempts most renewable energy developments from the *Environmental Assessment Act* process and, with some exceptions, the *Planning Act* process.

The CEP will be an energy conservation and demand management plan, which is a public document, and as such will be published and made available to the public.

The CEP will include a summary of the City's annual energy consumption and greenhouse gas emissions for its operations; as well as a description of previous, current and proposed measures for conserving and reducing the amount of energy consumed by City operations and managing the City's demand for energy.

***Province of Ontario's Climate Change Action Plan (2016 - 2020)***

In 2016, the Province' Climate Action Plan (2016 - 2020) was released. The intent of the plan is to help Ontario fight climate change over the long term. Several areas of Action were set out in the plan and are broadly defined. One such area is related to the rise in building related emissions.

Land Use Planning policies are set out in the Action Plan and will: help fight climate change; assist in the strengthening of local energy planning and mapping; and, work to generally reduce traffic congestion and transportation emissions.

Through the CEP process staff will seek funding and support from the Province through their Climate Change Action Plan as it pertains to energy.

It is noted that under Bill 139 the Province has amended the *Planning Act* to give other Provincial Plans the same status as the Growth Plan and the Greenbelt Plan.

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**SUBJECT: Community Energy Plan Terms of Reference (City Wide) (PED18057) -  
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***Growth Plan for the Greater Golden Horseshoe (2017)***

One of the Guiding Principles of the Plan is to *integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards low-carbon communities, with the long-term goal of net-zero communities, by incorporating approaches to reduce greenhouse gas emissions.*

Energy Efficiency, Increased Energy Supply, and Renewable Energy and Alternative System Locations are all addressed in Section B.3.7 of the UHOP. The CEP will review these policies to ensure that they are consistent with the Places to Grow (2017) Plan and provide a Culture of Conservation in Hamilton. Any necessary policy updates to the UHOP will be made through an Official Plan Amendment.

The UHOP contains policies on Climate Change and as part of the City's Municipal Comprehensive Review the current UHOP / RHOP policies will be reviewed / assessed and updated as required. A creation of a CEP will enable the City to review these policies and implement modifications if required.

***Greenbelt Plan (2017)***

An element of the vision of the Greenbelt Plan is to build resilience to and mitigate climate change.

***Community Emissions Reduction Planning: a Guide for Municipalities (Draft 2018)***

In January 2018, the Ministry of Environment and Climate Change (MOECC) released a draft of the document: *Community Emissions Reduction Planning: A Guide for Municipalities* on the Province's EBR Registry. These guidelines are intended to help municipalities develop long term strategies for supporting their communities in making the transition to a low carbon future.

The Guidelines are intended to support Ontario municipalities for two purposes:

- 1) to support action under Ontario's Five Year Climate Change Action Plan. This Plan envisions a significant role for municipalities in the fight against climate change with two new funding programs: i) the Municipal Action Plan Program which supports community GHG reduction planning, and ii) the Municipal GHG Challenge Fund which supports community GHG reductions projects.
- 2) New Policy direction in the Growth Plan for the Greater Golden Horseshoe, 2017 has been made under the Coordinated Provincial Plans Review. This direction encourages municipalities to develop GHG reduction plans, through Official Plan

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**SUBJECT: Community Energy Plan Terms of Reference (City Wide) (PED18057) -  
Page 8 of 15**

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conformity, complete GHG inventories, and to establish interim and long-term GHG reduction targets.

The Guidelines provide an overview of how municipalities can develop community energy and emissions plans and strategies.

As outlined in the CEP Terms of Reference (attached to Report PED18057 as Appendix “A”) staff has developed a system which is consistent with the process suggested by the Province. In Phase 1 of the City’s CEP work plan, baseline emission levels will be determined, background research will be completed including inventories, and targets will be set. In Phase 2 of the CEP, energy efficiency improvements will be defined as well as the evaluation of renewable energy planning and generally renewable energy planning. In Phase 3 of the CEP, will develop an action plan and raise community awareness.

Stakeholder and public engagement will be an important part of developing the City’s CEP. It will build upon the extensive consultation undertaken for the Hamilton Community Climate Change Action Plan (2011) and Our Future Hamilton. This effective public engagement will ensure information exchange, discussion, ownership, and successful implementation.

### ***Our Future Hamilton***

The proposed CEP aligns with the City’s Community Vision Statement (Our Future Hamilton), which includes advancing environmental sustainability and stewardship through the Clean and Green community priorities.

The extensive engagement undertaken during the development of *Our Future Hamilton* revealed that top priorities for Hamilton residents included: the advancement of environmental responsibility and stewardship, including the reduction of contribution to climate change; to strive to be a zero waste community; the protection and improvement of water and air quality; the preservation and rehabilitation of the City’s natural ecosystems; and the transition to more sustainable practices (“Our Future Hamilton: Communities in Conversation”, Appendix “A” to Report CM15001(a) / CES15010(a)). A CEP will guide the community efforts towards achieving these components of the Vision.

### ***City of Hamilton Urban Official Plan***

The CEP will review existing UHOP policies and determine whether or not any improvements can be made to encourage, promote, and improve the existing policies which speak to land use patterns. Also, the CEP will support energy conservation and efficiency through the confirmation of community-wide energy consumption and Green House Gas emissions. It will also explore the feasibility of Renewable Energy Projects;

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**SUBJECT: Community Energy Plan Terms of Reference (City Wide) (PED18057) -  
Page 9 of 15**

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appropriate planning policies; and methods and uses, in consultation with Hamilton Utilities Corporation.

The CEP will develop a system of community priorities for implementation around renewable energy and other energy infrastructure, including a Home Energy Retrofit Opportunity (HERO) and Local Improvement Charges (LIC) programs for the City.

***City of Hamilton Rural Official Plan***

The CEP will review existing RHOP policies and determine whether or not any improvements can be made to encourage, promote, and improve the existing policies which speak to land use patterns. Also, the CEP will support energy conservation and efficiency through the confirmation of community-wide energy consumption and Green House Gas emissions. It will also explore the feasibility of Renewable Energy Projects; appropriate planning policies; and methods and uses, in consultation with Hamilton Utilities Corporation.

**RELEVANT CONSULTATION**

Planning staff has worked with the City's Office of Energy Initiatives, Public Works Department, and the City's Healthy Environments Office (Air Quality and Climate Change), Public Health Services Department to draft the CEP Terms of Reference attached as Appendix "A" to Report PED18057.

Staff met with Alectra Utilities and Union Gas to review the proposed CEP Terms of Reference and discuss what their involvement could be in the implementation of the CEP. Alectra Utilities and Union Gas both endorsed the project and agreed to provide the City with data. The CEP Terms of Reference is attached as Appendix "A" to Report PED18057 and has been reviewed by both Alectra Utilities and Union Gas.

In addition, staff met with the City of Burlington's staff to discuss Burlington's experience developing their CEP and begin to discuss how Hamilton and Burlington's CEPs will fit within the recently created Bay Area Climate Change Partnership.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

As part of the City of Hamilton's strategic priority to become a clean and green city that is environmentally sustainable, and as part of the City's Community Climate Change Action Plan to reduce GHG emissions and adapt to a changing climate, the City has initiated a process to develop a CEP with the input of energy stakeholders and the community. A CEP is an integrated, comprehensive, long-term plan to meet local energy needs while improving energy and water efficiency, reducing greenhouse gas (GHG) emissions and fostering local sustainable and community supported energy

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**SUBJECT: Community Energy Plan Terms of Reference (City Wide) (PED18057) -  
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solutions in a municipality. Community Energy Planning takes an integrated approach to local energy planning by aligning energy, infrastructure and land use planning to help meet community energy goals and reduce GHG emissions.

