



City of Hamilton
PLANNING COMMITTEE

Meeting #: 18-011
Date: July 10, 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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1. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
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9. MOTIONS

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| 9.2 | To Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (St. Giles United Church) under part IV of the Ontario Heritage Act (Referred from Council June 27, 2018) | 696 |

10. NOTICES OF MOTION**11. GENERAL INFORMATION / OTHER BUSINESS**

11.1 Outstanding Business List

11.1.a Items requiring new due dates:

Item "J" That staff monitor the operations of the Personal Transportation Providers (Schedule 24 of the Licensing By-law 17-170) licensing category over the next year to determine if any adjustments are required and report back to Committee.

Due date: July 10, 2018

New due date: August 14, 2018

11.1.b Items identified as completed to be removed:
Item “H” - Staff to report back on the feasibility of amending the Licensing By-law including comparators across the country, to clearly define adult services in relation to the distinction between strip clubs and other performances, including but not limited to burlesque.

(Item 8.2 on this agenda.)

Item “L” - 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

(Item 8.4 on this agenda)

Item “BB” - That staff be directed to investigate the feasibility, costs and other considerations (i.e. besides educational program) of targeted enforcement measures to address cigarette butt litter and report back to the Planning Committee.

(Item 8.5 on this agenda.)

Item “AA” - Report PED18007 respecting Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) was TABLED to a future meeting to allow the Ward Councillor to meet with the applicant

(Item 6.6 on this agenda)

Item “EE” - That Report PED18118 be deferred until after the June public meeting on marihuana growing facilities

(Item 6.7 on this agenda)

12. PRIVATE AND CONFIDENTIAL

- 12.1 Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application, Town of Flamborough Zoning By-law No. 90-145-Z Amendment Application and Draft Plan of Subdivision for Lands Located at 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle (Flamborough) (LS18007/PED18051) (Ward 15) (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 18-010

9:30 a.m.

Tuesday, June 19, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors A. Johnson, (Chair), J. Farr (1st Vice-Chair), D. Conley (2nd Vice Chair), C. Collins, M. Pearson, M. Green, B. Johnson, J. Partridge, and R. Pasuta.

Also present: Councillor L. Ferguson

Absent with

Regrets: Councillor D. Skelly, personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Enforcement of Accessible Parking Spaces on Municipal and Private Property (PED12226(a)) (City Wide) (Item 5.1)

(Pearson/Conley)

- (a) That By-law No. 01-220 to “Regulate Parking of Motor Vehicles on Private and Municipal Property”, be amended as attached in Appendix “A” to PED12226(a), which has been prepared in a form satisfactory to the City Solicitor, to allow for enforcement of accessible parking spaces without prior permission of property owners;
- (b) That By-law No. 01-220 to “Regulate Parking of Motor Vehicles on Private and Municipal Property” be amended to remove and replace outdated terminology;
- (c) That By-law No. 01-220 to “Regulate Parking of Motor Vehicles on Private and Municipal Property” be amended to allow the placement of accessible parking permits on vehicle dashboards or sun visor.

CARRIED

2. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18125) (City Wide) (Item 5.2)

(B. Johnson/Pearson)

That Report PED18125 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

CARRIED

3. Amendment to On-Street Parking Permit Qualification Criteria (PED18139) (City Wide) (Item 5.3)

(Pasuta/Green)

That By-law No. 01-218 to Regulate On-Street Parking, be amended as attached in Appendix "A" to Report PED18139, which has been prepared in a form satisfactory to the City Solicitor, to remove the requirement that only residents with Ontario License Plates be granted On-street Parking Permits.

CARRIED

4. Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision "Flamborough Power Centre North" for Lands Located at 56, 74, 78, 90, 96, 100 and 566 Parkside Drive, Flamborough (PED18133) (Ward 15) (Item 6.2)

(Partridge/Collins)

(a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-012 by Flamborough Power Centre Inc., Flamborough Capital Corp. Inc., and Ankara Realty Ltd. (Owners), to remove existing Core Areas (Significant Woodlands and Streams) and Linkages and add new Core Areas (Significant Woodlands) and Linkages on Schedules B, B-2 and B-8; designate Clappison Avenue as a Minor Arterial on Schedule C and establish a Site Specific Policy Area to protect the existing Natural Heritage features, as shown on Appendix "B" to Report PED18133, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18133 be enacted by City Council;
- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

(b) That Amended Zoning By-law Amendment Application ZAC-15-039 by Flamborough Power Centre Inc., Flamborough Capital Corp. Inc., and Ankara Realty Ltd. (Owners), for changes in zoning from the Prestige Business Park (M3, 437) Zone, General Business Park (M2) Zone, and Prestige Business Park (M3, 388) Zone to Conservation / Hazard Land (P5) Zone (Blocks 1, 2, and 3) to protect natural features and from

Prestige Business Park (M3) Zone to Prestige Business Park (M3, 437) Zone (Block 5) to permit a Fitness Club and Medical Clinic for lands located at 56, 74, 78, 90, 96, 100 and 566 Parkside Drive Flamborough, as shown on Appendix "A" to Report PED18133, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED18133, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule C – Special Exceptions of Zoning By-law No. 05-200;
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That Draft Plan of Subdivision Application 25T-201507 by Flamborough Power Centre Inc., Flamborough Capital Corporation Inc. and Ankard Realty Ltd., (Owners), to establish a Draft Plan of Subdivision known as "Flamborough Power Centre North", Flamborough, on lands located at 56, 74, 78, 90, 96, 100 and 566 Parkside Drive, as shown on Appendix "D" to Report PED18133 be APPROVED, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision "Flamborough Power Centre North", 25T-201507, prepared by J.D. Barnes and certified by R.S. Querubin, dated January 30, 2018, consisting of six blocks for employment uses (Blocks 1, 3, 4, 7, 8, and 9), three blocks for Conservation / Hazard Lands (Blocks 5, 6 and 10), one block for a future road widening (Block 12), one block for a Stormwater Management Facility (Block 2), one Block for a 0.3 m reserve (Block 11), and three proposed streets subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix "E" to Report PED18133.
- (d) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit;
- (e) ***That the public submissions received regarding this matter did not affect the decision.***

Main Motion, as Amended, CARRIED

5. Applications to Amend the Town of Ancaster Zoning By-law No. 87-57 and for a Draft Plan of Subdivision for Lands Located at 20 Miller Drive, Ancaster (PED18123) (Ward 12) (Item 6.3)

(Pearson/B. Johnson)

- (a) That Amended Zoning By-law Amendment Application ZAC-16-048 by 1921753 Ontario Ltd., (Faizal Javer, Owner), for a change in zoning from the Institutional "I" Zone to the Residential "R4-697" Zone, Modified (Block 1), Residential "R4-693" Zone, Modified (Block 2) and Residential "R4-694" Zone, Modified (Block 3) for lands located at 20 Miller Drive (Ancaster), as shown on Appendix "A" to Report PED18123, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED18123, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule "B", Map No. 1 of By-law No. 87-57;
 - (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the Urban Hamilton Official Plan.
- (b) That Draft Plan of Subdivision Application 25T-201606 by 19217853 Ontario Ltd., (Faizal Javer, Owner), to establish a Draft Plan of Subdivision known as "20 Miller Drive" on lands known as 20 Miller Drive (Ancaster), as shown on Appendix "A" to Report PED18123, be APPROVED subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision "20 Miller Drive" 25T-201606, prepared by A.T. McLaren Ltd, and certified by S. D. McLaren, O.L.S., dated July 15, 2016, consisting of twenty-two lots for single detached dwellings (Lots 1-22) and the extension of Roselawn Avenue, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix "D" to Report PED18123.
 - (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

- (iii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development shall be in accordance with the City's Financial Policies and will be determined at the time of the development. The City of Hamilton will share costs with the owner for urbanization of roads as follows:
 - (1) Concrete curb on the side of Miller Drive opposite the proposed development;
 - (2) Catch basins on Miller Drive opposite the proposed development as required to provide adequate storm drainage of the street; and,
 - (3) Minimal restoration to back-of-curb of existing lots fronting on Miller Drive opposite the proposed development.

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

Main Motion, as Amended, CARRIED

6. Amendments to City of Hamilton Zoning By-law No. 6593 to allow secondary dwelling units in detached structures for properties adjoining a laneway ("Laneway Housing") (PED16200(a)) (Parts of Wards 1, 2, 3 and 4) (Item 6.5)

(Green/Collins)

- (a) That Report PED16200(a) (City Initiative CI-18-F) to amend regulations of Section 19 of Zoning By-law No. 6593 to allow secondary units within detached structures for those properties within the lower City (parts of Wards 1, 2, 3 and 4) adjoining a laneway, be received;
- (b) That Report PED16200(a), together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and to be incorporated into a further report and amending by-law ***which shall also address specific options regarding 'tiny homes'*** to be presented to a future Planning Committee meeting;
- (c) That Corporate Services staff be requested to present Report PED16200(a) to the Development Charges Stakeholders Subcommittee for consideration when recommending policy direction for the 2019 Development Charges Study ***and in addition, bring forward for Council's consideration at the earliest possible date a standalone amendment to the Development Charges By-law to deal specifically with laneway-related housing developed in accordance with Report PED16200(a);***
- (d) ***That, as part of the report back on a standalone Development Charges By-law amendment, staff include options for potentially***

retroactively applying any reduced Development Charges requirement, or benefit of any reduced Development Charges requirement, to recently completed laneway housing projects;

- (e) *That the appropriate staff from Planning and Economic Development meet with staff from the Housing Division in an effort to build in incentive opportunities for some laneway and ‘tiny homes’ projects as affordable housing.*

Main Motion, as Amended, CARRIED

7. **Proposed Changes to the Official Plans and Zoning By-law No. 05-200 – Medical Marihuana Growing and Harvesting Facilities, Aquaponics and Greenhouses (PED18120) (City Wide) (CI-18-D) (Item 6.6)**

(Collins/Farr)

That Report PED18120 (City Initiative CI-18-D) to amend the Rural Hamilton Official Plan, the Urban Hamilton Official Plan, and Zoning By-law No. 05-200, to modify the definition and associated regulations for a medical marihuana growing and harvesting facility, be received.

CARRIED

8. **Animal Adoption Fees (PED18004(a)) (City Wide) (Item 8.1)**

(Pearson/Farr)

- (a) That the proposed Animal Adoption Fees set out in Appendix “A” to Report PED18004(a) be approved;
- (b) That the Animal Adoption Fees described in subsection (a) be added to the User Fees and Charges By-law, in a form satisfactory to the City Solicitor.

CARRIED

9. **Financial Incentives for Taxi Operators to Provide Accessible Taxicab Trips (PED18082) (City Wide) (Outstanding Business List Item) (Item 8.2)**

(Pearson/Collins)

- (a) That the Licensing and By-Law Services Division create a one year pilot program to provide a subsidy for accessible taxicab trips to further support the provision of accessible taxicab services for the accessible community;
- (b) That, subject to the approval of Recommendation (a) of Report PED18082, Financial Incentives for Taxi Operations to Provide Accessible Taxicab Trips, the following be approved:
- (i) That a one year pilot program be created within the Licensing Section to provide a \$5 flat subsidized rate to all qualified

accessible taxicab drivers for each accessible taxi trip dispatched with Hamilton Cab and Blue Line Taxi Brokers, at an estimated cost of \$115,000;

- (ii) That \$20,000 be allocated from the Tax Stabilization Reserve to support the funding of the pilot program. The \$20,000 represents the “in lieu of accessibility” voluntary annual revenue received in 2017;
- (iii) That in support of achieving compliance with the *Accessibility for Ontarians with Disabilities Act, 2005, S.O, 2005, c.11 (AODA)* standards and to support the Advisory Committee for Persons with Disabilities with the on-demand accessible taxicab initiative, the results of the pilot program be referred to the 2019 budget process for further consideration;
- (iv) That Report PED18082 respecting Financial Incentives for Taxi Operators to Provide Accessible Taxicab Trips be brought to the next Advisory Committee for Persons with Disabilities meeting for information only;
- (v) That 0.25 temporary full-time equivalent (FTE) be approved for program administration, to be funded from the Personal Transportation Providers revenues generated from new licences;
- (vi) That the Director of Licensing and By-Law Services and/or designate be authorized and directed to negotiate and execute a new agreement with Blue Line Taxi and Hamilton Cab, in a form satisfactory to the City Solicitor, for the provision of accessible taxicab subsidized payments in the amount of \$5.00 per dispatched trip;

CARRIED

10. Alternative Road Allowance Width for the Roxborough Redevelopment Project (Added 10.1)

(Collins/Farr)

WHEREAS, applications have been submitted for the redevelopment of the lands located at 20 Reid Avenue North, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, known as the Roxborough redevelopment;

WHEREAS, the Official Plan sets a maximum width for a local street of 20 metres;

WHEREAS, the City’s Engineering Guidelines require that local streets be 20 metres in width;

WHEREAS, a 20 metre road is appropriate in a Greenfield context but the Roxborough redevelopment is an urban infill redevelopment opportunity; and

WHEREAS, it is important that infill redevelopment maintain the character of the community;

NOW THEREFORE BE IT RESOLVED:

That Planning and Economic Development Department staff be authorized to accept an alternative road allowance width of 18.0 metres for the Roxborough redevelopment project.

CARRIED

11. To Change Zoning of the properties known as 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek from R2 Residential to R1 Residential (Added 10.2)

(Pearson/Conley)

WHEREAS, the properties known as 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek, are located in a single family residential area;

WHEREAS, 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek, were rezoned from Industrial to Residential in 2012, to reflect the surrounding residential neighbourhood;

WHEREAS, the said lands are currently zoned R2 Residential in the Stoney Creek Secondary "Fruitland Winona Secondary Plan";

WHEREAS, the existing homes are well established brick homes in good condition the property owners have a desire to remain in their homes moving into the future;

WHEREAS, the property owners further have a desire to sever a lot from their properties as the lot size would permit;

WHEREAS, the current R2 residential zoning does not permit severing for a single family lot; and

WHEREAS, single family homes are currently what exists in the immediate neighbourhood;

THEREFORE, BE IT RESOLVED:

That staff be directed to prepare an Official Plan Amendment and associated Zoning By-law changes for consideration as a public meeting of the Planning Committee no later than September 18, 2018, for the lands located at 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek, to recognize the existing single family dwellings and to permit the severing of single family lots, which would be in keeping with the existing homes.

CARRIED

FOR INFORMATION:**(a) APPROVAL OF THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes:

1. DELEGATION DEFERRED TO NEXT MEETING

- 6.1 Glenn Wise, Macassa Bay Year-Round Liveaboard Association, to discuss year-round liveaboard boat residency will be attending at the July 10, 2018 meeting.

2. ADDED WRITTEN COMMENTS

- (i) The following written comments have been received respecting Item 6.2, Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision "Flamborough Power Centre North" for Lands Located at 56, 74, 78, 90, 96, 100 and 566 Parkside Drive, Flamborough (PED18133) (Ward 15):

6.2(a) Terrance Glover, Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants on behalf of Vince Ferraiuolo, 32 Parkside Drive, Flamborough

- (ii) The following written comments have been received respecting Item 6.4, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (Ward 3) (PED18129):

6.4(a) Tom Broen, 231 Sherman Avenue South

6.4(b) Brian Gilham, 183 Burris Street

6.4(c) Ricardo Campos, 137 Gladstone Avenue

6.4(d) Andre and Ursula Erasmus, 145 Gladstone Avenue

- (iii) The following written comments have been received respecting Item 6.6, Proposed Changes to the Official Plans and Zoning By-law No. 05-200 – Medical Marihuana Growing and Harvesting Facilities, Aquaponics and Greenhouses (PED18120) (City Wide) (CI-18-D):

6.6(a) Meaghan Barrett, Aird Berlis, on behalf of the owners of 284 and 294 Green Mountain Road East

6.6(b) Joint written submission from Sasha Pejdic, 284 Green Mountain Road East and Fred Mattiuz, 294 Green Mountain Road East

6.6(c) Paul Silvestri, President, Silvestri Investments

3. ADDED NOTICE OF MOTION

10.1 Alternative Road Allowance Width for the Roxborough Redevelopment Project

4. CHANGES TO THE OUTSTANDING BUISNESS LIST

(a) Items requiring new due dates:

Item "K" - Staff to report back on the feasibility of amending the Licensing By-law including comparators across the country, to clearly define adult services in relation to the distinction between strip clubs and other performances, including but not limited to burlesques.

Due date: June 19, 2018

New due date: July 10, 2018

Item "M" - That staff monitor the operations of the Personal Transportation Providers (Schedule 24 of the Licensing By-law 17-170) licensing category over the next year to determine if any adjustments are required and report back to Committee.

Due date: June 19, 2018

New due date: July 10, 2018

Item "S" - Update re: Losani OMB appeal and sign variance application appeal.

Due date: June 19, 2018

New due date: August 14, 2018

(b) Items identified as completed to be removed:

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

(Item 8.2 on this agenda.)

Item "I" - C That staff be directed to report back on how to revise Council's current policy respecting OMB appeals for non-decision to ensure the public has the opportunity to provide input

Due date: June 19, 2018

New due date: Report LS16027(c)/PED16237(b) approved by Committee on February 6, 2018

Item "J" - That Staff report back to Committee following consultation with the Alleyway Management Strategy Working Group on a process for including appropriate permissions for laneway housing as part of the review and update of the City's Residential Zoning By-law planned for 2017-2018.

(Item 6.5 on this agenda.)

Item "T" - 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

(Item 6.6 on this agenda)

5. CHANGE TO THE ORDER OF THE AGENDA

Item 6.4 respecting Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (Ward 3) (PED18129) will be considered first under the Public Meetings section of the agenda.

(Partridge/Pasuta)

That the agenda for the June 19, 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) June 5, 2018 (Item 3.1)

(Green/Farr)

That the Minutes of the June 5, 2018 meeting be approved.

CARRIED

(d) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) Glenn Wise, Macassa Bay Year-Round Liveaboard Association, to discuss year-round liveaboard boat residency. (No copy) (Approved June 5, 2018.) (Item 6.1)**

Deferred to the next meeting at the request of Mr. Wise.

- (ii) Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision “Flamborough Power Centre North” for Lands Located at 56, 74, 78, 90, 96, 100 and 566 Parkside Drive, Flamborough (PED18133) (Ward 15) (Item 6.2)**

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

Written Comments

6.2(a) Terrance Glover, Urban in Mind, Professional Urban Planning, Land Development & CPTED Consultants on behalf of Vince Ferraiuolo, 32 Parkside Drive, Flamborough

(Collins/Farr)

That the added written comments Item 6.2(a) be received.

CARRIED

Alaina Baldassarra, Planner, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. A copy of her presentation is available for viewing on the City’s website.

(Partridge/Collins)

That the staff presentation be received.

CARRIED

Ed Fothergill of Fothergill Development Inc., was in attendance representing the owner. Mr. Fothergill addressed Committee and indicated that the owner is in support of the staff report and provided some background information.

1. Vince Ferraiuolo, 32 Parkside Drive

Vince Ferraiuolo addressed Committee and referred to the comments expressed in Item 6.2(a) which were submitted by his agent and outlined his concerns.

2. Lynda Tarves, 53 Parkside Drive

Lynda Tarves addressed Committee and indicated that she is speaking on behalf of her husband and mother-in-law. She posed questions regarding timing of the project and the future plans for the north side of the property.

(Partridge/Pearson)

That the delegations be received.

CARRIED

(Pearson/Partridge)

That the public meeting be closed.

CARRIED

(Partridge/Collins)

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

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

Amendment CARRIED

For disposition of this matter refer to Item 4.

(iii) Applications to Amend the Town of Ancaster Zoning By-law No. 87-57 and for a Draft Plan of Subdivision for Lands Located at 20 Miller Drive, Ancaster (PED18123) (Ward 12) (Item 6.3)

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

Melanie Schneider, 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.

Sarah Knoll of GSP Group Inc., was in attendance representing the owner. She addressed Committee with the aid of a PowerPoint presentation and a copy is available for viewing on the City's website. She indicated that the owner is in support of the staff report and provided an overview of the proposal.

Speakers

1. Jamie Akazawa, 53 Roselawn

Jamie Akazawa addressed Committee and expressed his concerns with the proposal.

2. Justin deVries, 40 and 46 Roselawn

Justin deVries addressed Committee and expressed his concerns with the proposal.

(Conley/Pearson)

That the delegations be received.

CARRIED

(Conley/Farr)

That the public meeting be closed.

CARRIED

(Pearson/B. Johnson)

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

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

For disposition of this matter refer to Item 5.

- (iv) Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue (Ward 3) (PED18129) (Item 6.4)**

(Green/B. Johnson)

- (a) That Report PED18129 respecting Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 100 Cumberland Avenue be TABLED until the August 14, 2018 Planning Committee Meeting to allow for a community consultation meeting hosted by the Ward Councillor;
- (b) That notice be re-issued advising that the statutory Public Meeting is moved to August 14, 2018.

CARRIED

- (v) **Amendments to City of Hamilton Zoning By-law No. 6593 to allow secondary dwelling units in detached structures for properties adjoining a laneway (“Laneway Housing”) (PED16200(a)) (Parts of Wards 1, 2, 3 and 4) (Item 6.5)**

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the 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 Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Edward John, Senior Project Manager, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the staff report. A copy of his presentation is available for viewing on the City’s website.

(Farr/Green)

That the staff presentation be received.

CARRIED

Registered Speakers

1. Elizabeth Fleming

Elizabeth Fleming spoke in support of laneway houses.

2. Emma Cubitt, Invizij Architects Inc., 248 Hunter Street South

Emma Cubitt displayed four photographic images and spoke in support of the laneway houses. (Copies of the images are available for viewing on the City’s website.)

3. Alan H. Bureau, resident of Ward 3, Hamilton

Alan Bureau spoke in support of the laneway houses.

4. Brenda Duke, 28 Fullerton Avenue, Hamilton

Brenda Duke spoke in support of the laneway houses.

(Green/Farr)

That the delegations be received.

CARRIED

(Pearson/B. Johnson)

That the public meeting be closed.

CARRIED

(Farr/Green)

- (a) That Recommendation (b) of Report PED16200(a) be amended by inserting the words "***which shall also address specific options regarding 'tiny homes'***" after the word "by-law" to read as follows:
- (b) That Report PED16200(a) together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and to be incorporated into a further report and amending by-law ***which shall also address specific options regarding 'tiny homes'***, to be presented to a future Planning Committee meeting;
- (b) That recommendation (c) be amended by adding the words "***and in addition, bring forward for Council's consideration at the earliest possible date a standalone amendment to the Development Charges By-law to deal specifically with laneway-related housing developed in accordance with Report PED16200(a)***" after the word "Study" to read as follows:
- (c) That Corporate Services staff be requested to present Report PED16200(a) to the Development Charges Stakeholders Subcommittee for consideration when recommending policy direction for the 2019 Development Charge Study ***and in addition, bring forward for Council's consideration at the earliest possible date a standalone amendment to the Development Charges By-law to deal specifically with laneway-related housing developed in accordance with Report PED16200(a)***;

That the following subsections be added:

- (d) ***That, as part of the report back on a standalone Development Charges By-law amendment, staff include options for potentially retroactively applying any reduced Development Charges requirement, or benefit of any reduced Development Charges requirement, to recently completed laneway housing projects;***
- (e) ***That the appropriate staff from Planning and Economic Development meet with staff from the Housing Division in an effort to build in incentive opportunities for some laneway and 'tiny homes' projects as affordable housing.***

Amendment CARRIED

For disposition of this matter refer to Item 6

(vi) Proposed Changes to the Official Plans and Zoning By-law No. 05-200 – Medical Marihuana Growing and Harvesting Facilities, Aquaponics and Greenhouses (PED18120) (City Wide) (CI-18-D) (Item 6.6)

In accordance with the provisions of the *Planning Act*, Chair A. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the 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 Local Planning Appeal Tribunal and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Written Comments

6.6(a) Meaghan Barrett, Aird Berlis, on behalf of the owners of 284 and 294 Green Mountain Road East

6.6(b) Joint written submission from Sasha Pejic, 284 Green Mountain Road East and Fred Mattiuz, 294 Green Mountain Road East

6.6(c) Paul Silvestri, President, Silvestri Investments

(Collins/ B. Johnson)

That the added written comments, Items 6.6(a) to 6.6(c) be received.

CARRIED

Joanne Hickey-Evans, Manager of Planning Policy and Zoning By-law Reform, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the staff report. A copy of her presentation is available for viewing on the City's website.

(Pasuta/Partridge)

That the staff presentation be received.

CARRIED

Registered Speakers

1. Shelley Yeudall, 1951 Shaver Road, Ancaster

Shelley Yeudall addressed Committee and indicated that she is speaking on behalf of her family, neighbours and community. She

spoke against the proposal to grow marihuana on agricultural land and indicated it should be grown on industrial land.

2. Bill Panagiotakopoulos will be speaking instead of Gordon Harvey representing Beleave Inc., 1653 Highway No. 6 North, Flamborough

Bill Panagiotakopoulos, addressed Committee and indicated that he is the founder of Beleave Inc. a medical marihuana grow operation. He spoke in support of these operations being on agricultural land.

3. John Ariens of IBI Group speaking instead of Ian Wilms, on behalf of The Green Organic Dutchman, 1915, 1995, and 1997 Jerseyville Road West, Ancaster

John Ariens addressed Committee with the aid of a PowerPoint presentation and spoke in support of the marihuana grow operations being classified as an agricultural use and being permitted on agricultural land. A copy of his presentation is available for viewing on the City's website.

4. Janice Currie, 251 Carluke Road West, Ancaster

Janice Currie read from a prepared statement and spoke against marihuana grow operations on prime agricultural land. She submitted a copy of her prepared statement for the official record and a copy is available for viewing on the City's website.

5. Kimberlee VanSickle, 1140 Butter Road West, Ancaster

Kimberlee VanSickle read from a prepared statement and spoke against marihuana grow operations on prime agricultural land. She submitted a copy of her prepared statement for the official record and a copy is available for viewing on the City's website.

6. Roy Stevenson, 130 Butter Road West, Ancaster

Roy Stevenson was in attendance but indicated that he did not need to speak.

7. Susan Creer, Hamilton

Susan Creer was in attendance but had left the meeting.

8. Irene Hauzar, Registered Planner, on behalf of Sasha Pejdic, 284 Green Mountain Road, Stoney Creek

Irene Hauzar addressed Committee and spoke against the medical marihuana grow operation located on Green Mountain Road East.

9. Fred Mattiuz, 294 Green Mountain Road East, Stoney Creek

Fred Mattiuz addressed Committee and spoke against the medical marihuana grow operation located on Green Mountain Road East.

10. Dale Biehn, 11 Green Mountain Road, Stoney Creek

Dale Biehn addressed Committee and spoke against the medical marihuana grow operation located on Green Mountain Road East.

11. Jessica Butter, 357 Butter Road West, Ancaster

Jessica Butter addressed Committee and indicated that she is representing the Butter family. She is in opposition to growing marihuana on prime agricultural land and indicated that it would be better as a re-purpose use for the industrial area.

12. Tony Gibbings, 309 Green Mountain Road East, Stoney Creek

Tony Gibbings addressed Committee and spoke against the medical marihuana grow operation located at 286 and 288 Green Mountain Road East.

13. Jeff Sewa, 418 Upper Centennial Road, Stoney Creek

Jeff Sewa addressed Committee and spoke against the medical marihuana grow operation located at 286 and 288 Green Mountain Road East.

14. John Plas, 2254 Jerseyville Road West, Flamborough

John Plas addressed Committee and spoke against any expansion of the medical marihuana grow operation on Jerseyville Road. He indicated that marihuana should be grown on brown fields.

15. Hailey VanSickle, 1140 Butter Road, Ancaster

Hailey VanSickle addressed Committee and expressed concerns that marihuana grow operations consume large quantities of water which is a scarce commodity in the rural areas.

16. Pat Donald, 4220 Laidman Road, Binbrook

Pat Donald indicated concerns with marihuana grow operations which in her opinion should not be classified as an agricultural use due to the negative affects on the neighbours (including light pollution and security concerns) and on the water table.

(Collins/Farr)

That the delegations be received.

CARRIED

(Pearson/Partridge)

That the public meeting be closed.

CARRIED

Committee approved subsection (a) of the recommendations.

Councillor Pasuta indicated that he wished to be recorded as OPPOSED to Committee's decision.

For disposition of this matter refer to Item 7.

(e) DISCUSSION ITEMS (Item 8)

(i) Animal Adoption Fees (PED18004(a)) (City Wide (Item 8.1))

No members of the public spoke to this issue.

For disposition of this matter refer to Item 8.

(f) MOTIONS (Item 9)

(i) To Waive the Road Widening Requirement for 71 Rebecca Street (Item 9.1)

(Farr Collins)

That the motion To Waive the Road Widening Requirement for 71 Rebecca Street be TABLED for two weeks.

CARRIED

(g) NOTICES OF MOTION (Item 10)

(i) Alternative Road Allowance Width for the Roxborough Redevelopment Project (Added Item 10.1)

Councillor Collins introduced a notice of motion respecting Alternative Road Allowance Width for the Roxborough Redevelopment Project.

(Collins/Farr)

That the rules of order be waived to allow for the introduction of a motion respecting Alternative Road Allowance Width for the Roxborough Redevelopment Project.

CARRIED

For disposition of this matter refer to Item 10.

- (ii) **To Change Zoning of the properties known as 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek from R2 Residential to R1 Residential (Added 10.2)**

Councillor Pearson introduced a notice of motion To Change Zoning of the properties known as 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek from R2 Residential to R1 Residential.

(Pearson/Collins)

That the rules of order be waived to allow for the introduction of a motion To Change Zoning of the properties known as 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, Stoney Creek from R2 Residential to R1 Residential.

CARRIED

For disposition of this matter refer to Item 11.

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

- (i) Outstanding Business List (Item 11.1)

(B. Johnson/Pasuta)

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

Item "K" - Staff to report back on the feasibility of amending the Licensing By-law including comparators across the country, to clearly define adult services in relation to the distinction between strip clubs and other performances, including but not limited to burlesques.

Due date: June 19, 2018

New due date: July 10, 2018

Item "M" - That staff monitor the operations of the Personal Transportation Providers (Schedule 24 of the Licensing By-law 17-170) licensing category over the next year to determine if any adjustments are required and report back to Committee.

Due date: June 19, 2018

New due date: July 10, 2018

Item "S" - Update re: Losani OMB appeal and sign variance application appeal.

Due date: June 19, 2018

New due date: August 14, 2018

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

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

(Item 8.2 on this agenda.)

Item "I" - That staff be directed to report back on how to revise Council's current policy respecting OMB appeals for non-decision to ensure the public has the opportunity to provide input

Due date: June 19, 2018

New due date: Report LS16027(c)/PED16237(b) approved by Committee on February 6, 2018

Item "J" - That Staff report back to Committee following consultation with the Alleyway Management Strategy Working Group on a process for including appropriate permissions for laneway housing as part of the review and update of the City's Residential Zoning By-law planned for 2017-2018.

(Item 6.5 on this agenda.)

Item "T" - 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

(Item 6.6 on this agenda)

CARRIED

(i) ADJOURNMENT (Item 12)

(Pearson/Conley)

That, there being no further business, the Planning Committee be adjourned at 3:36 p.m.

CARRIED

Respectfully submitted,

Councillor A. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	Licensing Short Term Rental (STR) Accommodations (PED17203(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robert Ustrzycki (905) 546-2424 Ext. 4721
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

Council Direction:

On July 14, 2017, Council approved Councillor Collins' motion for staff to report back to the Planning Committee on the recent legislation adopted by the City of Toronto to the operation of "Airbnb Lodgings" with the goal of adopting the same regulatory scheme in Hamilton.

On November 14, 2017, staff Information Report PED17203, Licensing Short Term Rentals (STR), outlined to the Planning Committee the regulations brought forward by the City of Toronto and proposed the framework for regulations of STR accommodations in the Business Licensing By-law 07-170 for public consultation.

Information:

Staff Report PED17203, Licensing Short Term Rentals, outlined the expanding trend for STR accommodations globally and the zoning/licensing challenges faced by municipalities responding to the emergence of this new market through various internet platforms. The staff review in 2017 provided a summary of the unregulated active listings across the City and the regulatory framework currently in place. Businesses that provide short term accommodations to the travelling public in the City are currently licensed under Schedule 3 "Bed and Breakfast, Hotels and Motels" of the City's Business Licensing By-law. Licences for these businesses are only issued where permitted by the Zoning By-law.

The staff review in Report PED17203 of active projects underway for the use of STR across the Province and Canada focused on the consultation process, zoning changes,

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**SUBJECT: Licensing Short Term Rental (STR) Accommodations (PED17203(a))
(City Wide) - Page 2 of 3**

and licensing/registration regime for short term rental accommodations in the City of Toronto. Staff analysis in the Report proposed a similar model to the City of Toronto for Residential and Mixed Use Zones throughout the City of Hamilton and proposed amendments to the definition and specific use requirements in City Zoning By-laws before implementing a licensing/registration regime.

Public Engagement Strategy

Staff has developed a Public Engagement Strategy to obtain public feedback to the proposed license scheme and then report back to Council in the first quarter of 2019 with a recommended approach that:

- enables supplement income for residents, economic development and tourism;
- considers new rules for the new technology (on-line platforms);
- provides accountability for homeowners using their primary residence for STR;
- balances the line of shared economy in a residential area versus a commercial activity and long term rental market;
- minimize potential negative impact on supply of affordable rental housing; and,
- promotes public safety, nuisance and consumer protection.

Key aspects of the Public Engagement Strategy, attached as Appendix “A” to this report, include:

- On-line survey;
- Three-month marketing and communications campaign commencing in July 2018 to achieve maximum participation for the on-line survey;
 - Media release, Newspaper ads, Video;
 - Marketing roadshow (i.e. tent cards, outreach to community centres);
 - Social media;
 - eNet;
 - Direct marketing (i.e. identified problem areas, on-street distribution);
- Consultation meeting with identified stakeholders;
 - On-line platforms;
 - Community or residents associations in the City of Hamilton;
 - Housing and anti-poverty groups focused on issues related to affordable housing;
 - Hotel, motel and BnB associations;
 - Hotel, motel and BnBs within the City of Hamilton;
 - Business Improvement Areas (BIAs);
 - Chamber of Commerce;
 - Tourism;
 - Industry and experts;
 - Condominium corporations/associations;
 - Real Estate associations;
 - Rental housing committees/associations;

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**SUBJECT: Licensing Short Term Rental (STR) Accommodations (PED17203(a))
(City Wide) - Page 3 of 3**

- STR providers/users;
- City Website for, notices, Q&A, Updates, etc.;
- Action plan to obtain data about STR in the City of Hamilton; and,
- Expanded research base.

The public engagement in the development of the proposed regulation is founded on the City's regulatory purpose to promote public safety, nuisance and consumer protection and balanced with enabling supplemental income, supporting the tourism industry, and protecting long term rental supply.

Appendices and Schedules Attached

Appendix "A": Public Engagement Strategy, Short Term Rental Accommodations

KL:RU:st

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PUBLIC ENGAGEMENT STRATEGY

Licensing Short Term Rental Accommodations

Three distinct elements are to be considered for short term rental activities in the City of Hamilton, each requiring public notice or public consultation drawn from separate statutory authority

- Zoning changes (*Planning Act*)
- Short term rental tax (*Municipal Act*)
- Licensing (City of Hamilton Procedural By-law)

The public engagement process for Licensing Short Term Rentals focuses on public consultation for a proposed registration and licensing of this activity and does complete/replace the *Planning Act* and *Municipal Act* statutory notice/hearing requirements for zoning or municipal tax changes.

Goal:

To seek public opinion regarding regulations proposed in Staff Report PED17203 Licensing Short Term Rentals (STR) so the City may select the best pathway forward to regulate STR.

Objectives:

Obtain feedback and public opinion for a recommended approach to Council for the City of Hamilton that:

- enables supplement income for residents, economic development and tourism;
- considers new rules for the new technology (on-line platforms);
- provides accountability for homeowners using their primary residence for STR;
- balances the line of shared economy in a residential area versus a commercial activity and long term rental market;
- minimize potential negative impact on supply of affordable rental housing; and,
- promotes public safety, nuisance and consumer protection.

Proposed Licensing Regulations for Hamilton:

The proposed licensing scheme in staff Report PED17203 regulates STR uses that are permitted in Residential and Mixed Zones.

Short Term Rental Host Operator Licence

Residents (commercial operators prohibited) that rent their principle residence home (secondary suites included) for no more than 14 consecutive days shall:

Appendix “A” to Report PED17203(a)
Page 2 of 4

- Identify companies used to advertise listing;
- Identify type of building and/or portion thereof;
- Include City licence number in all advertisements;
- Provide emergency contact information of host by e-mail or phone 24/7;
- Self-certification to comply and follow all Municipal, Provincial and Federal laws;
- Provide documentation that the home is their principle residence;
- Provide a certificate of compliance under Property Standards By-law;
- All secondary suites must undergo fire inspection;
- Undertake Health inspection if food is served; and,
- Facilitate City inspection within 7 days of request.

Short Term Rental Company Licence

Any Company that facilitates the listing, booking, or payment for a STR shall:

- Require all listings advertised display the host operator licence;
- Remove all STR in contravention of any Municipal, Provincial or Federal laws; and,
- Disclose anonymized information to facilitate City surveys of housing and tourism trends.

Concepts for Consideration

- Principal residence;
- Operators presence;
- Type of dwelling (apt, house, condo, etc.);
- Scope of rental – entire home or portion;
- Limit time period or tenure of rental;
- Limit number of rentals;
- Limit number of guests per bedroom; and,
- Limit number of concurrent bookings.

Fees

Based on costs of administering and enforcing the regulations.

Developing the Public Engagement Strategy:

1. Identify activities and tasks needed;
2. Identify resources for each task, if known;
3. Estimate how long it will take to complete each task;
4. Consider resource constraints, or how much time each resource can realistically be devoted;
5. Determine which tasks are dependent on other tasks, and develop critical path; and,
6. Develop schedule or timeline of all the tasks and estimates.

Action Plan:

1. Obtain data about short term rentals in the City:
 - Total number of short term rentals;
 - annual economic activity generated;
 - amount of income earned;
 - percentage of hosts sharing entire or portion of dwelling unit;
 - geographic distribution of listing in the City of Hamilton;
 - numbers of days typical listing is rented;
 - number of guests visited annually;
 - average number of guests per rental; and,
 - average number of days per stay.
2. Compile statistics of calls for service from Police and Municipal Law Enforcement (MLE) relating to STR (nuisance, noise, yard maintenance, zoning).
3. Research and Identify the numerous stakeholders:
 - On-line platforms;
 - Community or residents associations in the City of Hamilton;
 - Housing and anti-poverty groups focused on issues related to affordable housing;
 - Hotel, motel and BnB associations;
 - Hotel, motel and BnBs within the City of Hamilton;
 - Business Improvement Areas (BIAs);
 - Chamber of Commerce;
 - Tourism;
 - Industry and experts;
 - Condominium corporations/associations;
 - Real Estate associations;
 - Rental housing committees/associations; and,
 - STR providers/users.
4. Determine when/if Qualitative and or quantitative research required
5. Determine Public Engagement techniques:
 - On-line survey;
 - Stakeholders consultation;
 - Open Public Consultation;
 - Social media (City Website); and,
 - Workshops (contingent on research results).

Appendix “A” to Report PED17203(a)
Page 4 of 4

6. Identify resources to complete tasks
 - a. Licensing, MLE staff; and,
 - b. Communications.
7. Communication plan

Communication staff to consult/prepare/deliver work plan for 90 day roll out comprised of:

- City Website for, notices, Q&A, Updates, etc.;
- On-line survey;
- Marketing scheme to achieve maximum participation for on-line survey;
 - Media release;
 - Newspaper ads;
 - Video;
 - Marketing roadshow (i.e. tent cards, outreach to community centres;
 - Social media;
 - eNet;
 - Direct marketing (i.e. identified problem areas, on-street);
- Stakeholder meeting; and,
- Public meeting (subject to survey results).

Research:

- Authorities;
- Legislation;
- best practices in other jurisdictions;
- data; and,
- case law.

Critical Path:

\$3-5k of the current operating budget has been set aside for marketing budget. 90 day roll out commencing July 2018 to:

- capture ‘Supercrawl’ event;
- include stakeholder meeting;
- open public meeting (if necessary); and,
- workshops (if required).

Evaluation:

Analyze data; stakeholder and public comments; evaluate and measure final results with proposed licensing scheme to determine if the Action Plan met the goals and objectives for a report to Council in Q1 2019.



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	Appeal to the Local Planning Appeals Tribunal (LPAT) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED18149) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Adam Lucas (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

Pre Bill 139, in accordance with subsection 34(11) of the *Planning Act*, a Zoning By-law Amendment Application may be appealed after 120 days if Council has not made a decision on the application. An Official Plan Amendment Application could be appealed after 180 days, as per Section 22(7) of the *Planning Act*.

A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council, pursuant to the *Planning Act* was passed by City Council on May 18, 2010. This Information Report has been prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the Local Planning Appeals Tribunal (LPAT).