Many other municipalities in southern Ontario have completed CEPs (also called Municipal Energy Plans) in recent years, including the Cities of Burlington, Guelph, London, Markham, and Vaughan. The CEP will bring together the data, resources, recommendations, and priorities in one comprehensive document for staff and stakeholders to use.

By the year 2041, the City is expected to grow to achieve a population of 780,000 and 350,000 jobs. Most of this growth will be achieved through intensification and redevelopment, and as such by 2031 and for each year thereafter, the Growth Plan requires that a minimum of 60 per cent of all residential development will occur within the built-up area. The intent of the CEP is to develop an action plan based on community priorities around energy and water with a goal to improve efficiency, cut GHG emissions, increase the use of renewable energy, achieve energy security, and drive economic development. Through the implementation of the CEP, Hamilton is expected to benefit from establishing a healthier community; supporting the development of complete, compact and healthy communities; keeping energy investments locally; supporting local businesses to reduce energy costs and encourage new investments; contributing to local job creation and energy costs savings; and, reducing energy spending for residents while increasing property values.

The City of Hamilton has demonstrated municipal leadership in addressing Climate Change, energy conservation and renewable energy. The City's first Corporate Energy Policy, passed by Council in 2007, called for targeted energy reductions in energy intensity of City-owned facilities and operations of 20% by year 2020. The Corporate Energy Policy was updated in 2014 with new targets, including the reduction of energy intensity in City-owned facilities by 60% by 2050 and reduction of 80% Greenhouse Gas emissions by 2050. The City of Hamilton has achieved the 2020 emissions reduction targets and is aiming to progress towards achieving the 2030 and 2050 targets.

In 2011, as part of a province-wide initiative, the Canadian Urban Institute (CUI) produced the City of Hamilton: Integrated Energy Mapping Strategy (H-IEMS) to assess the energy consumption patterns present in Hamilton's land-use, transportation, and energy systems, as well as to explore energy alternatives that may be implemented through future planning. H-IEMS identified several opportunities for improving Hamilton's energy consumption by evaluating both potential cost-efficiency and greenhouse gas emissions of alternative fuels and technologies. H-IEMS recommends developing an energy action plan as a key priority for advancing energy efficient strategies in Hamilton (H-IEMS, p. XIII).

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In 2015, Council received the Hamilton Community Climate Change Action Plan, which identified actions and opportunities that both encourage reductions in greenhouse gas emissions in our community and outline ways to adapt to expected changes from climate change (Report BOH15025). The Community Climate Change Action Plan has established targets of 20% GHG emissions reductions by 2020, 50% GHG emissions reductions by 2030, and 80% GHG emissions reductions by 2050 of the 2006 base year. Ten priority actions were identified for community action in the short term (one to three years), including to “Develop a Community Energy Plan to guide the Hamilton community’s energy future”. Hamilton has achieved the 2020 emissions reduction targets and is aiming to progress towards achieving the 2030 and 2050 targets with the assistance of the Community Energy Plan.

In addition, the City has been a member of the Federation of Canadian Municipalities’ Partners for Climate Protection (PCP) program since 1996. The PCP Program is a network of Canadian municipal governments that have committed to reducing GHG and to acting on climate change. Hamilton completed the PCP Program’s 5-milestone process in 2013 and has become one of the leading Canadian municipalities taking action to mitigate and adapt to climate change. The City is also a member of the Compact of Mayors since 2015 with a set community GHG emissions target of 80% by 2050 which is in line with the 2050 Community and Corporate GHG emissions targets. The Compact of Mayors is the world’s largest cooperative effort among mayors and city officials to reduce greenhouse gas emissions and climate risks in cities.

More recently, in June 2017, the City of Hamilton, City of Burlington and Mohawk College announced that they would establish the Bay Area Climate Change Partnership. The three organizations will share resources and coordinate efforts to reduce greenhouse gas emissions. The goal of the partnership is to create a Centre for Climate Change Management within the next two years and establish a Campus Carbon Management Office, an Industry Partnerships Office and a Bay Area Climate Change Coordination Office, the later modelled after the successful Bay Area Restoration Council. In December 2017, the Mohawk Centre for Climate Change was officially launched with funding from the Province.

### **Goals and Objectives of the CEP**

The goal of the CEP is to develop a meaningful plan that provides guidance in the creation of a healthy, reliable and sustainable energy future by continually increasing energy conservation, improving energy efficiency and reducing GHGs emissions while meeting Hamilton’s energy needs.

The following are objectives identified for the Plan:

- To reconnect with stakeholders, agencies, landowners, and the public;
- To confirm community-wide energy consumption and GHG emissions;

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- To identify energy conservation, generation, efficiency, and sustainable, cleaner and energy efficient transportation opportunities throughout the City of Hamilton;
- To develop community priorities for implementation around renewable energy and other energy infrastructure, including a HERO/LIC program for the City;
- To develop actionable items for economically viable and environmentally sustainable energy solutions;
- To support sustainable energy policies, climate change initiatives, and practices in Hamilton;
- To identify appropriate planning policies to support sustainable growth and compact urban forms, energy consumption reduction, sustainable transportation solutions, and renewable energy generation; and,
- To ensure that the energy system in Hamilton assists the City and community in reaching carbon reduction targets.

**Scope of the CEP**

A draft Terms of Reference has been prepared (attached as Appendix “A” to Report PED18057). The CEP will be completed within 12 - 18 months following the selection of a consultant or consultant team and will be developed in three phases as follows:

**Phase 1: Confirming the Baseline**

Phase 1 of the CEP will prepare a CEP Advisory Team Terms of Reference; develop an engagement plan drawing on work already completed during the Community Climate Change Action Plan and Our Future Hamilton. The Engagement Plan will be executed throughout the three phases of the CEP development. In Phase 1, background research will also be completed; and, goals and principles of the project will be defined.

**Phase 2: Finding Efficiencies**

Phase 2 of the CEP will define energy efficiency improvements to achieve the defined sector-based targets; and conduct renewable energy planning (including a Terms of Reference to evaluate renewable energy projects).

**Phase 3: Taking Action**

Finally, Phase 3 of the CEP will see the development of an Action Plan and the implementation of the community awareness component of the Plan.

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**Consultant support to develop the CEP:**

Staff is recommending hiring a consultant to:

- research, gather and analyse background information, including updating Hamilton’s energy mapping;
- consult with stakeholders;
- develop goals and targets; and,
- draft the CEP and present the results to Council.

**Engagement:**

Stakeholder and public engagement will be an important part of developing the CEP. Engagement will build upon the extensive consultation undertaken for the Hamilton Community Climate Change Action Plan (2011) and Our Future Hamilton. Effective public engagement will ensure information exchange, discussion, ownership, and successful implementation. To prepare the CEP, staff will consult with residents, stakeholders, agencies, and City staff through the CEP Team, workshops, and other methods outlined in Appendix “A” to Report PED18057.

**CEP Community Advisory Committee:**

A key component of the engagement will be the creation of a CEP Community Advisory Committee, which will provide representation of different stakeholders within the City of Hamilton. The Advisory Committee will provide input and perspective of residents, property owners, Indigenous Communities, industries, business, institutions, agencies, utilities, environmental organizations, and other stakeholders into the CEP. In order to align the CEP with previous City’s initiatives, it is anticipated that some of the stakeholders involved in the development of the Community Climate Change Action Plan will be also part of the CEP Advisory Committee. A tentative list of stakeholders and Indigenous Communities is included in in Appendix “A” to Report PED18057.

**CEP Steering Committee:**

A Steering Committee will govern the delivery of the CEP. The CEP Steering Committee will take the input and feedback from the Advisory Committee and City-wide engagement. The Steering Committee will be comprised of:

- City of Hamilton, Community Planning, Planning and Economic Development;
- City of Hamilton, Office of Energy Initiatives, Public Works;
- City of Hamilton, Air Quality & Climate Change, Public Health Services;
- Alectra Utilities; and,
- Enbridge/Union Gas.

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**City Staff – CEP Technical Team:**

The CEP will be coordinated by Community Planning with the collaboration of staff from multiple departments. The City's CEP Technical Team will be comprised of the following sections/divisions (tentative):

- Planning and Economic Development Department, Planning Division, Community Planning and GIS Section;
- Planning and Economic Development Department, Planning Division, Development Planning Section;
- Planning and Economic Development Department, Planning Division, Urban Design Section;
- Planning and Economic Development Department, Economic Development Division, Urban Renewal Section;
- Planning and Economic Development Department, Growth Management Division;
- Planning and Economic Development Department, Transportation Planning and Parking Division, Transportation Planning Services;
- Public Works Department, Office of Energy Initiatives;
- Public Works Department, Infrastructure Planning and Systems Design Division;
- Public Health Services Department, Office of Health Hazards; and,
- Community and Emergency Services Department, Office of Neighbourhoods and Community Initiatives.

**Funding:**

Based on the scope of work and the experience of other municipalities (see Appendix "E" to Report PED18057) in Southern Ontario, staff has determined that \$180,000 will be required to complete the CEP.

In addition, staff are investigating alternate funding sources for the CEP, such as the Federation of Canadian Municipalities (FCM) Green Municipal Fund and the Province of Ontario Municipal Energy Plan Program. The Green Municipal Fund is a perpetual endowment fund which funds sustainable neighbourhood action plans, community brownfield action plans, and GHG reduction plans. The FCM funding is a grant available which covers up to 50% of eligible costs to a maximum of \$175,000. Ontario's Municipal Energy Plan Program offers a grant which covers up to 50% of the eligible costs, to a maximum of \$90,000.

Applications for these Grants requires the applicant to show that funds are in place already for the project. Sufficient funds are available through a combination of Planning Division capital accounts to make up the estimated cost of the project. Any funding received through applications for grants can be directed back to these accounts should applications be successful.

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## **ALTERNATIVES FOR CONSIDERATION**

Council could choose not to approve Report PED18057. If the recommendations of this Report are not approved then Planning Staff would not be authorized to proceed with the CEP. Action from the Community Climate Change Action Plan, to develop a Community Energy Plan, would not be initiated and overall timing for the CEP would be impacted.

Council could choose to approve portions of the work plan outlined in Report PED18057, or could add additional tasks to the work plan. Fewer tasks may impede the ability to deliver an appropriate CEP. Additional tasks could have an impact on overall timing and additional funding may be required.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

### **Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

### **Clean and Green**

*Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.*

### **Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

## **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A”: Community Energy Plan Draft Terms of Reference
- Appendix “B”: 6 Stages to a Low Carbon Municipality
- Appendix “C”: Union Gas Letter of Support
- Appendix “D”: Alectra Utilities Letter of Support
- Appendix “E”: CEP Funding Examples
- Appendix “F”: Policy Analysis

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## Community Energy Plan

### Draft Terms of Reference

A Community Energy Plan (CEP) is an integrated, comprehensive, long-term plan to meet local energy needs while improving energy and water efficiency, reducing greenhouse gas (GHG) emissions and fostering local sustainable and community supported energy solutions in a municipality. Community Energy Planning takes an integrated approach to local energy planning by aligning energy, infrastructure and land use planning to help meet community energy goals and reduce GHG emissions. As part of the City of Hamilton’s strategic priority to become a clean and green city that is environmentally sustainable, and as part of the City’s Community Climate Change Action Plan to reduce GHG emissions and adapt to a changing climate, the City has initiated a process to develop a CEP with the input of energy stakeholders and the community.

By year 2041, the City is expected to grow to achieve a population of 780,000 and 350,000 jobs. Most of this growth will be achieved through intensification; as such, by 2031, and for each year thereafter, a minimum of 60 per cent of all residential development will occur within the built-up area. The intent of the CEP is to develop an action plan based on community priorities around energy and water with a goal to improve efficiency, cut GHG emissions, increase the use of renewable energy, achieve energy security, and drive economic development. Through the implementation of the CEP, Hamilton is expected to benefit from establishing a healthier community; supporting the development of complete, compact and healthy communities; keeping energy investments local; supporting local businesses to reduce energy costs and encourage new investments; contributing to local job creation and energy costs savings; and, reducing energy spending for residents while increasing property values.

#### 1. **Background:**

The City undertook Community Energy mapping in 2011, and there are a number of energy-related initiatives being undertaken locally by the City of Hamilton (with respect to its corporate assets) and by utilities, and local groups to improve energy conservation. Still, Hamilton does not have a comprehensive city-wide, community based (i.e. non-City assets in the residential, commercial, health care and industrial sectors) energy plan to achieve established targets.

Hamilton City Council passed a motion on July 7, 2015, directing “That Planning and Public Works staff investigate and report back on the feasibility and Terms of Reference for a Community Energy Plan including but not limited to Renewable Energy Projects;

appropriate planning policies; methods and uses, in consultation with Hamilton Utilities Corporation”.

In October 2015, Council endorsed the Community Climate Change Action Plan, which was developed as a collaborative effort from multiple City departments and community partners through extensive community consultation. This Action Plan outlines an approach to address climate change by the Hamilton community and establishes long-term goals and directions within nine themes to guide the community on taking action on climate change. Ten priority actions were identified for community action in the short term (1-3 years), including to “Develop a Community Energy Plan to guide the Hamilton community’s energy future”.

This Terms of Reference for a CEP responds to Council’s direction, and to the City of Hamilton’s Community Climate Change Action Plan (2015) priority action.

*Policy Direction:*

Provincial planning policies include an emphasis on energy conservation, air quality and climate change adaptation. The 2014 Provincial Policy Statement (PPS) requires planning authorities to support energy conservation and efficiency, improved air quality, reduce GHG emissions, and climate change adaptation through land use and development patterns that create compact urban forms. Municipalities shall promote design and orientation which maximizes energy efficiency and conservation, and maximizes opportunities for the use of renewable energy systems and alternative energy systems.

Similarly, the recently updated Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2017) mandates local municipalities to coordinate the planning for new or expanded infrastructure with land use planning through the development of integrated plans including community energy plans. Municipalities will also develop and implement official plan policies and other strategies to support water conservation, energy conservation, air quality improvement and protection, and integrated waste management. In order to achieve energy conservation for existing buildings and planned developments, municipalities will identify opportunities for conservation, energy efficiency and demand management, as well as district energy generation, renewable energy systems and alternative energy systems and distribution through community, municipal and regional energy planning.

*Municipal Initiatives and Partnerships:*

Although the City of Hamilton does not have a formal Community Energy Plan, the City has demonstrated municipal leadership in addressing climate change, energy conservation and renewable energy. The City’s first Corporate Energy Policy, passed by Council in 2007, called for targeted energy reductions in energy intensity of City-owned facilities and operations of 20% by year 2020. The Corporate Energy Policy was updated in 2014 with new targets, including the reduction of energy intensity in City-owned facilities by 60% by 2050; 20% improvement of corporate average fuel efficiency (CAFÉ) in City fleet vehicles by 2030; reduction of 80% Greenhouse Gas emissions by 2050; and track energy intensity by Hamilton Water.