The following information is provided for Planning Committee's information with regards to Zoning By-law Amendment Application ZAC-17-065, which has been appealed to the LPAT for lack of decision. Official Plan Amendment Application UHOPA-17-028 has not been appealed.

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SUBJECT: Appeal to the Local Planning Appeals Tribunal (LPAT) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED18149) (Ward 1) - Page 2 of 4

Information:

The subject lands are municipally known as 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton and located south of Traymore Avenue, east of Forsyth Avenue South, north of Main Street West, and west of Dalewood Crescent (see location map attached as Appendix "A" to Report PED18149).

The subject lands are surrounded to the north by single detached dwellings, to the east by the Dalewood Recreation Centre and Dalewood Middle School, to the south by low and high rise residential uses and commercial uses, and to the west by the McMaster University campus.

Collectively the subject lands are generally rectangular in shape and consist of 14 residential lots fronting onto Traymore Avenue and Forsyth Avenue and a vacant block of land fronting on Main Street West. The subject lands have frontage on four streets and a total lot area of 7,976 sq m (1.97 ac). There are currently 14 existing low density residential dwellings on the property. The intent of the proposal is to demolish the said dwellings.

Applications:

On August 15, 2017, Official Plan and Zoning By-law Amendment Applications were submitted to the City to develop two, 12 storey lodging houses having a maximum height of 52.0 m and consisting of a total of 1,406 beds and six surface parking spaces. These applications were deemed incomplete on March 21, 2017. More specifically, the applications did not include the following required information:

- Public Consultation Strategy;
- Visual Impact Study;
- Right-of-Way Impact Assessment;
- Noise Impact Study;
- Water and Wastewater Servicing Study; and,
- Signed Cost Acknowledgement Agreement.

On September 15, 2017, with the exception of the signed Cost Acknowledgement Agreement, the applicant provided the above information to the City. On October 23, 2017, the signed Cost Acknowledgement Agreement was provided. On November 14, 2017, the Official Plan and Zoning By-law Amendment Applications were deemed to be complete.

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

SUBJECT: Appeal to the Local Planning Appeals Tribunal (LPAT) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED18149) (Ward 1) - Page 3 of 4

Official Plan Amendment Application (UHOPA-17-028)

The subject lands are identified as “Primary Corridor” on Schedule “E” – Urban Structure and designated “Mixed Use – Medium Density” Schedule “E-1” – Urban Land Use Designations of the Urban Hamilton Official Plan. The subject lands are further designated “Mixed Use – Medium Density” on Map B.6.2-1 in the Ainslie Wood Westdale Secondary Plan.

The purpose of the proposed Urban Hamilton Official Plan Amendment is to change the designation of the subject lands under the Ainslie Wood Westdale Secondary Plan from “Mixed Use – Medium Density” to “Institutional”, to permit two, 12 storey buildings containing a student residence with a maximum building height of 52.0 m.

Zoning By-law Amendment Application (ZAC-17-065)

The purpose of the proposed Zoning By-law Amendment is to rezone the subject site from Transit Oriented Corridor - Mixed Use (TOC1, H63 and TOC1, 296, H63) Zone to a site specific Major Institutional (I3) Zone under Zoning By-law No. 05-200, in order to permit two, 12 storey lodging houses (student residences) having a maximum height of 52.0 m. Further, a number of site specific modifications are requested to accommodate the proposal.

Public Consultation:

Thirty-eight pieces of correspondence were received from residents as a result of the public circulation of the applications. Of the 38 pieces of correspondence, four were in support of the application, while the remainder had concerns with respect to the following matters: lack of consultation with the public; scale of the development; sun shadow impacts; traffic, insufficient parking; noise; compatibility with the surrounding area; natural heritage preservation; reduction to property values; and, design of the building.

The applicant met with City staff on March 15, 2018 to discuss the proposal as submitted, Department/Agency comments received to date, and how to move the applications forward for Council consideration. The applicant was advised that staff had concerns with the proposal and a revised submission would be required to address concerns with the proposed massing/scale, transition in built form and sun shadow impacts to the low rise residential area to the north and east, reduction in vehicular parking, proposed use of the intergenerational research space and implications on parking demands, and access points into the proposed building. To date, the applicant

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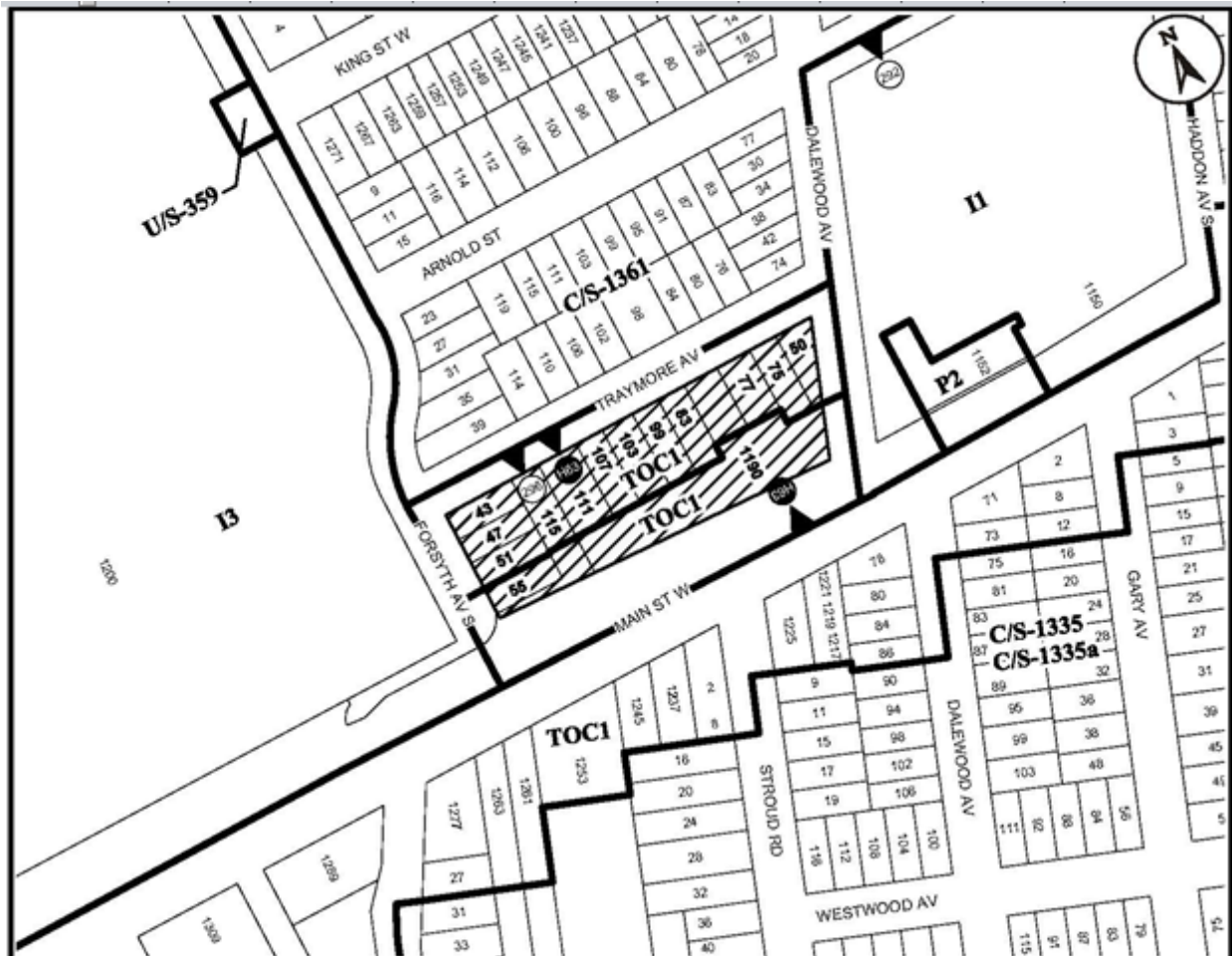
SUBJECT: Appeal to the Local Planning Appeals Tribunal (LPAT) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED18149) (Ward 1) - Page 4 of 4

has not submitted any revisions from the original submission to address staff or resident concerns.

The appeal of the non-decision of the Zoning By-law Amendment Application to the LPAT was received by the Clerk's Office on March 29, 2017 for the Zoning By-law Amendment Application only, 226 days after the receipt of the initial application. The applicant has not appealed the Official Plan Amendment Application to the LPAT.

APPENCIES AND SCHEDULES ATTACHED

Appendix "A" – Location Map
Appendix "B" – Concept Plan
Appendix "C" – Appeal Letter



● Site Location



Key Map - Ward 1

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-17-065 & UHOPA-17-28

Date:
Oct 4, 2017

Appendix "A"

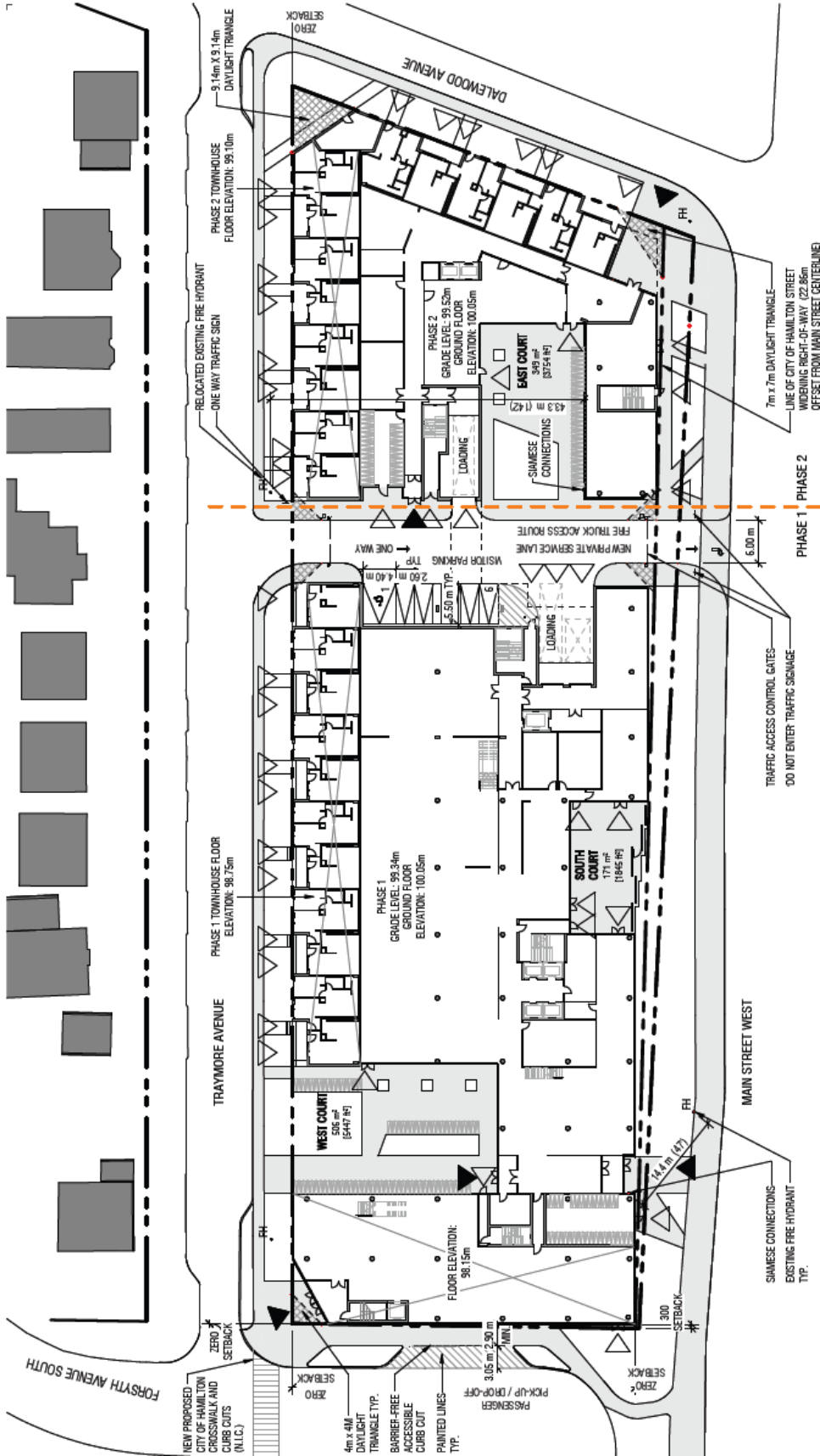
Scale:
N.T.S.

Planner/Technician:
TS/AL

Subject Property



1190 Main Street West,
43, 47, 51 & 55 Forsyth Avenue South,
75, 77, 81, 99, 103, 107, 111 & 115 Traymore Avenue,
50 Dalewood Avenue





Barristers & Solicitors

Bay Adelaide Centre - West Tower
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.4299
dbronskill@goodmans.ca

March 29, 2018

Our File No.: 161564

City of Hamilton
71 Main Street West, 1st Floor
Hamilton, Ontario
L8P 4Y5

Attention: City Clerk

Dear Sirs/Mesdames:

**Re: Notice of Appeal Pursuant to Subsection 34(11) of the *Planning Act*
Application No. ZAC-17-065
1190 Main Street West, 43, 47, 51 & 55 Forsyth Avenue North, 75, 77, 81, 83, 99,
103, 107, 111 & 115 Traymore Avenue & 50 Dalewood Avenue, City of Hamilton
(the "Site")**

We are solicitors for Knightstone Capital Management II Inc., who is acting as agent for McMaster University in respect of *Planning Act* approvals to enable the redevelopment of the Site. We are writing on behalf of our client to appeal our client's zoning by-law amendment application (the "**Application**") to the Ontario Municipal Board (the "**Board**"), pursuant to subsection 34(11) of the *Planning Act*, for the failure of the City to make a decision on the Application.

Background

The Site occupies the entire block bounded by Main Street West, Forsyth Avenue North, Traymore Avenue and Dalewood Avenue. Generally rectangular in shape, the Site has an overall area of 1.97 acres. A complete description of the Site and the surrounding area is provided in the Planning & Urban Design Rationale submitted in support of the Application.

In a letter dated November 14, 2017, the City declared the Application complete, which would be as of October 23, 2017 when a signed cost acknowledgement agreement was provided to the City. The Application is required to permit the proposed height and density, as well as to introduce appropriate site-specific development standards.

The Proposed Development

The Application proposes the redevelopment of the Site as two 12-storey terraced institutional buildings separated by a limited and controlled access service lane. The proposed building

would include a new McMaster Research on Aging facility and student housing, with accessory convenience and dining uses. A complete description of the proposal is contained in the Planning & Urban Design Rationale Report.

Reasons for the Appeal

Our client believes the Application is consistent with the Provincial Policy Statement, conforms with the Growth Plan, appropriately implements the City's Official Plan, represents good planning and is in the public interest. However, given the significant uncertainty regarding the impact of amendments to the *Planning Act*, we have advised our client that it would be prudent to appeal the Application to preserve its right to have a full and complete hearing before the Ontario Municipal Board.

Despite this appeal, our client has asked us to confirm that they are prepared to continue discussions with City staff and/or local residents, if others are willing, because we anticipate that many, if not all, issues can be resolved through meaningful dialogue. The intent of filing this appeal is protective and is not meant to foreclose ongoing discussions with the various stakeholders.

Planning Rationale

In our submission, the Application represents good planning and urban design, and is worthy of the Board's approval for the following reasons:

- The policy framework at the Provincial and City levels support the intensification proposed for the Site.
- The site is underutilized and the introduction of a high quality institutional development responds appropriately to the site context and the City's urban structure.
- The proposed development conforms generally to the policies in the City of Hamilton Official Plan and is compatible with the uses and the planned context of the immediate area.
- The proposed building features high architectural design with good proportion and appropriate transition to adjacent properties, while contributing to an attractive, street-related pedestrian environment.
- The proposed development will not cause any undue adverse impacts on adjacent properties, streets or other public areas, with shadow impacts adequately limited in accordance with approved Official Plan policies.
- The Site can be developed within the existing and planned capacity of the City's hard and soft infrastructure.

Goodmans^{LLP}

Page 3

These reasons will be expanded upon through opinion evidence from various expert witnesses.

We respectfully request that a prehearing be scheduled for this appeal as soon as possible on the Board's calendar. The Appellant Form is enclosed, along with a cheque in the amount of \$300.00. If any additional information is required, please contact the undersigned.

Yours truly,

Goodmans LLP



David Bronskill

DJB/

6803783



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18152) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joe Gravina (905) 546-2424 Ext. 1284
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

At the June 16, 2015 Planning Committee, staff were “directed to report back to the Planning Committee with a reporting tool that seeks to monitor applications where the 120 or the 180 day statutory timeframe applies”.

This Report provides a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the statutory timeframe provisions of the *Planning Act* for non-decision appeals.

Background:

On April 19, 2016, Information Report (PED16096) was forwarded to the Planning Committee, which provided a status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision applications relative to the 120 or the 180 statutory timeframe provisions of the *Planning Act* for non-decision appeals and outlined a process for future reporting to the Planning Committee. The Report included a table outlining the active applications, sorted by Ward, from oldest application to newest. In addition, the Report summarized OMB appeals over the previous five years.

Commencing February 28, 2017, similar Information Reports were forwarded to the Planning Committee on a monthly basis in accordance with the process outlined in Information Report (PED16096). An analysis of the information was also included in the year-end report of December 5, 2017 (PED17208), which included tables that

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18152) (City Wide) - Page 2 of 3

summarized the number of active projects by application type and the number of public meetings by application type.

Policy Implications and Legislative Requirements

In accordance with the *Planning Act*, an applicant may appeal an Official Plan Amendment Application after 210 days (17 (40)), Zoning By-law Amendment Application after 150 days (34 (11)) and a Plan of Subdivision after 180 days (51 (34)).

In accordance with subsection 17(40.1) of the *Planning Act*, the City of Hamilton extends the approval period of Official Plan Amendment Applications from 180 days to 270 days for applications received after July 1, 2016 as prescribed in Bill 73 and from 210 to 300 days for applications received after December 12, 2017 as prescribed in Bill 139. It should be noted that either the City or the applicant can terminate the 90-day extension period if written notice is provided to the other party prior to the expiration of the 180 day or 210 day statutory timeframes.

In addition, Zoning By-law Amendment Applications that are submitted together with a required Official Plan Amendment Application are also subject to the statutory timeframe for Official Plan Amendments of 210 days.

Information:

Staff were directed to report back to Planning Committee with a reporting tool that seeks to monitor applications where the applicable statutory timeframes apply. This reporting tool would be used to track the status of all active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications.

For the purposes of this Report, the status of all active Zoning By-law Amendment, Official Plan Amendment and Plan of Subdivision Applications have been divided, relative to the statutory timeframe provisions of the *Planning Act*, prior to December 12, 2017 and after December 12, 2017.

Applications Deemed Complete Prior to Royal Assent (December 12, 2017)

Attached as Appendix "A" to Report PED18152 is a table outlining the active applications received prior to December 12, 2107 sorted by Ward, from oldest application to newest. As of June 4, 2018 there were:

- 25 active Official Plan Amendment Applications (including 20 applications submitted after July 1, 2016);
- 49 active Zoning By-law Amendment Applications; and,

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED18152) (City Wide) - Page 3 of 3

- 13 active Plan of Subdivision Applications.

Within 60 to 90 days of July 10, 2018, all 49 development proposals have passed the 120 or 180 day statutory timeframe. However, of the 20 Official Plan Amendment Applications received after July 1, 2016 and subject to the 270 statutory timeframe, three will be approaching the 270 statutory timeframe. Seventeen applications have passed the 270 statutory timeframe. These applications are marked with an asterisk on Appendix "A" to Report PED18152.

Applications Deemed Complete After Royal Assent (December 12, 2017)

Attached as Appendix "B" to Report PED18152 is a table outlining the active applications received after December 12, 2017 sorted by Ward, from oldest application to newest. As of June 4, 2018 there were:

- 11 active Official Plan Amendment Applications, all of which were submitted after December 12, 2017, and therefore subject to the 90 extension to the statutory timeframe from 210 days to 300 days;
- 23 active Zoning By-law Amendment Applications; and,
- 3 active Plan of Subdivision Applications.

Within 60 to 90 days of July 10, 2018, 16 applications will be approaching the 150 or the 300 day statutory timeframe and will be eligible for appeal. Seven applications have passed the 150 or 300 day statutory timeframe.

Combined to reflect property addresses, this results in 72 active development proposals. Twenty-one proposals are 2018 files, while 35 proposals are 2017 files and 16 proposals are pre-2017 files.

Staff are currently working with the AMANDA Implementation Team to add enhancements that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in Q3 of 2018.

Appendices and Schedules Attached:

Appendix "A" – List of Active Development Applications (Received Prior to December 12, 2017)

Appendix "B" – List of Active Development Applications (Received After December 12, 2017)

JG:mo

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 7, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of July 10, 2018
Ward 1								
UHOPA-16-11 ZAC-16-029	925 Main St. W. & 150 Longwood Rd. S., Hamilton	19-Apr- 16	n/a	28-Apr-16	17-Aug-16	16-Oct-16	Urban Solutions Planning & Land Development	812
UHOPA-17-18* ZAC-17-036	644 Main St. W., Hamilton	31-Mar- 17	n/a	28-Apr-17	29-Jul-17	27-Sep-17*	Urban Solutions Planning & Land Development	466
Ward 2								
ZAC-17-008	117 Forest Ave. & 175 Catharine St. S., Hamilton	23-Dec- 16	n/a	05-Jan-17	22-Apr-17	n/a	Urban Solutions Planning & Land Development	564
UHOPA-17-23* ZAC-17-053	71 Rebecca St., Hamilton	15-Jun- 17	n/a	14-Jul-17	13-Oct-17	12-Dec-17*	Wellings Planning Consultants Inc.	390

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 7, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of July 10, 2018
Ward 2 cont'd								
ZAC-17-074	154 Main St. E., Hamilton	11-Oct-17	n/a	06-Nov-17	08-Feb-18	n/a	Urban Solutions Planning & Land Development	272
UHOPA-17-33 ZAC-17-073	125-129 Robert St., Hamilton	06-Oct-17	30-Oct-17	14-Nov-17	03-Feb-18	04-Apr-18	IBI Group	238
Ward 3								
OPA-13-01 ZAC-13-007	100 Cumberland Ave., Hamilton	12-Apr-13	n/a	03-May-13	10-Aug-13	09-Oct-13	MHBC Planning Limited	1915
ZAC-17-024	119-123 Princess St., Hamilton	08-Feb-17	n/a	27-Mar-17	08-Jun-17	n/a	Metropolitan Consulting Inc.	517
Ward 6								
ZAC-17-057	1221 Limeridge Rd. E., Hamilton	07-Jul-17	17-Jul-17	24-Oct-17	04-Nov-17	n/a	IBI Group	259

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 7, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of July 10, 2018
Ward 7								
UHOPA-15-16 ZAC-11-070	1375 Upper James St., Hamilton	16-Mar-15	n/a	26-May-15	14-Jul-15	12-Sep-15	WEBB Planning Consultants Inc.	1212
UHOPA-17-31* ZAC-17-071	1625-1655 Upper James St., Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	26-Mar-18*	MB1 Development Consulting Inc.	286
ZAC-17-089	1351 Upper James St., Hamilton	28-Nov-17	n/a	05-Dec-17	28-Mar-18	n/a	Patrick Slattery	224
Ward 8								
ZAC-16-075	393 Rymal Rd. W., Hamilton	15-Nov-16	n/a	01-Dec-16	15-Mar-17	n/a	GSP Group	602
ZAC-17-030	567 Scenic Dr., Hamilton	10-Mar-17	n/a	28-Mar-17	08-Jul-17	n/a	A.J. Clarke & Associates Ltd.	487
ZAR-17-075	517 Stone Church Rd. W., Hamilton	19-Oct-17	n/a	10-Nov-17	16-Feb-18	n/a	WEBB Planning Consultants Inc.	264

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 7, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of July 10, 2018
Ward 9								
UHOPA-16-26* ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17*	T. Johns Consultants Inc.	636
UHOPA-16-27* ZAC-16-066 25T-201612	464 First Rd. W., Stoney Creek,	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17*	T. Johns Consultants Inc.	636
UHOPA-16-25* ZAC-16-064 25T-201609	1809, 1817, & 1821 Rymal Rd. E., Stoney Creek	07-Oct-16	n/a	23-Nov-16	04-Feb-17	05-Apr-17*	WEBB Planning Consultants Inc.	641
UHOPA-17-01* ZAC-17-001 25T-201701	15 Ridgeview Dr., Stoney Creek	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May-17*	A.J. Clarke & Associates Ltd.	585
UHOPA-16-21* ZAC-16-057 25T-201608	56 Highland Rd. W., Stoney Creek	31-Aug-16	29-Sep-16	27-Mar-17	29-Dec-16	27-Feb-17*	Metropolitan Consulting Inc.	470
ZAC-17-044	16-18 King St. W., Stoney Creek	12-May-17	n/a	07-Jun-17	09-Sep-17	n/a	A.J. Clarke & Associates Ltd.	424

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 7, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of July 10, 2018
Ward 9 cont'd								
UHOPA-17-20* ZAC-17-049	928 Queenston Rd., Stoney Creek	01-Jun-17	30-Jun-17	28-Jul-17	29-Sep-17	28-Nov-17*	Fothergill Planning and Development Inc.	347
RHOPA-17-24* ZAC-17-055	138 Upper Centennial Pkwy, Stoney Creek	27-Jun-17	n/a	15-Aug-17	25-Oct-17	24-Dec-17*	Brouwer Architecture	378
ZAC-17-077	50 Green Mountain Rd., Stoney Creek	30-Oct-17	21-Nov-17	22-Nov-17	27-Feb-18	n/a	GSP Group	230
ZAC-17-085	121 Highway 8, Stoney Creek	13-Nov-17	n/a	04-Dec-17	13-Mar-18	n/a	A.J. Clarke & Associates Ltd.	239
Ward 10								
ZAC-15-040	9 Glencrest Ave., Stoney Creek	02-Jul-15	n/a	10-Aug-15	30-Oct-15	n/a	WEBB Planning Consultants Inc.	1104
UHOPA-17-36 ZAC-17-079	514 Barton St. E, Stoney Creek	27-Oct-17	n/a	23-Nov-17	24-Feb-18	25-Apr-18	GSP Group	256

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 7, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of July 10, 2018
Ward 11								
UHOPA-14-16 ZAR-12-058	9388 Twenty Rd. W., Glanbrook	20-Dec-12	n/a	18-Jan-13	19-Apr-13	18-Jun-13	A.J. Clarke & Associates Ltd.	2028
ZAC-16-016	1313 Baseline Rd., Stoney Creek	15-Jan-16	n/a	15-Feb-16	14-May-16	n/a	A.J. Clarke & Associates Ltd.	907
ZAC-17-009	1215 Barton St., Stoney Creek	23-Dec-16	n/a	06-Jan-17	22-Apr-17	n/a	WEBB Planning Consultants Inc.	564
UHOPA-17-05* ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17*	IBI Group	564
UHOPA-17-12* ZAC-17-027 25T-210706	2341 & 2365 to 2431 Regional Rd. 56 & Tanglewood Dr., Glanbrook	23-Feb-17	n/a	06-Mar-17	23-Jun-17	02-Sep-17*	A.J. Clarke & Associates Ltd.	502

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 7, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of July 10, 2018
Ward 11 cont'd								
ZAR-17-033	90 Creanona Blvd., Stoney Creek	27-Mar-17	n/a	28-Apr-17	25-Jul-17	n/a	A.J. Clarke & Associates Ltd.	470
ZAC-17-076 25T-201711	1216, 1218 and 1226 Barton St. E. and 1219 Hwy. 8, Stoney Creek	30-Oct-17	n/a	24-Nov-17	27-Feb-18	28-Apr-18	Glen Schnarr & Associates Inc.	253
Ward 12								
OPA-12-23 ZAC-12-065 25T-201206	491 Springbrook Ave, 851 & 875 Garner Rd. E., Ancaster	21-Dec-12	n/a	18-Jan-13	20-Apr-13	19-Jun-13	Wellings Planning Consultants Inc.	2027
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	Liam Doherty	930
ZAC-16-048 25T-201606	20 Miller Dr., Ancaster	22-Jul-16	n/a	05-Aug-16	19-Nov-16	18-Jan-17	GSP Group	718

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 7, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of July 10, 2018
Ward 12 cont'd								
ZAC-17-062	45 Secinaro Ave., Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	T. Johns Consultants Inc.	347
UHOPA-17-25* ZAC-17-058	305 Garner Rd. W., Ancaster	11-Jul-17	17-Jul-17	08-Aug-17	08-Nov-17	07-Jan-18*	MHBC Planning Limited	364
UHOPA-17-22* ZAC-17-051	280 Wilson St. E., Ancaster	05-Jun-17	22-Jun-17	23-Aug-17	03-Oct-17	19-Feb-18*	GSP Group	321
ZAC-17-066	1274 Mohawk Rd., Ancaster	17-Aug-17	n/a	06-Sep-17	15-Dec-17	n/a	T. Johns Consultants Inc.	327
UHOPA-17-30* ZAC-17-68	70 Garner Rd. E., Ancaster	08-Sep-17	n/a	19-Sep-17	06-Jan-18	07-Mar-18*	Fothergill Planning and Development Inc.	305
UHOPA-17-32* ZAC-17-072	35 Londonderry Dr., Ancaster	06-Oct-17	n/a	01-Nov-17	03-Feb-18	04-Apr-18*	A.J. Clarke & Associates Ltd.	277

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 7, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Zoning Application)	180 day cut off (OPA and/or Subdivision Application)	Applicant/ Agent	Days since Received and/or Deemed Complete as of July 10, 2018
Ward 13								
ZAR-15-004	64 Hatt St., Dundas	02-Dec-14	n/a	02-Jan-15	01-Apr-15	n/a	336477 Ontario Ltd.	1316
ZAC-17-060	211 York Rd., Dundas	14-Jul-17	n/a	02-Aug-17	11-Nov-17	n/a	Wellings Planning Consultants Inc.	361
Ward 14								
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	09-Aug-17	n/a	17-Aug-17	07-Dec-17	n/a	A.J. Clarke & Associates Ltd.	335
RHOPA-17-38 ZAC-17-081	1633 Highway 6, Flamborough	08-Nov-17	n/a	21-Nov-17	08-Mar-18	07-May-18	1685486 ONTARIO INC.	244
Ward 15								
ZAC-15-039 25T-201507	Flamborough Power Centre North, Flamborough	13-Jul-15	n/a	23-Jul-15	10-Nov-15	09-Jan-16	Fothergill Planning and Development Inc.	1093
UHOPA-17-06* ZAC-17-016	157 Parkside Dr., Flamborough	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17*	MHBC Planning Limited	564

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective June 7, 2018)**

Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 120, 180 & 270 day timeframe commences on the date the new materials were submitted. In all other situations, the 120, 180 & 270 day timeframe commences the day the application was received.
- * In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 180 days to 270 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 180 statutory timeframe.

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 7, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of July 10, 2018
Ward 1									
UHOPA-18-005* ZAC-18-012	235 Main St. W., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	20-Jul-18*	Urban Solutions Planning & Land Development	200
Ward 2									
UHOPA-17-041* ZAC-17-090	80 and 92 Barton St. E and 215 and 245 Catharine St. N., Hamilton	29-Nov-17	n/a	14-Dec-17	n/a	n/a	27-Jun-18*	IBI Group	223
UHOPA-18-004* ZAC-18-009	299-307 John St. S., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	20-Jul-18*	Urban Solutions Planning & Land Development	200
ZAC-18-013	122 & 126 Augusta St. & 125 & 127 Young St., Hamilton	21-Dec-17	n/a	25-Jan-18	20-May-18	n/a	n/a	Urban Solutions Planning & Land Development	201
UHOPA-18-007* ZAC-18-020	468, 470, 474 and 476 James St. N., Hamilton	09-Mar-18	n/a	27-Mar-18	n/a	n/a	05-Oct-18*	SvN Architects + Planners	123

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 7, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of July 10, 2018
Ward 2 cont'd									
UHOPA-18-008* ZAC-18-024	600 James St. N., Hamilton	29-Mar-18	n/a	23-Apr-18	n/a	n/a	23-Jan-19*	Bousfields Inc.	103
Ward 4									
UHOPA-18-006* ZAC-18-010 25T-201802	20 Reid Ave. N., Hamilton	22-Dec-17	n/a	16-Jan-18	n/a	20-Jun-18	18-Oct-18*	MHBC Planning Limited	200
ZAC-18-027	256 Parkdale Ave. N., Hamilton	24-Apr-18	n/a	24-May-18	21-Sep-18	n/a	n/a	T. Johns Consultants Inc.	77
Ward 7									
ZAC-18-008	370 Concession St., Hamilton	21-Dec-17	n/a	22-Jan-18	20-May-18	n/a	n/a	Urban Solutions Planning & Land Development	201

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 7, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of July 10, 2018
Ward 7 cont'd									
UHOPA-18-010* ZAC-18-025 25T-201803	221 Genoa Dr. and 1477 Upper James St., Hamilton	12-Apr-18	n/a	10-May-18	n/a	09-Sep-18	09-Oct-18*	MHBC Planning Limited	89
Ward 8									
ZAC-18-022	35 Sabrina Blvd., Hamilton	15-Mar-18	n/a	09-Apr-18	12-Aug-18	n/a	n/a	Urban Solutions Planning & Land Development	117
ZAR-18-026	865 West 5 th St., Hamilton	13-Apr-18	n/a	27-Apr-18	10-Sep-18	n/a	n/a	WEBB Planning Consultants Inc.	88
Ward 10									
ZAC-18-017	560 Grays Rd., Stoney Creek	18-Jan-18	n/a	26-Jan-18	17-Jun-18	n/a	n/a	IBI Group	152

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 7, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of July 10, 2018
Ward 11									
UHOPA-18-001* ZAC-18-003 25T-201801	78 and 80 Marion St. and 3302 and 3306 Homestead Dr., Glanbrook	01-Dec-17	n/a	18-Dec-17	n/a	30-May-18	29-Jun-18*	Urban Solutions Planning & Land Development	221
ZAC-18-005	42, 44, 48, 52 and 54 Lakeshore Dr., Stoney Creek	15-Dec-17	n/a	16-Jan-18	14-May-18	n/a	n/a	A.J. Clarke & Associates Ltd.	207
UHOPA-18-003* ZAC-18-007	3331 Homestead Dr., Glanbrook	19-Dec-17	n/a	16-Jan-18	n/a	n/a	17-Jul-18*	IBI Group	203
ZAA-18-006	3600 Guyatt Rd., Glanbrook	20-Dec-17	18-Jan-18	24-Jan-18	19-May-18	n/a	n/a	Larry Freeman	167
ZAR-18-023	5050 Harrison Rd., Glanbrook	23-Mar-18	n/a	04-Apr-18	20-Aug-18	n/a	n/a	GSP Group	97
UHOPA-18-011* ZAC-17-088	1912 Rymal Rd. E., Glanbrook	04-May-18	n/a	22-May-18	n/a	n/a	28-Feb-18*	Wellings Planning Consultants Inc.	49

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 7, 2018)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of July 10, 2018
Ward 13									
UHOPA-17-040* ZAC-17-088	264 Governors Rd. Dundas	28-Nov-17	n/a	13-Dec-17	n/a	n/a	26-Jun-18*	Urban Solutions Planning & Land Development	224
Ward 15									
ZAC-18-011	21 Mill St. N., Hamilton	22-Dec-17	n/a	18-Jan-18	21-May-18	n/a	n/a	A.J. Clarke & Associates Ltd.	200
ZAR-18-015	5 Hamilton St. N., Flamborough	16-Jan-18	n/a	24-Jan-18	15-Jun-18	n/a	n/a	A.J. Clarke & Associates Ltd.	175
ZAR-18-019	167 Highway 5 West, Flamborough	23-Feb-18	n/a	22-Mar-18	23-Jul-18	n/a	n/a	IBI Group	137

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective June 7, 2018)**

Active Development Applications

1. When an application is deemed incomplete, the new deemed complete date is the day the new materials are submitted. In these situations, the 150, 180, 210 & 300 day timeframe commences on the date the new materials were submitted. In all other situations, the 150, 180, 210 & 300 day timeframe commences the day the application was received.
2. In accordance with Section 34 (11.0.0.0.1), of the *Planning Act*, the approval period for Zoning By-law Amendment applications submitted concurrently with an Official Plan Amendments, will be extended to 210 days.
3. In accordance with Section 17 (40.1) of the *Planning Act*, the City of Hamilton has extended the approval period of Official Plan Amendment applications by 90 days from 210 days to 300 days. However, applicants can terminate the 90 day extension if written notice to the Municipality is received prior to the expiration of the 210 statutory timeframe.



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	Quantifying Administrative Penalty System (PED18156) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	James Buffett (905) 546-2424 Ext. 3177
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

Council Direction:

On May 13, 2015, City Council approved the implementation of an Administrative Penalty System (APS) as per Ontario Regulation 333/07, of the *Municipal Act*, for all parking infractions, except those related to accessible parking.

Information:

Staff committed to reporting back with an overall assessment of benefits of the APS system for parking infractions. Staff identified the potential benefits of APS to be:

1. Improved Customer Service;
2. Expedited Cost Recovery;
3. More Efficient Use of Staff Time; and,
4. Control of Fine Amounts

Improved Customer Service focuses on a reduction of wait times for motorists wishing to appeal their Parking Penalty Notices (PPN). Staff are able to schedule hearings and add additional dates, as needed, to meet customer demands all while maintaining a less intimidating “tribunal type” setting. A comparative analysis of the *Provincial Offences Act* (POA) System versus APS shows an average reduction of days between issuance and a final decision of 122 days to 60 days. This 51% reduction is providing a quicker resolution for parking matters to the customer.

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**SUBJECT: Quantifying Administrative Penalty System (PED18156) (City Wide) -
Page 2 of 2**

In relation to above improved customer service, due to the reduction of days between issuance and a final decision, the City of Hamilton is able to expedite recovering costs/fines many days sooner for matters being appealed.

Efficiencies with staff time have been realized with elimination of court-related time. An average of over 360 trials related to parking were taking up valuable POA scheduling every year. As an example, on average, it would take two hours per matter for a Parking Control Officer (PCO) to attend court. Across all PCOs, this would equate to over 700 hours of time spent away from their normal duties over a typical year. This is comparable to 100 regular shifts where PCOs would not be responding to complaints and addressing community parking concerns. This additional time for staff to be on road can be linked to a 9% increase in PPN issuance utilizing a three-year comparison of POA vs APS.

In regards to controlling fine amounts, approval of short-form wording and associated fine amounts for enforcement are under the purview of the Municipality under APS. As an example of this, Parking Enforcement and City Council exercised this ability on January 20, 2016. The Planning Committee passed By-law 16-009 to regulate parking on boulevards, side yards and front yards, while simultaneously passing the fine amounts to be used for enforcement. This was a prompt passing of a By-law with associated fines which was able to be used immediately without lengthy submissions and approval times to the Province. In addition to controlling these fines, there is the added control for communication to the public regarding implementation timelines. The ability to map out and execute clear public communication is a great customer service benefit for APS. With a regular schedule of Committee meeting dates within a calendar year, ability for implementing adjustments to fines for by-laws under APS is within the control of City Council.

Based on the experience for parking infractions, the Administrative Penalty Office, within the City of Hamilton, has begun incorporating additional by-laws into the system, which should lead to similar results and benefits under those specific areas such as Animal Services, Licensing, Noise Enforcement and Parks Enforcement.

APPENDICES AND SCHEDULES ATTACHED

N/A

JB:cr



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

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	Expanding Administrative Penalty System (APS) to Include the Yard Maintenance By-law 10-118 (PED18165) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Luis Ferreira (905) 546-2424 Ext. 3087
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the amendment to the Administrative Penalty By-law 17-225 (APS) to include By-law 10-118 being a By-law to Regulate Exterior Property Maintenance Including Vegetation, Waste and Graffiti ("Yard Maintenance By-law") as shown in Appendix "A" to Report PED18165 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 the Administrative Penalty System (APS) to Municipal By-laws. Building on the successful transitioning and implementation of several other by-laws to APS, staff is now ready to include the Yard Maintenance By-law as Table 13 to the Administrative Penalties By-law 17-225.

Including the Yard Maintenance By-law to the APS By-law will more than likely transfer most, if not all, Part I tickets issued annually under the *Provincial Offence Act* to the Municipality as an Administrative Penalty Notice (APN). This enforcement approach aids in reducing congestion in the courts, as well as providing a more local, accessible and a less adversarial dispute resolution process for our residents.

Staff is seeking Council's approval to include the Yard Maintenance By-law as Table 13 to the APS By-law.

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SUBJECT: Expanding Administrative Penalty System (APS) to Include the Yard Maintenance By-law 10-118 (PED18165) (City Wide) - Page 2 of 4

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The current set fines are in line with the previously Provincially-approved fine amounts.

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 which clarified 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 Yard Maintenance By-law 10-118 as Table 13 in Schedule A.