The City of Hamilton has established GHG emissions reduction targets of 2006 baseline GHG emissions in the community. These targets are:

- 20% by 2020;
- 50% by 2030; and,
- 80% by 2050.

Currently the community has achieved the 2020 emissions targets and are aiming to progress towards achieving the 2030 and 2050 targets. In addition, the City has been a member of the Federation of Canadian Municipalities’ Partners for Climate Protection (PCP) program since 1996. The PCP program is a network of Canadian municipal governments that have committed to reducing GHG and to acting on climate change. Hamilton completed the PCP program’s 5-milestone process in 2013 and has become one of the leading Canadian municipalities taking action to mitigate and adapt to climate change. The City is also a member of the Compact of Mayors since 2015. The Compact of Mayors is the world’s largest cooperative effort among mayors and city officials to reduce greenhouse gas emissions and climate risks in cities.

More recently, in June 2017, the City of Hamilton, City of Burlington and Mohawk College formed the Bay Area Climate Change Partnership. The three organizations will share resources and coordinate efforts to reduce greenhouse gas emissions. The goal of the partnership is to create a Centre for Climate Change Management within the next two years and establish a Campus Carbon Management Office, an Industry Partnerships Office and a Bay Area Climate Change Coordination Office and modelled after the successful Bay Area Restoration Council.

## **2. Goal:**

To develop a meaningful CEP that guides Hamilton towards the creation of a healthy, reliable and sustainable energy future by continually increasing water and energy conservation, improving energy efficiency and reducing GHGs emissions while meeting Hamilton’s energy needs.

## **3. Objectives:**

The objectives of the plan are:

- To reconnect with stakeholders, agencies, landowners, and the public.
- To confirm community-wide energy consumption and GHG emissions.
- To identify opportunities for energy and water conservation, generation, efficiency as well as sustainable, cleaner and energy efficient transportation throughout the City of Hamilton.
- To develop community priorities for implementation around renewable energy and other energy infrastructure, including a HERO/LIC program for the City.
- To develop actionable items for economically viable and environmentally sustainable energy solutions.
- To support sustainable energy policies, climate change initiatives, and practices in Hamilton.
- To identify appropriate planning policies to support sustainable growth and compact urban forms, energy consumption reduction, sustainable transportation solutions, and renewable energy generation.
- To ensure that the energy system in Hamilton assists the City and community in reaching carbon reduction targets.

## **4. CEP Scope:**

The Community Energy Plan will be developed in three phases as follows:

### **Phase 1: Confirming the Baseline**

- i. Prepare Community Energy Plan Advisory Team Terms of Reference.
- ii. Develop Engagement Plan drawing on engagement work already completed during the Community Climate Change Action Plan and Our Future Hamilton. The Engagement Plan will be executed throughout the three phases of the CEP development.
- iii. Complete background research:
  - a. Review of existing conditions, including land use patterns and growth, planning regime, building stock, energy use from all sources (e.g., residential, commercial, industrial, transportation, City operations, landfills,

water treatment and infrastructure, goods movement, etc.), current energy sources, current and past initiatives, and actions taken from the Community Climate Change Action Plan.

- b. Update the 2011 Energy Mapping based on current GHG emissions and energy consumption, prepare an emissions profile, and model scenarios.
  - c. Inventory of existing federal, provincial and local energy, climate change and planning policies and regulations, including any relevant Council motions and approved recommendations.
  - d. Inventory of initiatives in Hamilton and Ontario (e.g., Official Plan framework, conservation and demand management programs, use of renewable energy, local generation).
- iv. Goals and Principles
- a. Define Goals and Principles for energy planning.
  - b. Define sector based targets based on best practices, provincial and City targets.

## **Phase 2: Finding Efficiencies**

- i. Define energy efficiency improvements to achieve the defined sector-based targets, including:
  - a. Explore optimal land use planning, net zero communities, smart grid communities.
  - b. Building design - explore improvement beyond the building code, efficiencies related to electricity, gas and water consumption, and infrastructure to support electric vehicles.
  - c. Improvements to industrial and institutional energy practices.
  - d. Sustainable transportation initiatives – public and private.
  - e. Corporate improvements – identify additional strategies.
  - f. Ensure compatibility with corporate and community carbon reduction targets and timelines.
  - g. Explore potential community based programs such as Home Energy Retrofit Opportunity (HERO) and / or Local Improvement Charges (LIC) programs for the City.
- ii. Renewable energy planning, including:
  - a. Best practices for renewable energy planning.
  - b. Opportunities and feasibility to increase the use of renewable sources of energy.
  - c. Review opportunities for community or district energy plants and energy cogeneration.
  - d. Identify suitable areas for locating renewable energy (small and large scales).

- e. Recommend planning policy updates.
- f. Prepare Terms of Reference to evaluate renewable energy projects.

### **Phase 3: Taking Action**

- i. Develop the Action Plan
  - a. Prioritize actions – short, medium and long term.
  - b. Implementation – identify community leaders, responsibilities and resources.
  - c. Monitoring – establish a monitoring plan, including performance measures, reporting schedule, and CEP update.
- ii. Raise community awareness
  - a. Identify community, industry and non-profit energy champions.
  - b. Develop awareness campaign and outreach beyond CEP adoption.
  - c. Celebrate successes.

## **5. Engagement**

The CEP will include an Engagement and Communications Plan outlining innovative ways to consult with stakeholders and engage the public, which will build upon the extensive consultation undertaken for the Community Climate Change Action Plan and Our Future Hamilton. The development of the Engagement and Communication Plan will happen in Phase 1 of the project. The community and stakeholders will be engaged through:

- A Community Advisory Committee, which will provide representation of different stakeholders within the City of Hamilton and will be created under the Bay Area Climate Change Partnership.
- Use of wide range of engagement tools, including at least two rounds of community meetings in at least 4 locations throughout the City, stakeholders workshops, surveys, special events, one-on-one stakeholder meetings, on-line engagement, and social media communications.
- Key points for engagement in the plan development process include:
  - Review baseline and development of goals, principles and targets
  - Exploration of actions, initiatives and setting of priorities
  - Reviewing draft and recommended CEP

### **Community Energy Plan Advisory Committee:**

An Advisory Committee will provide support to the Steering Committee (see Section 7 of the Terms of Reference) during the preparation of the Community Energy Plan. This committee will be created as an Energy Implementation team under the Bay Area Climate Change Partnership. The Advisory Committee will provide input and perspective of residents, property owners, industries, business, and other stakeholders into the CEP. This input will assist Staff in preparing recommendations for City Council's approval of the CEP. The Advisory Committee will be comprised of individuals or organizations with energy industry knowledge or an interest in the energy industry or as a resident in the City. Membership will be on a voluntary basis and subject to the needs of the CEP. To have a better alignment with previous City's initiative, it is anticipated that some of the stakeholders involved in the development of the Community Climate Change Action Plan will be also part of the CEP Advisory Committee.

The Community Energy Plan Advisory Committee will be responsible for:

- Assisting in the identification of the energy vision for the community, mission statement, goals and principles;
- Assisting in the identification of the community priorities and needs;
- Identifying energy efficient improvements, energy conservation and generation, water efficiency, and transportation opportunities to achieve the goals;
- Providing input during the assessment of available resources and potential partners;
- Providing input on the potential short, medium and long term actions;
- Providing input on the development of the draft implementation plan, including monitoring and reporting processes;
- Providing information to their stakeholder organization about the CEP; and,
- Helping create awareness and be agents of change.