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

APS 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 Yard Maintenance By-law requires owners and occupants of land to maintain their property to an acceptable standard, free of refuse and debris while prohibiting and regulating public nuisance matters. The inclusion of the Yard Maintenance By-law within the APS will allow Officers to issue an APN for a contravention of the Yard Maintenance By-law which will encourage the desired response with a view of expediting the remedial action taken by the appellant.

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SUBJECT: Expanding Administrative Penalty System (APS) to Include the Yard Maintenance By-law 10-118 (PED18165) (City Wide) - Page 3 of 4

Since January 2018, approximately 632 APNs have been issued under By-laws 12-031 (Responsible Animal Ownership), 12-130 (Feeding Wildlife), 07-170 (Licensing), 11-285 (Noise Control) and 01-219 (Parks) for a total revenue collected of \$20,302.50.

Six-hundred and twenty APNs have been issued for contraventions of By-law 12-031, with most of the tickets issued for failing to license a dog. This number exceeds the total number of all Provincial Offences Tickets issued last year by Animal Services Officers. In addition to the revenue collected under the APS Program, there appears to be a direct connection between the issuance of an APN and the renewal of and obtaining a dog licence. For the first three months of this year, over \$40,000 has been collected. It appears that the issuance of an APN encourages individuals to comply with the By-law and obtain proper licences for their animals.

By-laws 07-170, 11-285 and 01-219 were added to the APS By-law in April and it is anticipated the same benefits and positive results as experienced through the implementation of By-law 12-031.

APS provides a better customer experience with regards to the dispute resolution process 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 to allow for inclusion of other Municipal By-laws. Staff is seeking approval to include the Yard Maintenance By-law as Table 13 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 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.

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SUBJECT: Expanding Administrative Penalty System (APS) to Include the Yard Maintenance By-law 10-118 (PED18165) (City Wide) - Page 4 of 4

Clean and Green

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A": Amending By-law adding Table 13 – Yard Maintenance By-law

KL:LF:st

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**Appendix "A" to Report PED18165
Page 1 of 3**

Authority: Item ,
Report (PED18165)
CM:
Ward: City Wide

Bill No.

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

**A By-law to Amend By-law 17-225, being 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. Schedule A of By-law No. 17-225 is amended by adding a new Table 13 entitled BY-LAW NO. 10-118 Being a By-law to regulate Exterior Property Maintenance Including Vegetation, Waste and Graffiti.

**TABLE 13: BY-LAW NO. 10-118 TO REGULATE EXTERIOR PROPERTY MAINTENANCE
INCLUDING VEGETATION, WASTE AND GRAFFITI**

ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	10-118	3(1)(a)	Fail to keep vegetation clean/cleared up	\$75.00
2	10-118	4(1)	Fail to keep yard/porch free and clear of all waste	\$95.00
3	10-118	4(1.1)	Fail to keep boulevard free and clear of all waste	\$95.00
4	10-118	4(2)	Use yard of any property for depositing waste	\$95.00
5	10-118	4(5)(a)(i)	Fail to ensure waste is placed in container made of rigid, watertight construction	\$95.00
6	10-118	4(5)(a)(ii)	Fail to ensure waste is placed in container with a tight-fitting cover	\$95.00
7	10-118	4(5)(a)(iii)	Fail to ensure waste is placed in container maintained in good condition without holes or spillage	\$95.00
8	10-118	4(5)(a)(iv)	Fail to ensure waste is placed in closed or emptied, rinsed and cleaned container so as to prevent escape of offensive odour or waste	\$95.00
9	10-118	4(5)(a)(v)	Fail to ensure waste is placed in container located in rear yard	\$95.00
10	10-118	4(5)(b)	Allow waste to accumulate for longer than 10 days	\$95.00
11	10-118	4(6)(a)	Fail to ensure exterior bulk/roll-off container disposal system is equipped with operable covers	\$95.00

Appendix "A" to Report PED18165

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

Page 2 of 3

TABLE 13: BY-LAW NO. 10-118 TO REGULATE EXTERIOR PROPERTY MAINTENANCE INCLUDING VEGETATION, WASTE AND GRAFFITI				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
12	10-118	4(6)(a)	Fail to ensure cover of exterior bulk/roll-off container disposal system is not left open, except when actively loaded	\$95.00
13	10-118	4(6)(b)	Fail to ensure exterior bulk/roll-off container disposal system is large enough to contain all waste generated between collections	\$95.00
14	10-118	4(6)(c)	Fail to ensure exterior bulk/roll-off container disposal system is not loaded beyond the top of container	\$95.00
15	10-118	4(7)(a)	Have more than 2 composted heaps on property	\$95.00
16	10-118	4(7)(b)(i)	Fail to ensure compost heap is not larger than 1 m ³	\$95.00
17	10-118	4(7)(b)(ii)	Fail to ensure compost heap is located a minimum of 1 meter from any property line	\$95.00
18	10-118	4(7)(b)(iii)	Fail to ensure compost heap enclosed on all sides by prescribed material	\$95.00
19	10-118	5(1)	Fail to clean exterior of building/structure/erection/object on property of graffiti	\$95.00
20	10-118	6(1)	Deposit waste on property without prior written authorization	\$225.00
21	10-118	6(2)	Deposit waste on City property without prior written authorization	\$225.00
22	10-118	7(1)	Fail to keep private drain operational and in repair	\$225.00
23	10-118	7(2)	Obstruct/permit the obstruction of private drain	\$225.00
24	10-118	7(3)	Obstruct/cause/permit the obstruction of a watercourse on their property	\$325.00
25	10-118	7.1(a)	Allow water from swimming pool/hot tub/spa/water feature/rain barrel/water container to drain on to adjacent property	\$95.00
26	10-118	7.1(b)	Allow water from swimming pool/hot tub/spa/water feature/rain barrel/water container to drain into sanitary/storm sewer not in compliance with Sewer Use By-law	\$95.00
27	10-118	8(1)	Place/arrange inoperative agricultural machinery/vehicle on farm so as to create a safety/health hazard to persons on property	\$100.00
28	10-118	8(1)	Place/arrange inoperative agricultural machinery/vehicle on farm so as to block emergency access to or from property	\$100.00
29	10-118	8(1)(a)	Fail to screen inoperative agricultural machinery/vehicle on farm from view from outside property lines using wall/solid structure/hedge	\$100.00
30	10-118	8(1)(b)	Fail to keep inoperative agricultural machinery/vehicle on farm set back 100 m from property lines	\$100.00
31	10-118	9(1)(a)	Fail to ensure active well/cistern/cesspool/privy vault/pit/excavation is secured by a fence with a warning signs	\$325.00
32	10-118	9(1)(b)	Fail to ensure any well/cistern/cesspool/privy vault/pit/excavation not in active use is permanently sealed/secured by fence/cover/other means	\$325.00
33	10-118	9(2)	Fail to keep surface of steps/walks/driveways/parking	\$125.00

Appendix "A" to Report PED18165

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

Page 3 of 3

TABLE 13: BY-LAW NO. 10-118 TO REGULATE EXTERIOR PROPERTY MAINTENANCE INCLUDING VEGETATION, WASTE AND GRAFFITI				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
			spaces/similar areas of property maintained so as to afford safe passage	
34	10-118	9(3)	Fail to keep yard of property clean/free from objects/conditions that might create health/fire/accident hazard/unsafe conditions	\$125.00

PASSED this day of , 2018

F. Eisenberger
Mayor

City Clerk



Hamilton

Agriculture and Rural Affairs Advisory Committee

REPORT 18-003

Thursday, June 21, 2018

7:00 p.m.

**Ancaster Fairgrounds, Room C
630 Trinity Road, Ancaster**

Present: Councillors B. Johnson and R. Pasuta
A. Spoelstra (Chair), N. Mills, A. Sinclair, G. Smuk, H. Swierenga and M. Switzer

Absent
With Regrets: Councillors L. Ferguson and J. Partridge – City Business
D. Smith (Vice Chair)
W. Galloway, C. McMaster, J. Medeiros, K. Smith

Absent: R. Saccomano

**THE AGRICULTURE AND RURAL AFFAIRS ADVISORY COMMITTEE PRESENTS
REPORT 18-003 AND RESPECTFULLY RECOMMENDS:**

1. **Comments and Feedback on the Motion respecting Opposition to Buy American Policies and the Tariffs Recently Imposed by the Trump Administration (Item 8.2)**
 - (a) That the motion respecting Opposition to Buy American Policies and the Tariffs Recently Imposed by the Trump Administration, be endorsed.

FOR THE INFORMATION:

(a) APPROVAL OF AGENDA (Item 1)

The Committee Clerk advised that there were no changes to the agenda.

The agenda for the June 21, 2018 meeting of the Agriculture and Rural Affairs Advisory Committee was approved, as presented.

(b) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) February 26, 2018 (Item 3.1)

The minutes of the February 26, 2018 meeting of the Agriculture and Rural Affairs Advisory Committee were approved, as presented.

(c) STAFF PRESENTATIONS (Item 7)

(i) Andrea McDowell, Project Manager – Air Quality and Climate Change, Public Health Services, respecting Climate Impact Adaption Planning (Item 7.1)

Ms. Andrea McDowell, Project Manager – Air Quality and Climate Change, Public Health Services, made a presentation to the Committee respecting Climate Impact Adaption Planning. A copy of Ms. McDowell's PowerPoint presentation has been retained for the official record and is available on-line at www.hamilton.on.ca.

The Committee provided Ms. McDowell with feedback on the presentation and suggested further resources and agricultural groups she may wish to consult.

The presentation from Andrea McDowell respecting Climate Impact Adaption Planning, was received.

(d) DISCUSSION ITEMS (Item 8)

(i) T. Scott Peck, Deputy CAO and Director of Watershed Planning and Engineering, Hamilton Conservation Authority, respecting the Flood and Erosion Control Study for Stoney Creek and Battlefield Creek (Item 8.1)

Mr. Scott Peck, Deputy CAO and Director of Watershed Planning and Engineering with Hamilton Conservation Authority, addressed the Committee respecting the Flood and Erosion Control Study for Stoney Creek and Battlefield Creek.

A copy of Mr. Peck's PowerPoint presentation has been retained for the official record and is available on-line at www.hamilton.on.ca.

The presentation respecting the Flood and Erosion Control Study for Stoney Creek and Battlefield Creek, was received.

(ii) Comments and Feedback on the Motion respecting Opposition to Buy American Policies and the Tariffs Recently Imposed by the Trump Administration (Item 8.2)

(b) The following new subsection (c) was proposed as an amendment to the motion respecting the Opposition to Buy American Policies and the Tariffs Recently Imposed by the Trump Administration when the motion is considered by Council at the June 27, 2018 Council meeting:

(c) That the City of Hamilton encourage the federal government to continue to protect trade agreements currently in place that benefit agriculture in both Canada and the United States.

For further disposition of this matter, please refer to Item 1.

(ii) Keeping chickens in the urban areas of the City of Hamilton (Item 8.3)

The motion requesting the Agriculture and Rural Affairs Committee to support staff investigating the feasibility of allowing residents to keep chickens in the urban areas of the City, was defeated.

(iv) Correspondence from OMAFRA seeking comments by July 13, 2018 on the draft Agricultural Impact Assessment Guidance Document (Item 8.4)

The correspondence from OMAFRA seeking comments by July 13, 2018 on the draft Agricultural Impact Assessment Guidance Document, was received.

(v) Correspondence from the Township of Selwyn requesting support for their resolution respecting the Implementation Procedure and Transition Policies for flexibility for those application made prior to the Agricultural System or Natural Heritage System mapping (Item 8.4)

The correspondence from the Township of Selwyn requesting support for their resolution respecting the Implementation Procedure and Transition Policies for flexibility for those application made prior to the Agricultural System or Natural Heritage System mapping, was endorsed.

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

(i) Comments from Councillor L. Ferguson respecting the Agriculture, Food and Rural Affairs Committee (Added Item 11.1)

Chair Spoelstra brought forward his concerns about comments made by Councillor Ferguson at two recent meetings of the Planning Committee.

Chair Spoelstra stated that he found Councillor Ferguson's comments questioning the work of the Agriculture and Rural Affairs Committee, as well as his chairmanship of the Committee, to be misleading and inaccurate. He asked for the record to show that he was not in agreement with Councillor Ferguson's remarks.

(f) ADJOURNMENT (Item 12)

The meeting of the Agriculture and Rural Affairs Advisory Committee was adjourned at 9:16 p.m.

Respectfully submitted,

Drew Spoelstra, Chair
Agriculture and Rural Affairs
Advisory Committee

Lauri Leduc
Legislative Coordinator
Office of the City Clerk



Hamilton

**HAMILTON MUNICIPAL HERITAGE COMMITTEE
REPORT 18-006
9:30 a.m.
June 21, 2018
Council Chambers, 2nd Floor
Hamilton City Hall
71 Main Street West**

Present: Councillors A. Johnson and M. Pearson
A. Denham-Robinson (Chair), W. Arndt, D. Beland, G. Carroll,
M. McGaw, T. Ritchie, K. Stacey and T. Wallis

**Absent with
Regrets:** K. Garay and R. Sinclair

**THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 18-006
AND RESPECTFULLY RECOMMENDS:**

- 1. Recommendation to Include the Property Located at 828 Sanatorium Road, Hamilton, in the Register of Property of Cultural Heritage Value or Interest (PED18142) (Ward 8) (Item 7.1)**

That the property located at 828 Sanatorium Road, Hamilton (Long & Bisby Building), as shown in Appendix "A" to PED18142, be included in the City's Register of Property of Cultural Heritage Value or Interest under Section 27 of the Ontario Heritage Act.

FOR INFORMATION:

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

The Clerk advised the Committee of the following changes:

- 1. ADDED DELEGATION REQUESTS**

- 4.1 Rev. Ian Sloan, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3)

- 4.2 Dixon Challoner, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3)
- 4.3 Daniel Peace, New Vision United Church, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3)

Item 7.2, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153), was moved up in the agenda to immediately follow Delegation Requests.

The Agenda for the June 21, 2018 Hamilton Municipal Heritage Committee be approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) May 10, 2018 (Item 3.1)

The Minutes of the May 10, 2018 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Rev. Ian Sloan, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3) (Added Item 4.1)

The delegation request from Rev. Ian Sloan, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3), was approved, for today's meeting).

- (ii) **Dixon Challoner, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3) (Added Item 4.2)**

The delegation request from Dixon Challoner, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3), was approved, for today's meeting).

- (iii) **Daniel Peace, New Vision United Church, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3) (Added Item 4.3)**

The delegation request from Daniel Peace, New Vision United Church, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3), was approved, for today's meeting).

(e) DELEGATIONS (Item 6)

- (i) **Rev. Ian Sloan, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3) (Added Item 6.1)**

Reverend Ian Sloan, addressed the Committee respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3).

The delegation from Rev. Ian Sloan, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3), was received.

For further disposition of this matter, refer to Item (f)(ii)

- (ii) **Dixon Challoner, member of the New Vision United Church, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3) (Added Item 6.2)**

Dixon Challoner, member of the New Vision United Church, addressed the Committee respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3), with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record, and can be viewed at www.hamilton.ca.

The delegation from Dixon Challoner, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3), was received.

For further disposition of this matter, refer to Item (f)(ii)

- (iii) **Daniel Peace, New Vision United Church, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3) (Added Item 6.3)**

Daniel Peace, of the New Vision United Church, addressed the Committee respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3).

The delegation from Daniel Peace, of the New Vision United Church, respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3), was received.

For further disposition of this matter, refer to Item (f)(ii)

(f) STAFF PRESENTATIONS (Item 7)

- (i) **Recommendation to Include the Property Located at 828 Sanatorium Road, Hamilton, in the Register of Property of Cultural Heritage Value or Interest (PED18142) (Ward 8). (Item 7.1)**

Jeremy Parsons, Cultural Heritage Planner, addressed Committee respecting the Recommendation to Include the Property Located at 828 Sanatorium Road, Hamilton, in the Register of Property of Cultural Heritage Value or Interest (PED18142) (Ward 8), with the aid of a PowerPoint

presentation. A copy of the presentation has been included in the public record.

The presentation respecting the Recommendation to Include the Property Located at 828 Sanatorium Road, Hamilton, in the Register of Property of Cultural Heritage Value or Interest (PED18142) (Ward 8), was received.

For disposition of this matter, refer to Item 1.

(ii) Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3) (Item 7.2)

Chelsey Tyers, Cultural Heritage Planner, addressed Committee respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3), with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The presentation respecting the Recommendation to Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (Former St. Giles United Church) under Part IV of the Ontario Heritage Act (PED18153) (Ward 3), was received.

The following recommendation was proposed for consideration at the June 27, 2018 Council meeting.

- (a) That the designation of 679 Main Street East and 85 Holton Avenue South, Hamilton (former St. Giles United Church), shown in Appendix "A" to Report PED18153, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, be approved;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED18153, be approved; and,
- (c) That the City Clerk be directed to take appropriate action to designate 679 Main Street East and 85 Holton Avenue South, Hamilton (former St. Giles United Church) under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED18153.

(e) DISCUSSION ITEMS (Item 8)

(i) Hamilton Municipal Heritage Committee Terms of Reference Review (Item 8.1)

The Hamilton Municipal Heritage Committee Terms of Reference Review were DEFERRED to the next meeting to allow the Committee members to give thought to possible changes to the Terms of Reference document.

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

(i) Verbal Updates respecting the Around the Bay Race: Restoration of Historic Route Markers (deferred from the May 10, 2018 meeting) (Item 11.1)

Jeremy Parsons, Cultural Heritage Planner addressed the Committee respecting the Around the Bay Race: Restoration of Historic Route Markers that have been discovered, and are to be restored.

The Verbal Updates respecting the Around the Bay Race: Restoration of Historic Route Markers, were received.

(ii) Buildings and Landscapes (Item 11.2)

(Ritchie/Dmitry)

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

No report

(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

J. Partridge advised the Committee that she attended a presentation by the Hamilton Port Authority where they expressed an interest in the restoration and development of the lands surrounding the Beach Canal Lighthouse. The Councillor will be meeting with the CEO of the Hamilton Port Authority to discuss this issue.

- (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

Staff advise that the consideration of the demolition permit for 1 St. James Place, Hamilton is in deferment at the Ontario Municipal Board.

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

No report.

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

Staff advise that a site plan application has not been received from the new owners of the property at 98 James Street South, Hamilton.

**(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 the roof of the west side building is currently being repaired. Staff advise that the Notice of Intention to Designate stays with the property, and not with the owners of the property at 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North.

- (vii) 1021 Garner Road East, Ancaster (Lampman House) – M. McGaw

No report.

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

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

M. Pearson advised the Committee she continues to discuss the possible designation with the owner of the property at 112 King Street East, Hamilton.

- (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
Planning Committee – July 10, 2018

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.

(i) ADJOURNMENT (Item 12)

(Wallis/Pearson)

That, there being no further business, the Hamilton Municipal Heritage Committee, be adjourned at 11:47 a.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk

Lifestyle On the Waters of Hamilton Harbour

A lifestyle Choice

Who We Are

- **Year Round Liveaboard Residents**. Macassa Bay Liveaboard Association
- We are **residents of The City of Hamilton** who live on the waters of Hamilton Harbour.
- It is a **lifestyle choice**. Recognized in other communities in Ontario and other Provinces.
- We have been “Setting Sail” in this Harbour for **22 years**
- We **live, work and play in Hamilton**.
- We are **part of the community**, just like any other resident tenant or resident homeowner.
- **We rent a slip while others rent an apartment.**

The Future

Next 4 slides provide a window of opportunity for the future:

1. City and Community
2. Marinas and Yacht Clubs
3. Vessel Owners living on board
4. In summary

City and Community

- In support of the **strategic focus for the West Harbour** as guided by the principles and goals in the Setting Sail Secondary Plan and West Harbour Recreational Master Plan.
- **Business opportunities** –Marina's and Yacht Club's growing membership and adding to revenue. Increased revenue to businesses in the surrounding area
- Adopt **a Permit requirement** for living on a navigable vessel in Hamilton Harbour.
- **Citizens/visitors enjoyment** of both being at the waterfront and on the waterfront year round
- **Life style** choice. Family, living in Hamilton area, working and employment
- **Safety and security**

Marina's and Yacht Clubs

- Membership **growth**
- **Revenue** opportunities year round
- Increased **security** of property on site
- **Cooperative partnership** between water residents and Marina Owners and Staff through on going communications and constant awareness
- **Maintaining standards** of vessels in Marina
 - Navigable
 - Insured
 - Account in good standing
 - Marina Clean Act and Agreement
 - Policies, Procedures and Practices

Vessel Owners / living on Board

- This is their **permanent home** from which to live , play and work
- A **lifestyle** by choice
- Pay for services **as any other citizen** would when being provided services by the partnering Marina's and Yacht Club's, local services/businesses and the City of Hamilton
- **Purchase a permit** on yearly basis to live this lifestyle. This maintains a registry of those that are living on the water in Burlington Bay.
- Full **contractual agreement** with the Marina's/Yacht Club's terms and conditions of the Docks, Slips and Facilities.

Summary

- **Life style choice** that can be supported by all parties while maintaining growth, prosperity and community partnership.
- Registration with the City Of Hamilton and **Permit** requirement for Living aboard Life style. On the water living.
- Being **responsible Vessel Owners** and aware of The Community's, The City Of Hamilton's and The Marina's and Yacht Clubs obligations and accountability.
- Growth in citizens, business and **The City of Hamilton's** strategic focus for the "West Harbour as guided by the principles and goals in two plans, **Setting Sail Secondary Plan** and **West Harbour Recreation Master Plan**".

NOW, today! Transition Plan for Year Round Liveaboard Residents

for city consideration

- **WHY?**
- **We have no other option. The city has not given us an option that will allow us and our families to live our lifestyle in Hamilton, to interact with our families, to maintain our employment, to maintain our business relationships and clients.**

Transition Plan

- Reside at a Hamilton Harbour Marina/Yacht Club until a permanent solution for residence has been determined.
- City and Marina approved vessels
- Vessels to be under Marina/Yacht Club Rules and contract.
- Purchase a Permit for the duration of the Transition Plan from the City of Hamilton for temporary residency (\$250.00).
- Vessels must be navigable, insured and proof of ownership.
- All vessels must meet or exceed Coast Guard safety requirements
- Vessels must meet minimum standards (toilet, sink and shower, water system, holding tank(s) Shore power)
- Representatives of the Liveaboards and Marinas and Yacht Clubs to be part of the City Of Hamilton selected Committee that will be reviewing and developing the “Year Round Liveaboard Residency Policy” (aka YRLR) .

Thank You

From the liveboards of Macassa Bay Liveboard Association

- Thank you for this opportunity today and your time.
- Thank you to Chris Philips, Gavin Norman , Ed English, for your ongoing communications and support.
- Thank you to all the local residents and citizens who have supported us over the years and to the North End Community Association for their discussions and information
- Thank you to the Hamilton Harbour and Western Lake Ontario Boaters and Marinas and Yacht Clubs.

QUESTIONS, COMMENTS



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 21 Mill Street North, Flamborough (PED18145) (Ward 15)
WARD AFFECTED:	Ward 15
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAR-18-011 by 2570850 Ontario Inc. c/o Scott Birmingham (Owner)**, for a modification to the Neighbourhood Institutional (I1) Zone to permit an office use for the lands located at 21 Mill Street North (Flamborough), as shown on Appendix "A" to Report PED18145 be **APPROVED** on the following basis:
- (i) That the Draft By-law, attached as Appendix "B" to Report PED18145, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan.
- (b) That approval be given for a modification to the Mixed Use Medium Density - Pedestrian Focus (C5a) Zone to the Mixed Use Medium Density – Pedestrian Focus (C5a, 695) Zone, to permit the redevelopment of the existing building for an office use, for the lands located at 21 Mill Street North (Flamborough), as shown on Appendix "A" to Report PED18145 be **APPROVED** on the following basis:

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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: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 21 Mill Street North, Flamborough (PED18145) (Ward 15) - Page 2 of 12

- (i) That the Draft By-law, attached as Appendix “C” to Report PED18145, be held in abeyance until such time as By-law 17-240 (Commercial and Mixed Use Zones) is in force and effect; and,
- (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “C” to Report PED18145, for enactment by City Council, once By-law No. 17-240 is in force and effect.

EXECUTIVE SUMMARY

The owner has applied for a Zoning By-law Amendment for a modification to the Neighbourhood Institutional (I1) Zone to permit an office use in an existing building. The subject lands are included in the City Initiated Commercial and Mixed Use Zoning and are proposed to be zoned in By-law 17-240 as Mixed Use Medium Density - Pedestrian Focus (C5a) Zone. The proposal complies with the new (C5a) Zone, except for the size of the parking stalls and the aisle width abutting a public laneway. As such, staff are recommending that the (C5a) Zone be amended to implement the redevelopment proposal.

The application has merit and can be supported because it 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 and complementary to the existing and planned development in the immediate area, represents good planning by making efficient use of an existing historical building and supports the local economy in Waterdown.

Alternatives for Consideration – See Page 12

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 an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

The subject site, 1,461 sq m in area, is located north of the intersection of Dundas Street East and Mill Street North, on the west side of Mill Street North, and known

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 21 Mill Street North, Flamborough (PED18145)
(Ward 15) - Page 3 of 12**

municipally as 21 Mill Street North (see Location Map attached as Appendix “A” to Report PED18145).

The subject site is located within the Mill Street Conservation Heritage District and designated under Part V of the *Ontario Heritage Act*. The existing building on the subject site is currently vacant, and the previous use of the building was for a day care. The property has frontage and vehicular access on Mill Street North and from the alleyway to the side.

The proposal is to modify the Neighbourhood Institutional (I1) zone to permit an office use within the existing building and recognize the setbacks of the existing building. The proposed Zoning By-law Amendment Application as submitted requested modifications to the Zoning By-law requirements to remove the required planting strip located in front of the parking area and permit a parking space within 0.2 m from the property line. The applicant will be meeting these zoning requirements and as such these modifications are no longer required. The applicant has also requested that the two small parking spaces at the south west portion of the subject lands be recognized, however, staff do not support the requested modification.

The subject lands were included in the new city-initiated Commercial and Mixed Use zoning which was passed on November 8, 2017 by Council (By-law 17-240). The Commercial and Mixed Use Zones were appealed to the Local Planning Appeal Tribunal (LPAT), and accordingly, are not final and binding. A By-law has been prepared to modify the (C5a) zoning to implement the proposal. The draft By-law modifies the required parking stall size and required drive aisle width when abutting a public laneway to recognize the existing situation on-site.

Chronology:

- December 22, 2017: Zoning By-law Amendment Application ZAC-18-011 received.
- January 18, 2018: Zoning By-law Amendment Application ZAC-18-011 deemed complete.
- February 6, 2018: A Public Notice sign was posted on the subject property.
- March 16, 2018: Notice of Complete Application and Preliminary Circulation was sent to 188 property owners within 120 m of the subject property.
- June 13, 2018: Public Notice sign updated to reflect the date of Public Meeting.

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 21 Mill Street North, Flamborough (PED18145)
(Ward 15) - Page 4 of 12**

June 22, 2018: Circulation of Notice of Public Meeting to 188 property owners within 120 m of the subject property.

Details of Submitted Application:

Location: 21 Mill Street North, Flamborough

Owner / Applicant: 2570850 Ontario Inc. c/o Scott Birmingham

Agent: A.J. Clarke and Associates c/o Franz Kloibhofer

Property Description:

<u>Lot Frontage:</u>	36 m
<u>Lot Depth:</u>	40 m
<u>Lot Area:</u>	1,461 sq m
<u>Servicing:</u>	Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Lands:	Currently Vacant (formerly a Day Care)	Neighbourhood Institutional (I1) Zone
Surrounding Lands:		
North	Commercial uses such as a library and office use	Business District (BD) Zone
East	Commercial uses such as retail, medical uses	Business District (BD) Zone
South	Commercial uses such as retail, restaurants, banks	Business District (BD) Zone
West	Commercial uses such as retail, restaurants	Business District (BD) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

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.

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 21 Mill Street North, Flamborough (PED18145)
(Ward 15) - Page 5 of 12**

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:

“2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

The existing building on the subject property was constructed in 1865 as the Wesleyan Methodist Church (and later Waterdown Alliance Church). The subject property is located within the Mill Street Heritage Conservation District and designated under Part V of the *Ontario Heritage Act* (By-law No. 96-34-H). Where new construction and/or alterations or additions to existing structures are proposed in a Heritage Conservation District, key consideration is given to the visual and physical impacts on the built fabric, landscape features, and the wider public realm.

The proponent proposes to use the existing building for office uses and reconfigure the interior layout. Additionally, the applicant proposes a minor change to the exterior of the property to remove the current playground structure and replace with additional parking spaces. There are no changes proposed to the building exterior that have been noted. Therefore, the building will be conserved. Notwithstanding that the interior is not protected under the subject property’s Heritage Designation By-law, staff encouraged the applicant to consider incorporating reusable interior heritage features into the proposed new layout, if possible. A heritage permit will be required for any exterior modifications.

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*;
- Consistent with the Provincial Policy Statement; and,
- Consistent with the Growth Plan for the Greater Golden Horseshoe (2017).

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 21 Mill Street North, Flamborough (PED18145)
(Ward 15) - Page 6 of 12**

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as a “Community Node” on Schedule “E” – Urban Structure and designated “Mixed Use – Medium Density (Pedestrian Predominant)” on Schedule “E-1” – Urban Land Use Designations.

The following policies, amongst others, apply.

- “B.3.4.1.4 Encourage the rehabilitation, renovation, and restoration of built heritage resources in order that they remain in active use.
- B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:
- h) *Conserve* the character of areas of cultural heritage significance, including designated heritage conservation districts and *cultural heritage landscapes*, by encouraging those land uses, development and *site alteration* activities that protect, maintain and enhance these areas within the City.”

As discussed in the Provincial Planning policy section, the built Cultural Heritage concerns have been satisfactorily addressed.

- “E.4.6.3 Newer areas designated Mixed Use - Medium Density shall evolve over time into compact, mixed use people places where people can live, work, and shop.
- E.4.6.4 It is also the function of areas designated Mixed Use - Medium Density to serve as vibrant people places with increased day and night activity through the introduction of residential development. Residential development enhances the function of these areas as transit supportive nodes and corridors.
- E.4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses such as retail stores, *auto and home centres*, *home improvement supply stores*, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;
- b) Notwithstanding Policy E.4.6.5 a), drive-through facilities on pedestrian predominant focus streets shall only be permitted in accordance with Section E.4.6.29 and all other applicable policies of this Plan.”

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 21 Mill Street North, Flamborough (PED18145)
(Ward 15) - Page 7 of 12**

E.4.6.10 Permitted uses shall be located in single or mixed use buildings.”

The owner is requesting to modify the current zoning to permit an office use on the subject lands. An office is a permitted use in the Mixed Use Medium Density designation. The office use will be located within the existing 606 m² heritage building on the subject property. As noted above, no exterior alterations are proposed to the building and minor modifications are proposed to the parking area. The applicant is proposing to remove the existing outdoor play area and replace it with additional parking spaces. The policies permit an office use in a mixed use area to promote the creation of a complete community. The subject property is located in close proximity to retail uses, restaurants, medical clinics and residential uses on the periphery of the mixed use medium density node. In addition, the additional office use contributes to the mix of uses in the area while maintaining the current institutional uses permitted on the subject lands and is compatible with the adjacent uses. Therefore, the proposal complies with the Urban Hamilton Official Plan.

Hamilton Zoning By-law No. 05-200

The subject property is currently zoned Neighbourhood Institutional (I1) Zone which permits Community Garden, Day Nursery, Educational Establishment, Emergency Shelter, Museum, Place of Worship, Residential Care Facility, Retirement Home, a range of residential uses and Urban Farm.

The proposal requires modifications to the Neighbourhood Institutional (I1) Zone in order to permit an Office use whereas the By-law does not permit an Office use and recognize the existing setbacks for the existing building.

New Commercial and Mixed Use (CMU) Zones in the Zoning By-law No. 05-200 have been Council adopted but are appealed to the Local Planning Appeal Tribunal. The subject lands are zoned Mixed Use Medium Density - Pedestrian Focus (C5a) Zone in the new Commercial and Mixed Use Zones. The proposed use is permitted as-of-right in the new zoning. In anticipation of the resolution at the Local Planning Appeal Tribunal, a By-law has been prepared with this report (see Appendix “C” to Report PED18145) for a change in zoning from Mixed Use Medium Density – Pedestrian Focus (C5a) zone to the Mixed Use Medium Density – Pedestrian Focus (C5a, 695) Zone. The draft by-law will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment. An analysis of the site specific modifications is included in the Analysis and Rationale for Recommendation section below.

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 21 Mill Street North, Flamborough (PED18145)
(Ward 15) - Page 8 of 12**

RELEVANT CONSULTATION

The following Departments/Agencies have no comments or objections:

- Operations Support, Public Works Department;
- Strategic Planning, Public Works Department;
- Niagara Escarpment Commission;
- Horizon Utilities;
- Forestry and Horticulture Section, Public Works Department; and,
- Halton Conservation Authority.

The following Department provided comments on the application:

Transportation Planning, Planning and Economic Development Department has advised that the owner is to consider the requirements of the Council Approved Pedestrian Mobility Plan including considering the needs of Pedestrians with disabilities and buffered sidewalks. As well, for information purposes, the applicant is advised that Mill Street North has bike lanes and the owner should consider the requirements of the Aldershot Master Plan.

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 188 property owners within 120 m of the subject property on March 16, 2018, for the proposed Zoning By-law Amendment application.

To date, one letter of correspondence has been received from the public through this circulation (see Appendix “E” to Report PED18145) and is summarized in the Analysis and Rationale section.

A Public Notice Sign was posted on the property on February 6, 2018 and updated on June 13, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on June 22, 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 mail out an information letter to the surrounding neighbours in addition to requirements of the *Planning Act*. The agent has confirmed that the letters were mailed out to the surrounding neighbours and the City received a copy of the mail out. As a result of the mail out, the agent has advised that they have had further consultation with interested property owners. To

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 21 Mill Street North, Flamborough (PED18145)
(Ward 15) - Page 9 of 12**

date, the City has not received any letters or correspondence as a result of the applicant initiated community 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 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;
 - iii) The proposal provides for the sympathetic adaptive reuse of a designated heritage building; and,
 - iv) The existing building forms part of the existing character of the area, the proposed use is compatible with other uses in the area and represents good planning.

2. **Zoning By-law Amendment**

The application for a Zoning By-Law Amendment is to change the zoning from Neighbourhood Institutional (I1) Zone to Neighbourhood Institutional (I1, 694) Zone.

The intent of the Zoning By-law Amendment is to permit an office use within the existing building and recognizing the setbacks for the existing building. The proposed use will be located within the existing heritage designated building with no changes to the building. The subject lands are located within the Mixed-Use Medium Density designation which supports a range of office, commercial, residential and institutional uses. As well, the proposed use is compatible with the surrounding uses which currently include a range of commercial uses. In addition, the subject lands have been rezoned to Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, which permits the office use. Therefore, staff are supportive of the proposed Zoning By-law Amendment.

Vacuum Clause

In addition to permitting an office use on the subject lands, the site specific amendment includes a vacuum clause to recognize the existing building setbacks, lot area, lot width and building height whereas the current zone does not have any general zoning provisions as it relates to institutional uses. Staff are

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 21 Mill Street North, Flamborough (PED18145)
(Ward 15) - Page 10 of 12**

supportive of the modification since the proposed amendment will allow for the recognition of the existing situation on the subject property.

In addition, a provision has been added to the site specific amendment to recognize existing parking stall sizes and aisle width. The subject lands are currently in a transitional period since it is being changed from the current institutional zone to a commercial and mixed use zone. As the subject lands are designated under the *Ontario Heritage Act*, Staff are supportive of recognizing the existing parking stall size and aisle width. Finally, since the property will be rezoned to the Mixed Use Medium Density – Pedestrian Focus (C5a) zone, the proposed Vacuum Clause as part of the Commercial and Mixed Use rezoning will recognize the existing situation on-site.

The subject lands have been incorporated into Zoning By-law No. 05-200 under the Commercial and Mixed Use Zones, which were adopted by Council under by-law No. 17-240, but has been appealed to the Local Planning Appeal Tribunal. As part of the CMU Zones, the subject lands have been placed in the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone. The following modifications to the (C5a) Zone are required:

Parking Stall Size

As part of the City-initiated Commercial and Mixed Use Zoning, there were modifications to parking stall sizes. A standard parking stall is now required to be 3.0 m wide and 5.8 m long. In addition, a barrier free parking space is to be 4.4 m in width and 5.8 m in length. Accordingly, modifications are required to permit a standard parking stall size of 2.6 m in width and 5.5 m in length and a barrier free parking stall size of 4.4 m in width and 5.5 m in length. The modifications are required to recognize the existing parking spaces and provide flexibility for adding additional parking spaces onsite if required that would be the same size as the existing stalls. The flexibility in parking space sizes encourages the adaptive reuse of the designated building. Accordingly, the modifications support the conservation and adaptive reuse of the heritage building. Therefore, staff are supportive of the requested modifications.

The applicant has submitted a concept plan showing the two existing parking spaces on the south western portion of the site (as seen on Appendix “D” of Report PED18145). One of the current parking space sizes has a minimum length of 4.96 m and width of 2.6 m. The second parking space size has a minimum length of 4.73 m with a width of 2.6 m. These parking spaces are smaller than the current parking stall size minimum requirement. The applicant has requested that these parking stalls be recognized. Staff are concerned that cars could overhang into the public laneway as a result of the reduced length. In

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 21 Mill Street North, Flamborough (PED18145)
(Ward 15) - Page 11 of 12**

addition, these parking spaces are not required to meet the minimum parking requirements on site. Therefore, staff are not supportive of an amendment to recognize the existing two parking spaces at the south western portion of the property and recommend that these spaces be removed.

Parking Aisle Width

The applicant has requested no minimum aisle width when abutting a public laneway whereas the by-law requires that a 6 m aisle width be provided. The reduced aisle width is located along north side of the building for the existing parking spaces. Therefore, the proposed modification to the aisle width is to recognize the existing situation. These parking spaces would be surplus to the required parking. Accordingly, the existing parking supports the proposed use while limiting the impact on the surrounding area. Given the high demand for parking in the surrounding area, the additional parking spaces provide an opportunity to meet all parking demands on-site. As well, since the existing building is designated under the *Ontario Heritage Act*, there is limited opportunity to relocate the existing building. Therefore, staff are supportive of the modification.

To implement the above mentioned modifications in the Council adopted C5a zone, it is recommended that the lands be placed in a modified Mixed Use Medium Density – Pedestrian Focus (C5a, 695) Zone (see Appendix “C” to Report PED18145).

3. There are existing services available to the subject site. In addition, the applicants have provided a Fire Flow Assessment. The municipal water system has the capacity to provide the required domestic and fire demands for the development. Staff are satisfied with the information as provided. Please note that it is the applicant’s responsibility to ensure compliance with the above at the development stage. Additionally, the applicant should consult with the fire department to ensure adequate hydrant coverage for the proposed development.
4. As previously noted, the applicant is proposing to rezone the property to permit an office use within the existing building. The only changes exterior to the building is to remove the existing playground on-site and replace it with parking spaces. In May, 2018, Heritage Permit Application HP2018-014 was approved for the removal of the chimney, the installation of an air conditioning unit and repair of the parking area. Any additional site alterations will require a heritage permit. The current proposal would require a Minor Site Plan Application.
5. A total of one letter was received from the public. The letter noted parking concerns for the proposed office use and possible negative impacts to the

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 21 Mill Street North, Flamborough (PED18145)
(Ward 15) - Page 12 of 12**

surrounding area. Staff note that the applicant has provided more than the minimum number of parking spaces required on site. Therefore, the proposal will be able to meet all parking on site as required by the Zoning By-law. In addition, staff note that the subject lands are located within proximity to public transit which provides an alternative mode of transportation to the subject site.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property would remain Neighbourhood Institutional (I1) Zone in the City of Hamilton Zoning By-law No. 05-200. For information purposes, depending on the decision of the Local Planning Appeals Tribunal, the property could be rezoned to Mixed Use Medium Density – Pedestrian Focus (C5a) Zone which permits the office use.

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.

Built Environment and Infrastructure

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

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Zoning By-law Amendment to By-law No. 05-200

Appendix “C” – Concept Plan

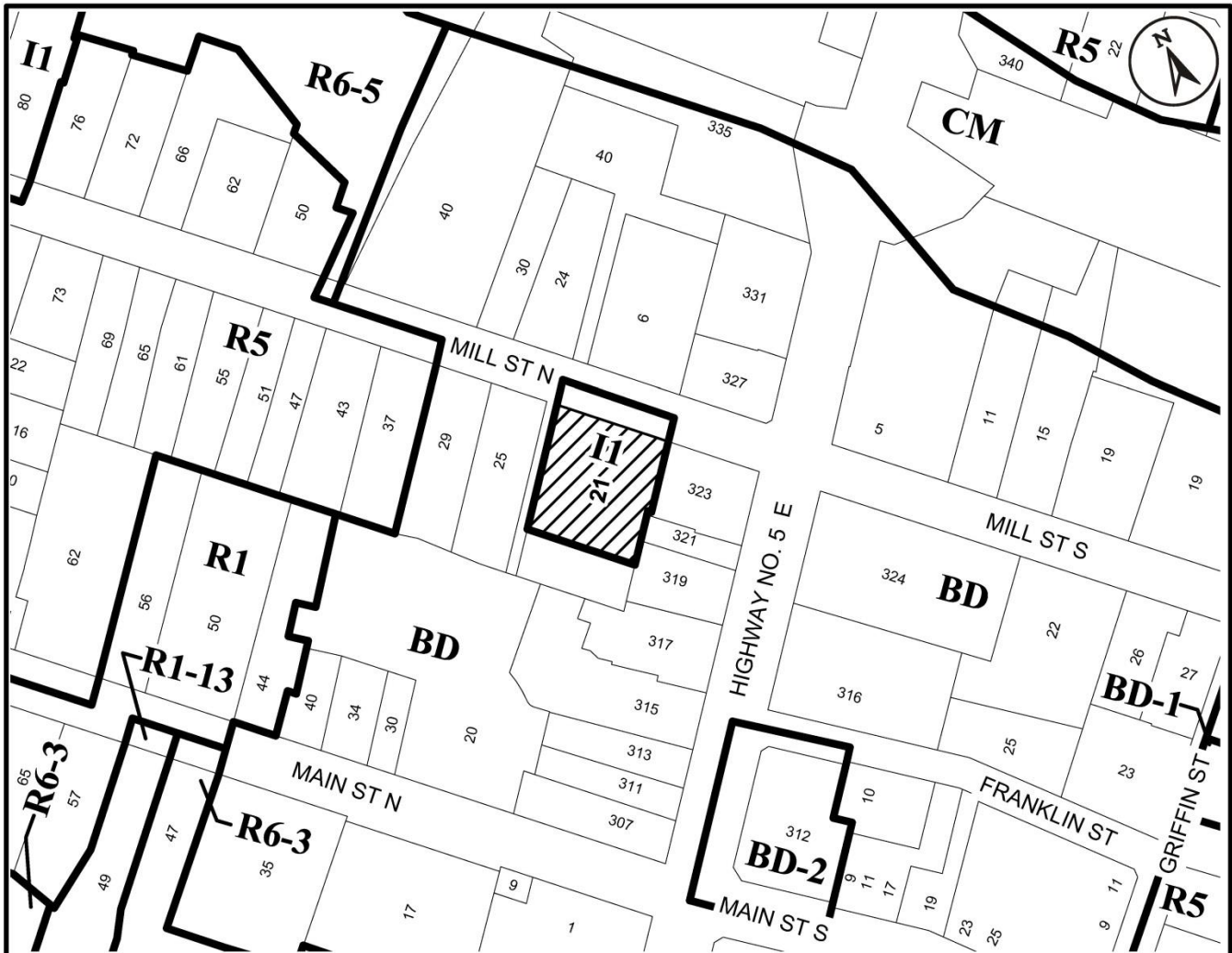
Appendix “D” – Survey Plan

Appendix “E” – Public Comment

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● Site Location



Key Map - Ward 15

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAR-18-011

Date:
May 24, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
BN/V5

Subject Property

21 Mill Street North, Flamborough



Change in zoning from
Neighbourhood Institutional (I1) Zone to
Neighbourhood Institutional (I1, 694) Zone

Authority:

Ward: 15

Bill No.

CITY OF HAMILTON**BY-LAW NO.****To Amend Zoning By-law No. 05-200
Respecting Lands Located at 21 Mill Street North (Flamborough)**

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on July 10, 2018;

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:

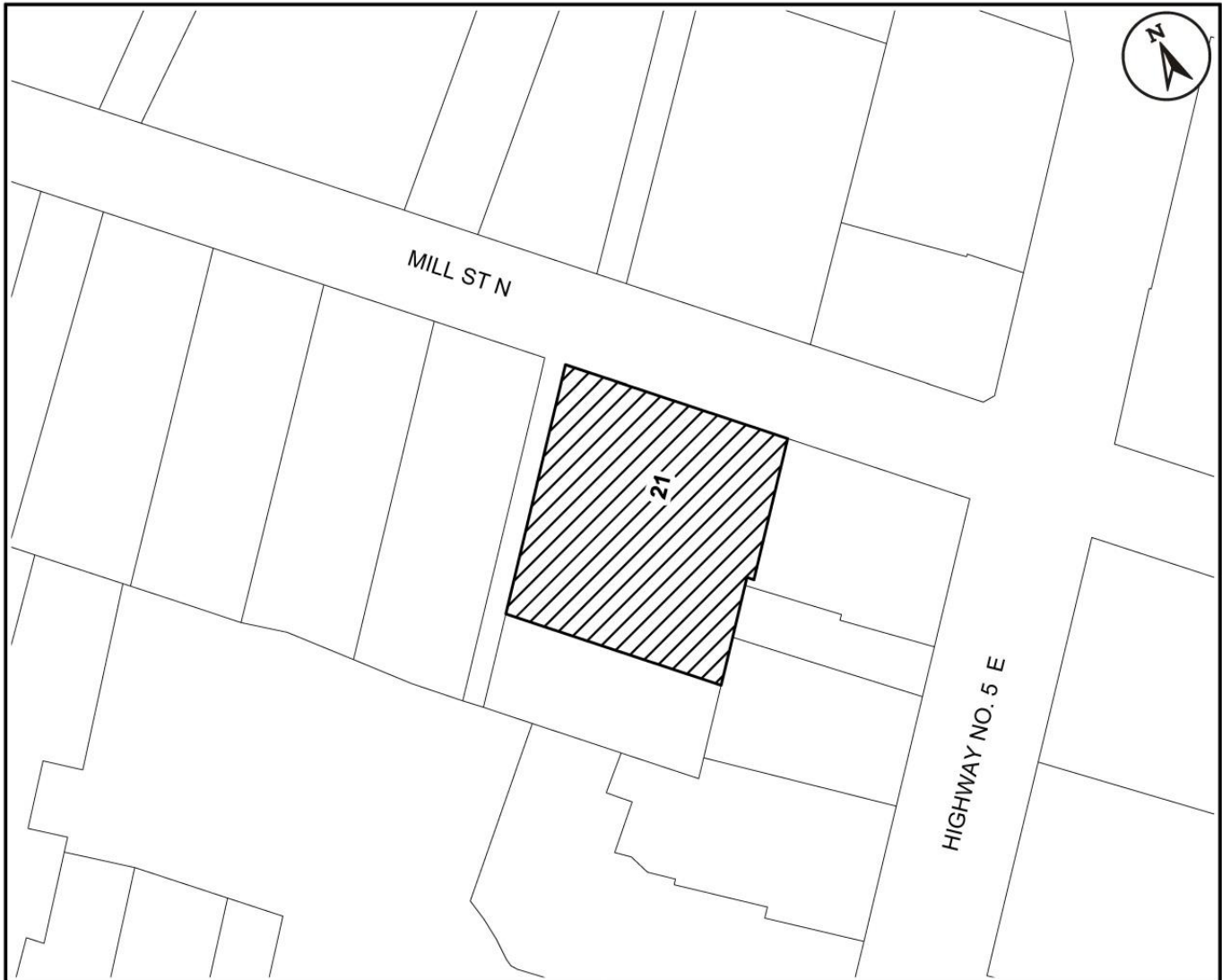
1. That Map No. 482 of Schedule "A" of Zoning By-law No. 05-200 be amended as follows:
 - (a) For a change in zoning from the Neighbourhood Institutional (I1) Zone to the Neighbourhood Institutional (I1, 694) Zone on lands described in Schedule "A";
2. That Schedule "C" – Special Exemptions of Zoning By-law No. 05-200, as amended, is hereby further amended by adding the following:
 - 694 Within the lands zoned Neighbourhood Institutional (I1) Zone, identified on Map No. 482 of Schedule "A" and described as 21 Mill Street North, the following special provisions shall apply:
 - a. In addition to the uses permitted in Section 8.1.1, the following use shall also be permitted:
 - (i) Office
 - b. Notwithstanding any other provisions of this By-law, the building existing on the effective date of this By-law shall be deemed to comply with the regulations for any required setbacks, front yard, façade building length, flankage yard, rear yard, lot width, lot area and building height.
 - c. Notwithstanding Section 5.2(b) a parking space size shall be 2.6 metres in width and 5.5 metres in length;
 - d. Notwithstanding Section 5.2(f) a barrier free parking space shall 4.4 metres in width and be 5.5 metres in length;

- e. Notwithstanding Section 5.2(i) no minimum aisle width shall be required when abutting a public laneway.

PASSED this ____ day of _____, 2018.

Fred Eisenberger
Mayor

Janet Pilon
Acting City Clerk



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. 05-200
Map 482

Subject Property

21 Mill Street North, Flamborough



Change in zoning from
Neighbourhood Institutional (I1) Zone to
Neighbourhood Institutional (I1, 694) Zone

Scale:
N.T.S.

File Name/Number:
ZAR-18-011

Date:
May 30, 2018

Planner/Technician:
AB/AL



Hamilton

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: Chair and Members Report No.: PED18XXX Date: 05/04/2018

Ward: Ward: 15 (MM/DD/YYYY)

Prepared by: Alaina Baldassarra

Phone No: 905-546-2424 ext. 7421

For Office Use Only, this doesn't appear in the by-law

Authority:

Ward: 15

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 21 Mill Street North (Flamborough)

WHEREAS Council approved Item ___ of Report _____ of the Planning Committee, at the meeting held on July 10, 2018;

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

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

1. That Map No. 482 of Schedule "A" of Zoning By-law No. 05-200 be amended as follows:

(a) For a change in zoning from the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone to the Mixed Use Medium Density - Pedestrian Focus (C5a, 695) Zone on lands described in Schedule A;

2. That Schedule "C" – Special Exemptions of Zoning By-law No. 05-200, as amended, is hereby further amended by adding the following:

695 Within the lands zoned Mixed Use Medium Density - Pedestrian Focus (C5a) Zone, identified on Map No. 482 of Schedule "A" and described as 21 Mill Street North, the following special provisions shall apply:

a. Notwithstanding Section 5.2(b) a parking space size shall be 2.6 metres in width and 5.5 metres in length;

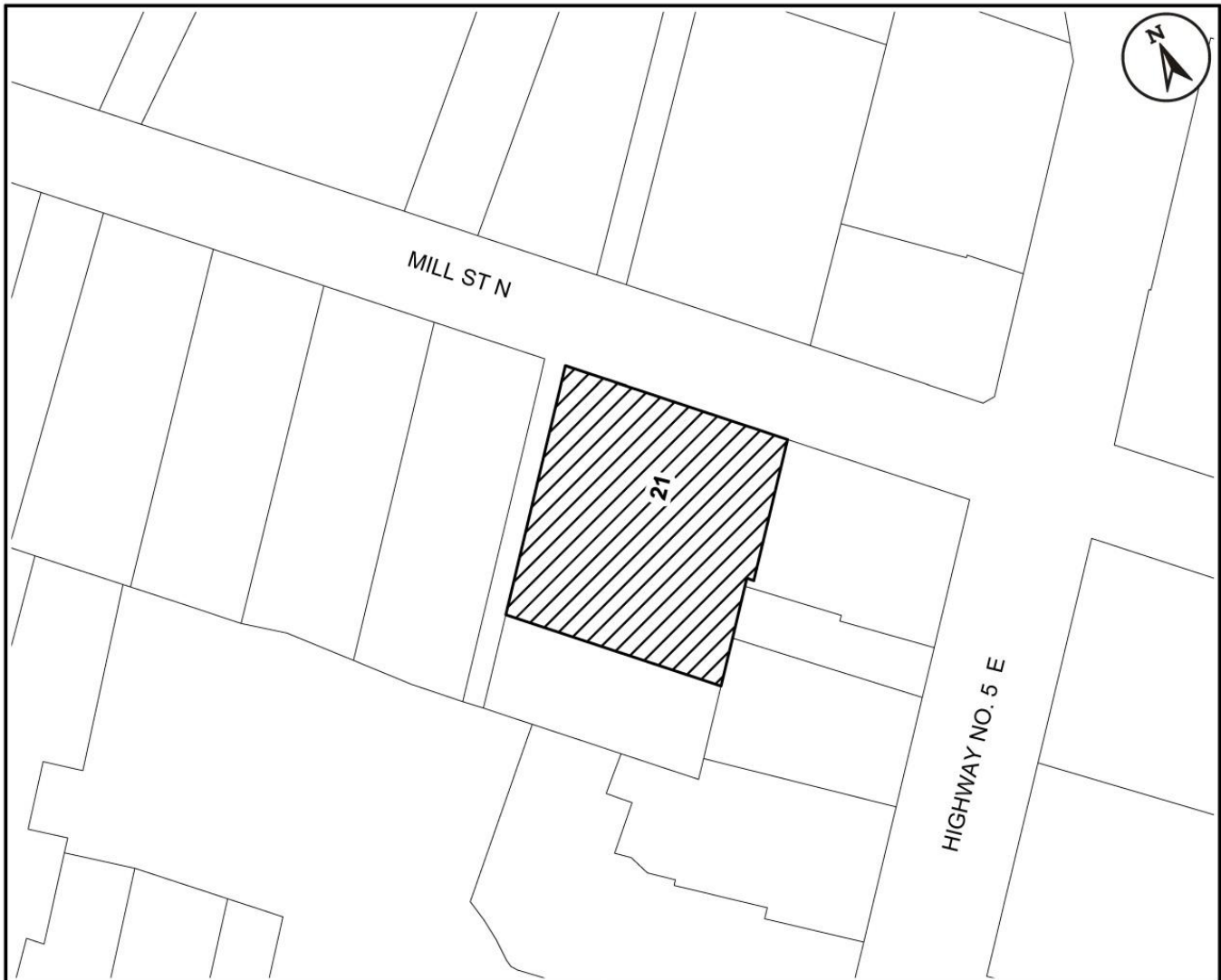
b. Notwithstanding Section 5.2(f) a barrier free parking space shall 4.4 metres in width and be 5.5 metres in length;

c. Notwithstanding Section 5.2(i) no minimum aisle width shall be required when abutting a public laneway.

PASSED this ___ day of _____, 2018.

Fred Eisenberger
Mayor

Janet Pilon
Acting City Clerk



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. 05-200
Map 482

Subject Property

21 Mill Street North, Flamborough



Change in zoning from Mixed Use Medium Density - Pedestrian Predominant (C5a) Zone to Mixed Use Medium Density - Pedestrian Predominant (C5a, 695)

Scale:
N.T.S.

File Name/Number:
ZAR-18-011

Date:
May 30, 2018

Planner/Technician:
AB/AL



Hamilton

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

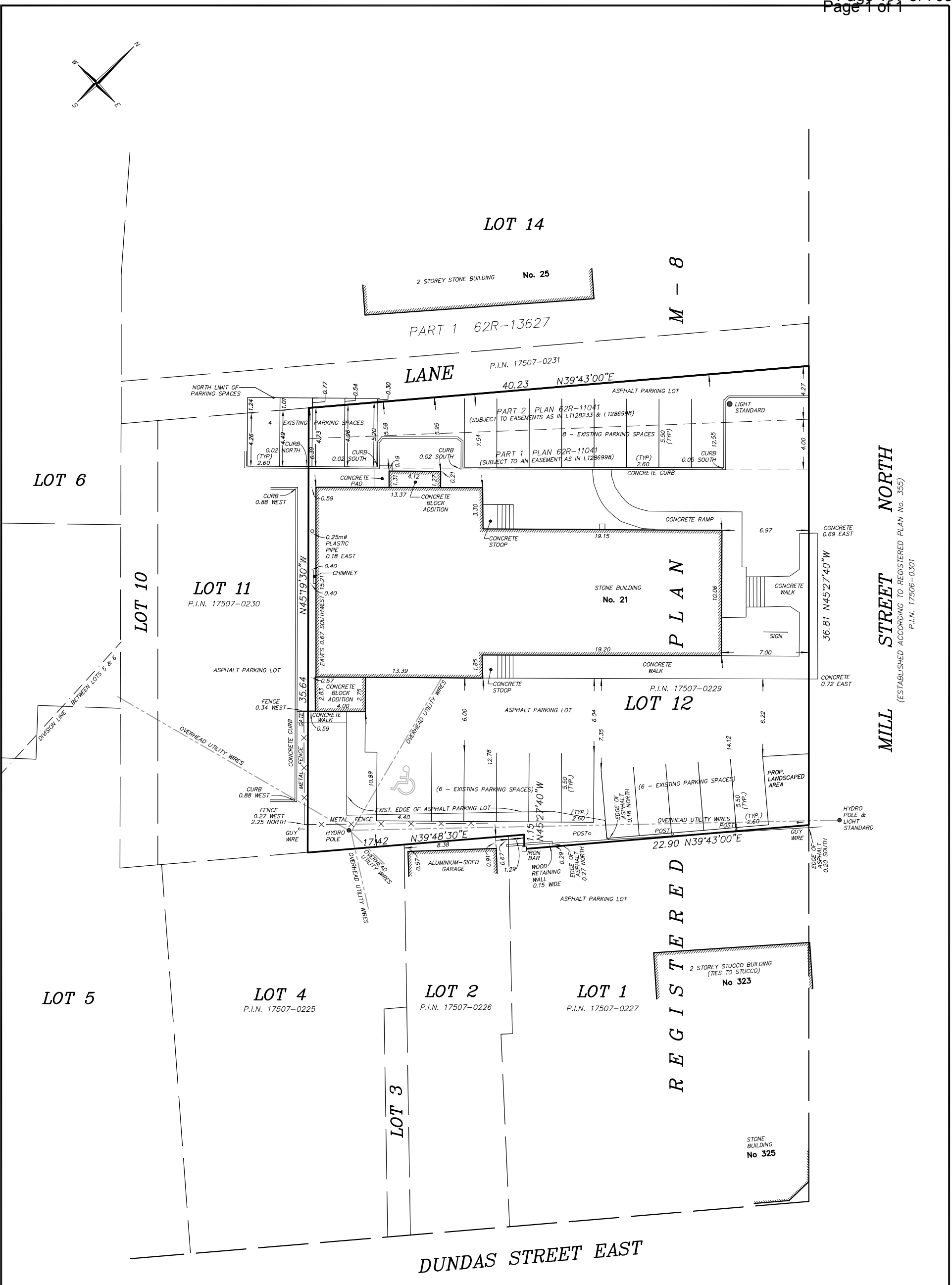
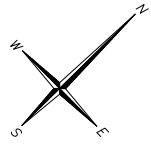
Committee: Chair and Members Report No.: PED18XXX Date: 05/04/2018

Ward: Ward: 15 (MM/DD/YYYY)

Prepared by: Alaina Baldassarra

Phone No: 905-546-2424 ext. 7421

For Office Use Only, this doesn't appear in the by-law



21 MILL STREET
 CITY OF HAMILTON
 SCALE 1:300
 Date: May 29, 2018
 Project No. 178223

A. J. Clarke and Associates Ltd.
 SURVEYORS • PLANNERS • ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 1H1
 TEL. 905-528-8761 FAX 905-528-2289
 email: ajc@ajclarke.com

We are the owners of 297,299 & 312 Dundas Street and are very familiar with the operation of the downtown. In our opinion this application should not be supported unless the applicant can prove that they have the parking capacity to support their intended use.

Are the proposed parking requirements being met by existing parking spaces?



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Adam Lucas (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-18-006 by Roxborough Park Inc., Applicant** to establish a site specific policy area to permit residential development having a minimum net residential density of 115 units per hectare and a maximum net residential density of 135 units per hectare for lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, as shown on Appendix "A" to Report PED18158, be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That **Amended Zoning By-law Amendment Application ZAC-18-010 by Roxborough Park Inc., Applicant**, for a change in zoning from the "D" (Urban

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SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 2 of 37

Protected Residential – One and Two Family Dwellings, Etc.) District in the City of Hamilton Zoning By-law No. 6593 and Neighborhood Institutional (I1) Zone in the City of Hamilton Zoning By-law No. 05-200 to a site specific Downtown Multiple Residential (D6) Zone and Conservation / Hazard Land (P5) Zone in the City of Hamilton Zoning By-law No. 05-200 to permit eight blocks for 36 street townhouse dwellings (Blocks “1” and “3”), 44 block townhouse dwellings (Blocks “2” and “6”), 122 maisonette dwellings (Blocks “4” and “5”), 120 stacked townhouse dwellings (“Block 5”), three multiple dwelling buildings consisting of 365 dwelling units (“Block 7”), and 1 Conservation / Hazard Block (Block “8”) for lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue as shown on Appendix “A” to Report PED18158 be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18158 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 “C” to Report PED18158, be added to Map No. 1092 of the City of Hamilton Zoning By-law No. 05-200;
- (iii) That Schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding additional Holding provisions as follows:

For the lands identified as Blocks “1” – “3”, on Map No. 1092 on Schedule “A” – Zoning Maps, and described as 20 Reid Avenue North (Hamilton), no development shall proceed until such time as:

- (a) A signed Record of Site Condition (RSC) has been submitted to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECC, and submission of the City of Hamilton’s current RSC administration fee.
- (iv) That this By-law will be in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. ;
- (c) That **Draft Plan of Subdivision Application 25T-201802, by MHBC Planning, on behalf of Roxborough Park Inc., Applicant,** to establish a Draft Plan of

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SUBJECT: Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (PED18158) (Ward 4) - Page 3 of 37

Subdivision for lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue as shown on Appendix "A" to Report PED18158 be **APPROVED**, subject to the following conditions:

- (i) That this approval apply to Draft Plan of Subdivision 25T-201802, prepared by A.T. McLaren Limited, and certified by S. Dan McLaren, O.L.S, dated November 30, 2017, attached as Appendix "E" to Report PED18158, consisting of 36 Street Townhouse Dwellings (Blocks 1 and 3), 44 Block Townhouse Dwellings (Blocks 2 and 6), 122 Maisonette Dwellings (Blocks 4 and 5), 120 Stacked Townhouse Dwellings (Blocks 4 and 5), and three Multiple Dwelling buildings consisting of 365 dwelling units (Block 7), subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix "D" to Report PED18158;
- (ii) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit as follows:
 - (1) For townhouses and maisonettes based on a maximum dedication rate of one hectare for every 500 dwelling units and capped at \$9,000 per townhouse dwelling unit, subject to annual indexing; and,
 - (2) For stacked townhouses and multiple dwellings, based on a fixed rate of \$7,000 per unit, subject to annual indexing; and that the affordable housing exemption may apply.
- (iii) In accordance with City financial policies, the City of Hamilton will share costs with the Owner for storm water infrastructure as follows:
 - a. 50% of the cost for the storm water infrastructure including the drop structure and downstream outfall infrastructure from MH 17 to Redhill Creek as shown in Drawing 9 of 14 from the Functional Servicing Report prepared by Amec Foster Wheeler, last revised April, 2018, subject to council approval of funding;
 - b. 50% of the cost of storm sewer construction and restoration for the proposed sewers on:

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- i. Reid Avenue North from Main Street East to Ayr Avenue;
- ii. Bingham Road from Hayes Avenue to Ayr Avenue;
- iii. Hayes Avenue from Bingham Road to the proposed MH 17;

Other cost sharing provisions for this development shall be in accordance with the City's Financial Policy, if any.

EXECUTIVE SUMMARY

The Applicant, Roxborough Park Inc., has applied for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision to permit the redevelopment of lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (subject lands) as shown on Appendix "A" to Report PED18158. The applications propose a residential development consisting of seven blocks of land which show:

- 36 street townhouse dwellings;
- 44 block townhouse dwellings;
- 122 maisonette dwellings;
- 120 stacked townhouse dwellings;
- three multiple dwellings containing 365 dwellings units; and,
- Conservation/Hazard lands.

The proposed development, as shown on the concept plan provided by the applicant, will consist of approximately 687 dwelling units. In addition to the built form proposed, the applicants are proposing one internal public road (Street "A") and a number of private condominium roads to service the proposed development. With the exception of the street townhouse dwellings and one of the multiple dwellings, the proposed dwellings will proceed by way of future Draft Plan of Condominium applications. It is noted that the applicant has requested flexible zoning permissions that would allow for the ultimate development that could be different from the concept plan in that any one form of development could be replaced by a different form of development (e.g. block townhouse dwellings instead of maisonette dwellings). As such, staff are recommending both a minimum and maximum density to ensure a variety of unit types are built.

The proposed Draft Plan of Subdivision will establish seven blocks of lands. The UHOP Amendment will permit an overall minimum net residential density of 115 units per hectare and a maximum net residential density for the subject lands of 165 dwelling per

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hectare. The Zoning By-law Amendment will change the zoning of the property to a site specific Downtown Multiple Residential (D6) Zone and Conservation/Hazard Land (P5) Zone under the City of Hamilton Zoning By-law No. 05-200. In addition, a Holding Provision is being applied to Blocks 1-3 of the Draft Plan of Subdivision and site specific amendments are proposed to the (D6) Zone to accommodate the proposed uses.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017) and comply with the policies of the Urban Hamilton Official Plan (UHOP). The proposal is considered to be compatible with the existing development pattern in the area and represents good planning by establishing compatible infill development.

Alternatives for Consideration – See Page 36

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 applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision.

HISTORICAL BACKGROUND

The subject lands are located on the east side of Reid Avenue North, south of Ayr Avenue and west of the Red Hill Valley Parkway (see Appendix “A” to Report PED18158). The property is approximately 5.52 ha (55,200 sq m) in size, with approximately 278 m of lot frontage along Reid Avenue North. The subject lands consist of the former Roxborough Park Elementary School site and land owned by City Housing Hamilton (CHH) which currently contains 90 CHH occupied block townhouse dwellings. The proposal seeks to demolish all of the block townhouse dwellings units currently on site, while constructing a new multiple dwelling to accommodate the current residents.

Proposal:

On December 22, 2017, applications for Zoning By-law Amendment and Draft Plan of Subdivision were submitted seeking to permit a residential development consisting of

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seven blocks of land which include 36 street townhouse dwellings, 44 block townhouse dwellings, 122 maisonette dwellings, 120 stacked townhouse dwellings, three multiple dwellings containing 365 dwellings units and Conservation / Hazard lands. In addition to the built form proposed, the applicants are proposing one internal public road (Street "A") and a number of private condominium roads to service the proposed development. With the exception of the street townhouse dwellings and one of the multiple dwelling buildings, the proposed dwellings will proceed by way of future Draft Plan of Condominium applications.

Urban Hamilton Official Plan Amendment UHOPA-18-006:

Subsequent to staff's review, it was determined that an amendment to the Urban Hamilton Official Plan (UHOP) was required to facilitate the proposal. Specifically, an UHOP Amendment is required for the following reasons:

- the street townhouse dwellings exceed the maximum net density requirements in the low density residential category of the Neighbourhoods Designation;
- the block townhouse dwellings are proposed to not meet the minimum net density requirements of the medium density residential category within the Neighbourhoods Designation; and,
- the multiple dwellings exceed the maximum net density requirements in the high density residential category of the Neighbourhoods designation.

Given the above, on February 21, 2018 an application to amend the UHOP was received to permit an overall maximum net residential density for the subject lands of 135 units per hectare. Further, a minimum net residential density was included in the Official Plan Amendment to permit a minimum net residential density of 115 unit per hectare and a maximum net residential density of 165 units per hectare to allow flexibility in the location of the unit types proposed, and to ensure a variety of unit types are constructed at full build out on the subject lands.

Draft Plan of Subdivision 25T-201802:

The proposed Draft Plan of Subdivision (see Appendix "E" of Report PED18158) is intended to create:

- 36 street townhouse dwellings (Blocks 1 and 3);
- 44 block townhouse dwellings (Blocks 2 and 6);
- 122 maisonette dwellings (Blocks 4 and 5);
- 120 stacked townhouse dwellings (Block 5);

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- Three multiple dwellings consisting of 365 dwelling units (Block 7);
- One internal public street (shown as Street “A”); and,
- Dedication of daylight triangles along Street “A”.

In total, seven blocks of land will be created to accommodate the development. Development within the Blocks 2, and 4 to 7 will proceed by way of Plan of Condominium and will be located on condominium roads. Further, the street townhouses in Blocks 1 and 3 will proceed by way of future Part Lot Control applications. Staff note that the proposed Draft Plan will be proceeding on the basis of Street “A” being a 18 m right-of-way to reflect the Council motion regarding the reduced right-of-way width from 20 m to 18 m.

Amended Zoning By-law Amendment Application ZAC-18-010:

The amended application proposes to:

- Remove the southerly portion of the lands zoned “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District in the City of Hamilton Zoning By-law No. 6593 and rezone the lands to site specific Downtown Multiple Residential (D6, 696, H70) Zone and Conservation/Hazard Land (P5) Zone in the City of Hamilton Zoning By-law No. 05-200; and,
- Rezone the northerly portion of the lands, which is the former Roxborough elementary school site from Neighbourhood Institutional (I1) Zone to a site specific Downtown Multiple Residential (D6, 696, H70) Zone in the City of Hamilton Zoning By-law No. 05-200.

In addition, site specific modifications are requested to the (D6) Zone relating to definitions, permitted encroachments and uses, maximum building height, number of dwelling units per block, number of dwellings in a row, minimum setback to a condominium road, number of required parking spaces, lot area, yards, unit width, setbacks of parking spaces, landscape area, amenity area, bicycle parking and planting strips.

Second Submission – April 5, 2018

In response to comments from internal departments and external agencies, the applicant provided a revised submission which included a concept plan and supportive studies/reports. In summary, the new concept plan included the following changes:

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- reorientation of the eight storey multiple dwelling along the Reid Avenue North frontage and a reduction to seven surface parking spaces located within the Height Density Block (Block 7);
- inclusion of an underground parking ramp within the central green area of the site;
- relocation of the stormwater outfall from private backyards to the condominium road within Block 6;
- realignment of Street “A”;
- updates to the amending Zoning By-law to reflect changes suggest by staff which are in keeping with the language of Zoning By-law No. 05-200;
- inclusion of a decorative landscape feature to create for a dead end condominium road at the terminus of Main Street East and the subject lands; and,
- inclusion of a connection to the existing Red Hill Valley trail.

Third Submission – May 16, 2018

In response to comments from internal departments with respect to the amending Zoning By-law provided by the applicant, the applicant provided a revised amending By-law to incorporate the staff amendments suggested changes. The updates to the amending by-law are as follows:

- Provide for minimum and maximum number of dwelling units within Blocks 4 – 6 to comply with the proposed UHOPA Amendment;
- Inclusion of definitions for Block Townhouse, Maisonette Dwellings and Stacked Townhouse Dwelling;
- Permit a maximum of 18 Block Townhouse Dwellings in each of Blocks 4 and 5 to ensure an adequate mix of housing types within the draft plan;
- Increase the rear yards of Street and Block Townhouse Dwellings within the Draft Plan; and,
- Provide a provision for landscape area and private amenity area within Blocks “4”, “5” and “7”.

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Staff note that the above changes did not have an effect on the revised concept plan but rather reflect a refinement and clarification of the development proposal.

Chronology:

- December 22, 2017: Zoning By-law Amendment Application ZAC-18-010 and Draft Plan of Subdivision 25T-201802 were received.
- January 18, 2018: Applications ZAC-17-085 and 25T-201802 deemed complete.
- January 25, 2018: Notice of Complete Application and Preliminary Circulation was sent to 427 property owners within 120 m of the subject property.
- January 26, 2018: A Public Notice Sign was posted on site.
- February 21, 2018: Urban Hamilton Official Plan Amendment Application UHOPA-18-006 was received.
- February 26, 2018: Revised Amending Zoning By-law submitted by applicant.
- March 5, 2018: Application UHOPA-18-006 was deemed complete.
- March 12, 2018: Notice of Complete Application and Preliminary Circulation was sent to 427 property owners within 120 m of the subject property
- April 5, 2018: Revised Concept plan, Amending Zoning By-law and supporting studies / reports submitted by the applicant.
- April 24, 2018: Public information meeting held by the Applicant at the Knights of Columbus Hall (222 Queenston Road).
- May 16, 2018: Revised Amending Zoning By-law submitted by applicant.
- June 13, 2018: Public Notice Sign updated with Public Meeting date.
- June 22, 2018: Circulation of the Notice of Public Meeting to 427 property owners within 120 m of the subject property.

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Details of Submitted Application:

Owner: Community Hamilton Housing and Roxborough Park Inc.

Applicant: Roxborough Park Inc.

Agent: MHBC Planning (c/o Dana Anderson)

Location: 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (see Appendix “A” to Report PED18158)

Property Description:

<u>Lot Frontage:</u>	278 m (Reid Avenue North) 111.18 m (Ayr Avenue) 120.2 m (Bingham Road) 170.8 m (Hayes Avenue)
<u>Lot Depth:</u>	329.1 m
<u>Lot Area:</u>	5.52 ha (55,200 sq m)
<u>Servicing:</u>	Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Property:</u>	90 Block Townhouse Dwellings	Community Institutional (I2) Zone and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.

Surrounding Lands:

North	Community Park and Low Density Residential Uses	Neighbourhood Park (P1) Zone and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.
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East	Red Hill Valley Parkway	“B” (Suburban Agriculture and Residential, Etc.) District and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District.
South	Multiple Dwelling	“E” (Multiple Dwellings, Lodges, Clubs, Etc.)
West	Low Density Residential Uses	“C” (Urban Protected Residential, Etc.)

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposed development.

Settlement Areas

With respect to Settlement Areas, the PPS provides the following:

- “1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on:
- a) densities and a mix of land uses which:
 1. efficiently use land and resources;
 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 4. support *active transportation*; and,

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5. are *transit-supportive*, where transit is planned, exists or may be developed.

b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.”

The subject property is located within a settlement area as defined by the PPS. The proposal consists of a total of 687 dwelling units and includes low, medium and high density residential uses. The proposal is contributing to the mix of land uses in the City of Hamilton that efficiently use land and existing infrastructure, and represents a form of intensification. The proposal seeks a reduction in the amount of vehicular parking and is located in close proximity to public transit including current bus services and the future light rail transit line.

Cultural Heritage and Archaeology

With respect to Cultural Heritage and Archaeology, the PPS provides the following:

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or area of archaeological potential unless significant archaeological resources have been conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

In respect to archaeological potential, 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:

- Within 250 m of known archaeological sites;

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- Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody; and,
- Local knowledge associates areas with historic events/activities/occupations.

These criteria define the property as having archaeological potential.

In support of the proposal, the applicant submitted Stage 1 and 2 Archaeological Assessments of the property both to the City and the Ministry of Tourism, Culture and Sport. Staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met to the satisfaction of staff. Also, staff have received a copy of the letter from the Ministry indicating that the assessments have been entered into the Ontario Public Register of Archaeological Reports without Technical review.

In addition, noise, environmental remediation, affordable housing and hazard land policies are discussed in the Analysis and Rationale for Recommendation section of this Report to demonstrate provincial plan conformity.

In consideration of the foregoing, staff are of the opinion that the proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

The policies of the Growth Plan for the Greater Golden Horseshoe (2017) apply to any planning decision.

The subject lands are located within the built-up area, as defined by the Growth Plan. Section 1.2.1 of the Growth Plan outlines a number of Guiding Principles regarding how land is developed, resources are managed and protected, and public dollars are invested. The subject proposal conforms to these Guiding Principles in that:

- It supports the achievement of *complete communities* that are designed to support healthy and active living and meeting people's needs for daily living throughout an entire lifetime; and,
- It supports a range and mix of housing options to serve all sizes, incomes, and ages of households.

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

- “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.
 - c) within settlement areas, growth will be focused in:
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
 - iv. areas with existing or planned public service facilities.
- 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*;

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2.2.2 Delineated Built-up Areas

1. By the year 2031, and for each year thereafter, a minimum of 60 percent of all residential development occurring annually within upper- or single-tier municipalities will be within the delineated built-up area.”

The applications conform to the policies of the Growth Plan for the Greater Golden Horseshoe (2017) by focusing growth within the built-up area, contributing to achieving a complete community and helping to achieve the intensification targets, utilizing existing and planned municipal infrastructure, and providing for development with access to a range of transportation options.

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

Urban Hamilton Official Plan (UHOP)

It is the intent that development proposed on the subject lands provide for an innovative and creative design that evolves over time, while providing for flexibility from a mixed income and mixed tenure basis. This development will a comprehensive redevelopment of the lands, which will not be replicated everywhere in the City. However, it is appropriate based on this context. Given the above, the following is provided.

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 proposed development.

Urban Structure

- “E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports.
- E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 –

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Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.

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*; and,
- b) open space and parks.

“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.3.2.7 The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- a) New *development* on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- c) Adequate and direct pedestrian access and linkages to *community facilities / services* and local commercial uses shall be provided.
- d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.

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- e) *Development shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.*”

With respect to the above policies, the following is provided:

- The proposal provides for a full range of housing forms, types and tenures including affordable housing, that are permitted as residential dwellings in the Neighbourhood Designation (Policies E.2.6.4, E.3.2.1 and E.3.2.3);
- The proposal represents a form of residential intensification within an existing built up neighbourhood. Low density residential development in the form of street townhouse dwellings have been located within the interior, while medium density development in the form of maisonette and stacked townhouse dwellings have been positioned internal to the subject lands and serve as a transition to the high density development to the south on the periphery of the residential area and in close proximity to Queenston Road, which is a Major Arterial Road. As discussed further in the Analysis and Rationale section of this Report, staff are of the opinion that the proposal is compatible with the scale and character of the existing residential neighbourhood which is predominantly single detached dwellings (Policy E.2.6.7 and E.3.2.4);
- The proposal includes direct access and linkages to community facilities (i.e. Roxborough Park and pedestrian connections and the Red High Valley Trail) as well as local commercial uses along Queenston Road (Policy E.3.2.1 and E3.2.7 c));
- The subject property is considered a large site that seeks to reconnect the grid system of streets by proposing the continuation of Bingham Road southerly into the subject property, known as Street “A” (see Appendix “E” to Report PED18158). The proposal includes dwellings that contain garages that will be flush with or recessed relative to the front face of the dwellings. Surface parking areas have been located internal to the blocks, while buildings have been located along the streetline to provide for a pedestrian scale development. Also, the amending Zoning By-law includes 3.0 m planting strips surrounding the perimeter of the medium and high density blocks (Blocks 4, 5 and 7), a central green area in Block 5, and minimum landscape areas for Blocks 4, 5 and 7 and opportunities for connections to the Red Hill Valley Trail. Also, the development of Blocks 2, and 4-7 will be subject to Site Plan Control which will ensure improved landscaping of the area (Policy E.3.2.7 a), b), d) and e)).

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Residential Intensification

“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.

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;

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- 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; and,
- j) infrastructure and transportation capacity and impacts.”

The proposal will add to the mix of housing types and densities (Policy B.2.4.1.4 c)). The housing types have been oriented in a manner that is in keeping with the locational criteria for low, medium and high residential development pursuant to the UHOP. As such, staff are of the opinion the proposal enhances and builds upon desirable established patterns and built form in the area (Policies B.2.4.1.4 b) and e)). The low density and medium density residential development will have maximum building heights of 12.0 m (3 storeys) and 15.0 m (3.5 storeys) respectively, while incorporating a minimum 3.0 m setback from the streetline and adjacent properties. As such, the proposed development is in keeping with the proposed buildings of the nearby residential area in terms of the height, massing and scale and UHOP policies. The high density development provided in Block 7 has been located away from the existing low rise residential development to the west, north and east, save and except for the eight storey multiple dwelling along Reid Avenue South. However, the building has been rotated to help reduce the physical impact on the residential dwellings on the west side of Reid Avenue South. Furthermore, a minimum planting strip of 3.0 m will be required between the building and the streetline, while enhanced landscaping will be required along said area to further reduce the impact on the neighbouring area. Given all the above, staff are of the opinion the proposed uses have demonstrated compatible integration with the surrounding area (Policies B.2.4.1.4 d) and B.2.4.2.2 d)) while impacts such as shadowing, overlook, and noise are not anticipated (Policy B.2.4.2.2 b)).

The Draft Plan of Subdivision includes an extension of Bingham Road southerly which bisects the subject land and improves vehicular circulation within the area. In addition, buildings have been set back from the streetline to respect the existing streetscape in the area (Policies B.2.4.2.2 g) and h)). The proposed lots complement or are

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compatible with the lot pattern and configuration within the neighbourhood (Policy B.2.4.2.2 e)).

The Growth Management Division and Transportation Planning Services have indicated that upgrades to the existing infrastructure network will need to be undertaken. However, infrastructure and transportation capacity issues have not been identified (Policy B.2.4.2.2 j)). These matters will be discussed further in the Analysis and Rationale section of this Report.

With respect to the provision of amenity space, the block townhouse dwellings and street townhouse dwellings will provide for rear yards of 6.0 m and 7.0 m, respectively, while the multiple dwellings, maisonette dwellings and stacked townhouse dwellings will provide for amenity space ranging from 3.0 sq m to 5.0 sq m per dwelling unit. Staff note that the subject lands are located south of Roxborough Park (Policy B.2.4.1.4 f).

Urban Design

“B.3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

B.3.3.3.2 *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.