### **6. Project Process and Timeline:**

It is estimated that the CEP will be completed within 12 - 18 months following the selection of a consultant or consultant team, as follows:

<b>Key Milestone</b>	<b>Task/Action/Deliverable</b>
Q2 2018	CEP draft work plan approved Prepare Request for Proposal with the Steering Committee
Q2 2018	Selection of consultant or consultant team
Q2 - Q3 2018	CEP Phase 1: Establishing the Baseline: <ul style="list-style-type: none"> <li>• Prepare Community Energy Plan Advisory Committee Terms of Reference, recruit members and start meetings</li> <li>• Develop Engagement Plan and start executing</li> </ul>



	<ul style="list-style-type: none"> <li>• Background research and energy mapping update</li> <li>• Goals and principles</li> </ul>
Q4 2018 – Q1 2019	Phase 2: Finding Efficiencies: <ul style="list-style-type: none"> <li>• Finding efficiency improvements</li> <li>• Renewable energy planning</li> </ul>
Q1 – Q2 2019	Phase 3: Taking Action: <ul style="list-style-type: none"> <li>• Action plan development</li> <li>• Raise community awareness</li> </ul>
Q2 2019	Council approval
Following CEP approval	Implementation

## **7. Community Energy Plan Steering Committee:**

A Steering Committee will govern the delivery of the CEP. The Steering Committee will take the input and feedback from the Advisory Committee and City-wide engagement and will be responsible for:

- Identifying the community energy vision, mission statement, goals and principles;
- Identifying the community priorities and needs;
- Assessing the proposed energy efficient improvements and renewal energy planning;
- Assessing the available resources and potential partners;
- Preparing short, medium and long term actions;
- Developing a draft implementation plan; and,
- Monitoring and evaluating the progress of the action plan and periodically reviewing the CEP.

The Steering Committee will be comprised of:

- City of Hamilton, Community Planning, Planning and Economic Development;
- City of Hamilton, Office of Energy Initiatives, Public Works Department;
- City of Hamilton, Air Quality & Climate Change, Public Health Services; City of Hamilton, Geomatics and Corridor Management Office, Public Works Department;
- City of Hamilton, Transit Planning, Planning & Infrastructure Office, Public Works Department;
- City of Hamilton, Transportation Planning, Planning and Economic Development Department;
- Alectra Utilities; and,
- Enbridge/Union Gas.

**8. City Staff – CEP Technical Team**

The CEP will be coordinated by Community Planning with the collaboration of staff from multiple departments. The City’s CEP Technical Team will be comprised of the following sections/divisions (tentative):

- Community Planning and GIS Division, Planning and Economic Development Department;
- Development Planning and Design Division, Planning and Economic Development Department;
- Urban Renewal Division, Planning and Economic Development Department;
- Growth Management Division, Planning and Economic Development Department;
- Office of Energy Initiatives, Public Works Department;
- Transportation Planning Division, Planning and Economic Development Department;
- Public Works - Hamilton Water;
- Air Quality & Climate Change, Public Health Services Department; and,
- Neighbourhoods and Community Initiatives Division, Community Services Department.

**9. Tentative List of Stakeholders and Indigenous Communities:**

<b>Category</b>	<b>Organization/ Affiliation</b>
Elected Officials	Mayor and Councillors
City Sub-Committees	Hamilton Renewable Power Inc. Board of Directors Hamilton Utilities Corporation
Indigenous Communities	Mississaugas of the New Credit First Nation Haudenosaunee First Nations Six Nations of the Grand River Métis Nation of Ontario Hamilton Regional Indian Centre
Environmental Organizations	Environment Hamilton Clean Air Hamilton GTA Clean Air Council Hamilton Industrial Environmental Association (HIEA) Hamilton Wentworth Green Venture
Agencies	Hamilton Port Authority Hamilton International Airport Metrolinx
Academic Institutions	McMaster University Mohawk College Hamilton Public School Board

	Hamilton Separate School Board Reedemer College City Labs
Community Groups	Neighbourhood Associations/ Hubs (City Wide) Local Business Improvement Area Associations (BIAs)
Utilities	Alectra Energy Enbridge Gas (Union Gas) Hydro One Hamilton Community Energy
Industry	Hamilton-Halton Homebuilders' Association Development Industry Liaison Group (DILG) Chamber of Commerce Major energy consumers (e.g., still industries)

# SIX PLANNING STAGES

## 6 Stages to a Low-Carbon Municipality

### Community Process

Set up a steering committee.

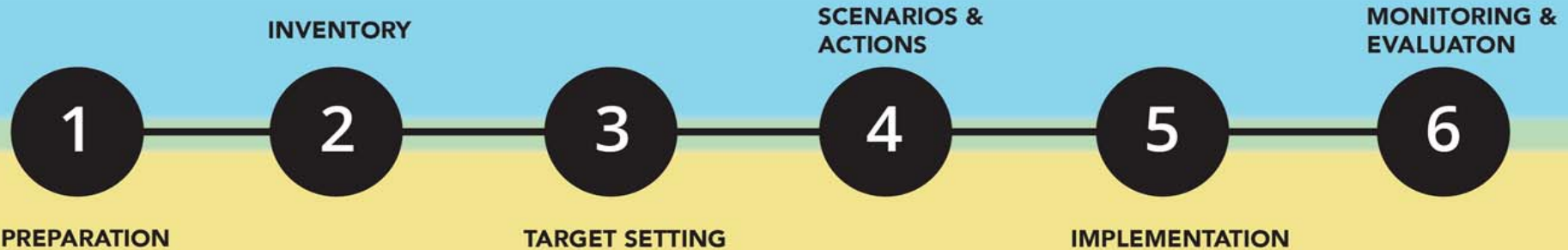
Identify & establish the partnerships needed to produce the emissions inventory.

Engage influencers & stakeholders in setting the target. Or, explain the rationale of the current target.

Work with influencers & stakeholders to identify alignments/conflicts between planning goals & aspirations.

Implement identified policies, partnerships, bylaws & other opportunities identified in the plan. Deploy the support of influencers & stakeholders.

Work with partners to share data, assess progress, and continuously improve the plan.



Develop a terms of reference, identify the governance structure and complete a situational analysis that describes the planning context.

Undertake a GHG inventory (corporate and community). Analyse municipal expenditures and spheres of influence.

Establish short, medium and long-term GHG targets.

Complete a business as usual and identify actions. Develop low carbon scenarios that include the actions. Undertake analysis of the co-benefits associated with the scenarios.

Identify policies and mechanisms to implement the low carbon scenario. Integrate the community energy and emissions plan with the Official Plan and other policies, plans and strategies. Develop an investment strategy.

Develop and implement a monitoring and evaluation plan.

### Technical Process

**LEVEL OF COMPLEXITY FOR IMPLEMENTATION**

BASIC

INTERMEDIATE

ADVANCED

January 24, 2018

Mr. Tom Chessman  
Manager, Office of Energy Initiatives  
Energy Fleet and Facilities Management  
Public Works Department, City of Hamilton  
330 Wentworth Street North  
Hamilton, Ontario  
L8N 5W2

RE: Municipal Energy Plan (MEP) Program

Our valued municipal partner,

Please accept this letter as recognition of Union Gas' intent to provide you with assistance through Ontario's Municipal Energy Plan (MEP) Program.