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- B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.
- B.3.3.3.4 New *development* shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
 - b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
 - c) including a quality landscape edge along frontages where buildings are set back from the street;
 - d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
 - e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

The proposed development is appropriate in respect to transition in scale to the neighbouring properties by requiring a maximum height of 12.0 m for the street and block townhouses and 15.0 m for maisonette dwellings and stacked townhouses in Blocks 1-6, whereas the neighbouring area is characterized by one and two storey single detached dwellings, which are permitted to have maximum heights of 14 m or three storeys. Further, the high density development in Block 7 has been placed adjacent to an existing multiple dwelling and has been internalized to the site, while appropriate setbacks and landscape treatment will be provided to ensure appropriate transition between the streetline and building face are being achieved. Moreover, the proposed built form has been setback 1.5 m from the northerly boundary of the subject lands which is adjacent to Roxborough Park and 6.0 m from the easterly boundary of the subject lands, which is abutting an existing residential use. Staff are of the opinion that adequate privacy and sunlight to neighbouring properties is being achieved while impacts of shadowing and wind are not anticipated given the height of the proposed buildings. Further, the development has been massed to respect existing and planned street proportions.

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With respect to the provision of ample glazing on ground floors, as part of the Site Plan Control process, elevation drawings of the block townhouses, maisonette dwellings, stacked townhouse dwelling and multiple dwellings will be further reviewed to ensure that building facades will provide for ample glazing on ground floors.

Parking areas within the plan have been located away from the street, either internal to the blocks or within garages being recessed or flush with the main face of the dwellings. The buildings proposed are close to and facing the street. Further, in keeping with City Development Standards, the applicant will be required to provide 40% on street parking for the street townhouses dwellings proposed. Visitor parking will be provided within the proposed condominium forms of development.

Through the Site Plan Control process, staff will ensure that ample landscape treatment will be provided both within the blocks and surrounding the perimeter of the blocks. Further, staff will ensure that building elevations are complementary to the existing, rhythm, height, colour, and surrounding context. In areas where the side elevation of dwellings are facing the street, through the Site Plan Approval process staff will be requiring upgraded treatment along this side of the building to ensure that the side elevation reads as a front facing dwelling.

Environmental Site Condition Policies

The following Environmental Site Condition policies are relevant to the proposed development:

- “B.3.6.1.2 Where there is potential for site contamination due to previous uses of a property and a more sensitive land use is proposed, a mandatory filing of a Record of Site Condition is triggered as outlined in provincial guidelines. The Record of Site Condition shall be submitted by the proponent to the City and the Province. The Record of Site Condition shall be to the satisfaction of the City.
- B.3.6.1.4 Where there is potential for site contamination due to a previous use or uses on lands subject to development or redevelopment proposals, and a mandatory filing of a Record of Site Condition is triggered, the City shall:
- a) withhold final approval of an application until acceptance of a Record of Site Condition. In the interim, conditional approval may be considered; or,

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- b) defer or establish conditions of approval for applications involving official plan amendments, zoning by-law amendments, plans of subdivision, and site plan approvals where a Record of Site Condition is necessary.”

A portion of the subject lands that contained the former Roxborough Park Elementary School is recognized as a potentially contaminated site. Prior to establishing residential uses on this portion of the subject lands, the applicant will be required to complete a Record of Site Condition (RSC) and any necessary remediation to the satisfaction of the Ministry of Environment and Climate Change (MOECC). A Holding Provision has been included in the amending Zoning By-law for these lands as the provision of an acknowledgment letter from the MOECC for the RSC is a requirement.

Noise Policies

“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:

- b) 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification;
- c) 400 metres of a truck route.”

Staff note that the southerly limits of the proposed development is located approximately 48 m from Queenston Road which is identified as a major arterial road and the easterly limit is adjacent to the Red Hill Valley Parkway. As a result, a noise assessment is required. The noise assessment is required to address both indoor noise levels for the arterial roads as well as noise levels on outdoor amenity areas. The applicant has not submitted a noise study in support of the proposal as this requirement was not requested in the Formal Consultation Document; however, as a condition of Site Plan Control approval for Blocks 2, 4-7, the applicant will be required to submit a noise study and undertake any required mitigation measures accordingly once the specific details and methods of construction for the units are further developed by the applicant.

Hazard Lands

“B.3.6.5.2 Hazard lands include hazardous lands and hazardous sites.

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- B.3.6.5.3 Hazard lands are identified, mapped, and regulated by the Conservation - Authorities. Boundaries of most hazard lands are determined by the appropriate Conservation Authority.
- B.3.6.5.4 Hazard lands shall be placed in a separate zoning classification in the Zoning Bylaw.”

With respect to the above policies, the Hamilton Conservation Authority (HCA) has determined that a strip of land along the eastern boundary abutting the Red Hill Valley Creek is subject to erosion hazards associated with the ravine slope of the Creek. Consequently, the HCA has recommended that the erosion hazard limit of the property be appropriately zoned to a Conservation/Hazard (P5) Zone in the City of Hamilton Zoning By-law No. 05-200. Given the limited area that is subject to the (P5) Zoning, this will not have an effect on the development of the subject lands as shown on the concept plan and the (P5) lands will be located in the rear yards within Block 5 and will not be dedicated to the HCA or the City. In consideration of the comments from the HCA, the amending Zoning By-law has been updated to reflect the (P5) zoning request (see Appendix “C” to Report PED18158).

Plan of Subdivision Policies

- “F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:
- a) the plan of subdivision conforms to the policies and land use designations of this Plan;
 - b) the plan of subdivision implements the City’s staging of development program;
 - c) the plan of subdivision can be supplied with adequate services and community facilities;
 - d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
 - e) the plan of subdivision can be integrated with adjacent lands and roadways;
 - f) the plan of subdivision shall not adversely impact municipal finances; and,

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- g) the plan of subdivision meets all requirements of the Planning Act, R.S.O., 1990 c. P.13.”

The proposed Plan of Subdivision seeks to permit street townhouse dwellings, block townhouse dwellings and multiple dwellings that are generally in conformity with the policies of the UHOP. The development has access to adequate services and can be integrated with the adjacent lands and roadways, does not impact upon the transportation system or the natural environment, and meets all the requirements of the *Planning Act*. The surrounding area has been largely developed and implements the City’s staging of development.

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

City of Hamilton Zoning By-law No. 6593 and Zoning By-law No. 05-200

The subject property is currently zoned “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District in Zoning By-law No. 6593 and Neighbourhood Institutional (I1) Zone in Zoning By-law No. 05-200. The lands within the “D” District consist of the lands owned by City Hamilton Housing and currently contain 90 Block townhouse dwellings. The lands zoned (I1) Zone are vacant and formerly was the site of the Roxborough Park Elementary School and are currently vacant.

The “D” District permits a Single Detached Dwelling and a Two Family Dwelling, as well as a Day Nursery and Public Uses. The (I1) Zone permits Single Detached and Semi-Detached Dwellings, Day Nursery and an Educational Establishment.

In order to implement the proposal, an amendment to the City of Hamilton Zoning By-law No. 6593 is required to remove the lands zoned “D” District from the City of Hamilton Zoning By-law No. 6593 and rezone the lands to a site specific Downtown Multiple Residential (D6) Zone in the City of Hamilton Zoning By-law No. 05-200. Further, an amendment to the City of Zoning By-law No. 05-200 is required to rezone the northerly portion of the lands from Neighbourhood Institutional (I1) Zone to a site specific Downtown Multiple Residential (D6) Zone in Zoning By-law No. 05-200. Further, in order to satisfy the HCA’s comment respecting erosion hazard limits, a strip of land along the east side of the property will be rezoned to Conservation/Hazard (P5) Zone (see Appendix “A” to Report PED18158).

Site specific modifications are also required to address definitions, permitted encroachments and uses, minimum required number of parking spaces, lot area, yards, unit width, setback to a condominium road, setbacks of parking spaces, landscape area, private amenity area, bicycle parking, planting strips, and maximum number of dwelling

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units, building height, and number of dwellings in a row. These will be discussed in greater detail in the Analysis and Rationale section of this Report and Appendices “H1”, “H2” and “H3” to Report PED18158.

RELEVANT CONSULTATION

The following Departments and Agencies had no objections to the applications:

- Alectra Utilities (formerly Horizon Utilities Corporation);
- Hydro One;
- Environmental Services Division, Public Works Department;
- Recreation Division, Healthy and Safe Communities Department; and,
- Transit Division, Public Works Department.

The following Departments and/or Agencies have provided comments / conditions on the applications:

Canada Post has indicated that the owners are required to notify purchasers of Centralized Mailbox locations. Further, Canada Post has provided their requirements for the Centralize Mailbox locations.

These requirements are being addressed as a condition of Draft Plan of Subdivision approval and are included as Condition Nos. 47 - 49 of Appendix “D” to Report PED18158.

Forestry and Horticulture Section, Public Works Department staff have indicated that they do not approve the Tree Management Plan for the property. As such a revised Tree Management Plan will be required in addition to the payment of a review fee. A condition is to be added requiring the applicant to submit a plan depicting new trees and a cash payment as shown in Item 2.8 of the standard Subdivision Agreement. Further, the applicant is also required to provide payment for road allowance trees which will be planted by the City of Hamilton.

These requirements are being addressed as a condition of Draft Plan of Subdivision approval and are included as Condition No. 46 of Appendix “D” to Report PED18158.

Hamilton Conservation Authority (HCA) staff have indicated that the applicant will be required to obtain a permit from the HCA prior to any development within the HCA’s regulated area. Further, the applicant will be required to provide a lot grading and drainage plan, stormwater management plan, updates to the Red Hill Creek restoration

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vegetation inventories, tree / vegetation protection plan and restoration plan, and an erosion analysis, all of which are to the satisfaction of the HCA.

These requirements are being addressed as a condition of Draft Plan of Subdivision approval and are included as Condition No. 35 - 40 of Appendix "D" to Report PED18158.

Growth Planning, Planning and Economic Development Department staff have indicated that the applicant will be required to identify all daylight triangles as road widenings on the final plan. Further, Growth Planning staff have requested that a note be included on the draft plan conditions indicating that draft plan approval shall lapse if the plan is not given final approval within three years or an extension has been granted.

The above requirement is being addressed as a note on the condition of Draft Plan of Subdivision approval (See Appendix "D" to Report PED18158).

Health Hazards Office, Healthy and Safe Communities Department staff have requested that a written dust mitigation plan be formulated and submitted prior to any potential demolition. This matter can be addressed as part of the Site Plan Control process.

Healthy Environments Division, Public Health Services staff have indicated that a Pest Control Plan will be required. This matter will be addressed as part of the Site Plan Control Process.

Landscape Architectural Services (LAS), Public Works Department staff have requested that the applicant provide strong green connections that link the trail system to the park and the wider community. The green connection shall have a wider green space and a pedestrian walkway. LAS has indicated that they do not support the addition of the underground parking access to the central green as it detracts from the functionality of the green space as a passive recreational amenity. Further, the open green space will not count towards parkland dedication. The above matters will be addressed as part of the Site Plan Control process.

Light Rail Transit (LRT) Office has indicated that Queenston Road will have LRT tracks running down along the middle of the roadway. As such, all turning movements would continue to be permitted except for left turns in either direction along Queenston Road at Reid Avenue. It is recommended that the applicant's traffic consultant be advised of this information in order to determine whether the turning restriction would have any implication on any proposed traffic impact mitigation strategy.

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Transportation Planning Services (TPS), Planning and Economic Development

Department has indicated that the following matters will need to be provided as part of the detailed engineering submissions relating to Draft Plan of Subdivision:

- Dimensioned plans as per City of Hamilton guidelines;
- Updated Traffic Impact Study;
- Neighbourhood Traffic Calming Study;
- Cross-section of proposed Street “A”; and,
- The location and design of suitable cycling and pedestrian facilities and trail connections.

These requirements apply to Draft Plan of Subdivision 25T201802 and are addressed in Conditions Nos. 41 - 45 of Appendix “D” to Report PED18158.

Further, TPS has indicated that the Transportation Demand Management initiatives do not meet the objectives of the City, as outlined in the ‘TDM for Development’ document. TPS recommends that the developer review the provided initiatives and resubmit a report. This matter will be addressed at the Site Plan Control stage.

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 427 property owners and tenants within 120 m of the subject property on January 25, 2018 (for the Draft Plan of Subdivision and Zoning By-law Amendment) and March 12, 2018 (for the UHOP Amendment). A Public Notice sign was posted on the property on January 26, 2018 and updated on June 13, 2018 to reflect the Public Meeting date. In addition, the Ward Councillor has included this development as a standing item at his town hall meetings to discuss Ward 4 issues. Staff have attended these meetings to provide status updates and/or to answer any questions. Finally, Notice of the Public Meeting was circulated on June 22, 2018 in accordance with the requirements of the *Planning Act*.

To date, six pieces of correspondence were received respecting the proposed development (see Appendix “I” to Report PED18158). These items are further summarized in the Analysis and Rationale for Recommendations section of this Report.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which included an applicant held public information

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meeting at the Knights of Columbus Hall at 222 Queenston Road on April 24, 2018. The applicant set up easels with various poster boards outlining details of the development proposal. Furthermore, the applicant's agent presented the applications to members of the public and addressed questions and concerns associated with the proposal. A notice advising of the public information meeting was sent to all residents within 120 m of the subject land. A total of 30 people including City staff, the applicant and their agent attended the public information meeting.

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) Provides for an innovative and creative design while allowing for flexibility from a mixed income and mixed tenure basis; and,
 - iii) The proposed development will be compatible with the existing and planning development in the immediate area with respect to use, size and scale.
2. The subject property is located on the east side of Reid Avenue North, the south sides of Ayr Avenue and Hayes Avenue, and the west side of Bingham Road and the west of Red Hill Valley Expressway. The property currently contains 90 block townhouse dwellings which are proposed to be demolished and vacant lands consisting of the former Roxborough Park Elementary School. Based on the concept plan provided, the applicant is proposing to construct 36 Street Townhouse Dwellings (Blocks 1 and 3), 44 Block Townhouse Dwellings (Blocks 2 and 6), 122 Maisonette Dwellings (Blocks 4 and 5), 120 Stacked Townhouse Dwellings (Block 5), and 3 multiple dwellings buildings having 365 dwelling units but the proposed zoning would allow for the applicant to substitute one built form (eg. Maisonette dwellings) for another built form (eg. Block townhouse dwellings) depending on market conditions (see Appendix "G" to Report PED18158).

Official Plan Amendment

The policies of the "Neighbourhoods" designation permit "Low Density Residential", "Medium Density Residential", and "High Density Residential" uses. As described in the aforementioned sections of this Report, the proposal has demonstrated that the uses proposed provide for compatible integration with the surrounding neighbourhood, provide for an appropriate range of dwelling types

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and tenures, efficiently utilizes land and infrastructure, and provides for an appropriate balance of built form, landscape and open space areas within the Draft Plan of Subdivision. Further, the Official Plan Amendment has been crafted to allow a minimum net residential density of 115 unit per hectare and a maximum net residential density of 165 units per hectare to require unit type variety but allow flexibility in the location of the unit types proposed. The minimum density is based on Blocks 1 to 6 being developed as street and/or block townhouse dwellings only with three multiple dwellings on Blocks 7, whereas the maximum density is based on Blocks 1 to 3 and 6 being street and/or block townhouse dwellings, Blocks 4 and 5 being developed as maisonette dwellings and stacked townhouse dwellings and Block 7 consisting of four multiple dwellings. It is on this basis that staff are of the opinion that the UHOP Amendment meets the intent of the policies within the plan. The implementing zoning by-law will provide provisions to restrict the density within the site purposed by the UHOPA and include setbacks from adjacent uses and planting strips along the streetline to ensure appropriate buffering. Further, with the exception of the street townhouses within Blocks 1 and 3 of the Draft Plan of Subdivision which will be address through Architectural Control, the proposed built form will be subject to Site Plan Control. Through the Site Plan Control process, staff will ensure that enhanced landscaping occurs throughout the site, and buildings are well articulated architecturally and sensitively integrated with the surrounding neighbourhood. Given all the above, staff recommend approval of the UHOPA.

City of Hamilton Zoning By-law No. 05-200

The northerly portion of the subject lands are presently zoned Neighbourhood Institutional (I1) Zone in the City of Hamilton Zoning By-law No. 05-200 (see Appendix “A” to Report PED18158). Street and block townhouse dwellings are not permitted in this Zone. Further, the remainder of the site is located within the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District in the City of Hamilton Zoning By-law No. 6593. The “D” District does not permit the proposed block townhouse dwellings, maisonette dwellings, stacked townhouse dwelling and multiple dwellings. As a result, an amendment to the Zoning By-law is required to change the zoning of the lands to permit the above proposed uses.

In anticipation of the City’s upcoming update to the City of Hamilton Zoning By-law No. 05-200 to incorporate residential zoning, the applicant has requested that the subject lands be incorporated in Zoning By-law No. 05-200. As such, the amendment seeks to rezone the subject land to a site specific Downtown Multiple Residential (D6) Zone to permit the following uses within seven Blocks on the Draft Plan of Subdivision (see Appendix “G” to Report PED18158):

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- 36 street townhouse dwellings;
- 44 block townhouse dwellings;
- 122 maisonette dwellings;
- 12 stacked townhouse dwellings; and,
- 3 buildings consisting of 365 multiple dwelling units.

Further, in order to protect lands within the erosion hazard limit of the property a portion of the lands is being zoned to a Conservation/Hazard (P5) Zone.

Site specific modifications to the (D6) Zone required to implement the proposal, the staff analysis of the requested modification and staff's recommendation on the requested modifications is provided in Appendices "H1", "H2" and "H3" to Report PED18158.

(i) Holding Provision

A "H" Holding Provision is recommended for the proposed residential uses on Blocks "1"- "3" of the Draft Plan of Subdivision as shown on Appendix "C" to Report PED18158. A Record of Site Condition (RSC) is required given the change from the former institutional use (Roxborough Park Elementary School) on the property to the more sensitive residential land use.

As the proposal includes a land use change from institutional to a more sensitive use, a Record of Site Condition (RSC) is required or a conditional building permit agreement with respect to completing a RSC. The mandatory filing provisions of Section 168.3.1 of the *Environmental Protection Act* are linked to the *The Building Code Act*, 1992, by requiring that a RSC be filed before construction, if the building will be used in connection with the regulated change in use. This means that a building permit cannot be issued in relation to the regulated changes in property use (e.g. from institutional use to residential use) until a RSC is filed for that property. Subsection 11(2) of Ontario Regulation 153/04 of the *Environmental Protection Act*, specifies that the term "change in use" does not include a reference to a change in the zoning of the property under a municipal by-law but rather, a change in use refers to a change in the actual use of the property.

In this case, a RSC has not yet been filed with the Ministry of the Environment and Climate Change (MOECC). As a result, this requirement is recommended by staff.

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(ii) Visitor Parking

Staff have amended the application to include visitor parking for block townhouse dwellings, maisonette dwellings, stacked townhouse dwellings and multiple dwellings at a rate of 0.3 spaces per unit, except for the multiple dwelling in Block 7 which has a reduced rate of 0.25 spaces per unit. It is staff understanding that the applicant is in disagreement with this requirement however staff consider the provision of visitor parking spaces to be appropriate given that development will occur as part of a standard condominium, wherein the availability of on-street parking that is typically provided in a plan of subdivision will not occur. Additionally, staff reduced the requirement for Block 7 to recognize the City Housing building and the needs expressed by City Housing Hamilton.

(iii) Amenity Area

Staff have amended the application to extend the minimum amenity area requirement of 3.0 sq m per unit to the multiple dwelling proposed in Block 7 for City Housing. The intent of this provision is to ensure that adequate indoor/outdoor amenity area is provided for occupants of the dwelling units. It is staff understanding that the applicant is in disagreement with this requirement as ground floor amenity space may not be available. However staff consider the provision of amenity area to be appropriate given there is flexibility on where the amenity area is provided and there is an opportunity to create an outdoor courtyard space at grade in addition to amenity space on the ground floor of the building.

4. Understanding that there are more detailed design matters to be secured at later planning stages, such as Site Plan, the conditions of subdivision approval will recommend the use of a control architect (see Condition 2 of Appendix "D" to Report PED18158). The intent of this condition is to independently ensure continuity and delivery of the principles of the plan; including matters such as materiality and block design. This intent will also be achieved and secured through a supplementary condition of subdivision approval that will require the completion of the Urban Design Study and the control architect providing confirmation that the building design and site layout implement the urban design study. This confirmation will be required to be submitted and approved prior to construction of each individual block (see Condition 1 of Appendix "D" to Report PED18158).

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5. Growth Management Division indicated that the following matters will need to be provided as part of the detailed engineering submission relating to the Draft Plan of Subdivision:

- The design and construction of the Stormwater outfall;
- Stormwater management for the subject land;
- A construction management plan for the subject land;
- Slope stability assessment;
- Sidewalk alignments;
- Dedication of daylight triangles;
- The stop up and closing of Lang street;
- Agreement on costs;
- A dust control and street cleaning document;
- Infrastructure and servicing upgrades;
- Lot grading and drainage plans;
- Deed transfers relating to easements for the outfall within Block 6;
- On street parking plan for the street facing dwelling units; and,
- A CCTV video inspection of existing combined sewer mains.

That separate storm sewers will be required in the servicing design for all proposed units including those units facing existing streets, and that under interim conditions, Phase 1 as shown on the Proposed Concept and Phasing Plan (from the revised Functional Servicing Report dated April, 2018) may be temporarily drained by the existing combined sewer system and other phases may be considered as well where feasible and where capacity allows until such time as the separate storm sewers are installed.

These requirements are addressed in Conditions Nos. 5-34 of Appendix "D" to Report PED18158.

6. There were six letters received from the public for the proposed planning applications (Appendix "I" to Report PED18158). Of the six letters received, two letters requested to be notified of the upcoming public meeting while four letters indicated concerns with the proposal. The following is a summary of the concerns identified in the correspondence.

Protection of Trees

A concern was raised with respect to the protection of trees on the property in that efforts should be made to preserve a mature silver maple with a diameter at breast

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height (DBH) of 59 cm. As part of the proposal, a total of 216 trees are proposed to be removed. The City requires a one for one compensation for any tree 10 cm DBD or greater. As part of the Site Plan Control process, staff be working to retain as many of the existing trees as possible. Notwithstanding, where retention of trees is not possible due to implementation of the proposal, in addition to the one for one compensation, the applicant will be required to provide adequate landscape treatment throughout the Draft Plan of Subdivision.

Traffic

A concern was raised with respect to traffic concerns as a result of the approval of the Draft Plan of Subdivision. In support of the proposed development, the applicant provided a Transportation Impact Study (TIS) which analyzed the proposal in consideration of the existing and planned road networks in the area and any required upgrades. As a result of this review, draft plan conditions have been included to address matters of concerns that will need to be satisfied prior to approval.

Parking

A concern was raised with respect to parking in the area as result of the development. As previously discussed in this Report, staff are of the opinion that that the proposed development will provide an adequate amount of parking spaces for this development and issues associated with parking are not anticipated.

Noise

A concern was raised with respect to noise resulting from the new dwellings being occupied on the subject lands. Staff note that noise is a by-product of any residential development where dwellings will be occupied. Staff note that the City has a Noise Control By-law that regulates noise in the City. Notwithstanding, issues associated with noise from this development are not anticipated.

Lack of Privacy

A concern was raised with respect to the lack of privacy as a result of the development. As discussed earlier in the Report, with the exception of the Multiple Dwellings in Block "7", the proposed dwellings types will be of a height comparable to that permitted in the neighbouring area. With respect to the multiple dwellings on Block "7", the multiple dwellings are not located adjacent to any existing low density development, while an existing seven storey multiple dwelling abuts the

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Block “7” to the south. Further, as previously noted the applicants have provided an adequate setback to front lot line adjacent to Reid Avenue South and a 3.0 m planting strip will be surrounding the block where it abuts a street. As a result, staff are of the opinion that there will be no issues associated with privacy resulting from the approval of the development applications.

Disruption Associated with Construction Activity

A concern was raised with respect to disruption associated with construction activity for the new dwellings on the subject land. Staff note that there are some potential disruptions to the neighbouring community whenever a new development is being construction. However, staff note that these disruptions are temporary in nature. Further, as part of the development of the blocks, the applicant will be required to provide a construction management plan demonstrating how issues associated with construction activity can be minimized.

Lack of Green Space

A concern was raised regarding the lack of green space provided in the Draft Plan of Subdivision. Staff are of the opinion that adequate landscape treatment will be provided within the Draft Plan either by way of the backyards of the Block and street townhouses in Blocks “1”-“3” and “6”, a 20% landscape requirement in Blocks “4” and “5” and a 10% landscape requirement in Block “7”.

Impact on Existing Sewer and Water Infrastructure

A concern was raised with respect to the impact of the development on the existing municipal infrastructure in the area. Staff note that the proposal was reviewed by the City’s Development Engineering staff who have noted that upgrades to the City’s municipal infrastructure will be required in this area as a result of the approval the Draft Plan of Subdivision. Further, conditions of Draft Plan Approval have been included to address municipal infrastructure in the area. Staff are of the opinion that this concern will be satisfactory addressed as part of the applicant satisfying the conditions of Draft Plan Approval (see Appendix “D” of Report PED18158) relating to the subject land.

Displacement of Existing Residents

A concern was raised respecting the displacement of the existing residence in the City Housing Hamilton block townhouse dwellings. Staff note that City Housing

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Hamilton in conjunction with the City's Urban Renewal Division has undertaken a resident relocation strategy aimed to ensure that minimal disruption to the existing residents living in the area.

Reduction in Property Value

A concern was raised with respect to the proposal causing a negative impact on property values of existing properties in the area. Staff are not aware of any supporting information or any empirical data with respect to property devaluation that would substantiate this concern.

Density

A concern was raised with respect to the density of the proposed development. As noted earlier in this Report, staff have analysed the density proposed in this Draft Plan of Subdivision and are of the opinion that there are no issues with compatibility with the adjacent area. As a result, staff are of the opinion that this concern has been addressed.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject property could be utilized in accordance with the range of uses and provision of the "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District in City of Hamilton Zoning By-law No. 6593 and the Neighbourhood Institutional (I2) Zone in City of Hamilton Zoning By-law No. 05-200.

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.

Healthy and Safe Communities

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

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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.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

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
- Appendix “B” – Urban Hamilton Official Plan Amendment
- Appendix “C” – Zoning By-law No. 05-200 Amendment
- Appendix “D” – Proposed Conditions of Draft Plan of Subdivision Approval
- Appendix “E” – Proposed Plan of Subdivision
- Appendix “F” – Concept Plan #1– December 20, 2017
- Appendix “G” – Concept Plan #2 – March 28, 2018
- Appendices “H1”, “H2 and “H3” – Zoning By-law Assessment
- Appendix “I” – Correspondence from the public



● Site Location



Key Map - Ward 4

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-18-010/25T-201802

Date:
June 18, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
AL/AL

Subject Property

20 Reid Avenue North, 11-17 & 41 Reid Avenue South, 22-116 Lang Street & 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (Ward 4)

- Block 1 - Lands zoned to Downtown Multiple Residential (D6, 696, H70) Zone, Modified for Street Townhouse Dwellings
- Block 2 - Lands zoned to Downtown Multiple Residential (D6, 696, H70) Zone, Modified for Block Townhouses Dwellings
- Block 3 - Lands zoned to Downtown Multiple Residential (D6, 696, H70) Zone, Modified for Street Townhouse Dwellings
- Block 4 - Lands zoned to Downtown Multiple Residential (D6, 696) Zone, Modified for Block Townhouses Dwellings and Maisonette Dwellings
- Block 5 - Lands zoned to Downtown Multiple Residential (D6, 696) Zone, Modified for Block Townhouses Dwellings, Maisonette Dwellings and Stacked Townhouse Dwellings
- Block 6 - Lands zoned to Downtown Multiple Residential (D6, 696) Zone, Modified for Block Townhouses Dwellings
- Block 7 - Lands zoned to Downtown Multiple Residential (D6, 696) Zone, Modified for Multiple Dwellings
- Block 8 - Lands zoned to Conservation/Hazard (P5) Zone

- Area 1
- Area 2
- Area 3

Schedule 1

**DRAFT Urban Hamilton Official Plan
Amendment No. X**

The following text, together with Appendix "A" – Volume 3: Map 2 – Urban Site Specific Key Map, attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this Amendment is to add a site specific policy to the subject lands. The effect of this Amendment is to allow for the comprehensive redevelopment of the subject lands for residential uses at an overall minimum density of 115 units per net residential hectare and a maximum density of 165 units per net residential hectare over the entire site.

2.0 Location:

The lands affected by this Amendment are generally located at the north east corner of Queenston Road and Reid Avenue and are known municipally as 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24 Hayes Street in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is:

- With the exception of the prescribed density ranges for residential uses, the proposed development is consistent with the Neighbourhoods policies of the Urban Hamilton Official Plan;
- The proposed development is compatible with existing land uses in the immediate area, implements the Intensification policies of the Urban Hamilton Official Plan, and contributes to the development of a complete community by providing a range of housing forms; and,
- 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 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies

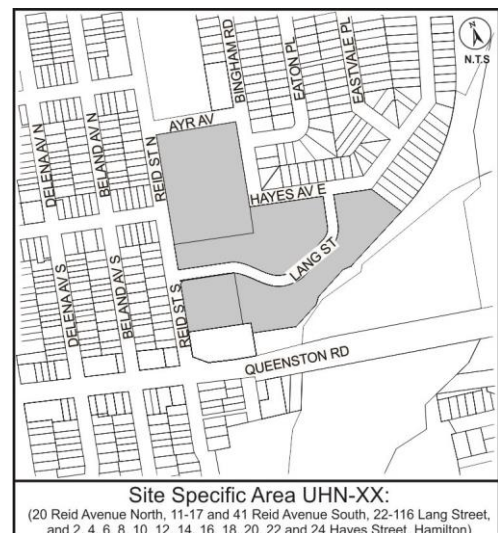
Text

4.1.1 Chapter C – Urban Site Specific Policies

a. That Volume 3: Chapter C – Urban Site Specific Policies be amended by adding a new Site Specific Policy, as follows:

“UHN-X Lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24 Hayes Street, former City of Hamilton

1.0 Notwithstanding the density provisions for residential uses prescribed in Policies E.3.4.4, E.3.5.7, and E.3.6.6 b) of Volume 1, for lands located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24 Hayes Street, former City of Hamilton, designated Neighbourhoods, and identified as Site Specific Policy Area UHN-XX, are intended to be redeveloped with a full range of housing types and tenures, including an affordable housing component. Street townhouse dwellings, maisonette dwellings, block townhouse dwellings and multiple dwellings shall be permitted. The minimum density of 115 units per net residential hectare and the maximum net residential density for the entire site shall be 165 units per hectare”



Maps and Appendices

4.3.2 Map

- a. That Volume 3: Map 2 – Urban Site Specific Key Map be amended by identifying the subject lands as UHN-XX, as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

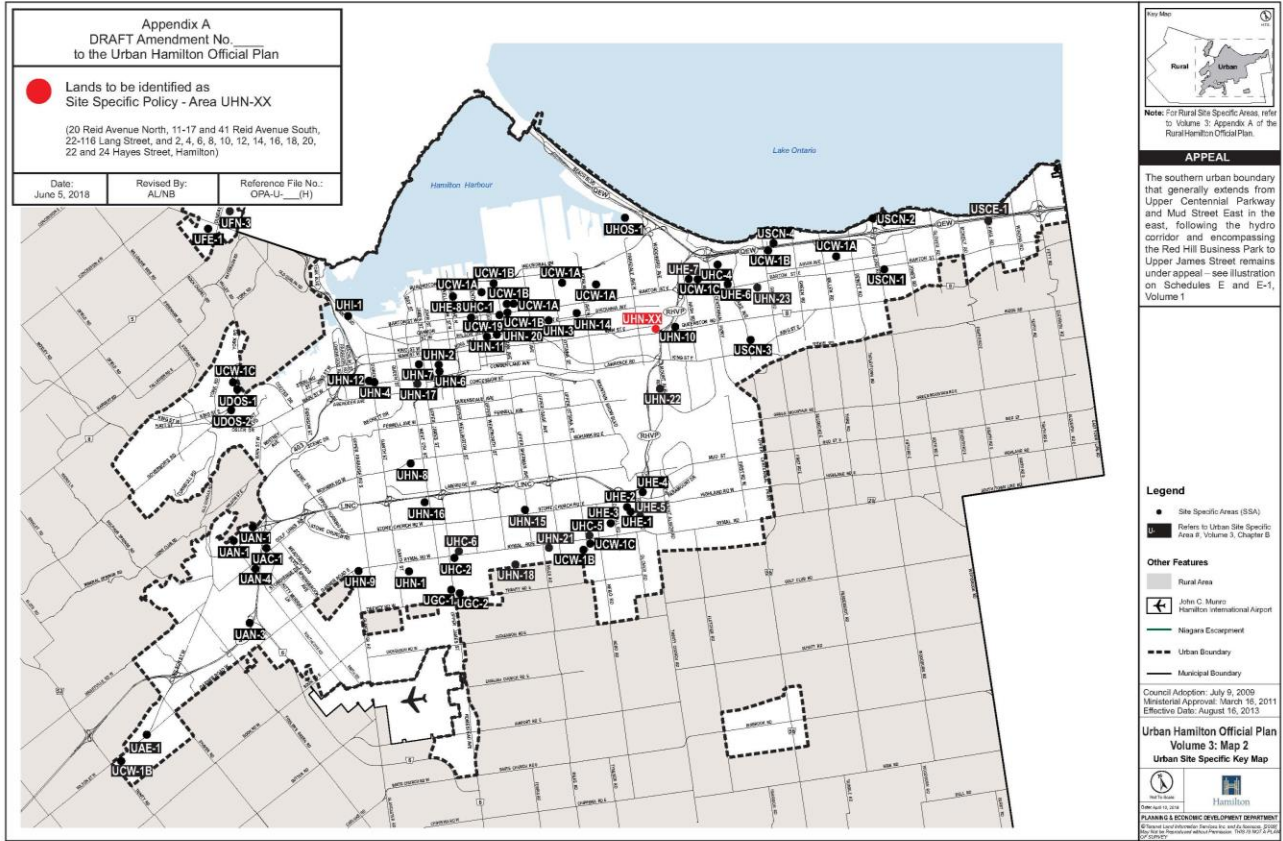
An implementing Zoning By-Law Amendment will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the dayth of month, 201X.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

CITY CLERK



Authority: Item ,
Report (PED18XXX)
CM:
Ward: 4

Bill No.

CITY OF HAMILTON

BY-LAW NO.

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue
South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes
Avenue, Hamilton**

WHEREAS Council approved Item _____ of Report PED18-_____ of the Planning Committee at its meeting held on the 10th day of July _____ 2018;

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 Map No. 1092 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended by changing the zoning from the Community Institutional (I2) Zone to the Downtown Multiple Residential (D6, 696) and (D6, 696, H70) Zone, and adding lands to Zoning By-law 05-200 as Downtown Multiple Residential (D6, 696) and (D6, 696, H70) Zone, and Conservation/Hazard Land (P5) Zone for the applicable lands, the extent and boundaries of which are shown as in Schedule "A" annexed as hereto and forming of this By-law.
2. That Schedule "C": Special Exceptions of Zoning By-law No. 05-200, is hereby amended by adding an additional special exception as follows:

"696 Within the lands zoned Downtown Multiple Residential (D6, 696) Zone, identified on Map No. 1092 of Schedule "A" – Zoning Maps and described as 20 Reid Avenue North, 22-116 Lang Street, 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, the following special provisions shall apply:

- a) Notwithstanding Section 3: Definitions and only for the purposes of Special Exception 696 the following definitions shall apply:

- i) Block Townhouse Dwelling Shall mean a building divided vertically by a common or party wall, into a minimum of three and a maximum of eight Dwelling Units fronting on a

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang
Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Hamilton)**

laneway or common condominium driveway, each of which having an independent entrance at grade, but shall not include a maisonette.

ii) Maisonette Dwelling

Shall mean a building used exclusively for residential purposes divided vertically into a minimum of four and a maximum of 24 back-to-back Dwelling Units, by two or more common walls which prevent internal access between units and extend from the base of the foundation to the roof line, and each Dwelling Unit having an independent entrance at grade.

iii) Stacked Townhouse Dwelling

Shall mean a building divided vertically and horizontally into a minimum of three and a maximum of 12 Dwelling Units, by common walls which prevent internal access between units, with each Dwelling Unit having one or more private entrances at grade.

b) Notwithstanding Section 4.3 b), 4.6 d) and e) 4.23 d) and in addition to Section 4.21 c) of this By-law the following shall apply:

A) Section 4.3 b) shall not apply to **Blocks "2", "4", "4a", "5", "7", and "7a"** for a standard condominium.

B) Permitted Yard Encroachments

1. A porch, deck or canopy including any associated stairs may encroach into any required yard to a maximum of 1.8 metres.
2. A balcony may encroach into any required yard to a maximum of 1.8 metres, except for a required side

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang
Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Hamilton)**

yard of not more than one
third of its width or 1.8 metres,
whichever is lesser.

- | | |
|---|--|
| C) Home Business | Block Townhouse Dwellings, Maisonette Dwellings and Stacked Townhouse Dwellings shall be permitted to have a Home Business in accordance with Section 4.21 c) i) – iii). |
| D) Setback to a Conservation/Hazard Land (P5) Zone | All buildings or structures located on a property shall be setback a minimum of 5.0 metres. |
| c) Notwithstanding Section 5.1 a) v) c) and 5.6 a) of this By-law the following special provisions shall apply: | |
| A) Restriction of Architectural Wall or Feature within a Required Planting Strip | Where a planting strip is provided, as per Section 5.1 a) v) c), any architectural wall or feature within the Planting Strip shall be limited to a maximum height of 2.0 metres. |
| B) Parking Requirements | Parking spaces shall be provided in the minimum quantity specified below: |
| Block Townhouse Dwelling
Maisonette Dwelling
Stacked Townhouse Dwelling | 1 for each dwelling unit. No additional parking shall be required for an Accessory Dwelling Unit. |
| Multiple Dwelling | |
| i) Dwelling units less than 50.0 square metres in gross floor area | 0.3 per unit; |
| ii) Dwelling units greater than 50.0 square metres in gross floor area | 1. 0.80 for each dwelling unit; |

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang
Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Hamilton)**

2. Notwithstanding B) ii) 1. above, 0.45 for each dwelling unit in a multiple dwelling in **Block "7"** as shown on Figure 20 of Schedule "F" – Special Figures.
- iii) Units with 3 or more bedrooms 0.3 per unit.
- d) For the purposes of Special Exception No. 696 a maximum of 840 dwelling units shall be permitted.
- e) For the purposes of Special Exception No. 696 the following special provisions shall apply to **Block "1" and "3"** as shown on Figure 20 of Schedule "F" – Special Figures:
- i) Notwithstanding Section 6.6.1 the permitted uses shall be restricted to Street Townhouse Dwelling Units.
- ii) In addition to i) above, an accessory dwelling unit shall only be permitted within an end unit.
- iii) Notwithstanding Section 6.6.2.2 the following special provisions shall apply:
- A) Minimum Lot Area 120.0 square metres for each dwelling unit.
- B) Minimum Unit Width 4.8 metres for each dwelling unit.
- C) Minimum Front Yard 1. 4.5 metres for the dwelling; and,
2. 6.0 metres for the garage.
- D) Minimum Side Yard 1. Minimum 1.2 metres except for the side yard related to the common wall of the dwelling unit, which shall have a minimum 0 metre side yard;

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2. 1.5 metres to a flankage yard.
- E) Minimum Rear Yard 7.0 metres;
- F) Building Height 1. Minimum 9.0 metres; and,
2. Maximum 12.0 metres.
- G) Maximum Number of Street Townhouse Dwelling Units in a Row 8;
- f) For the purposes of Special Exception No. 696 the following special provisions shall apply to **Block "2"** as shown on Figure 20 of Schedule "F" – Special Figures:
- i) Notwithstanding Section 6.6.1 of this By-law, the permitted uses shall be restricted to Block Townhouse Dwelling Units.
- ii) In addition to i) above, an accessory unit shall only be permitted within an end unit.
- iii) Notwithstanding Section 3: Definition of this By-law, as it relates to Front Lot Line, the lot line abutting Ayr Avenue shall be deemed the front lot line.
- iv) Notwithstanding Sections 5.1 d) and 6.6.2 of this By-law, the following special provisions shall apply to Block Townhouse Dwellings:
- A) Minimum Lot Width 12.0 metres;
- B) Minimum Front Yard 1.5 metres;
- C) Maximum Flankage Yard 3.0 metres;
- D) Minimum Side Yard 6.0 metres;
- E) Minimum Rear Yard 1.5 metres;
- F) Building Height 1. Minimum 9.0 metres; and,

**To Amend Zoning By-law No. 05-200
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Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Hamilton)**

2. Maximum 12.0 metres.
- G) Required Parking Space Location
1. The required parking spaces for such dwelling unit shall be located a minimum distance of 5.8 metres from the condominium road.
- H) Minimum Setback to a Condo Road
1. 4.5 metres to the dwelling.
- I) Minimum Distance between End Walls
- 2.4 metres;
- J) Visitor Parking Spaces
1. Parking for visitors shall be provided on the basis of 0.25 per dwelling unit for each unit fronting on a condominium road.
2. Notwithstanding J) 1. above, no visitor parking spaces shall be required for Accessory Dwelling Units.
3. In addition to J) 1. above, visitor parking spaces shall be provided on **Block "4a"** as shown on Figure 20 of Schedule "F" – Special Figures.
- g) For the purposes of Special Exception No. 696 the following special provisions shall apply to **Block "4" and "4a"** as shown on Figure 20 of Schedule "F" – Special Figures:
- i) Notwithstanding Section 3: Definition of this By-law, as it relates to Front Lot Line, the westerly lot line abutting Reid Avenue South shall be deemed the front lot line.
- ii) Notwithstanding Section 6.6.1 of this By-law, only the following uses shall be permitted on **Block "4"** as shown on Figure 20 of Schedule "F" – Special Figures:

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Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang
Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Hamilton)**

Stacked Townhouse Dwellings; and,
Maisonette Dwellings.

- iii) Notwithstanding Section 6.6.1 of this By-law, only the following uses shall be permitted on **Block "4a"** as shown on Figure 20 of Schedule "F" – Special Figures:

Block Townhouse Dwellings;
Stacked Townhouse Dwellings; and,
Maisonette Dwellings.

- iv) In addition to iii) above, an Accessory Dwelling Unit shall only be permitted within the end unit of a Block Townhouse Dwelling.

- v) Notwithstanding Sections 5.1 d) and 6.6.2 of this By-law, the following provisions shall apply to **Block "4" and "4a"** as shown on Figure 20 of Schedule "F" – Special Figures:

- | | | |
|----|---------------------------------------|---|
| A) | Minimum Lot Width | 12.0 metres; |
| B) | Minimum Front Yard | 3.0 metres; |
| C) | Minimum Rear Yard | 2.0 metres; |
| D) | Minimum Side Yard | 1. 10.0 metres from northerly lot line; and,

2. 4.5 metres from the southerly lot line. |
| E) | Minimum Setback to a Condominium Road | 4.5 metres; |
| F) | Minimum Distance between End Walls | 2.4 metres; |
| G) | Visitor Parking Spaces | 1. Parking for visitors shall be provided on the basis of 0.25 per dwelling unit for each unit fronting on a condominium road.

2. Notwithstanding G) 1. above, no visitor parking spaces shall be required for |

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang
Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Hamilton)**

Accessory Dwelling Units.

2. Visitor parking spaces required in G) 1. above shall be provided in addition to visitor parking spaces required for **Block "2"** as shown on Figure 20 of Schedule "F" – Special Figures.

H) Minimum Landscaped Area 10 percent of the lot area.

I) Minimum Planting Strip Requirement

1. 3.0 metres along a front lot line; and,
2. 2.0 metres along a rear lot line.

3. In addition to Sections I) 1. and 2. above, an Architectural Wall or Feature shall be provided within the required planting strip adjacent to visitor parking abutting the Reid Avenue South street line on **Block "4a"** as shown on Figure 20 of Schedule "F" – Special Figures.

vi) In addition to v) above, the following special provisions shall apply to Block Townhouse Dwellings:

A) Building Height

1. Minimum 9.0 metres; and,
2. Maximum 12.0 metres.

B) Maximum Number of Dwelling Units 18;

C) Minimum Amenity Area 25.0 square metres per unit.

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Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Hamilton)**

- | | |
|------------------------------------|--|
| D) Required Parking Space Location | Required parking spaces for such dwelling unit shall be located a minimum distance of 5.8 m from a condominium road. |
|------------------------------------|--|

vii) In addition to v) above, the following special provisions shall apply to Maisonette Dwellings and Stacked Townhouse Dwellings:

- | | |
|------------------------------------|---|
| A) Minimum Flankage Yard | 4.5 metres; |
| B) Building Height | 1. Minimum 9.0 metres; and,
2. Maximum 15.0 metres; |
| C) Minimum Private Amenity Area | 1. 3.0 square metres per dwelling unit; and,
2. Private Amenity Area shall be designed for the exclusive use of the dwelling unit. |
| D) Required Parking Space Location | 1. The required parking spaces for such dwelling unit shall be located a minimum distance of 5.8 m from a condominium road.

2. Notwithstanding Section D) 1. above, visitor parking spaces shall not be subject to the minimum distance requirement. |

h) For the purposes of Special Exception No. 696 the following special provisions shall apply to **Block "5"** as shown on Figure 20 of Schedule "F" – Special Figures:

i) Notwithstanding Section 3: Definition of this By-law, as it relates to Front Lot Line, Hayes Avenue shall be deemed the front lot line.

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Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Hamilton)**

- ii) Notwithstanding Section 6.6.1 of this By-law, only the following uses shall be permitted:

Block Townhouse Dwellings;
Maisonette Dwellings; and,
Stacked Townhouse Dwellings.

- iii) In addition to iii) above, an Accessory Dwelling Unit shall only be permitted within the end unit of a Block Townhouse Dwelling.

- iv) Notwithstanding Sections 5.1 d) and 6.6.2 of this By-law, the following provisions shall apply to **Block "5"** as shown on Figure 20 of Schedule "F" – Special Figures:

- | | | |
|----|--|--|
| A) | Minimum Front Yard | 2.0 metres; |
| B) | Minimum Flankage
Yard | 3.0 metres; |
| C) | Minimum Side Yard | <ol style="list-style-type: none"> 1. 3.0 metres; 2. Notwithstanding Section C) 1. above, 1.0 metres to Areas "1", "2", and "3" as shown on Figure 20 of Schedule "F" – Special Figures. 3. Notwithstanding Sections C) 1. and 2. above, 6.0 metres shall be required where the side lot line abuts the Red Hill Valley Expressway. |
| D) | Minimum Rear Yard | 6.0 metres; |
| E) | Minimum Setback to
a Condominium Road | 4.5 metres to the front of the
dwelling unit; |
| F) | Minimum Distance
between End Walls | 2.4 metres; |
| G) | Minimum
Landscaped Area | 20 percent of the lot area. |

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Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang
Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Hamilton)**

- H) Minimum Planting Strip
1. 2.0 metres to a front lot line; and,
 2. 3.0 metres to a flankage lot line.
- I) Visitor Parking Spaces
1. Parking for visitors shall be provided on the basis of 0.25 per dwelling unit.
 2. Notwithstanding I) 1. above, no visitor parking spaces shall be required for Accessory Dwelling Units.
 3. Notwithstanding Section I) 1. above, no Visitor Parking shall be required for a Block Townhouse Dwelling unit or a Maisonette Dwelling Unit that fronts onto a street.
- v) In addition to iv) above, the following special provisions shall apply to Block Townhouse Dwellings:
- A) Building Height
1. Minimum 9.0 metres; and
 2. Maximum 12.0 metres.
- B) Maximum Number of Dwelling Units
- 18;
- D) Minimum Amenity Area
- 25.0 square metres per unit;
- C) Required Parking Space Location
- Required parking spaces for such dwelling unit shall be located a minimum distance of 5.8 m from a condominium road.
- vi) In addition to iv) above, the following special provisions shall apply to Maisonette Dwellings and Stacked Townhouse Dwellings:

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Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang
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- | | | |
|----|------------------------------------|--|
| A) | Building Height | 1. Minimum 9.0 metres; and,
2. Maximum 15.0 metres; |
| B) | Minimum Private
Amenity Area | 1. 3.0 square metres per
dwelling unit; and,
2. Private Amenity Area shall
be designed for the
exclusive use of the
dwelling unit. |
| C) | Required Parking
Space Location | 1. The required parking
spaces for such dwelling
unit shall be located a
minimum distance of 5.8 m
from a condominium road.
2. Notwithstanding Section 1.
above, visitor parking
spaces shall not be subject
to the minimum distance
requirement. |

i) For the purposes of Special Exception No. 696 the following special provisions shall apply to **Block "6"** as shown on Figure 20 of Schedule "F" – Special Figures:

- i) Notwithstanding Section 6.6.1 of this By-law, the permitted uses shall be restricted to Block Townhouse Dwelling Units.
- ii) In addition to iii) above, an Accessory Dwelling Unit shall only be permitted within the end unit.
- iii) Notwithstanding Section 3: Definition of this By-law, as it relates to Front Lot Line, the lot line abutting Hayes Avenue shall be deemed the front lot line.
- iv) Notwithstanding Sections 5.1 d) and 6.6.2 of this By-law, the following special provisions shall apply to Block Townhouse Dwellings:

- | | | |
|----|--------------------|--------------|
| A) | Minimum Lot Width | 12.0 metres; |
| B) | Minimum Front Yard | 3.0 metres; |

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Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang
Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Hamilton)**

- C) Minimum Side Yard 6.0 metres;
- D) Minimum Rear Yard 5.0 metres;
- E) Building Height
1. Minimum 9.0 metres; and,
 2. Maximum 12.0 metres.
- F) Required Parking Space Location The required parking spaces for such dwelling unit shall be located a minimum distance of 5.8 metres from the condominium road.
- G) Minimum Setback to a Condominium Road 4.5 metres;
- H) Minimum Distance between End Walls 2.4 metres;
- I) Visitor Parking Spaces
1. Parking for visitors shall be provided on the basis of 0.25 per dwelling unit.
 2. Notwithstanding I) 1. above, no visitor parking spaces shall be required for Accessory Dwelling Units.
- j) For the purposes of Special Exception No. 696 the following special provisions shall apply to **Block "7" and "7a"** as shown on Figure 20 of Schedule "F" – Special Figures:
- i) **Blocks "7" and "7a"** as shown on Figure 20 of Schedule "F" – Special Figures, shall be considered as one lot for the purposes of implementing regulations j) iv) A) – J) below.
 - ii) Notwithstanding Section 3: Definition of this By-law, as it relates to Front Lot Line, Reid Avenue South shall be deemed the front lot line.
 - iii) Notwithstanding Section 6.6.1 of this By-law, the permitted uses shall be restricted to Multiple Dwellings.

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Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang
Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Hamilton)**

iv) Notwithstanding Section 6.6.2 of this By-law, the following provisions shall apply to **Block "7"** and **Block "7a"** as shown on Figure 20 of Schedule "F" – Special Figures:

- | | | |
|----|-------------------------|--|
| A) | Minimum Lot Width | 12.0 metres; |
| B) | Minimum Front Yard | <ol style="list-style-type: none"> 1. 8.0 metres; 2. Notwithstanding 1. above, 3.0 metres shall be permitted for a length not exceeding 20.0 metres. |
| C) | Minimum Flankage Yard | 3.0 metres; |
| D) | Minimum Side Yard | 3.0 metres; |
| E) | Minimum Rear Yard | 3.0 metres; |
| F) | Maximum Building Height | <ol style="list-style-type: none"> 1. 29.0 metres; 2. Notwithstanding 1. above, 38.0 metres shall be permitted in Block "7a" as shown on Figure 20 of Schedule "F" – Special Figures. |
| G) | Visitor Parking Spaces | Parking for visitors shall be provided on the basis of 0.25 per dwelling unit. |
| H) | Minimum Amenity Area | <ol style="list-style-type: none"> 1. 3.0 square metres per dwelling unit located on Block "7" as shown on Figure 20 of Schedule "F" – Special Figures; and, 2. 5.0 square metres per dwelling unit located on Block "7a" as shown on Figure 20 of Schedule "F" – Special Figures. |

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- I) Minimum Landscaped Area 10 percent of the lot area.
 - J) Minimum Planting Strip Abutting a Street 3.0 metres;
 - K) Minimum Bicycle Parking Requirements
 - 1. 5 Short Term Bicycle Parking Spaces shall be provided per multiple dwelling; and,
 - 2. 0.5 Long Term Bicycle Parking spaces shall be provided per unit.
3. That Map 1092 on Schedule "A" – Zoning Maps of By-law No. 05-200, be amended the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to this By-law by: ,
- a) Change in zoning from the Community Institutional (I2) Zone to the Downtown Multiple Residential (D6, 696, H70) and (D6, 696) Zone;
 - b) Lands to be added to Zoning By-law 05-200 as Downtown Multiple Residential (D6, 696) Zone; and,
 - c) Lands to be added to Zoning By-law 05-200 as Conservation / Hazard Lands (P5) Zone.
4. That Schedule "D" – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:
- "70. Notwithstanding Section 6.6 of this By-law, within lands zoned Downtown Multiple Residential (D6,696) Zone on Map 1092 on Schedule "A" – Zoning Maps, and described as 20 Reid Avenue North (Hamilton), and further shown as **Blocks "1", "2", and "3"** on Figure 20, Schedule "F" – Special Figures, no development shall be permitted until such time as:
- (i) a signed Record of Site Condition (RSC) has been submitted to the City of Hamilton and the Ministry of the Environment and Climate Change (MOECC). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of

**To Amend Zoning By-law No. 05-200
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Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Hamilton)**

the RSC by the MOECC, and submission of the City of Hamilton's current RSC administration fee.

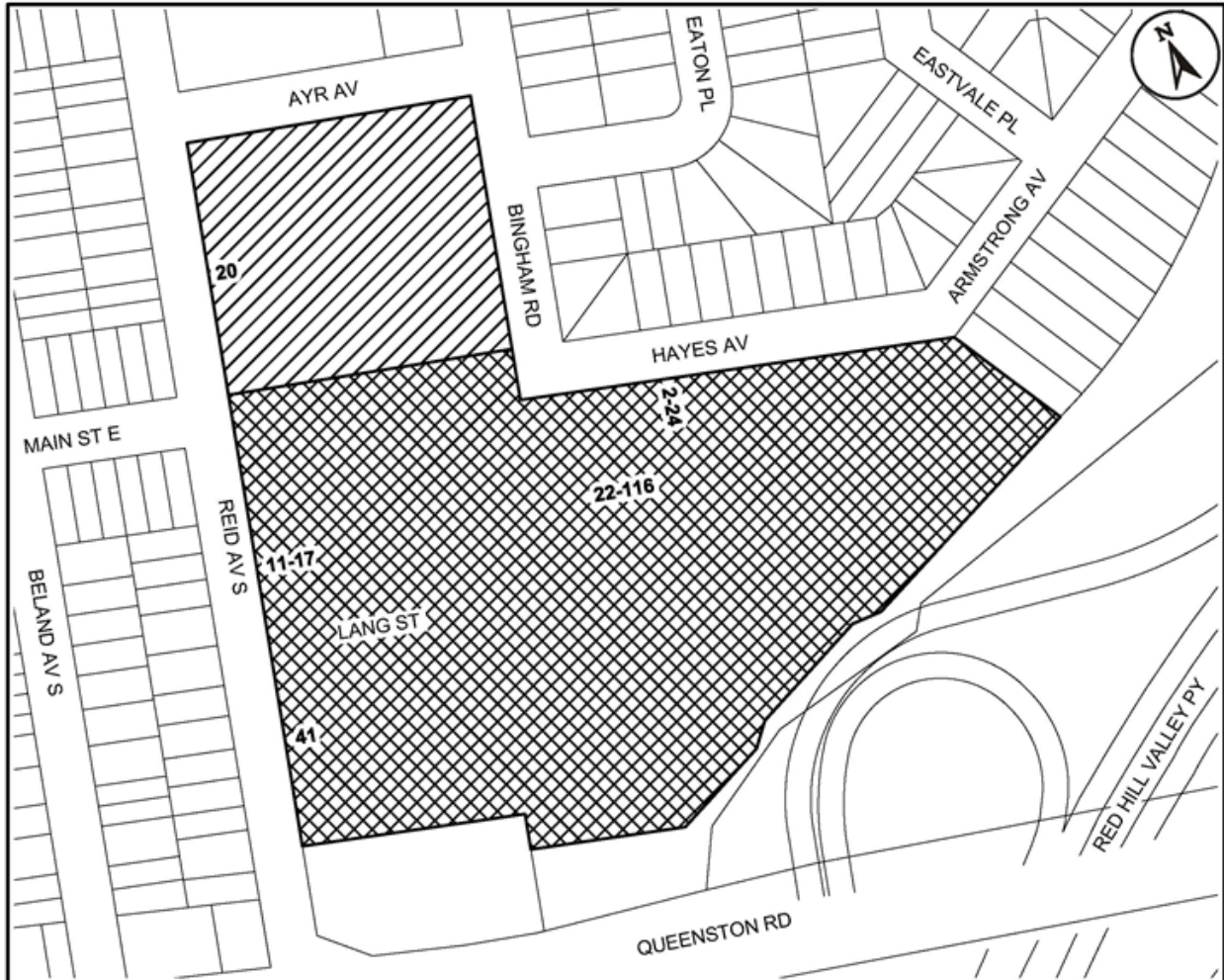
5. That Schedule "F" – Special Figures, of By-law 05-200, be amended by adding Figure 20, hereto annexed as Schedule "B" to this By-law.
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
7. That this By-law No. _____ shall come into force and be deemed to have come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of this By-law or as provided by the said Subsection.

PASSED this _____, _____, _____

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

**To Amend Zoning By-law No. 05-200
 Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang
 Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Hamilton)**



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Maps 1092 & 1141</p>	<p>Subject Property 20 Reid Avenue North, 11-17 & 41 Reid Avenue South, 22-116 Lang Street & 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue, Hamilton (Ward 4)</p> <p> Block 1 - Lands zoned to Downtown Multiple Residential (D6, 696, H70) Zone, Modified for Street Townhouse Dwellings</p> <p> Block 2 - Lands zoned to Downtown Multiple Residential (D6, 696) Zone, Modified for Block Townhouses Dwellings</p>				
Scale: N.T.S.	File Name/Number: ZAC-18-010 / 25T-201802			Date: June 22, 2018	Planner/Technician: KH/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT					

**To Amend Zoning By-law No. 05-200
 Respecting Lands Located at 20 Reid Avenue North, 11-17 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Avenue (Hamilton)**



Figure 20 to Schedule F - Special Figures

Date:
June 22, 2018

Legend

- | | | | |
|---------|----------|----------|----------|
| Block 1 | Block 4 | Block 6 | Block 8 |
| Block 2 | Block 4a | Block 7 | Area "1" |
| Block 3 | Block 5 | Block 7a | Area "2" |
| | | | Area "3" |



Recommended Conditions of Draft Plan of
Subdivision Approval 25T-201802

That this approval for the Revised Draft Plan of Subdivision, 25T-201802, prepared by A.T. McLaren Limited, Legal and Engineering Surveys., dated November 30, 2018 consisting of seven blocks for the development of a maximum of 687 dwelling units and one public street (Street 'A'); be received and endorsed by City Council with the following special conditions:

Development Planning, Heritage and Design

1. That **prior to servicing**, an Urban Design Brief shall be submitted to demonstrate compliance with the urban design policies of the Urban Hamilton Official Plan (UHOP). The Urban Design Brief shall include text, plans, details and / or elevations, as necessary, to demonstrate how the intent of the UHOP policies have been met to the satisfaction of the Director of Planning and Chief Planner. The Owner shall agree in writing to adhere to the Urban Design Brief and submit building plans for the blocks identified in the Urban Design Brief to the City's Urban Designer / Architect for review and approval prior to the application of the building permit.
2. That, **prior to an application for a building permit** for any street townhouse unit or units, the Owner submit a letter prepared by a qualified design professional verifying that the proposed building elevations are in conformity with the Urban Design Brief to the satisfaction of the Director of Planning and Chief Planner to ensure, amongst other matters, the appropriate development of each street townhouse block with respect to siting, built form, materials, and colours and landscaping in compliance with the approved Urban Design Guidelines.
3. That, **prior to preliminary grading and / or servicing**, the Owner shall submit a Tree Protection Plan (TPP) prepared by a tree management professional (i.e. certified arborist, registered professional forester or landscape architect) showing the location of driplines, edges of existing plantings, location of all existing trees and the methods to be employed in retaining trees to be protected to the satisfaction of the Director of Planning and Chief Planner.
4. That, **prior to preliminary grading** and the removal of trees, the Owner agrees that removal of any vegetation on the subject lands is to occur outside of the breeding bird season (March 31st to August 31st). However, in the event that vegetation removal is proposed during the restricted breeding period, the Owner shall have a qualified biologist conduct a nest search of

the vegetated area with City Natural Heritage Planning staff, prior to any work commencing. Accordingly, removal may occur if it is determined that active nests are not present in the proximity of the removal area, to the satisfaction of the Director of Planning and Chief Planner.

Development Engineering

5. That, **prior to preliminary grading**, the Owner agrees that they will be responsible for the design and construction of the stormwater outfall including any required energy dissipation features and will maintain the outfall entirely at the Owner's expense until it is assumed by the City including the following commitments:
 - a. to design the outfall such that it will accommodate the storm demands under the Ultimate Separation Plan as identified in the FSR;
 - b. to design the outfall such that it:
 - i. is self-cleaning;
 - ii. includes a structural design that is subject to peer review at the sole cost of the Owner;
 - iii. conforms to the findings in the fluvial geomorphologic and hydraulic conditions within the Redhill Creek at the proposed outfall location, and;
 - iv. shall be constructed with no open face construction for the installation of the drop shaft and outfall;
 - c. to design the drop structure such that it includes an internal energy dissipation cup, granite slab base, or equivalent internal method of energy dissipation including access to inspect and repair or replace the energy dissipation feature;
 - d. to submit an operation and maintenance manual as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009);
 - e. to inspect and monitor the outfall from the outlet headwall (downstream of the drop structure) to the creek upon commencement of construction or pre-grading of the subject lands for a period of two years after full build-out of the development in accordance with the conditions of ECA issued by MOECC;

- f. to keep detailed logs concerning outfall performance and maintenance, including costs of cleaning and removal of sediment and to submit such logs to the City during pre-grading and construction activities in accordance with the operation manual;
- g. to construct, operate, and maintain all at the Owner's expense the outfall in a manner acceptable to the City, including any changes to conditions of the MOECC's approval, throughout servicing of all stages of draft plan registration and development of all registered lots and blocks, or until such time as determined by the Senior Director of Growth Management Division;
- h. to remove sediment from all outfall infrastructure attributed to development prior to release of the Owner's operation and maintenance responsibilities;
- i. consult with the Haudenosaunee Joint Stewardship Board on the design and implementation of the outfall;

all to the satisfaction of the Senior Director of Growth Management.

6. That, **prior to servicing**, the Owner shall address the following with respect to the proposed multi-unit apartment building at the south-east corner of the intersection of Reid Avenue South and Lang Street / proposed Street 'A' (Phase 1 on the Proposed Concept and Phasing Plan):
- a. include provisions in the engineering design and cost estimate schedules to control design and construct an appropriate on-site stormwater management system to control post-development flows from storms up to the 100-year storm event to the rate of a 2-year predevelopment storm event or to an allowable release rate subject to detailed design and demonstrate that the combined storm and sanitary demands from the development will not adversely impact the combined sewer on Reid Avenue South;
 - b. any new sewer infrastructure within the right-of-way that is required for the development shall be separated storm and sanitary sewers (no new combined sewers);
 - c. include provisions in the engineering design and cost estimate schedules to redirect all runoff from the development outlined in Phase 1 to the proposed separated storm and sanitary sewers on Lang Street once they are constructed as part of subsequent phases;

entirely at the Owner's expense and all to the satisfaction of the Senior Director of Growth Management.

7. That, prior to servicing, the Owner agrees that any development beyond the proposed multi-unit apartment building at the south-east corner of the intersection of Reid Avenue South and Lang Street / proposed Street 'A' (including phases 2A, 2B, 3, and 4 on the Proposed Concept and Phasing Plan) shall not proceed until such a time as the stormwater outfall at Redhill Creek is constructed and in operation including all upstream sewer connections unless it can be demonstrated that a block can be developed such that it can be adequately serviced in the interim and converted to drain to the Redhill Creek outfall once constructed all to the satisfaction of the Senior Director of Growth Management.
8. That, **prior to grading**, the Owner shall prepare and provide a Construction Management Plan that provides:
 - a. details on any construction activity that will encroach into the municipal road allowance such as construction staging, scaffolding, cranes etc;
 - b. location, maximum dimensions, and expected duration of any stockpiling;
 - c. identification of any required sidewalk and/or lane closures and the estimated length of time for such closures;
 - d. details on heavy truck routing;
 - e. pre-construction survey of surrounding roads and existing, adjacent properties that are outside the subject lands;
 - f. an adequate security for costs to repair and reconstruction to any of these roads that are damaged due to construction;
 - g. alternate arrangements of any City or school bus routing and stop locations that may be impacted;
 - h. details and locations of access routing to and from the proposed outfall and associated erosion control infrastructure at Red Hill Creek;
 - i. vehicular access routing to/from the outfall area at Redhill Creek;

all to the satisfaction of the Senior Director of Growth Management.

9. That, **prior to servicing**, the Owner shall obtain approval from the MOECC for the proposed outfall to Redhill Creek to the satisfaction of the Senior Director of Growth Management.
10. That, **prior to servicing**, the Owner shall provide to the City a slope stability assessment for the valley slope, prepared by a qualified geotechnical engineer, to the satisfaction of the Senior Director of Growth Management.
11. That, **prior to servicing**, the Owner shall provide a detailed assessment of erosion mitigation measures for the outfall and connection to Red Hill Creek to the satisfaction of the Senior Director of Growth Management.
12. That, **prior to grading**, the Owner agrees to monitor the energy dissipation feature and the slope stability of the valley slope at the outfall to ensure that the existing slope and creek banks are not negatively impacted by the development and:
 - a. the monitoring plan will occur throughout the construction of the subdivision and for a period of not less than 2 years after the outfall is completed and all lot / blocks within the draft approved plan are fully developed;
 - b. in the event that a problem arises, the Owner further agrees to take the necessary remedial action as per monitoring report at their cost;
 - c. the engineering design and cost schedule for the drop structure and outfall shall include an estimate for provisional works that would be required for potential remedial works and that this shall be included in the security;
 - d. the security shall not be released or reduced until it has been demonstrated that there are no impacts as a result of development for a period of not less than 2 years after full buildout of the draft approved plan;all to the satisfaction of the Senior Director of Growth Management.
13. That, **prior to servicing**, the Owner shall provide a maintenance and operations manual for the outfall that details how any future access of the downstream component shall be gained and the estimated costs associated with that access to the satisfaction of the Senior Director of Growth Management.
14. That, **prior to grading**, the Owner agrees to provide design alternatives for sidewalk alignments for consideration by City staff in order to determine the alignment that best suits the surround neighbourhood to the satisfaction of the Senior Director of Growth Management.

15. That, **prior to registration of the draft plan of subdivision**, 4.5 metre by 4.5 metre daylight triangles be established on the final plan of subdivision at the following intersections:
- a. Street A and Hayes Avenue;
 - b. Street A and Reid Avenue;
- all to the satisfaction of the Senior Director of Growth Management.
16. That, **prior to preliminary grading**, the Owner agrees in writing that the removal of all garages, playground equipment, or any structures will be at the sole cost to the Owner to the satisfaction of the Senior Director of Growth Management.
17. That, **prior to preliminary grading**, the Owner agrees that the stopping up and removal of the existing Lang Street will be at the sole cost to the Owner to the satisfaction of the Senior Director of Growth Management.
18. That, **prior to servicing**, the Owner be required to relocate, as required, any affected utility poles, hydrants, pedestals, hydro vaults, etc. on Reid Avenue, Hayes Avenue, Ayr Avenue, Bingham Road, and Lang Street, entirely at the Owner's expense, to the satisfaction of the Senior Director of Growth Management.
19. That, **prior to servicing**, the Owner agrees that any overhead utilities be relocated underground and to current design standards on any portions of existing streets that are to be reconstructed as part of this development to the satisfaction of the Senior Director of Growth Management.
20. That, **prior to preliminary grading**, the Owner shall provide prepare and provide dust control and street cleaning documentation that includes:
- a. methods for addressing issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision;
 - b. the first point of contact for matters related to dust control and street cleaning;
 - c. a schedule for regular cleaning of streets that is specific to the methods to be used;
 - d. the source of water for dust control and street cleaning, and;

- e. the contractor or agent to be used to undertake the works as well as contractor/agent contact information so that the City can direct the work to be completed as necessary;

all to the satisfaction of the Senior Director of Growth Management.

21. That, **prior to servicing**, the Owner agrees that there shall be no encumbrances due to the placement of utilities or street lighting infrastructure on the existing properties on Reid Avenue, Hayes Avenue, Ayr Avenue, Bingham Road, and Lang Street during any phase of construction to the satisfaction of the Senior Director of Growth Management.
22. That, **prior to servicing**, the Owner shall include provisions in the engineering design and cost estimate schedules to construct all required sidewalks with including wheel chair ramps that incorporate integrated tactile accessibility features as per RD-124 to the satisfaction of the Senior Director of Growth Management.
23. That, **prior to servicing**, the Owner shall include provisions in the engineering design and cost estimate schedules to construct any required watermain upgrades including, but not limited to a connection to the watermain on Queenston Road entirely at the Owner's expense to the satisfaction of the Senior Director of Growth Management.
24. That, **prior to grading**, the Owner shall submit a detailed Stormwater Management Report, prepared by a qualified professional engineer, to demonstrate:
 - a. how quality and quantity control criteria will be achieved in accordance with the MOE Stormwater Management Planning and design Manual – 2003 and the City of Hamilton Stormwater Management Policies;
 - b. that runoff will be treated to a Level 1 quality level (min. 80% TSS removal) on a block-by-block basis;
 - c. that runoff from the 100-year storm can be conveyed to the appropriate downstream outlet(s) without impacting the adjacent properties

all to the satisfaction of the Senior Director of Growth Management.

25. That, **prior to preliminary grading**, the Owner shall submit an overall subdivision grading plan including:
 - a. Demonstration of how the individual Blocks will be graded and drained in the interim development condition (post-servicing but

prior to Site Plan) such that they drain independently and do not adversely affect adjacent lands;

- b. each block shall have at least one (1) dedicated storm outlet including an overland flow route to the municipal system;

all to the satisfaction of the Senior Director of Growth Management.

26. That, **prior to registration of the draft plan of subdivision**, the Owner agrees to design, provide a cost estimate, and construct the storm water infrastructure from MH 17 to the limit of the proposed outfall infrastructure at Redhill Creek as shown in Drawing 9 of 14 from the Functional Servicing Report prepared by Amec Foster Wheeler, last revised April 2018, with 50 percent of the cost to be paid by the City subject to Council approval and the remainder of the cost to be funded by the developer to the satisfaction of the Senior Director of Growth Management.
27. That, **prior to registration of the draft plan of subdivision**, the Owner shall submit the necessary transfer deeds to the City's Legal Department to convey an easement on Block 6 of the draft plan with a width adequate to allow for maintenance operations of the infrastructure and not less than the minimum width in accordance with the Comprehensive Development Guidelines and Financial Policies Manual to the satisfaction of the Senior Director of Growth Management.
28. That, **prior to servicing**, the Owner shall include in the engineering design and cost estimate schedules provisions to install the following storm sewers that will convey local and external drainage towards the proposed outfall to Red Hill Creek including restoration of the entire width of the road surface from 1.0 m past the start of the service trench to 1.0 m past the end of the service trench:
 - a. on Reid Avenue North from Ayr Avenue to Main Street East;
 - b. on Hayes Avenue from Bingham Road to the proposed outfall to Red Hill Creek;
 - c. on Bingham Road from Ayr Avenue to Hayes Avenue;with 50 percent of the cost to be paid by the City subject to Council approval and the remainder of the cost to be funded by the developer all to the satisfaction of the Senior Director of Growth Management.
29. That, **prior to servicing**, the Owner shall provide a driveway location/on-street parking plan showing the following:

- a. on-street parking for 40% of the total street-facing dwelling units (including existing dwellings);
- b. on-street parking for 40% of the proposed street-facing dwelling units with their location limited to the side of each street adjacent to the proposed development;
- c. driveways, driveway ramps, and curb openings for all lots;
- d. the pairing of driveways;
- e. where lots in the subdivision abut a park entrance or a public walkway; and;
- f. the location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities;

all to the satisfaction of the Senior Director of Growth Management.

30. That, **prior to preliminary grading**, the Owner shall complete a CCTV video inspection of existing combined sewer mains prior to construction entirely at the Owner's expense as follows:

- a. Reid Avenue – from Queenston Road to Ayr Avenue;
- b. Bingham Road from Hayes Avenue to Ayr Avenue;
- c. Hayes Avenue from Bingham Road to Eastvale Place;
- d. Lang Street from Reid Avenue to Hayes Avenue for any portion of the street not being replaced in the first phase;

to the satisfaction of the Senior Director of Growth Management.

31. That, **prior to servicing**, the Owner shall provide a security in the amount of \$5,000 for a post-construction CCTV video inspection of existing sewer mains upon the completion of all servicing works that corresponds to the pre-construction CCTV video survey required in Condition 30 entirely at the Owner's expense in order to identify any damages and the Owner further agrees to repair those damages all to the satisfaction of the Senior Director of Growth Management.

32. That, **prior to servicing**, the Owner shall demonstrate how services will be maintained to existing properties in the interim through each phase of development and provide the full detailed servicing design for each phase to the satisfaction of the Senior Director of Growth Management.

33. That, **prior to preliminary grading**, the Owner agrees at his sole cost to prepare a pest control plan, focusing on rats and mice, which shall be developed and implemented for any demolition, and for the construction / development phase of the project and continue until the project is complete. The plan must outline steps involved in the potential control of vermin during all the development / construction and must employ integrated pest management practices. The plan must be formulated by a professional exterminator licensed by the MOECC and shall include monitoring, removing potential food and water sources, and eliminating or preventing areas for harbourage. The plan can include trapping and / or baiting but special consideration should be aimed at ensuring any / all bait stations are tamper resistant and deceased rats are removed to prevent secondary poisoning of other animals. The plan is to be implemented when work activity at the site begins including but not limited to demolition, bush clearing, grading etc. This requirement is made under Section 26 of the Hamilton Property Standards By-law, No. 10-221 and to the satisfaction of the Medical Officer of Health.
34. That, **prior to registration of the plan of subdivision**, the Owner shall show on the final plan a 0.3m reserve along the east side of Street A from the south limit of Block 5 frontage on Street A to Hayes Avenue to the satisfaction of the Senior Director of Growth Management.

Hamilton Conservation Authority

35. That **prior to preliminary grading**, the applicant obtain a permit from the Hamilton Conservation Authority under Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the Conservation Authorities Act, R.S.O. 1990 prior to any development within the HCA regulated area.
36. That **prior to preliminary grading**, the applicant prepares and implements a lot grading and drainage plan including appropriate sediment and erosion controls to the satisfaction of the Hamilton Conservation Authority.
37. That **prior to preliminary grading**, the applicant prepares and implements a stormwater management plan providing water quality control to the Enhanced Level for the subject property to the satisfaction of the Hamilton Conservation Authority.
38. That **prior to preliminary grading**, the applicant updates the Redhill Creek restoration vegetation inventories to accurately reflect current conditions and to aid in the development of the access, staging and construction plans for the stormwater outfall construction to the satisfaction of the Hamilton Conservation Authority.

39. That **prior to preliminary grading**, the applicant prepares a tree/vegetation protection plan and restoration plan to address any vegetation removal required for stormwater outfall construction to the satisfaction of the Hamilton Conservation Authority.
40. That **prior to preliminary grading**, the applicant completes an erosion analysis for the proposed stormwater outfall to the satisfaction of the Hamilton Conservation Authority.

Transportation Planning Services

41. That, **prior to servicing**, the owner shall provide plans with a known, useable metric scale; dimensions of driveways, roads, sidewalks, and all pertinent information as per the City of Hamilton guidelines.
42. That, **prior to servicing**, the updated Traffic Impact Study will be to the satisfaction of the Director, Transportation Planning and Parking, Planning and Economic Development Department.
43. That, **prior to servicing**, a Neighbourhood Traffic Calming Study be submitted to the satisfaction of the Director, Transportation Planning and Parking, Planning and Economic Development Department;
 - a. a Neighbourhood Traffic Calming Study is to be conducted and recommendations implemented;
 - b. this study and any modifications to the related municipal infrastructure will be fully at the expense of the applicant;
 - c. it is the applicant's responsibility to contact the Superintendent of Traffic Engineering, who will provide further details on the scope and requirements;
 - d. the traffic consultant will confirm the scope with the Superintendent of Traffic Engineering, Traffic Operations and Engineering as well as the Project Manager of Transportation Planning Development Approvals, Planning & Economic Development (with cc to tplanning@hamilton.ca) in Traffic Engineering prior to submission.
44. That, **prior to servicing**, the cross-section of Street 'A' which is the L-shaped ROW for municipal road connection between Reid Avenue South and the Bingham Road / Hayes Avenue intersection;
 - a. shall provide a design that adequately incorporates the Hamilton Pedestrian Mobility Plan with regards to the needs of pedestrians with disabilities.
 - b. shall provide acceptable pedestrian mobility needs;
 - c. does not set precedence in any other developments or proposals;
 - d. the centreline of the north-south section of Street 'A' aligns with and be parallel to the centreline of Bingham Road;

- e. the intersection of Street 'A' with Bingham Road, and Hayes Road be formed in a regular grid style;
- f. all to the satisfaction of the Director, Transportation Planning and Parking, Planning and Economic Development Department.

45. That, **prior to servicing**, the location and design of suitable cycling and pedestrian facilities and trail connection(s);

- a. the design and construction are fully at the expense of the applicant;
- b. all to the satisfaction of the Director, Transportation Planning and Parking, Planning and Economic Development Department.

Forestry and Horticulture Section, Public Works Department

46. That, **prior to preliminary grading and / or servicing**, the Owner shall submit a Tree Management Plan and the payment of all applicable fees, all to the satisfaction of the Forestry and Horticulture Section, Public Works Department.

Canada Post

47. That **prior to registration**, the Owner shall include on all offers of purchase and sale, a statement that advises the prospective purchaser:

- i) That the home / business mail delivery will be from a designated Centralized Mail Box.
- ii) That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

48. That **prior to registration**, the Owner agrees to:

- i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
- iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

- iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans.
 - v) Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
49. Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (Lock Box Assembly) at their own expense (less than 100 units will require a front loading Lock Box Assembly & more than 100 units will require a rear loading Lock Box Assembly which will require a mail room) will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space.

Union Gas

50. That the owner / developer provide to Union Gas the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.

Director of Growth Planning

51. That **prior to registration**, the Director of Planning and Chief Planner must be satisfied that Conditions (1) to (46) inclusive, have been carried out to his satisfaction, with a brief but complete statement indicating how each condition has been satisfied.