Upon your request, Union Gas will provide annual municipal gas usage data for the last two calendar years at the following two geographic levels:

1. Total Municipality – segmented by residential, commercial and industrial users (including large contracts).
2. By six-digit postal code – segmented by residential, commercial and industrial users (excluding large contracts).

To ensure customer confidentiality, we will combine postal codes in areas where there are less than five customers. This data will be provided in an Excel spreadsheet format.

In addition, information on natural gas savings realized through participation in our energy conservation programs may also be available, and upon request, will be provided in a similar format as the annual municipal gas usage data.

Union Gas is committed to working with all municipal partners to provide information on our demand side management programs, energy efficient technologies and alternative fuel solutions. With over 18 years of experience in energy conservation, Union Gas has the expertise to help your municipality identify energy savings projects for inclusion in your energy plan. To learn more about how Union Gas can support your energy planning, please visit our website and view our Community Energy Planning booklet.

Sincerely,



Tracy Lynch  
Director, Distribution Marketing  
Union Gas Limited



January 25, 2018

Mr. Tom Chessman  
Manager, Office of Energy Initiatives  
Public Works Department, City of Hamilton  
330 Wentworth Street North  
Hamilton, Ontario L8L 5W2

**RE: Support for the Development of a Community Energy Plan for Hamilton**

Dear Tom:

I am writing to confirm Alectra Utilities Corporation's (Alectra's) support of the development of a Community Energy Plan (CEP) for the City of Hamilton.

In support of the CEP, Alectra will provide annual electricity usage for the City of Hamilton. We understand that this information is to be segmented by customer classification (i.e., residential, commercial and industrial) and by postal code. In addition, we will provide information concerning electricity savings realized for the City of Hamilton as a result of the participation of our customers in Hamilton in the "Save On Energy" electricity conservation programs offered by Alectra. For these and any other requests for data which may be made, appropriate steps will be taken to maintain the confidentiality of individual customers of Alectra.

Please do not hesitate to contact me if I can be of further assistance with respect to this project.

Yours truly,

A handwritten signature in black ink, appearing to read "Raegan Bond", written in a cursive style.

Raegan Bond  
Vice President, Conservation & Demand Management

.cc Bill Wylie – Alectra Utilities Corporation  
Bill Whiting – Alectra Utilities Corporation

Project Name	Municipality	Total Cost	Total Funding/Grants	Time Frame	Consultant/Firm
Community Energy Plan	Town of East Gwillimbury	273,500	129,250	2008-2011	Garforth International
Community Energy Plan	City of Greater Sudbury	150,000	75,000	2000-2011	-
Community Energy Plan	City of Guelph	140,000	70,000	2007-2011	Garforth International
Community Energy Plan	City of Barrie	90,000	45,000	2001-2011	-
Community Energy Plan	West Vancouver	166,650	83,000	To be complete	-
Municipal Energy Plan	City of Markham	181,600	MEP 90,000	To be complete	-
Community Energy Plan	City of London	-	-	completed in 2014	-
Community Energy Plan	Newmarket	-	Funded by MEP	2014-2016	IndEco Strategic Consulting and Sustainability Solutions Group
Municipal Energy Plan	City of Vaughan	-	Funded by MEP	2014-2016	LURA and ICLEI Canada
Community Energy Plan	Halton Hills	176,000	73,020	2013-2013	IndEco Strategic Consulting and Sustainability Solutions Group
Community Energy Plan	City of Kingston	-	Funded by MEP	Approved development of plan in 2015-March 2017	-
Community Energy Plan	City of Burlington	75,000	-	2012-2014	Garforth International
Community Energy Plan	Region of Durham	180,000	90,000	To be completed	-

## Community Energy Plan Policy Analysis

### ***Provincial Policy Statement (2014)***

The Provincial Policy Statement directs municipalities to provide opportunities for energy supply, energy conservation, and promotion of renewable and alternative energy systems, as discussed below:

#### “1.6.11 Energy Supply

1.6.11.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, to accommodate current and projected needs.

1.6.11.2 Planning authorities should promote renewable energy systems and alternative energy systems, where feasible, in accordance with provincial and federal requirements.”

The City will outline, through the CEP, any opportunities that exist for the development of energy supply. These opportunities will include electricity generation facilities as well as transmission and distribution systems. These opportunities will accommodate existing and future energy needs. The CEP will also promote renewable and alternative energy systems while providing a framework for evaluating energy generation proposals in the City of Hamilton.

#### “1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:

- a. promote compact form and a structure of nodes and corridors;
- b. promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c. focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d. focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;



- e. improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f. promote design and orientation which:
  - 1. maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation; and
  - 2. maximizes opportunities for the use of renewable energy systems and alternative energy systems; and
- g. maximize vegetation within settlement areas, where feasible."

The CEP will support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns by:

- 1) confirming community-wide energy consumption and Green House Gas emissions;
- 2) identifying energy and water conservation, generation, efficiency, and sustainable, cleaner and energy efficient transportation opportunities throughout the City;
- 3) developing community priorities for implementation around renewable energy and other energy infrastructure;
- 4) developing actionable items for economically viable and environmentally sustainable energy solutions;
- 5) supporting sustainable energy policies, climate change initiatives, and practices in the City; and,
- 6) by identifying appropriate planning policies to support sustainable growth and compact urban forms, energy consumption reduction, sustainable transportation solutions, and renewable energy generation.

***Ontario's Green Energy and Green Economy Act (2009),  
Ontario Regulation 397/11 (2011)***

The Ontario Green Energy and Green Economy Act (GEA) provides a Province-led, coordinated approvals framework for renewable energy projects, with clear provincial rules and transparent decision-making. The approvals framework established through the GEA and related regulations exempts most renewable energy developments from the Environmental Assessment Act process and, with some exceptions, the Planning Act process.

- “O.Reg 397/11, Section 4.1 A public agency shall prepare, publish, make available to the public and implement energy conservation and demand management plans or joint plans in accordance with sections 6 and 7 of the Act and with this Regulation.
- 4.2 An energy conservation and demand management plan is composed of two parts as follows:
1. A summary of the public agency’s annual energy consumption and greenhouse gas emissions for its operations.
  2. A description of previous, current and proposed measures for conserving and otherwise reducing the amount of energy consumed by the public agency’s operations and for managing the public agency’s demand for energy, including a forecast of the expected results of current and proposed measures.”

The CEP will be an energy conservation and demand management plan, which is a public document, and as such will be published and made available to the public. It will reflect the goals and objectives of the City’s Corporate Energy Policy.

The CEP will include a summary of the City’s annual energy consumption and greenhouse gas emissions for its operations; as well as a description of previous, current and proposed measures for conserving and reducing the amount of energy consumed by City operations and managing the City’s demand for energy.

### ***Province of Ontario’s Climate Change Action Plan (2016 - 2020)***

In 2016, the Province’ Climate Action Plan (2016 - 2020) was released. The intent of the plan is to help Ontario fight climate change over the long term. Several Areas of Action were set out in the plan and are broadly defined. One such Area is related to the rise in building related emissions.

Land Use Planning policies are set out in the Action Plan and will: help fight climate change; assist in the strengthening of local energy planning and mapping; and work to generally reduce traffic congestion and transportation emissions:

#### **“2.2 Support community energy planning**

Ontario intends to fund the development of Community Energy Plans and Climate Action Plans (and their supporting data) with greenhouse gas pollution inventories for municipalities and First Nation and Métis communities that currently do not have these plans. These programs would include training and

guidance to help communities access energy use data for their community energy planning and mapping.”

Through the CEP process staff will seek funding and support from the Province through their Climate Change Action Plan as it pertains to energy.