NOTES FOR SUBDIVISION:

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





Site Concept

Dec 20, 2017

Roxborough Park
Development Concept
Hamilton, Ontario

C6033



Site Concept

C6033

Mar 28, 2018

Roxborough Park
Development Concept
Hamilton, Ontario

MSAI
C6033 - Mar/27/16

Google earth

MSAI
MORGAN SUTHERLAND ARCHITECTS INC.
100 COLLEGE STREET, SUITE 200
HAMILTON, ONTARIO L8N 4W1
TEL: 905.571.1811

Permitted Uses

Use (Dwelling)	Block							Analysis
	1	2	3	4	5	6	7	
Street Townhouse	X		X					<p>Staff note that the Neighbourhoods Designation of the UHOP permits low, medium and high density residential uses subject to satisfying a series of criteria. As discussed previously in this Report, staff support the mix of uses and are of the opinion that the proposed uses have been distributed appropriately within the plan in compliance with the UHOP policies. Further, community gardens are permitted in the Neighbourhoods designation.</p> <p>These modifications have merit and can be supported.</p>
Block Townhouse		X		X	X	X		
Maisonette				X	X			
Stacked Townhouse					X			
Multiple Dwelling							X	
Community Garden	X	X	X	X	X	X	X	

General Modifications

	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Block 7	Analysis
Dwelling Type	Street Townhouse Dwelling	Block Townhouse Dwellings	Street Townhouse Dwelling	Block Townhouse Dwelling (T) Maisonette Dwelling (M)	Block Townhouse Dwelling (T) Maisonette Dwelling (M) Stacked Townhouse Dwelling (S)	Block Townhouse Dwelling	Multiple Dwelling	
Provision								
Minimum Number of Required Parking Spaces	1.0 per unit No additional parking shall be required for Accessory Dwelling Units	1.0 per unit No additional parking shall be required for Accessory Dwelling Units	1.0 per unit No additional parking shall be required for Accessory Dwelling Units	1.0 per unit No additional parking shall be required for Accessory Dwelling Units (T)	1.0 per unit No additional parking shall be required for Accessory Dwelling Units (T)	1.0 per unit No additional parking shall be required for Accessory Dwelling Units	0.3 per unit less than 50.0 sq. m in size 0.8 per unit greater than 50.0 sq. m in size 0.3 per units with three or more bedrooms	<p>The intent of these provisions is to ensure that an appropriate number of parking spaces are provided for the occupants of dwelling units in addition to any required visitor parking spaces.</p> <p>Staff note that 1.0 parking space per dwelling unit is the standard for street townhouses in Zoning By-law 05-200. This parking rate can also be supported for block townhouses dwellings, maisonette dwellings and stacked townhouse dwellings in the plan.</p> <p>In support of the reduced parking rate for a multiple dwelling, the applicants have submitted a Traffic Impact Study (TIS) which supports a reduced parking rate of 0.45 parking spaces per dwelling unit for the City Housing Hamilton building and a 0.8 parking spaces per dwelling unit for the remaining two multiple dwellings within Block "7". The applicant's consultant has supported the reduced parking rate based on an anticipated low demand for parking for the rental dwelling units that will be owned and operated by City Hamilton Housing, and proximity to the future light rail transit line along Queenston Road. Based on these proposed rates, and in the absence of specific unit size details, 255</p>

	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Block 7	Analysis
Dwelling Type	Street Townhouse Dwelling	Block Townhouse Dwellings	Street Townhouse Dwelling	Block Townhouse Dwelling (T) Maisonette Dwelling (M)	Block Townhouse Dwelling (T) Maisonette Dwelling (M) Stacked Townhouse Dwelling (S)	Block Townhouse Dwelling	Multiple Dwelling	
Provision								
								parking spaces will be required for the 365 units proposed on Blocks "7" and "7a". These modifications have merit and can be supported.
Visitor Parking	40% on-street parking required as a condition of Draft Plan Approval	0.3 per unit	40% on-street parking required as a condition of Draft Plan Approval	0.3 per unit	0.3 per unit	0.3 per unit	0.25 per unit	Staff consider the provision of visitor parking spaces to be appropriate given that development within the plan of subdivision will occur as part of a standard condominium, wherein the availability of on street parking that is typically provided in a plan of subdivision will not occur. No visitor parking will be required for any street townhouse, block townhouse or maisonette unit that fronts directly onto a street as street parking is available to accommodate the need for short term visitor parking. These modifications have merit and can be supported.
Number of Dwelling Units	18	36	18	24(M)	24(M)	8	840 (Max.)	The UHOPA is seeking to permit a maximum net residential density of 165.0 units per hectare across the Draft Plan of Subdivision, to provide for an adequate mix of housing types in appropriate locations within the Neighbourhoods Designation. In order to ensure that the property is developed in

	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Block 7	Analysis
Dwelling Type	Street Townhouse Dwelling	Block Townhouse Dwellings	Street Townhouse Dwelling	Block Townhouse Dwelling (T) Maisonette Dwelling (M)	Block Townhouse Dwelling (T) Maisonette Dwelling (M) Stacked Townhouse Dwelling (S)	Block Townhouse Dwelling	Multiple Dwelling	
Provision								<p>accordance with the UHOPA, a provision stipulating a maximum number of dwellings is required in the amending zoning by-law. While not currently proposed within Blocks 4 and 5 of the Draft Plan of Subdivision, the applicant would like a level of flexibility in housing choice depending on market conditions with respect to the siting of block townhouses in the Draft Plan. As a result, the applicant is proposing to permit a maximum of 18 block townhouse dwellings within each of Blocks 4 and 5. Staff have no objection to this request, as an adequate mix dwelling types and tenures will still be provided in the plan as a whole, provided that the overall unit number does not exceed 687 as indicated in the UHOP Amendment.</p> <p>Given the above, this modification has merit and can be supported.</p>
Max # of Dwelling Units in a Row	8	8	8	8 (T)	8 (T)	8	n/a	<p>This provision is being included in order to help break up the massing and potential long stretches of dwellings, while providing for appropriate variation along the street and articulation in built form.</p> <p>These modifications have merit and can be supported.</p>

	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Block 7	Analysis
Dwelling Type	Street Townhouse Dwelling	Block Townhouse Dwellings	Street Townhouse Dwelling	Block Townhouse Dwelling (T) Maisonette Dwelling (M)	Block Townhouse Dwelling (T) Maisonette Dwelling (M) Stacked Townhouse Dwelling (S)	Block Townhouse Dwelling	Multiple Dwelling	
Provision								
Minimum Distance Between End Walls	n/a	2.4m	n/a	2.4m (T) 2.4m (M)	2.4m (T) 2.4m (M) 2.4m (S)	2.4m	n/a	<p>With respect to block townhouse dwellings, it should be noted that the street townhouse dwellings currently permitted in the (D6) Zone are required to provide minimum side yard setbacks of 1.2 metres for the end units of townhouse dwellings. The proposed separation between dwellings of 2.4 metres is effectively achieving the same outcome in separation between townhouse dwelling blocks.</p> <p>With respect to maisonette and stacked townhouse dwellings, staff are of the opinion that adequate separation is being achieved for lot grading and drainage, and access purposes.</p> <p>These modifications have merit and can be supported.</p>
Minimum Setback of a Required Parking Space	n/a	5.8m	n/a	5.8m	5.8m	5.8m	n/a	<p>The intent of this provision is to ensure that a driveway is provided for each block townhouse, maisonette and stacked townhouse dwelling where a surface parking space is proposed to allow for the maneuvering of motor vehicles. Staff note that in accordance with Zoning By-law No. 05-200, street townhouse dwellings are subject to this same provision. This modification has merit and can be supported.</p>

	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Block 7	Analysis
Dwelling Type	Street Townhouse Dwelling	Block Townhouse Dwellings	Street Townhouse Dwelling	Block Townhouse Dwelling (T) Maisonette Dwelling (M)	Block Townhouse Dwelling (T) Maisonette Dwelling (M) Stacked Townhouse Dwelling (S)	Block Townhouse Dwelling	Multiple Dwelling	
Provision								
Minimum Setback from a Street Line or Condo Road	n/a	4.5m (Dwelling)	n/a	4.5m (Dwelling)	(M) (T) 4.5m (Dwelling) (S) 4.5m (Dwelling)	4.5m (Dwelling)	n/a	<p>It should be noted that Zoning By-law No. 05-200 does not contemplate setbacks of dwellings to condominium roads.</p> <p>The intent of the proposed provision is to provide for a consistent streetscape and allow for adequate area for the manoeuvring of motor vehicles entering and exiting the subject land. This requirement is consistent with the minimum front yard setbacks proposed for the street townhouse dwellings within Blocks "1" and "3".</p> <p>These modifications have merit and can be supported.</p>
Minimum Private Amenity Area	n/a	n/a	n/a	3.0 Sq m (M)	3.0 Sq m (M)(S) 28 Sq. m (T)	n/a	3.0 Sq m	<p>The intent of this provision is to ensure that adequate indoor / outdoor amenity area is provided for occupants of the dwellings. Staff note that the amenity area can be provided in the form of indoor communal areas, and outdoor private (balconies) and / or outdoor communal areas (sitting / play areas) depending on unit type, and will considered differently from landscaped areas.</p> <p>With respect to Block "5", in addition to landscaping in and around the proposed buildings, the applicant is proposing a central green area which would serve as common amenity area for the occupants of the dwellings within that block as opposed to</p>

	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Block 7	Analysis
Dwelling Type	Street Townhouse Dwelling	Block Townhouse Dwellings	Street Townhouse Dwelling	Block Townhouse Dwelling (T) Maisonette Dwelling (M)	Block Townhouse Dwelling (T) Maisonette Dwelling (M) Stacked Townhouse Dwelling (S)	Block Townhouse Dwelling	Multiple Dwelling	
Provision								
								landscaping. Given that this property will be subject to Site Plan Control, staff will work with the applicant to obtain further details of the use of the centralized green space as well as address staff concerns with the location of the ramp to an underground parking garage within this space. These modifications have merit and can be supported.
Minimum Planting Strip	n/a	n/a	n/a	3.0m Abutting front and rear lot line	2.0m Abutting front and flankage lot line - 3.0m	n/a	3.0m	The intent of this provision is to ensure that an adequate level of landscape buffer is being provided to minimize the impact of the multiple of dwellings on adjacent properties, as well as allow for a consistent streetscape. As shown on the submitted concept plan, Blocks "4", "5", "6" and "7" are providing a minimum planting strip abutting Reid Avenue South, Hayes Avenue and Street "A". Staff consider the inclusion of a landscape strip abutting a streetline to be appropriate given the proximity of low density residential uses in the neighbouring area. As a result, this modification has merit and can be supported.
Minimum Landscape Area	n/a	n/a	n/a	10% of the lot area (S) (M)	20% of the lot area	n/a	10% of the lot area	Staff are of the opinion that the landscape requirements will ensure that an adequate balance of built form, hardscape and landscape will be achieved within the individual blocks.

	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Block 7	Analysis
Dwelling Type	Street Townhouse Dwelling	Block Townhouse Dwellings	Street Townhouse Dwelling	Block Townhouse Dwelling (T) Maisonette Dwelling (M)	Block Townhouse Dwelling (T) Maisonette Dwelling (M) Stacked Townhouse Dwelling (S)	Block Townhouse Dwelling	Multiple Dwelling	
Provision								
								As a result, this modification has merit and can be supported.
Maximum Building Height	12m	12m	12m	12m (T) 15m (S) (M)	12m (T) 15m (M) 15m (S)	12m	29m (8 storey) Block "7a" 36m (10 storey)	<p>The intent of this provision is to minimize the impact of buildings on adjacent properties / areas with respect to sun shadowing, overlook and ensure that an appropriate scale for the area is achieved.</p> <p>With respect to Blocks "1" – "6", the neighbouring residential area is characterized by one and a half to two storey single detached dwellings. These lands are located within the "D" District wherein dwellings are permitted to be three storeys and 14.0 metres in height.</p> <p>Staff note that the proposed height is in keeping with the maximum height provision of the adjacent residential area. As such, the proposed height is compatible with the scale of development anticipated or existing in the</p>

	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Block 7	Analysis
Dwelling Type	Street Townhouse Dwelling	Block Townhouse Dwellings	Street Townhouse Dwelling	Block Townhouse Dwelling (T) Maisonette Dwelling (M)	Block Townhouse Dwelling (T) Maisonette Dwelling (M) Stacked Townhouse Dwelling (S)	Block Townhouse Dwelling	Multiple Dwelling	
Provision								
								<p>area and will not pose any adverse impact on the residential adjacent area with respect to sun shadowing and overlook.</p> <p>With respect to Block “7”, and in particular to the eight storey multiple dwelling, the applicant has provided a 45 degree angular build to plane drawing from the front lot lines of the single detached dwellings on the west side of Reid Avenue South, which illustrates that, with the exception of small portions of the top two floors, the multiple dwelling is located under the 45 degree angular build to plane. As a mitigating measure, the applicant is providing for a 3.0 metre front yard setback, which is appropriate in width to accommodate adequate landscape treatment between the building and the front lot line. At the Site Plan Control stage, staff will ensure that adequate plantings will occur and appropriate building materials will be used on the top floors that are piercing the angular build to plane to help further minimize the impact of the building along the streetline.</p> <p>With respect to the two, 10 storey multiple dwellings, proposed on Block “7a” staff note that said dwellings are internal to the site and have been adequately setback from adjacent streets and dwellings. Further, appropriate landscape treatment will be required around</p>

	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Block 7	Analysis
Dwelling Type	Street Townhouse Dwelling	Block Townhouse Dwellings	Street Townhouse Dwelling	Block Townhouse Dwelling (T) Maisonette Dwelling (M)	Block Townhouse Dwelling (T) Maisonette Dwelling (M) Stacked Townhouse Dwelling (S)	Block Townhouse Dwelling	Multiple Dwelling	
Provision								
								the perimeter of the block within a minimum 3.0 metres planting strip. These modifications have merit and can be supported.
Minimum Setback from Adjacent Blocks	n/a	n/a	n/a	n/a	1.0m	n/a	1.0m	This provision is intended to allow a small portion of a building to be located a minimum of 1.0 metre to an adjacent block. This modification is technical in nature and required largely due to the configuration of the blocks within the plan and where the common line of the blocks are located relative to the location of the proposed buildings. This modification has merit and can be supported.
Minimum Setback to a Conservation / Hazard Land (P5) Zone	5.0m	5.0m	5.0m	5.0m	5.0m	5.0m	5.0m	The intent of this provision is to ensure that buildings are adequately setback to a (P5) Zone. Staff note that a (P5) Zone is located within Block 5 and represents the erosion access allowance of 6 metres from the stable slope from the Red Hill Valley Creek. Staff are of the opinion that the proposed setback will be adequate for the construction of buildings and structures. This modification has merit and can be supported.

Specific Modifications to the (D6) Zone

Street Townhouse Dwellings (Blocks “1” and “3”)

Regulation	Required	Modification	Analysis
Minimum Lot Area	150 sq. m.	120 sq. m.	Staff note that the proposed street townhouse dwellings will provide a 7.0 metre rear yard setback, and a 4.5 metre front yard setback to the dwelling and a 6.0 metre front yard setback to the garage. As such, one parking space will be provided in the garage and one parking can be accommodated within the private driveway. In this regard, staff are of the opinion that the proposed lot will be adequately sized to accommodate the built form, adequate amenity space and parking areas. These modifications have merit and can be supported.
Minimum Lot Width	5.5 m	4.8m	
Front Yard Setback	3.0m (Maximum)	4.5m (Dwelling) 6.0m (Garage) (Minimum)	Specific to the (D6) Zone, the maximum front yard setback is intended to create a pedestrian focused environment by pushing buildings close to the streetline while locating parking areas to the rear of properties and within underground parking garages. In this instance, the adjacent existing residential lots contain single detached dwellings that are setback from the front lot line in the range of 3.68 metres to 5.62 metres, while containing individual driveways that accommodate parking in the front yard. Staff are of the opinion that the proposed front yard setback is consistent with the streetscape in the area. This modification has merit and can be supported.
Minimum Flankage Yard	3.0m (Maximum)	1.5 m	The minimum Front Yard Requirement for Block “2” is 1.5 metres because of a technicality in that the lot line adjacent to the public street is deemed to be the front lot line, but is a de facto side yard/flankage yard condition. The minimum flankage yard is required to create a consistent street line with Block “2”. These modifications have merit and can be supported.

Block Townhouse Dwellings (Block "2")

Regulation	Required	Modification	Analysis
Minimum Front Yard Setback	N/A	1.5 metres	<p>The intent of including this provision is to minimize the physical impact of structures and to ensure a consistent streetscape along the street. The front lot line is considered the northerly lot line abutting Ayr Avenue. However, given the orientation of the block townhouse dwellings, this lot line will act as a flankage yard. It should be noted that as part of a future Site Plan Control application, the north elevations of the Block Townhouse Dwellings which front onto Ayr Avenue South will be required to read as front facing dwellings with upgraded side elevations.</p> <p>This modification has merit and can be supported.</p>
Minimum Rear Yard Setback	N/A	1.5 metres	<p>Staff note that the rear yard within Block "2" will function as a side yard and abut the proposed visitor parking spaces in Block "4". The intent of this provision is to minimize the physical impact of structures on Block "4", allow for adequate privacy and for drainage purposes. Staff note that this setback is in keeping with the side yard setbacks of street townhouse dwellings.</p> <p>This modification has merit and can be supported.</p>
Minimum Side Yard Setback	N/A	6.0 metres	<p>Given the configuration of Block "2" and the orientation of the dwellings, the side yard of the lot will function as a rear yard amenity area for the block townhouse dwellings. The intent of this provision is to minimize the physical impact of structures on the adjacent area, while providing for adequate outdoor amenity area for the occupants of the dwellings. Staff are of the opinion that the proposed side yard will provide adequate outdoor amenity area of the dwelling units.</p> <p>This modification has merit and can be supported.</p>
Minimum Setback to a Street	N/A	4.5 metres (dwelling) 6.0 metres (garage)	<p>In order to ensure a consistent streetscape and to minimize the physical impact along the street, staff consider it appropriate to apply a minimum setback of the dwelling and garage from the condominium road.</p> <p>This modification has merit and can be supported.</p>

Block Townhouse Dwellings (Block "6")

Regulation	Required	Modification	Analysis
Minimum Front Yard Setback	N/A	3.0 metres (Maximum)	<p>The intent of this provision is to minimize the physical impact of structures along the road, accommodate the provision of parking and ensure a consistent streetscape. As Block "6" will be developed as a standard condominium, the lot line abutting Hayes Avenue is considered the front lot line. Given the irregular shape of the lot, the block townhouse dwellings have been orientated internal to the subject property as opposed to being located along the frontage of Hayes Avenue. In consideration of the curvature of the Hayes Avenue in this location, staff are of the opinion that the modification will ensure a consistent streetscape.</p> <p>This modification has merit and can be supported.</p>
Minimum Side Yard Setback	N/A	6.0 metres	<p>Given the configuration of Block "6" and the orientation of the dwellings thereon, the side yard of the lot will function as rear yard amenity areas for the block townhouse dwellings. As such, the intent of this provision is to minimize the physical impact of structures on the adjacent area, while providing for adequate outdoor amenity area for the occupants of the dwellings. Staff are of the opinion that the proposed setback will provide adequate outdoor amenity area for the dwelling units, while the impact on the abutting residential dwelling to the east will be minor.</p> <p>As a result, this modification has merit and can be supported.</p>
Minimum Rear Yard Setback	N/A	5.0 metres	<p>Given the orientation of the block townhouses dwellings on Block "6", the minimum rear yard provision provides for a setback to the southerly lot line which abuts the Red Hill Valley Creek and Red Hill Valley Parkway (RHVP). It should be noted that the City of Hamilton Zoning By-law No. 6593 contains a provision that requires a minimum setback for all structures of 15.25 metres from the limits of the RHVP. Zoning By-law No. 05-200 does not contain a setback from the RHVP given that the City has not included residential zoning within the By-law.</p> <p>Respecting noise impacts, staff note that the common lot line between the subject land and the RHVP contains a 3.0 metre high acoustical wall fence. Further, the development of Block "6" will be subject to Site Plan Control, wherein a noise impact study and mitigation measures, if required, will be implemented prior to the occupancy of any dwellings. With respect to safety concerns, staff note that Block "6" is located in excess of 50.0 metres from</p>

			<p>the access ramp and 90.0 metres from the RHVP proper. In addition, there is a significant grade differential in that the subject lands are located at a higher elevation relative to the RHVP.</p> <p>This modification has merit and can be supported.</p>
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Block Townhouse Dwellings and Maisonette Dwellings (Block "4")

Regulation	Required	Modification	Analysis
Minimum Front and Rear Yard Setbacks	<p>Front - 3.0 metres (Maximum)</p> <p>Rear - 3.0 metres (Minimum)</p>	<p>Front - 3.0 metres (Minimum)</p> <p>Rear – 2.0 metres (minimum)</p>	<p>Staff note that the front and rear yards of Block "4" will act as flankage yards for the dwellings. The front yard setback proposed for Block "4" matches the front yard setback of the multiple dwelling along Block "7", which is the adjacent to the north and south respectively. In terms of the surrounding area, the front yard setbacks of the neighbouring residential lots along Reid Avenue North are setback from the front lot line in the range of 3.68 metres to 5.62 metres. Staff note that a 3.0 metre planting strip will be required between the lot lines abutting a street and the dwellings. Through the Site Plan Control process, staff will ensure that adequate vegetation will occur within the planting strip to help reduce the impact of the structures on adjacent area. With respect to the rear yard setback, staff note that the 3.0 metre setback is consistent with the setback requirements for dwellings within Block 5, along the east side of Street "A". Further, in terms of amenity the area, the applicant will be required to provide a minimum of 6.0 square metres of amenity space per dwelling which will can take the form of private amenity (private patios / balconies) of communal amenity areas (shared open space).</p> <p>This modification has merit and can be supported.</p>
Minimum Side Yard Setback	7.5 m	<p>10.0 m (northerly) (Block Townhouse Dwellings) (Maisonettes)</p> <p>4.5 m (southerly) (Block Townhouse Dwellings)</p>	<p>Staff note that a condominium road and private driveways are proposed between the side lot line and the location of the maisonette dwellings. The southerly side yard will apply to block townhouse dwellings, is internal to the site and is intended to provide rear yard amenity area for the dwellings.</p> <p>This modification has merit and can be supported.</p>
Minimum Flankage Yard Setback	3.0 metres	<p>3.0 m (dwelling) (Maisonette)</p> <p>5.8 m (garage) (Maisonette)</p>	<p>The flankage lot line is the southerly lot line and abuts proposed Street "A". The applicant is proposing to orient maisonette dwellings along Street "A" while accommodating private driveways in the flankage yard. Staff are of the opinion this setback will accommodate a driveway while minimizing the physical impact along the street. Further, the minimum</p>

		4.5 m (Maisonette) (Block Townhouse Dwellings)	setback of 3.0 metres is consistent with the provision for built form along Street "A". With respect to the block townhouse dwellings, it is the intention to prohibit the location of block townhouses along the southerly portion of Block "4". This is to ensure that there an appropriate gradation in built form from the high density residential to the south, to the low density residential to the north. These modifications have merit and can be supported.
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Block Townhouse Dwellings, Maisonette Dwellings and Stacked Townhouse Dwellings (Block "5")

Regulation	Required	Modification	Analysis
Minimum Easterly Side Yard Setback	7.5 m	3.0 m 1.0 m in Areas "1", "2" and "3" as shown on Figure 20 of Schedule "F" – Special Figures 6.0m abutting RHVP	Based on the configuration of the lot, the easterly side lot line abuts the Red Hill Valley Creek / Parkway. The intent of the minimum side yard is to minimize the physical impact of structures on adjacent properties while minimizing the impact of noise and safety on all buildings and structures in close proximity of the Red Hill Valley Creek / Parkway. With respect to noise, staff note that the common lot line between the subject land and the RHVP contains a 3.0 metre high acoustical wall fence. Further, the development of the lands in proximity to the Red Hill Valley Creek / Parkway will be subject to Site Plan Control, wherein a noise impact study and mitigation measures, if required, will be implemented prior to the occupancy of any dwellings. With respect to safety concerns, staff note that there is a significant grade differential wherein the subject land is located a higher elevation location relative to the access ramps of the Red Hill Valley Parkway. This modification has merit and can be supported.
Rear Yard	3.0 m	6.0 m	In this instance, the rear yard is proposed to contain a condominium road. Should the condominium road change and block townhouses are provided, the 6.0 metre setback will provide for adequate separation between the built form on Block "5" and Block "6". This modification can be supported.

Multiple Dwellings (Block “7”)

Regulation	Required	Modification	Analysis
Front yard Setback	3.0 m (Maximum)	8.0 m (minimum)	<p>The intent of this provision is to ensure that buildings are brought close to the streetline while ensuring that surface parking areas are located away from the street line and in behind the building on the property. In consideration of the adjacent low density residential area surrounding the development, staff consider a minimum setback of 3.0 metres for a portion of the building and 20.0 m for the balance of the building to be appropriate for this area, while the This will allow the applicant to provide sufficient landscaping between the building and the streetline to ensure greater compatibility with adjacent land uses. Further, this setback is in alignment with the setback of applied to the dwellings on Block “4” along the east side of Reid Avenue North.</p> <p>This modification has merit and can be supported.</p>
Minimum Flankage Yard Setback	3.0 m	3.0 m for not a length of 20.0 m	
Minimum Bicycle Parking Spaces		<p>5 short term per building</p> <p>0.5 long term per unit</p>	<p>The intent of this provision is to ensure that proposed developments provide for an adequate amount of bicycle parking, which will promote the use of other modes of transportation aside from the automobile. Staff note that the bicycle parking requirements have been taken from the requirements of the Transit Oriented Corridor (TOC) Zones in Zoning By-law No. 05-200. Given that the subject lands are located approximately 50 metres from lands located in the TOC Zone along Queenston Road, staff consider applying these bicycle parking requirements to the multiple dwellings in Block 7 to be appropriate.</p> <p>This modification has merit and can be supported.</p>

Permitted Yard Encroachments

Regulation	Required	Modification	Analysis
Porch, Deck or Canopy – Permitted Yard Encroachments	1.5 (maximum)	1.8	<p>Further, a modification is required to permit a porch, deck or canopy to encroach into any required yard a maximum of 1.8 metres, instead to a maximum of half the distance of the required yard, whichever is the lesser. Whereas a porch, deck or canopy may encroach a maximum of 1.5 metres into a required yard.</p> <p>The intent of the above provisions is to permit certain elements of a residential dwelling to encroach into required yards where they do not pose any adverse impact on adjacent properties or the street. Staff are of the opinion that the increase encroachment is minor in nature and will not pose any adverse impact on adjacent properties or the street line.</p> <p>As a result, this modification has merit and can be supported.</p>
Balcony - Permitted Yard Encroachments	1.0 metres (maximum)	1.8 metres	<p>Further, a modification is required to permit a balcony to encroach into any required yard a maximum of 1.8 metres, except into a required side yard of not more than one-third of its width or 1.8 metres, whichever is less, whereas a balcony may encroach a maximum of 1.0 metres into any required yard, except into a required side yard of not more than one-third of its width or 1.0 metres, whichever is less.</p> <p>The intent of the above provisions is to permit certain elements of a residential dwelling to encroach into required yards where they do not pose any adverse impact on adjacent properties or the street. Staff are of the opinion that the increase encroachment is minor in nature and will not pose any adverse impact on adjacent properties or the street line.</p> <p>As a result, this modification has merit and can be supported.</p>

Height of Architectural Wall or Feature (Block "4")

Regulation	Required	Modification	Analysis
Height of Architectural Wall or Feature (Maximum)	0.6 metres	2.0 metres	<p>This is a site specific requirement for Block "4a". The intent of this provision is to ensure that architectural walls or features do not pose a visual impact on adjacent properties or along the street. The applicant is proposing to construct an architectural wall or feature on the east side of Reid Avenue North where the terminus of Main Street East is located (see Appendix "G" to Report PED18158). The purpose of the architectural wall or feature is to deter 'cut through' traffic from gaining access through the site, while permitting pedestrian and other modes of non motorized transportation to pass through this area. Provided the architectural wall is setback 3.0 metres from front lot line of Block "4" which will reduce the impact along the streetline, staff are of the opinion that a 2.0 metre high architectural wall or feature is appropriate for the intended use, will not pose any adverse impacts along the street and could create a gateway feature for the development.</p> <p>As a result, this modification has merit and can be supported.</p>

Accessory Dwellings within end units of Block Townhouse Dwellings and Street Townhouse Dwellings (Blocks "1" to "6")

Regulation	Required	Modification	Analysis
Accessory Dwellings within end units of Block Townhouse Dwellings and Street Townhouse	Does not permit	Permit	<p>Based on the concept plan submitted, the allowance to permit an accessory apartment would apply to 28 end unit townhouses in the Draft Plan of Subdivision. The intent for considering only end unit townhouses for accessory dwelling units is for the ability to meet Ontario Building Code requirements for minimum sunlight and ventilation, as well as ensuring the accessory dwelling will not be accessing the unit from the rear of the property which would create access issues into the rear yard. It should be noted that accessory apartments within townhouse dwellings is a new concept in the City. Staff are viewing this permission as a way to test new types of dwellings and this should not be considered as a</p>

Dwellings			precedent in other cases of the City. Given the above, this modification has merit and can be supported.
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Home Business within Block Townhouse Dwellings, Maisonette Dwellings and Stacked Townhouse Dwellings
(Blocks “2”, “4” to “6”)

Regulation	Required	Modification	Analysis
Home Business within Block Townhouse Dwellings, Maisonette Dwellings and Stacked Towhouse Dwellings		Permit	Currently, these dwellings types are considered under the definition of a multiple dwellings in Zoning By-law No. 05-200, which permits a Home Business as described in Section 4 of the Zoning By-law No. 05-200. The intent of this modification is to extend the same provisions as multiple dwellings to block townhouses, maisonette dwellings, and stacked townhouse dwellings and provide further clarity pertaining to these uses. Given the above, this modification has merit and can be supported.

Definition of Block Townhouse Dwelling, Maisonette Dwelling and Stacked Townhouse Dwelling

Dwelling Type	Definition	Analysis
Block Townhouse Dwelling	Shall mean a building divided vertically by a common or party wall, into a minimum of three and a maximum of eight Dwelling Units fronting on a laneway or common condominium driveway, each of which having an independent entrance at grade, but shall not include a maisonette.	A modification is required to the Definitions section to define block townhouse dwelling, maisonette dwelling and stacked townhouse dwelling, whereas Zoning By-law No. 05-200 does not contain definitions for these uses. While it is proposed to add/modify the definitions in By-law 05-200, at the time of preparation of this report these changes have not been considered by Planning Committee, as such, and in the absence of definitions for the above uses, block townhouse, maisonette and stacked townhouse dwellings have traditionally met the definition of a Multiple Dwelling under the (D6) Zone. However, given the intended built form being proposed, the
Maisonette Dwelling	Shall mean a building used exclusively for residential purposes divided vertically into a minimum of four and a maximum of 24 back-to-back Dwelling Units, by two or more common walls which prevent internal access between units	

Appendix "H3" to Report PED18158

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	and extend from the base of the foundation to the roof line, and each Dwelling Unit having an independent entrance at grade.	location of the uses within the Draft Plan of Subdivision and the neighbourhood surrounding the subject land, staff consider it appropriate to provide definitions for these uses to provide clarity and ensure unit type variety. These uses are aligned with those proposed in an upcoming housekeeping amendment to Zoning By-law No. 05-200. Given the above, this modification has merit and can be supported.
Stacked Townhouse Dwelling	shall mean a building divided vertically and horizontally into a minimum of three and a maximum of 16 Dwelling Units, by common walls which prevent internal access between units, with each Dwelling Unit having one or more private entrances at grade.	



February 13, 2018

Environment Hamilton and the Hamilton Naturalists' Club
22 Wilson Street, Suite 4
Hamilton, Ontario, L8R 1C5

Adam Lucas
Planning and Economic Development Department
Development Planning, Heritage and Design – Urban Team
71 Main Street West, 5th Floor
Hamilton, ON, L8P 4Y5

Re: 25T-201802; ZAC-18-010

Dear Mr. Lucas,

Trees Please is a project of Environment Hamilton and the Hamilton Naturalists' Club studying urban trees in association with neighbourhood air quality data, in order to understand Hamilton's tree canopy and to inform tree planting decision-making. The data is publicly available at <https://www.opentreemap.org/hamilton/map/>. In 2017, Trees Please inventoried 1,093 trees in the McQuesten neighbourhood, 60 of which are located in the proposed development area. This does not represent a comprehensive inventory of all trees affected by this development proposal. Based on our air quality and tree inventory research from the last year, we are writing to suggest a focus on tree planting for this project.

The McQuesten neighbourhood (bounded by Barton Street and Queenston Road, and Parkdale Avenue and the Red Hill Expressway) has a tree canopy coverage of 18.8%, with grass and other vegetation covering 23.7% of the land in the neighbourhood, and the remaining 57.5% representing impermeable surface and buildings. The City of Hamilton has established the goal of achieving an urban tree canopy coverage of 30%. Much of the McQuesten tree canopy is concentrated in the City Housing sectors of the neighbourhood, where mature Norway Maples and Austrian Pines dominate. The area adjacent to the proposed development, bordered by Reid Avenue and Parkdale Avenue, and Roxborough Avenue and Queenston Road, has a much lower tree canopy coverage than the rest of the community (see **Figure 1**).



Figure 1: Vegetation index in McQuesten, with proposed development highlighted in blue. City Housing property has some of the greatest tree canopy in the neighbourhood.

Air particulate pollution monitoring occurred throughout the summer of 2017 in the region, conducted by Trees Please staff using hand-held Dylos DC1700 particulate matter sensors. Volunteers could also sign out these monitors to collect local air quality data, providing a broader data set. These monitors detect the levels of particulate matter less than 2.5 microns in diameter (PM2.5). This air particulate matter is a fine dust produced by traffic, industry, and construction. Particulate matter as large as 10 microns in diameter is inhalable and linked to many respiratory and cardiac-related illnesses, whereas PM2.5 is even more concerning as the particles and any attached heavy metals are small enough to enter deeper into the lungs and even bloodstream. Trees are able to capture 50% of PM2.5 while also sequestering carbon, therefore strategic planting is needed to help manage urban air quality and mitigate human health risk.

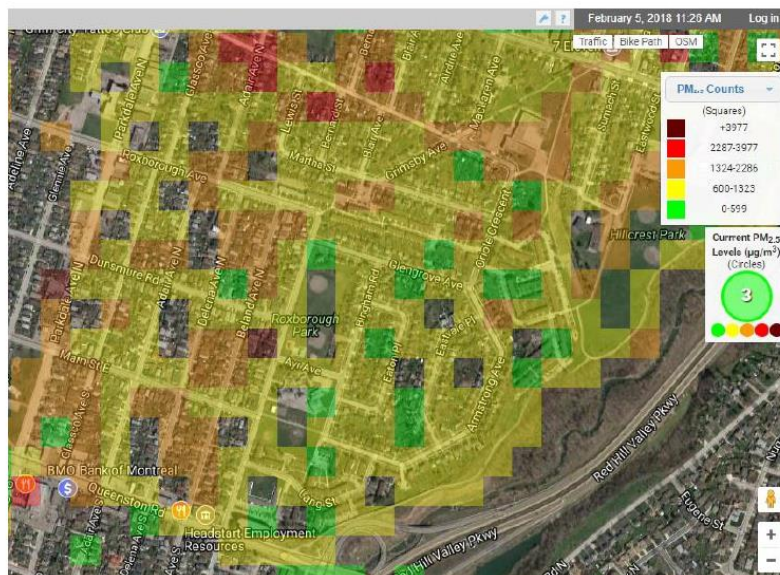


Figure 2: Respirable air particulate matter concentrations throughout the McQuesten neighbourhood.



Environment Hamilton and the Hamilton Naturalists’ Club strongly recommend that this development plans strategically for the planting of many trees now, with forward plans to maintain these trees to mature fully.

Many of the trees that may be removed in this process are mature Norway Maples, which are non-native and invasive. However, there is a mature Silver Maple (43.234405, -79.786541) with a diameter at breast height of 59 cm. If possible, efforts should be made to preserve this individual, which contributes significant ecosystem services to the area (see **Figure 3**). The 60 trees inventoried in the area are mostly mature specimens providing important ecosystem services (**Figure 4**).



Figure 3: Ecosystem services provided by the mature Silver Maple

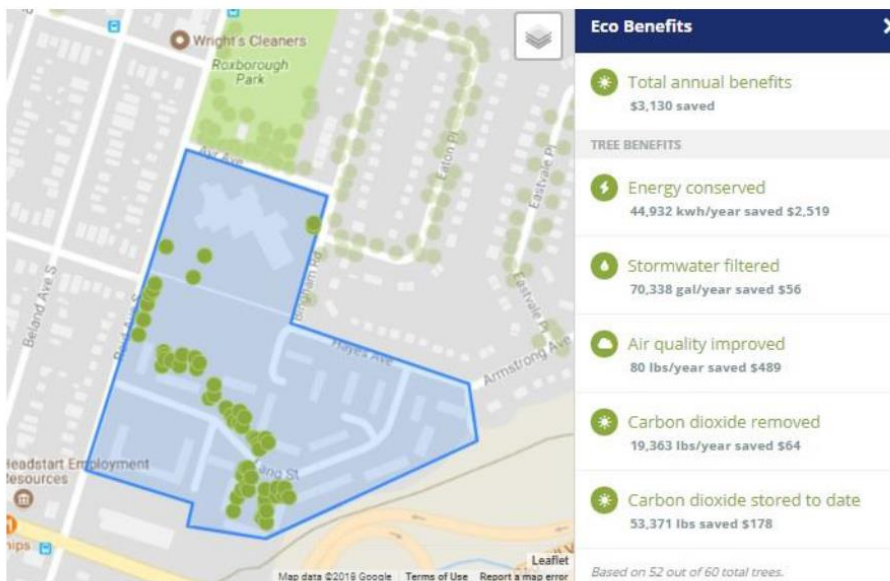


Figure 4: Total ecosystem services provided by the trees inventoried by Trees Please in the proposed development area. This is not a comprehensive study of all the trees in the defined area.

Trees Please is a project of Environment Hamilton and the Hamilton Naturalists’ Club, supported by the Ontario Trillium Foundation.



We recommend that a priority be placed on planting large-growing native species in this area. Due to the high count of maple varieties in the neighbourhood, we recommend avoiding planting more maples and instead diversifying the species selection. Bur and Red Oaks especially provide significant benefits to the local ecosystem. The new public road should also be fully lined with large-growing trees.

Thank you for hearing our concerns; we look forward to seeing our suggestions reflected in the plan. We are happy to provide additional information or answer any questions you may have about our work in the McQuesten Neighbourhood.

Sincerely,

Carolyn Zanchetta
Hamilton Naturalists' Club
905-549-0900

Juby Lee
Environment Hamilton

Lucas, Adam

From:
Sent: February-14-18 11:39 AM
To: Lucas, Adam
Cc: Office of the Mayor; etaylor35@cogeco.ca; Merulla, Sam; John, Edward; Matthew Van Dongen
Subject: Quote 25T-201802;ZAC-18-010 Roxborough Park Inc. development proposal

To Adam Lucas
 CC SAM Merulla
 Mayor: Fred Eisenberger

I am writing this email to state my concerns regarding the proposed plan development for Area located at 20 Read Ave North, 11-17 and 41 Reid Ave South and 22-116 Lang Street Hamilton Ward 4

I have several concerns regarding the amount of housing being requested by this developer in an area that currently only has 120 units, the proposed 690 units would result in an additional 2400 people in the area.

This amount of people let alone traffic is not healthy in a small area, our area currently has 120 units with an average of 4 people per family total 480 residence

This resulting increase is not what we were promised by councilor Sam Merulla when Roxborough Park School was closed

The impacts on the area would be the following

- 1) Traffic congestion: we have a quiet neighborhood and introducing this mass build will increase traffic six fold in the area.
- 2) Unsafe area for children to play: no green space or parks compared to the present back yards that the current town houses have.
- 3) Damage to the existing bike and hiking paths from the Red hill behind the properties of Lang street
- 4) Increase in population in the area would also result in increased school population. The city just knocked a school down, where are these additional kids supposed to go?
- 5) Increased load on existing sewage and water lines in the area which are about 60 years old no updates have been done in the area since the late 70's adding 2400 and more people to the area with these types of residence will burden the existing system, who is paying for this?
- 6) Current residence of the area were not consulted regarding this proposal nor does it seem that the Ward 4 Councilor who suggested this partner-ship actually spoke with the people in the affected area. Councilors are supposed to represent all the people of the ward not their own aspiring agendas to leave a mark on the city. I was still of the belief that elected official are supposed to represent the riding they were elected for not a developer.
- 7) This proposal would displace a lot of seniors in the area who are concerned for where will they go? Who's paying for their move? At a Community meeting comments were made that they may even have to move twice if they want back into the area and have a spot in the new development. Some of these people are pretty old and they don't want to move once let alone twice. What kind of a city do we live in where a developers wishes over rides a seniors right of residence? Some of these people thought they were in there forever homes and do not wish to move.
- 8) Would any of these proposed houses be senior only accommodations?
- 9) How does city housing get away with forcing people to leave houses and go back on a wait list? Where are these people suppose to go?

10)Property values in the area: How is this going to affect the current residence that own homes, Which are single dwelling homes near this development? We were promised that the property from the old Rox Park school would be developed to blend in to the existing area. It seems like this proposal is another broken promise from a Politician that we trusted to represent our best interests, for our area. Our councilor does not even attend community meetings in the area and were expected to trust them and the developer to keep their promise on mixed housing and creating and improving the park? Single dwelling homes are getting change to more Townhouses, double townhouses (3 storey building) with no green areas, Back to back, townhouses with no back yards, and 3 apartment buildings. This is over kill.

11)I feel this proposal demonstrates greed and utter ignorance by the city and this development group toward the residence of this area. So many units on small site and total disregard to residence and home owners in the area that will be affected by this increase. The developer and Councilor member will change, and leave the area once they make their profits, but the residence and home owner are stuck with the structures, and aftermath of increase population .

12)There wanting to make the maximum amount of profits in a small space 13 acres proposing so many units It seem this proposal is a greedy scheme by a developer and a Councilor and a band aid fix for a housing shortage which has not been properly investigated

13)The Apartment building size of two 10 Storey building and one 8 storey building on the land that is currently Known as 41 Reid Ave seem like over kill in a small area. The current houses that they will be removing are currently seniors only single dwelling apartments. The proposed building do not replace these senior only accommodations. The area is zone single dwelling houses why can it not stay that way? Why does it have to be changed to accommodate a developer who will just come in make lots of Money and then leave with his millions while the residents of the area have to deal with what's left. This proposal is not taking into account the current residents in the area. Nor this scenery and curb side appeal,

14)Our current Open concept area will become a brick and mortar location with no green space and a walled community.

15)I feel that Squeezing in 690 units in an area which currently only has 120 would result in gangs and is a ghetto style approach of fixing a low income housing shortage and this approach is not welcome in this area This will add to the issue not resolve it . Safety concern will triple. Kids should be brought up with green space and parks not concrete walls.

16)Where are all these people going to park there are no plans for parking only one parking space per unit does not account for all the cars for this small area. They say they will make a parking garage for the apartment building but this is also not in the proposed plan. Does this mean once its passed this developer can just change the design without approval?

17)What guarantees do we have that this will be Quote mixed housing ? What exactly does that mean? The property being taken over by this developer Who actually contacted me Sergio Manchia from Urban Core after cc email to Sam Merulla with concerns about this proposal. This developer is under the impression the sale of the Hamilton Housing property is a done deal? How can that be when it hasn't gone to council or Ontario Housing commission or even voted on by the people in the riding? Is City council now giving free rein to developers without consulting the community that this affects?