It is noted that under Bill 139 the Province has amended the Planning Act to give other Provincial Plans the same status as the Growth Plan and the Greenbelt Plan.

### ***Growth Plan for the Greater Golden Horseshoe (2017)***

One of the Guiding Principles of the Plan is to integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards low-carbon communities, with the long-term goal of net-zero communities, by incorporating approaches to reduce greenhouse gas emissions.

The Growth Plan intends to accommodate projected growth within complete communities. These communities will support climate change mitigation by increasing the opportunities for transit and active transportation and by minimizing land consumption through compact built form.

Building compact and complete communities, and protecting agricultural lands, water resources and natural areas will help reduce greenhouse gas emissions and ensure communities are more resilient to the impacts of climate change.

With respect to energy efficiency, the Growth Plan directs the following:

#### **“3.2.1 Integrated Planning**

2. Planning for new or expanded infrastructure will occur in an integrated manner, including evaluations of long-range scenario-based land use planning and financial planning, and will be supported by infrastructure master plans, asset management plans, community energy plans, watershed planning, environmental assessments, and other relevant studies where appropriate, and should involve:
  - a) leveraging infrastructure investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;
  - b) providing sufficient infrastructure capacity in strategic growth areas;
  - c) identifying the full life cycle costs of infrastructure and developing options to pay for these costs over the long-term; and
  - d) considering the impacts of a changing climate.”

The CEP will support the Growth Plan through the review of existing and planned municipal infrastructure as it will consider the impacts of climate change.

#### “4.2.9 A Culture of Conservation

1. Municipalities will develop and implement official plan policies and other strategies in support of the following conservation objectives:
  - b. energy conservation for existing buildings and planned developments, including municipally owned facilities, including through:
    - i. identification of opportunities for conservation, energy efficiency and demand management, as well as district energy generation, renewable energy systems and alternative energy systems and distribution through community, municipal and regional energy planning processes, and in the development of conservation and demand management plans;
    - ii. land use patterns and urban design standards that support energy efficiency and demand reductions, and opportunities for alternative energy systems, including district energy systems; and
    - iii. other conservation, energy efficiency and demand management techniques to use energy wisely as well as reduce consumption.”

Energy Efficiency, Increased Energy Supply, and Renewable Energy and Alternative System Locations are all addressed in Section B.3.7 of the UHOP. The CEP will review these policies to ensure that they are consistent with the Places to Grow (2017) Plan and provide a Culture of Conservation in Hamilton. Any necessary policy updates to the UHOP will be made through an Official Plan Amendment.

#### “4.2.10 Climate Change

1. Upper- and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with the Ontario Climate Change Strategy, 2015 and the Climate Change Action Plan, 2016 that will include:
  - a. supporting the achievement of complete communities as well as the minimum intensification and density targets in this Plan;
  - b. reducing dependence on the automobile and supporting existing and planned transit and active transportation;
  - c. assessing infrastructure risks and vulnerabilities and identifying actions and investments to address these challenges;

- d. undertaking stormwater management planning in a manner that assesses the impacts of extreme weather events and incorporates appropriate green infrastructure and low impact development;
  - e. recognizing the importance of watershed planning for the protection of the quality and quantity of water and the identification and protection of hydrologic features and areas;
  - f. protecting the Natural Heritage System and water resource systems;
  - g. promoting local food, food security, and soil health and protecting the agricultural land base;
  - h. providing direction that supports a culture of conservation in accordance with the policies in subsection 4.2.9; and
  - i. any additional policies to reduce greenhouse gas emissions and build resilience, as appropriate, provided they do not conflict with this Plan.
2. In planning to reduce greenhouse gas emissions and address the impacts of climate change, municipalities are encouraged to:
- a. develop strategies to reduce greenhouse gas emissions and improve resilience through the identification of vulnerabilities to climate change, land use planning, planning for infrastructure, including transit and energy, green infrastructure, and low impact development, and the conservation objectives in policy 4.2.9.1;
  - b. develop greenhouse gas inventories for transportation, buildings, waste management and municipal operations; and
  - c. establish municipal interim and long-term greenhouse gas emission reduction targets that support provincial targets and reflect consideration of the goal of low-carbon communities and monitor and report on progress made towards the achievement of these targets."

The UHOP contains policies on Climate Change and as part of the City's Municipal Comprehensive Review the current UHOP / RHOP policies will be reviewed / assessed and updated as required. A creation of a CEP will enable the City to review these policies and implement modifications if required.

### ***Greenbelt Plan (2017)***

An element of the vision of the Greenbelt Plan is to build resilience to and mitigate climate change.

Furthermore, the goals of the Plan include the enhancement of urban and rural areas and the overall quality of life by promoting the Climate Change issues within the Protected Countryside, specifically:

- “1.2.2.6 a) Integrating climate change considerations into planning and managing the Agricultural System, Natural Heritage System and Water Resource System to improve resilience and protect carbon sequestration potential, recognizing that the Natural Heritage System is also a component of green infrastructure; and
- b) Integrating climate change considerations into planning and managing growth that includes incorporating techniques to reduce greenhouse gas emissions, and increasing the resilience of settlement areas and infrastructure within the Greenbelt.”

“2.4.2 For lands within the Protected Countryside, the following policies shall apply:

5. Municipalities shall integrate climate change considerations into planning and managing growth in settlement areas in accordance with the policies in subsection 4.2.10 of the Growth Plan.”

The CEP will works towards developing policies that will address growth management as it pertains to the reduction of greenhouse gas emissions.

***Community Emissions Reduction Planning: a Guide for Municipalities (Draft 2017)***

In January 2018, the Ministry of Environment and Climate Change (MOECC) released a draft of the document: Community Emissions Reduction Planning: A Guide for Municipalities on the Province’s EBR Registry. These guidelines are intended to help municipalities develop long term strategies for supporting their communities in making the transition to a low carbon future.

The Guidelines are intended to support Ontario municipalities for two purposes:

- 1) to support action under Ontario’s Five Year Climate Change Action Plan. This Plan envisions a significant role for municipalities in the fight against climate change with two new funding programs: i) the Municipal Action Plan Program which supports municipal GHG reduction planning, and ii) the Municipal GHG Challenge Fund which supports municipal GHG reductions projects.
- 2) New Policy direction in the Growth Plan for the Greater Golden Horseshoe, 2017 has been made under the Coordinated Provincial Plans Review. This direction encourages municipalities to develop GHG reduction plans, through Official Plan conformity, complete GHG inventories, and to establish interim and long-term GHG reduction targets.

The Guidelines provide an overview of how municipalities can develop community energy and emissions plans and strategies.

1) Preparation:

The plan objectives, partners, data sources, and process approach are identified.

2) Inventory:

An energy use and emissions production inventory (sources, amounts) is completed for a base year, providing the basis of future scenarios development, and creating a reference against which future inventories and policy and action affects can be measured.

3) Target Setting:

Energy and emissions reduction targets are established.

4) Action and Scenario Development:

Potential actions and policies that reduce energy and emissions are identified and bundled into scenarios. A preferred scenario that achieves the target is selected and the actions within the scenario are prioritized.

5) Implementation:

The policies and actions developed are implemented by the municipality and its partners.

6) Monitoring and Evaluation:

Implementation of the policies and actions are monitored for their effectiveness. Feedback is applied to the next iteration of the planning process.

As outlined in the CEP Terms of Reference (attached to Report PED18057 as Appendix "A") staff have developed a system which is consistent with the process suggested by the Province. In Phase 1 of the City's CEP work plan baseline emission levels will be determined, background research will be completed including inventories, and targets will be set. In Phase 2 of the CEP, energy efficiency improvements will be defined as well as the evaluation of renewable energy planning and generally renewable energy planning. Phase 3 of the CEP will develop an action plan and raise community awareness.

Stakeholder and public engagement will be an important part of developing the City's CEP. It will build upon the extensive consultation undertaken for the Hamilton Community Climate Change Action Plan (2011) and Our Future

Hamilton. This effective public engagement will ensure information exchange, discussion, ownership, and successful implementation.

### ***Our Future Hamilton***

The proposed CEP aligns with the City’s Community Vision Statement (Our Future Hamilton), which includes advancing environmental sustainability and stewardship through the Clean and Green community priorities:

- “- Reduce and eliminate pollution so that everyone has clean air, water and land;
- Use clean energy to protect our air quality and reduce our contributions to global climate change;
- Improve public transportation and active transportation options to reduce our impact on the environment; and,
- Improve buildings and operations to reduce energy use.”

The extensive engagement undertaken during the development of Our Future Hamilton revealed that top priorities for Hamilton residents included: the advancement of environmental responsibility and stewardship, including the reduction of contribution to climate change; to strive to be a zero waste community; the protection and improvement of water and air quality; the preservation and rehabilitation of the City’s natural ecosystems; and the transition to more sustainable practices (“Our Future Hamilton: Communities in Conversation”, Appendix “A” to Report CM15001(a) / CES15010(a)). A CEP will guide the community efforts towards achieving these components of the Vision.

### ***City of Hamilton Urban Official Plan***

Directions from the Urban Hamilton Official Plan (UHOP) on energy efficiency indicate that:

- “B.3.7.1 The City supports energy efficient land use patterns. The policies of this Plan, in particular, Policy B.3.3.2.8, C.4.2.8 – Urban Design and Complete Streets, and E.2.0 – Urban Structure, support:
- a) a compact urban form with a nodes and corridors urban structure;
  - b) development of mixed use urban environments that support public transit and active transportation;
  - c) employment opportunities in proximity to housing thereby reducing commuting distances and traffic congestion; and,
  - d) designs that facilitate the establishment or expansion of public transit in the future.



- "B.3.7.2 The City shall support energy efficient and environmental designed development through:
- a) approval of planning applications, including applications for zoning by-law amendments, site plan approval, and plans of subdivision or condominium, as appropriate;
  - b) the use of environmental building rating systems such as certification under the Leadership in Energy and Environmental Design (LEED) program or an equivalent rating system for upgrading/retrofitting of existing development and new development;
  - c) designs which use renewable energy systems or alternative energy systems;
  - d) designs which use cogeneration energy systems;
  - e) designs which minimize building heat loss and capture or retain solar heat energy in winter, and minimize solar heat penetration in summer. Consideration shall be given to such measures as green roofs or reflective roofs, discouraging excessive surface parking, allowing direct access to sunlight, and effective landscaping;
  - f) building or structure orientations that maximize solar or wind energy;
  - g) designs that encourage sustainable forms of transportation, including active transportation, transit, and energy conserving vehicles;
  - h) designs that facilitate cooperation/joint energy efficiency between developments to optimize the efficient use of resources;
  - i) energy conservation initiatives, including energy demand management;
  - j) water and storm water conservation/management practices such as green roofs, water recycling systems, urban storm water swales, etc.;
  - k) encouraging the use of reclaimed building materials as appropriate;
  - l) pilot projects and community energy plans as appropriate; and,
  - m) other environmental development standards that encourage energy efficiency and environmental design as contained in the City's

approved engineering policies and standards and master planning studies, and are supported by the City's financial incentive programs."

The CEP will review existing UHOP policies and determine whether or not any improvements can be made to encourage, promote, and improve the existing policies which speak to land use patterns. Also, the CEP will support energy conservation and efficiency through the confirmation of community-wide energy consumption and Green House Gas emissions. It will also explore the feasibility of Renewable Energy Projects; appropriate planning policies; and methods and uses, in consultation with Hamilton Utilities Corporation.

The CEP will develop a system of community priorities for implementation around renewable energy and other energy infrastructure, including a Home Energy Retrofit Opportunity (HERO) and Local Improvement Charges (LIC) programs for the City.

### ***City of Hamilton Rural Official Plan***

Directions from the Urban Hamilton Official Plan (RHOP) on energy efficiency indicate that:

#### "Energy Efficiency

- B.3.7.1 The City shall support energy efficient, low impact, and environmental designed development through:
- a) approval of planning applications, including applications for zoning by-law amendments, site plan approval, and plans of subdivision or condominium, as appropriate;
  - b) the use of environmental building rating systems such as certification under the Leadership in Energy and Environmental Design (LEED) program or an equivalent rating system for upgrading/retrofitting of existing development and new development;
  - c) designs which use renewable energy systems or alternative energy systems;
  - d) designs which use cogeneration energy systems;
  - e) designs which minimize building heat loss and capture or retain solar heat energy in winter, and minimize solar heat penetration in summer. Consideration shall be given to such measures as green roofs or reflective roofs, discouraging excessive surface parking, allowing direct access to sunlight, and effective landscaping;

- f) building or structure orientations that maximize solar or wind energy;
- g) designs that encourage sustainable forms of transportation and facilitate transportation demand management, including active transportation and energy conserving vehicles;
- h) designs that facilitate cooperation/joint energy efficiency between developments to optimize the efficient use of resources;
- i) energy conservation initiatives, including energy demand management;
- j) water and storm water conservation/management practices such as green roofs, water recycling systems, etc.;
- k) encouraging the use of reclaimed building materials as appropriate;
- l) pilot projects and community energy plans as appropriate; and,
- m) other environmental development standards that encourage energy efficiency and environmental design as contained in the City's approved engineering policies and standards and master planning studies, and are supported by the City's financial incentive programs.

B.3.7.2 Corporately, the City shall support energy efficiency by:

- a) implementing the City's approved Corporate Energy Policy;
- b) participating in energy conservation programs;
- c) supporting City and City/private partnership pilot projects which are energy efficient and have good environmental design;
- d) marketing and educational initiatives; and,
- e) advocating/lobbying senior levels of government for programs and funding to support energy efficiency and environmental design, and for changes to the Building Code Act and Regulations."

The CEP will review RHOP policies to determine what improvements can be made to improve energy efficiency. Furthermore, there will be an opportunity to identify new programs and policies which could be adopted by the municipality, to implement RHOP policy and improve energy efficiency.

“B.3.6.2.1 The City shall partner with community groups, such as Clean Air Hamilton, to develop actions to reduce air pollutants and improve air quality.

B.3.6.2.2 The City shall partner and work with other levels of governments, other municipalities, academics, community groups, and local industries to develop:

- a) actions that reduce air pollutants and greenhouse gases, improve air quality, reduce and respond to the impacts of climate change in the City; and,
- b) a Hamilton Air Quality and Climate Change Plan.

The CEP will provide an opportunity to create new partnerships with stakeholders who can work with the City in order to mitigate the impacts of greenhouse gases on the community.

“B.3.6.2.5 The City may partner with other organizations to monitor, track, and assess the conditions of Hamilton’s local air quality and climate to identify local emission sources and take action to reduce air pollutant and greenhouse gas emissions at these sources.”

Finally, the CEP will establish baseline data related to energy consumption and GHG emissions. This data will allow the City monitor, track, and asses the conditions of Hamilton’s air quality and determine methods to improve these conditions.