18)Who in the end is going to be managing the Apartment builds and condo's once they are made ? The city through Hamilton Housing or Developer and another 3rd party ?

19)It feels like the city wants to be sneaky about the zoning changes and hope it gets quietly passed

20)The Planner Developer assigned to assess this area is not even familiar with the area Nor does he seem to even care about taking suggestion or concern from the public. So I question their ability to properly assess the area. A boots on

the ground approach should be taking even the aerial photo of the area clearly shows how this development does not blend in to the current community landscape in this area

21) The mailing with the notice to people in the area didn't even have the proper people names on the envelop, in some cases It was addressed to a deceased person. Why not have a mass mailing to occupant? Instead people getting mail with different people's names on them which they send back return to sender.

22)Why was the mailing only to residence 120 meters from the property? This development will affect the whole neighborhood not just 120 meters from the development. Reid Ave is the closes access to the Red hill and Queenston Rd. From the developers design increase traffic through a funnel to Red Hill should be a safety concern and traffic concern for this area which is only 2 lane road.

23)Why is a company able to submit a development proposal with a made up name? The actual owner of the Property are Carriage Gate Homes and Urban Core, who else is involved as Roxborough Park Inc. and Why are all the players not being open about their involvement in this development proposal?

24) This mailing was dated Jan 25 but the sign in the Park only went up Jan31 and the flyer for this development suggestion was delivered by mail Feb 5 "Quote Any written comments received by the Department prior to Feb 15 will be published as part of the report made available to the general public " Is this Dead line going to be extended ?

25)When is there going to be a general public meeting to discuss this proposal?

26)When is this going to be submitted to City Council? How is the general public going to be informed of this decision?

27)How are affected residence in the area going to be informed ?

I would like notices and information on the above points and answers to the above questions

I would also like a copy of the staff report prior to the public meeting by the Planning committee whenever that is to be held .

Thank you

Lucas, Adam

From:
Sent: February-02-18 8:13 AM
To: Lucas, Adam
Cc:
Subject: Re Roxbough Park Inc 25T-201802

Hi Adam

Just wanting to confirm if emails counts as written objections to this proposal for this site, just want to confirm this

Also I never got the current number of housing units that currently make up the affected area
 11-17 Reid ave 20 Reid ave and 41 Reid ave

I also would like to know when the regular home owners get a meeting. Seem Hamilton housing residence get more of say of what going on in this neighborhood than actual home owners who pay property taxes

Reading the Newspaper article for this development site
 Issue at heart are not enough low income housing developments and city has no money Sept 21 (Radical social housing redevelopment pitched for Hamilton East end Proposal in this article was 500 units not 690
 Sept 21
<https://www.thespec.com/news-story/6869028-radical-social-housing-redevelopment-pitched-for-hamilton-s-east-end/>

Can you please explain how you investigate the area and come to a report for council consideration, as when we talked it seem you didn't know the area very well and hadn't looked at it (boots on the ground concept)

Feb 15 deadline this is a dead line for comments for this proposal

Do you base your decision for this proposal on comments from the public only or do you investigate the current land scape of the area and home owner affected in the area ?

Seem the mailing being late this date should be extended

How long does this process take regarding changing a zoning classification in a neighborhood? (month weeks years ?)

Any update on the micro site update please advise who can we ask about that web site

Also fyi Roxborough Park Inc google search is only found in the US nothing about property in Hamilton Ont Canada

So a company can just incorporate to the city and make a zone proposal when they do not exist anywhere ?
 Does the company have to have contact information so that people can phone or contact them directly or MHBC planning is there only contact source ? How can a company that in Barrie know anything about a Hamilton East end community and what it need to have ?

Why was this not filed by Urbancore Developments or the builder Carriage Gate Homes or Effort Trust Who are the original people who bought Rox park school according to the Spectator and contact that advise that the school property was sold back 2016, Does the City not question who files these request for zoning changes ?

Also can you confirm if Councillor Sam Merulla can request this zoning change without public consent ?

How does this get presented to City council? And how do we find out about the date when it does go to council?

Lucas, Adam

From:
Sent: February-15-18 12:44 PM
To: Lucas, Adam
Subject: Plan Of Subdivision @ 20 Reid Ave North

Good afternoon. I am writing to express my most strenuous objection to the proposed re-zoning of the above property and the development and/or construction of the various dwellings on this property. As a resident of more that 60 years at my location I am opposed to the change in zoning from D to the proposed D6-XX multi-dwelling for several reasons; all which concern the resultant change in the very nature of this neighborhood that has been in place for as far back as I can remember. The resultant over-crowding due to the influx of all of those new inhabitants, the problems that would be consistently inherent with regards to traffic and parking that would also be a by-product of this change in zoning...not to mention the potential lack of privacy and/or inconvenience of potential noise distractions that would most certainly be a result of cramming so many people in such a (relatively) small space. Not to mention the disruption concerning of all of the above that would be the result of the daily grind of the construction process itself. There must be other sections of real estate that could accommodate a project such as what is being considered that wouldn't require a re-zoning nor disruption of some many other people's lives. Again, I most strenuously oppose this proposal. Thank you.

Lucas, Adam

From:
Sent: February-15-18 1:33 PM
To: Lucas, Adam
Subject: Draft Plan of Subdivision (File No. 25T-201802) & Zoning By-law Amendment (File No. ZAC-18-010)

This is to inform you that I have concerns and issues in regard to the above matters. I will be submitting a detailed submission of my concerns and issues as soon as possible, however, due to the lack of specific detailed information provided to residences within the immediate affected area and the limited timeline in relation to the receipt of the notification and deadline to respond.

Please note that I am expressly requesting that the City remove any personal information in regard to my comments regarding both of these issues.

Any concerns you may have regarding this matter please feel free to contact me.

Jan. 17 / 18

Dear Mr. Lucas

My name is Catherine (Cathy)
Thomson. I live at 41 Reid Ave S
unit 11 Hamilton Ont. L8H1C3.

I wish to be notified of the
decision by the City on the proposed
zoning by law ~~Admendment~~ Admendment.

Re application by MHBC planning
on behalf of Royborough Park Inc.

Zoning bylaw

Zoning Bylaw Application

ZAC - 18 - 010

Thanking you in advance

Mrs Catherine L. Thomson

Catherine Thomson
41 Reid Ave S. # 11
Hamilton Ont.
L8H1C3

Jan 11/18

Dear Mr Lucas

My name is Catherine (Cathy)
Thomson I live at 41 Reid Aves.
Unit 11 Hamilton Ont. L8H 1C3

I wish to be Notified of the
decision by the City on the proposed
Draft Plans of Subdivision.

Re application by MHBC planning
on behalf of Roxborough Park Inc.
for Subdivision Application

Subdivision Application
25T-201802

Thanking you in advance

Mrs Catherine L. Thomson

Catherine Thomson
41 Reid Ave S
Hamilton Ont
L8H 1C3



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	Modifications and Updates to the Urban Hamilton, Rural Hamilton, and Former City of Hamilton Official Plans (PED18148) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Catherine Parsons (905) 546-2424 Ext. 2634
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to Official Plan Amendment to the Urban Hamilton Official Plan (UHOP) No. XX (CI-18-E) to amend policies, schedules and maps in Volume 1 – Parent Plan, Volume 2 – Secondary Plans, and Volume 3 - Area and Site Specific Policies of the UHOP, to implement previous planning decisions and correct and clarify policies and mapping, on the following basis:
- (i) That the draft Urban Hamilton Official Plan Amendment (UHOPA), attached as Appendix “A” to Report PED18148, be adopted by Council;
 - (ii) That the proposed UHOPA 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 Official Plan Amendment to the Rural Hamilton Official Plan (RHOP) No. XX (CI-18-E) to amend policies, schedules and maps, contained in Volume 1 – Parent Plan, Volume 2 – Rural Settlement Areas, and Volume 3 – Area Specific Policies of Volume 3 of the RHOP, to correct and clarify policies and mapping, on the following basis:
- (i) That the draft Rural Hamilton Official Plan Amendment (RHOPA), attached as Appendix “B” to Report PED18148, be adopted by Council;

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- (ii) That the proposed RHOPA is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Greenbelt Plan, 2017 and the Growth Plan for the Greater Golden Horseshoe, 2017.
- (c) That approval be given to Official Plan Amendment to the Former City of Hamilton Official Plan No. XX (CI-18-E) to amend Schedule M-2 – General Land Use Plan of the West Harbour (Setting Sail) Secondary Plan to implement a previous planning decision of the Ontario Municipal Board (OMB) for lands located at 366 Bay Street North, on the following basis:
 - (i) That the draft Former City of Hamilton Official Plan Amendment (OPA), attached as Appendix “C” to Report PED18148, be adopted by Council;
 - (ii) 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.
- (d) That By-law 10-212 respecting 713 and Part of 777 Garner Road East, Ancaster, and By-law 11-252 respecting 460 and 480 Springbrook Avenue, Ancaster, relating to approved but not final and binding UHOPAs (UHOPA No. 3 and UHOPA No. 10, respectively) be repealed in their entirety.

EXECUTIVE SUMMARY

The purpose of the Urban Hamilton Official Plan (UHOP), Rural Hamilton Official Plan (RHOP) and Former City of Hamilton Official Plan Amendments is to undertake policy and map changes required to maintain policy intent and ensure clear implementation of the plans. Housekeeping Amendments form part of the ongoing maintenance of the City’s Official Plans, and are periodically undertaken to ensure the Plans are clear, accurate, and policy implementation is clear.

The application of the UHOP policies and mapping, through the development review process and in the preparation of secondary plans has identified areas where revisions to the existing policies are required to provide clarity of intent. Changes are also proposed where policy and mapping are in conflict and/or are inconsistent, which has caused implementation issues.

In addition, amendments are proposed to implement Official Plan Amendments to former municipality Official Plans that occurred during the period when the UHOP was approved by the MMAH but not yet approved by the OMB, and therefore not in effect. During this period (March, 2011 to August, 2013), where former municipal Official Plan Amendments were adopted by Council, associated Urban Hamilton Official Plan Amendments (UHOPAs) were approved and held in abeyance. Final adoption of the

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approved UHOPAs and incorporation into the UHOP would later occur through a UHOP Housekeeping Amendment, once the UHOP came into effect. Staff have undergone review of these outstanding UHOPAs, and are recommending amendments to the UHOP to ensure the land use planning framework reflects the approvals granted by Council when former municipality Official Plans were in effect. Further, some amendments received by-law numbers but did not become final and binding. It is necessary to repeal these by-laws.

Similar to the UHOP, the application of the RHOP through the development review process has resulted in the identification of areas where revisions to the existing policies are required to provide clarity with respect to intent.

In addition to general housekeeping changes, the proposed Rural Hamilton Official Plan Amendment (RHOPA) includes revisions to the rural servicing policies of the RHOP, which will provide greater flexibility to landowners. Mapping changes to Volumes 1 and 3 are also required to include municipal lands previously omitted from the municipal boundary.

The West Harbour (Setting Sail) Secondary Plan was adopted by Council on March 23, 2005 and approved by the OMB on June 26, 2012 (PL050408), through By-law 12-163 to Adopt Official Plan Amendment (OPA) No. 23 to the former Region of Hamilton-Wentworth Official Plan and OPA No. 198 to the former City of Hamilton Official Plan. The version of the secondary plan that is contained within the UHOP has not been approved by the OMB, and is therefore not in effect. A Housekeeping Amendment to the former City of Hamilton Official Plan is required to implement the direction of an OMB Decision issued on August 9, 2011 (PL101293) for the property 366 Bay Street North.

Updates to the City's Zoning By-laws, through a separate report (Report PED18147), will implement the Official Plan Amendments, where required.

Alternatives for Consideration – See Page 10

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 Official Plan Amendments to the Urban Hamilton, Rural Hamilton, and former City of Hamilton Official Plans. Notice of these

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Amendments has been posted in the Hamilton Spectator, as required by the *Planning Act*.

HISTORICAL BACKGROUND

The application of the City's Official Plans through the development review process and in the preparation of secondary plans and rural settlement areas has resulted in the identification of areas where revisions to the existing policies are required to provide clarity with respect to intent.

The West Harbour (Setting Sail) Secondary Plan was adopted by Council on March 23, 2005 and approved by the OMB on June 26, 2012 (PL050408), through By-law 12-163 to Adopt Official Plan Amendment (OPA) 23 to the former Region of Hamilton-Wentworth Official Plan and OPA 198 to the former City of Hamilton Official Plan. The version of the secondary plan that is contained within the UHOP has not been approved by the OMB, and therefore is not in effect. Pursuant to an OMB Decision issued August 9, 2011 (Case No. PL101293), a housekeeping amendment is required to amend the land use designation for a specific site.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Provincial Policy Framework

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2014), the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) and the Greenbelt Plan. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The *Places to Grow Act* and the *Greenbelt Act* require that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan and the Greenbelt Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent OMB approval of the City's Official Plans, the City has established the local policy framework for the implementation of the Provincial planning policy framework.

Although there are no direct policies within the Provincial plans respecting Housekeeping Amendments, the proposed amendments are meant to correct errors and clarify policies that implement the Provincial policy framework, and as such, the proposed amendments are consistent with Section 3 of the *Planning Act*, consistent with the PPS, and conform to the Growth Plan and the Greenbelt Plan.

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2.0 Urban and Rural Hamilton Official Plans

The policies of UHOP Volume 1, Chapter F – Implementation provide direction for updating the Plan, as follows:

“Official Plan Amendments

- F.1.1.4 Amendments to this Plan shall be undertaken by the City:
- a) to update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five year review or other appropriate time through a City initiative; or,
 - b) to update and streamline administration or municipal planning policies.
- F.1.1.5 When considering amendments to this Plan, including secondary plans, the City shall have regard to, among other things, the following criteria:
- a) the impact of the proposed change on the City’s vision for a sustainable community, as it relates to the objectives, policies and targets established in this Plan; and,
 - b) the impact of the proposed change on the City’s communities, environment and economy and the effective administration of the public service.”

Pursuant to Policy F.1.1.4, staff are initiating a UHOP amendment to update municipal planning policies. The proposed changes meet the criteria set out in F.1.1.5 as they are minor in nature, improve policy interpretation, and implement previous land use planning approvals of Council.

The policies of the RHOP mirror the policies of the UHOP that speak to the City undertaking official plan amendments to update municipal planning policies (RHOP Volume 1, Chapter F – Implementation, Policy F.1.1.3).

3.0 Former City of Hamilton Official Plan

Staff are implementing direction of an OMB decision to implement the change required to the City of Hamilton Official Plan for Setting Sail Secondary Plan. Since the Setting Sail Secondary Plan still in effect under the Former City of Hamilton Official Plan, it is important that this document remains current.

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RELEVANT CONSULTATION

Staff within Planning Division and Transportation Section were consulted to identify any interpretation/implementation related issues with the policies of the Official Plans.

With respect to the proposed amendments to the rural servicing policies of the UHOP, staff from Planning and Economic Development (Planning and Building), Public Works (Hamilton Water) and Public Health formed a Technical Working Group to identify possible alternatives to the issues facing rural servicing.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1.0 General Amendments to the Urban Hamilton and Rural Hamilton Official Plans

The purpose of these amendments is to clarify the intent of the policies in the Plans by:

- Adding new policies and definitions to provide better direction for implementation of the plans;
- Removing duplicate, redundant and/or outdated policy references and/or text;
- Clarifying/correcting policy intent by adding, deleting and/or replacing wording;
- Creating consistency between policies and schedules and/or map and correcting mapping errors; and,
- Amending Integrated Transportation Network terminology and updating road right-of-way allowance requirements.

Appendices “D”, “D1”, “D2”, “D3”, “D4”, “F”, “F1”, “F2”, “F3”, and “F4” to Report PED18148 identify the above-mentioned issues that require correction, and rationale for the proposed amendments.

The effect of this amendment is that the UHOP and RHOP Plans will be current, accurate, and policy implementation will be more straightforward.

2.0 OPAs and OMB Decisions to Former Municipal Official Plans

2.1 Former Municipal OPAs

In addition to routine Housekeeping Amendments, there are several proposed UHOP Amendments that address the period of time between the UHOP approval by the MMAH (March, 2011), and the OMB issuing a Decision on the UHOP (August 16, 2013). These Amendments are outlined in Appendix “E” and “E2” to Report PED18148. During this period when the UHOP was under appeal, development applications, involving Official Plan Amendments to former municipal Official Plans, were brought forward to Council with draft UHOPAs. When former municipal Official Plan

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Amendments were adopted by Council, associated UHOPAs were approved and held in abeyance. In some cases, a by-law number was assigned. Final adoption of the approved UHOPAs and incorporation into the UHOP would later occur through a UHOP Housekeeping Amendment, once the UHOP came into effect.

Staff have undergone review of these outstanding UHOPAs, and are recommending amendments to the UHOP to ensure the land use planning framework reflects the approvals granted by Council when former municipality Official Plans were in effect. In general, these amendments are site specific in nature.

2.2 OMB Decisions

On June 22, 2012, the OMB issued its decision to amend the former City of Hamilton Official Plan (OPA number not assigned) to incorporate a new area within the Chedmac Secondary Plan for these lands, as well as the associated designations and policies. Similar to the above-mentioned UHOPAs held in abeyance, the OMB Decision was issued prior to the UHOP coming into effect. The land use permissions are being updated, formatted to the UHOP structure and included in Volumes 1 and 2. Since 2012, there have been several changes to the heritage buildings on the site, including the demolition of the Brow Infirmary Building, Brow Annex Building, and the Moreland Building. The revisions to Chedmac Secondary Plan specific to the Browlands addition to the secondary plan are identified in Appendix “E1” and “E2” to Report PED18148 and are reflected in the draft UHOPA, attached as Appendix “A” to Report PED18148.

3.0 Zoning By-law Amendments Required to implement the UHOPA

An associated Housekeeping Amendments to the Zoning By-laws, which is the subject of a separate report (Report PED18147), will implement the proposed amendments identified through Report PED18148, if required. The following four properties require Zoning By-law Amendments:

- Chedmac Secondary Plan – Browlands Addition (860 Scenic Drive, Hamilton)

As previously discussed, on June 22, 2012, the OMB issued its decision to amend the former City of Hamilton Official Plan to incorporate a new area within the Chedmac Secondary Plan. In addition to the UHOP Amendments required, it was identified that the Long and Bisby Building has dual zoning “E” (Multiple Dwellings, Lodges and Clubs, etc.) District in Zoning By-law No. 6593 and the Conservation/Hazard Land (P5) Zone in Zoning By-law No. 05-200. The P5 zone will be amended as part of the Zoning By-law updates (see Report PED18147) (CI-18-G).

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- 15 Emerson Street and 122 Longwood Road South, Hamilton

These properties are both subject to the former City of Hamilton Zoning By-law No. 6593 and located directly adjacent to properties subject to the Transit Oriented Corridor (TOC) Zones in Zoning By-law No. 05-200.

The property located at 15 Emerson Street has merged with 1341 Main Street West (and is now one comprehensive development site on the TOC corridor), and therefore should be rezoned to a TOC Zone. The property located at 122 Longwood Road South is intended to be merged with the property located at 906 Main Street West to become a comprehensive development site on the TOC Corridor. Accordingly, it should also be rezoned to a TOC Zone (see Report PED18147) (CI-18-G).

A UHOP Amendment is required to change the designations of both properties from the Low Density Residential 2 Designation to the Mixed Use – Medium Density Designation, and to apply Area Specific Policy E in the Ainslie Wood Westdale Secondary Plan in Volume 2. An Amendment is also required to redesignate 122 Longwood Road South from the Neighbourhoods Designation to the Mixed Use – Medium Density Designation on Schedule “E-1” of Volume 1. These amendments implement the intensification policies for the Transit Oriented Corridor in Chapter E (Volume 1).

- 40 Parkside Avenue, Dundas

This property is subject to the Single Detached Residential (R1) Zone and Open Space – Conservation (OS) Zone in the Town of Dundas, Zoning By-law No. 3581-86 (see Report PED18147) (CI-18-G). An Official Plan Amendment is required to update the limits of the Open Space Designation in accordance with the Environmental Impact Statement (EIS). The OPA will facilitate the required zone boundary changes for accuracy.

4.0 Amendments to Rural Servicing Policies in the RHOP

Development in Rural Hamilton is, for the most part, dependent on private services (sewage disposal and water supply). There are policies in the RHOP which address the provision of private services, with the aim of establishing sustainable private services which do not to create a negative impact on surrounding groundwater and users nearby. In an effort to provide an increased level of flexibility to property owners, while at the same time ensuring that the goal of providing sustainable services remains intact, the following policy changes are proposed:

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- Amendments to Section C.5.1 – Private Water and Wastewater Services to provide greater flexibility in the usage of a cistern as a primary water source.

Policy C.5.1.1g) of the RHOP currently states that all development (including redevelopment) must proceed by way of a well with sufficient quantity to sustain the use and a cistern may only be used as a supplementary water supply system, if it has been demonstrated that sufficient quantity can be provided from the well alone. The RHOP prohibits cisterns for new development because it requires a permanent off-site water source and is not considered a sustainable water source (Appendix “F” to Report PED18148);

This policy has created some issues for developments in the rural area, particularly in cases of redevelopment of sites which are already reliant on a cistern. To address this concern, staff are proposing a policy change to permit the redevelopment of an existing use with a cistern to continue using a cistern, or, to permit new development to proceed by way of cistern, or a combination of a well/ cistern, if it has been demonstrated by the proponent (in the form of a well test or study) that groundwater quality and quantity in the vicinity is inadequate to support the use (Appendix “F” to Report PED18148);

- Amendments to Section F.1.14.2 – Lot Creation to provide greater flexibility in allowing minor lot additions to increase the size of existing, undersized lots, supporting the intent of the policies of section C.5.1. The policy change will permit lot additions which represent an improvement to an existing situation, even if the entirety of the sustainable servicing requirements of Section C.5.1 are not met (Appendix “F” to Report PED18148).

The above-noted policy changes are jointly supported by staff from Planning and Economic Development (Planning and Building), Public Works (Hamilton Water) and Public Health.

5.0 Setting Sail Secondary Plan (under the Former City of Hamilton Official Plan)

Pursuant to an OMB Decision issued August 9, 2011 (Case No. PL101293), a housekeeping amendment is required to amend the land use designation for a specific site. Lands located at 366 Bay Street North, Hamilton will be redesignated from “Low Density Residential” to “Medium Density Residential 1” on Schedule M-2 – General Land Use Plan of the Setting Sail Secondary Plan to allow for a residential development.

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6.0 Other Matters

As previously noted, Official Plan Amendments to former Municipality Official Plans during the time the UHOP was under appeal were brought to Council with draft Urban Hamilton Official Plan Amendments. Since the UHOP was not in effect, these UHOPAs were held in abeyance and did not come into force and effect. Some of the draft OPA's that were held in abeyance were assigned UHOPA numbers, and passed as By-laws despite their status as being approved but not yet adopted. Since these OPAs are now proposed to be implemented through the draft UHOPA attached as Appendix "A" to Report PED18148, staff proposed repealing these by-laws and deleting the corresponding OPA numbers from the tracking record. The UHOPA numbers to be deleted from our record include:

- UHOPA No.3 – By-law 10-212 respecting lands located at 713 and 777 Garner Road East, Ancaster; and,
- UHOPA No. 10 – By-law 11-252 respecting lands located at 460 and 480 Springbrook Avenue, Ancaster.

ALTERNATIVES FOR CONSIDERATION

Council could choose to add, delete, or amend any or all of the proposed mapping and text changes.

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.

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" – Draft Urban Hamilton Official Plan Amendment No. XX
- Appendix "B" – Draft Rural Hamilton Official Plan Amendment No. XX
- Appendix "C" – Draft Former City of Hamilton Official Plan Amendment No. XX
- Appendix "D" – Proposed Text Amendments – UHOP Volume 1
- Appendix "D1" – Proposed Text Amendments to Integrated Transportation Network Policies – UHOP Volume 1
- Appendix "D2" – Proposed Text Amendments – UHOP Volume 2
- Appendix "D3" – Proposed Text Amendments – UHOP Volume 3

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- Appendix “D4” – Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes
- Appendix “E” – Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes
- Appendix “E1” – Proposed Amendments to Chedmac Secondary Plan – Chedoke Browlands Addition
- Appendix “E2” – Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal
- Appendix “F” – Proposed Text Amendments – RHOP Volume 1
- Appendix “F1” – Proposed Text Amendments to Integrated Transportation Network Policies – RHOP Volume 1
- Appendix “F2” – Proposed Text Amendments – RHOP Volume 2
- Appendix “F3” – Proposed Text Amendments – RHOP Volume 3
- Appendix “F4” – Proposed Schedule, Appendix, and Map Amendments – RHOP All Volumes
- Appendix “G” – Proposed Amendment to the Former City of Hamilton Official Plan

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.

Schedule “1”

DRAFT Urban Hamilton Official Plan Amendment No. X

The text, Schedule, Appendix, and Map amendments contained within the following appendices:

Volume 1

Appendix “A”	Chapter B – Communities
Appendix “B”	Chapter C – City Wide Systems and Designations
Appendix “C”	Schedule C-2 – Future Road Widenings
Appendix “D”	Chapter E – Urban Systems and Designations
Appendix “E”	Chapter F – Implementation
Appendix “F”	Chapter G – Glossary
Appendix “G”	Schedule B – Natural Heritage System
Appendix “H”	Schedule B-2 – Detailed Natural Heritage Features – Key Natural Heritage Features – Significant Woodlands
Appendix “I”	Schedule B-4 – Detailed Natural Heritage Features – Key Natural Heritage Feature and Key Hydrologic Feature Wetlands
Appendix “J”	Schedule B-8 – Detailed Natural Heritage Features Key Hydrologic Feature Streams
Appendix “K”	Schedule E-1 – Urban Land Use Designations

Volume 2

Appendix “L”	Chapter B – Secondary Plans (excluding Chedmac Secondary Plan Chedoke Browlands Addition – see Appendix “M”)
Appendix “M”	Section B.6.3 – Chedmac Secondary Plan (Chedoke Browlands Addition only)
Appendix “N”	Map B.2.5-1 – Meadowlands Neighbourhood III Secondary Plan – Land Use Plan
Appendix “O”	Map B.2.7-1 – Meadowlands Neighbourhood IV Secondary Plan – Land Use Plan
Appendix “P”	Map B.4.2-1 – Waterdown North Secondary Plan – Land Use Plan
Appendix “Q”	Map B.4.2-2 – Waterdown North Secondary Plan – Road Classification Plan
Appendix “R”	Appendix A – Waterdown North Secondary Plan – Community Structure Plan
Appendix “S”	Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan
Appendix “T”	Map B.5.1-2 – Binbrook Village Secondary Plan – Open Space Linkages
Appendix “U”	Map B.5.2-1 – Rymal Road Secondary Plan – Land Use Plan

Appendix "V"	Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan
Appendix "W"	Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan
Appendix "X"	Map B.6.3-2 – Chedmac Secondary Plan – Cultural Heritage Plan
Appendix "Y"	Map B.7.1-1 – Western Development Area Secondary Plan
Appendix "Z"	Map B.7.2-1 – Old Town Secondary Plan
Appendix "AA"	Map B.7.3-1 – Urban Lakeshore Area Secondary Plan
Appendix "BB"	Map B.7.5-1 – Nash Neighbourhood Secondary Plan – Land Use Plan
Appendix "CC"	Map B.7.6-1 – West Mountain (Heritage Green) Secondary Plan – Land Use Plan
Appendix "DD"	Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan
Appendix "EE"	Map B.7.7.2 – Trinity West Secondary Plan – Natural Heritage System
Appendix "FF"	Appendix A – Secondary Plans Index Map

Volume 3

Appendix "GG"	Chapter C – Urban Site Specific Policies
Appendix "HH"	Map 2 – Urban Site Specific Key Map
Appendix "II"	Map 2a – Urban Site Specific Key Map (Lower City)

attached hereto, constitutes Official Plan Amendment No. **XX** to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to:

- Incorporate several City Council approved Urban Hamilton Official Plan Amendments that were held in abeyance during the period when the Urban Hamilton Official Plan was approved by the Ministry of Municipal Affairs and Housing but under appeal to the Ontario Municipal Board (March 11, 2011 to August 13, 2016);
- Incorporate one Ontario Municipal Board Decision respecting an Official Plan Amendment to the former City of Hamilton Official Plan that occurred during the period when the Urban Hamilton Official Plan was approved by the Ministry of Municipal Affairs and Housing but under appeal to the Ontario Municipal Board (Decision Date June 22, 2012; Case No. PL100691);
- Add new policies and one definition and remove duplicate and/or redundant wording; and,

- Correct policy and mapping errors.

2.0 Location:

The lands affected by this Amendment are located within the Urban Area of the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposed amendments reflect existing land uses and approvals and will more accurately guide future development;
- 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 B – Communities

- a. That the following policies of Volume 1: Chapter B – Communities be amended, as outlined in Appendix "A":
- B.3.2.2
 - B.3.2.2.1

4.1.2 Chapter C – City Wide Systems and Designations

- a. That the following policies, as well as general terminology of Volume 1: Chapter C – City Wide Systems and Designations be amended, as outlined in Appendix "B":
- C.2.5.1
 - C.4.5.2 f)
 - C.4.5.6
 - C.4.5.6.3
 - C.4.5.6.5
 - C.4.5.6.7

4.1.3 Chapter C, Schedule C-2 – Future Road Widening

- a. That Volume 1: Schedule C-2 – Future Road Widening be amended, as outlined in Appendix "C".

4.1.4 Chapter E – Urban Systems and Designations

- a. That the following policies of Volume 1: Chapter E – Urban Systems and Designations be amended, as outlined in Appendix "D":

- E.3.6.6.c)
- E.3.6.7a)
- E.5.2.4
- E.5.3.2
- E.5.3.2.1
- E.5.4.3
- E.5.4.4
- E.5.4.4 (second occurrence)
- E.5.6.1

4.1.5 Chapter F – Implementation

- a. That Volume 1: Chapter F – Implementation, Section F.1.5 be amended, as outlined in Appendix "E".

4.1.6 Chapter G – Glossary

- a. That Volume 1: Chapter G – Glossary be amended by adding one definition, as outlined in Appendix "F".

Schedules and Appendices

4.1.6 Schedules

- a. That Volume 1: Schedule B – Natural Heritage System be amended, as shown on Appendix "G".
- b. That Volume 1: Schedule B-2 – Detailed Natural Heritage Features – Key Natural Heritage Feature – Significant Woodlands, as shown on Appendix "H".
- c. That Volume 1: Schedule B-4 – Detailed Natural Heritage Features – Key Natural Heritage Feature and Key Hydrologic Feature – Wetlands, as shown on Appendix "I".
- d. That Volume 1: Schedule B-8 – Detailed Natural Heritage Features – Key Hydrologic Feature – Streams, as shown on Appendix "J".

c. That Volume 1: Schedule E-1 – Urban Land Use Designations be amended, as shown on Appendix "K".

4.2 Volume 2 – Secondary Plans and Rural Settlement Areas

Text

4.2.1 Chapter B – Secondary Plans

a. That Volume 2: Chapter B – Secondary Plans be amended to revise, add or delete policies, as outlined in Appendix "L":

- | | | |
|---------------------|---------------------|-----------------------|
| • B.2.2.1.5 | • B.5.2.14.2 | • B.7.2.2.4 |
| • B.2.3.2.1 | (deleted) | • B.7.2.8.4 |
| • B.2.4.4.2 | • B.6.2.17 | • B.7.2.8 (two new |
| • B.2.5.1.1 | • B.6.2.17.1 | site specific |
| • B.2.5.1.2 d) (new | (deleted) | policies) |
| policy) | • B.6.2.17.5 | • B.7.5.4.2 b) |
| • B.2.7.6.4 | • B.6.2.17.7 | • B.7.5.6.1 |
| • B.2.8.8.4 | • B.6.3.2.1 | • B.7.5.6.2 |
| • B.2.8.16 | • B.6.3.2.3 a) (new | • B.7.5.6.4 |
| • B.4.1.1 | policy) | • B.7.5.5.2 |
| • B.4.2.14.4 | • B.6.3.2.3 b) | • B.7.7.13 (add |
| • B.4.3.3.7 | • B.6.3.2.4 (new | Section Heading |
| • B.5.1.4.2 | policy) | and renumber |
| • B.5.1.4.4 | • B.6.3.7.1 | subsequent |
| • B.5.1.4.5 d) (new | • B.6.4.4.4 | policies) |
| policy) | • B.7.1.1.1 | • B.7.7.13.1 |
| • B.5.1.13.7 | • B.7.1.1.5 (new | • B.7.7.14, B.7.7.15, |
| • B.5.1.13.12 | policy) | B.7.7.16 |

b. That Volume 2: Chapter B – Secondary Plans, Section B.6.3 – Chedmac Secondary Plan be amended by adding policies to the Chedmac Secondary Plan respecting the Chedoke Browlands, as outlined in Appendix "M".

Maps and Appendices

4.2.2 Maps

a. That Volume 2: Map B.2.5-1 – Meadowlands Neighbourhood III Secondary Plan – Land Use Plan be amended, as shown in Appendix "N".

- b. That Volume 2: Map B.2.7-1 – Meadowlands Neighbourhood IV Secondary Plan – Land Use Plan be amended, as shown on Appendix "O".
- c. That Volume 2: Map B.4.2-1 – Waterdown North Secondary Plan – Land Use Plan be amended, as shown on Appendix "P".
- d. That Volume 2: Map B.4.2-2 – Waterdown North Secondary Plan – Road Classification Plan be amended, as shown on Appendix "Q".
- e. That Volume 2: Appendix A – Waterdown North Secondary Plan – Community Structure Plan be amended, as shown on Appendix "R".
- f. That Volume 2: Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan be amended, as shown on Appendix "S".
- g. That Volume 2: Map B.5.1-2 – Binbrook Village Secondary Plan – Open Space Linkages be amended, as shown on Appendix "T".
- h. That Volume 2: Map B.5.2-1 – Rymal Road Secondary Plan – Land Use Plan be amended, as shown on Appendix "U".
- i. That Volume 2: Map B.6.2-1 – Ainslie Wood Westdale Secondary Plan – Land Use Plan be amended, as shown on Appendix "V".
- j. That Volume 2: Map B.2.3-1 – Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan be amended, as shown on Appendix "W".
- k. That Volume 2: Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan be amended, as shown on Appendix "X".
- l. That Volume 2: Map B.7.1-1 – Western Development Area Secondary Plan – Land Use Plan be amended, as shown on Appendix "Y".
- m. That Volume 2: Map B.7.2-1 – Old Town Secondary Plan – Land Use Plan be amended, as shown on Appendix "Z".
- n. That Volume 2: Map B.7.3-1 – Urban Lakeshore Area Secondary Plan – Land Use Plan be amended, as shown on Appendix "AA".
- o. That Volume 2: Map B.7.5-1 – Nash Neighbourhood Secondary Plan – Land Use Plan be amended, as shown on Appendix "BB".
- p. That Volume 2: Map B.7.6-1 – West Mountain (Heritage Green) Secondary Plan – Land Use Plan be amended, as shown on Appendix "CC".

- q. That Volume 2: Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan be amended, as shown on Appendix "DD".
- q. That Volume 2: Map B.7.7-1 – Trinity West Secondary Plan – Natural Heritage System be amended, as shown on Appendix "EE".

4.2.3 Appendices

- a. That Volume 2: Appendix A – Secondary Plans Index Map be amended, as shown on Appendix "FF".

4.3 Volume 3 – Special Policy Areas, Area Specific Policies, Site Specific Policies

Text

4.3.1 Chapter 3 – Urban Site Specific Policies

- a. That the following policies of Volume 3: Chapter C – Urban Site Specific Policies be amended as outlined in in Appendix "GG":
 - Preamble
 - UAN-4
 - UGC-X (new policy area)
 - UHN-X (new policy area)
 - USCN-X (new policy area)

Schedules and Appendices

4.3.2 Maps

- a. That Volume 3: Map 2 – Urban Site Specific Policy Key Map be amended, as shown on Appendix "HH".
- b. That a new Map called "Map 2a – Urban Site Specific Policies Key Map – Lower City" be added to Volume 3, as shown in Appendix "II".

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. _____ passed on the
day of month, 201X.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

CITY CLERK

Appendix “A” – Volume 1, Chapter B – Communities

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>B.3.2.2 Housing Targets</p> <p>The housing targets in Tables B.3.2.1 – Housing Targets – Ownership and B.3.2.2 – Housing Targets - Rental are based on future population growth forecasts to the year 2031 and future housing need. Targets for <i>affordable</i> rental housing are divided into housing <i>affordable</i> for <i>low and moderate income households</i>. Meeting the housing targets for housing <i>affordable</i> for <i>low and moderate income households</i> will require sustainable and predictable funding from senior levels of government.</p>	<p>B.3.2.2 Housing Targets</p> <p>The housing targets in Tables B.3.2.1 – Housing Targets – Ownership and B.3.2.2 – Housing Targets - Rental are based on future population growth forecasts to the year 2031 and future housing need. Targets for <i>affordable</i> rental housing are divided into housing <i>affordable</i> for <i>low and moderate income households</i>. Meeting the housing targets for housing <i>affordable</i> for <i>low and moderate income households</i> will require sustainable and predictable funding from senior levels of government.</p>
<p>B.3.2.2.1 In addition to projected housing needs based on population forecasts in Table B.3.2.1 – Housing Targets – Ownership, the City has a substantial existing shortage of <i>affordable</i> rental housing. In particular, 12,650 renter households (1 in 5) are currently paying more than 50% of their income on rent (2006 Census) and are at risk of homelessness. This need shall be addressed through a target of 1,265 new annual rent supplements/housing allowances, over a period of ten years (2006 to 2016), in addition to the targets for future new rental housing shown in Table B.3.2.2 – Housing Targets – Rental. This need will require sustainable and predictable funding from senior levels of government to be met.</p>	<p>B.3.2.2.1 In addition to projected housing needs based on population forecasts in Table B.3.2.1 – Housing Targets – Ownership, the City has a substantial existing shortage of <i>affordable</i> rental housing. In particular, 12,650 renter households (1 in 5) are currently paying more than 50% of their income on rent (2006 Census) and are at risk of homelessness. This need shall be addressed through a target of 1,265 new annual rent supplements/housing allowances, over a period of ten years (2006 to 2016), in addition to the targets for future new rental housing shown in Table B.3.2.2 – Housing Targets – Rental. This need will require sustainable and predictable funding from senior levels of government to be met.</p>

Appendix “B” – Volume 1, Chapter C – City Wide Systems and Designations

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p> <p>C.2.5.1 Permitted uses within <i>Core Areas</i> as identified on Schedule B – Natural Heritage System are established through the designations and policies of Chapter E – Urban Systems and Designations and Volume 3 of this Plan. Boundaries of <i>Core Areas</i> and associated vegetation protection zones may be further refined by the completion of an Environmental Impact Statement. Generally, permitted uses in <i>Core Areas</i> shall include:</p> <p>a) to f) in Rural Hamilton Official Plan; g) forest, fish and wildlife management; h) conservation, and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; i) <i>existing</i> uses, in accordance with Section F.1.12 - Existing, Non- Complying and Non-Conforming Uses, and according to the requirements in Section C.2.6 – Environmental Impact Statements; j) <i>passive recreation uses</i> and <i>small scale</i> structures for recreation uses (such as boardwalks, footbridges, fences, docks, and picnic facilities) where permitted by Conservation Authority policies; however, the <i>negative impacts</i> on these features should be minimized; k) in Rural Hamilton Official Plan; and, k) infrastructure projects, in accordance with Section C.5.0 - Infrastructure.</p>	<p>Bolded text = text to be added</p> <p>C.2.5.1 Permitted uses within <i>Core Areas</i> as identified on Schedule B – Natural Heritage System are established through the designations and policies of Chapter E – Urban Systems and Designations and Volume 3 of this Plan. Boundaries of <i>Core Areas</i> and associated vegetation protection zones may be further refined by the completion of an Environmental Impact Statement. Generally, permitted uses in <i>Core Areas</i> shall include:</p> <p>a) to f) in Rural Hamilton Official Plan; g) forest, fish and wildlife management; h) conservation, and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; i) <i>existing</i> uses, in accordance with Section F.1.12 - Existing, Non- Complying and Non-Conforming Uses, and according to the requirements in Section C.2.6 – Environmental Impact Statements; j) <i>passive recreation uses</i> and <i>small scale</i> structures for recreation uses (such as boardwalks, footbridges, fences, docks, and picnic facilities) where permitted by Conservation Authority policies; however, the <i>negative impacts</i> on these features should be minimized; k) infrastructure projects, in accordance with Section C.5.0 - Infrastructure.</p>
<p>Replace the phrases “Road Widening” and “Road allowance” with the phrase “Right-of-Way Dedication” throughout the entire chapter.</p>	<p>Right-of-Way Dedication</p>
<p>Replace the phrase “Future Road Widening” with the phrase “Future Right-of-Way Dedications” throughout the entire chapter.</p>	<p>Future Right-of-Way Dedications</p>
<p>C.4.5.2 f) v) Sidewalks should be provided on one of both sides of the street, but cycling facilities shall not be required.</p>	<p>C.4.5.2 f) v) Sidewalks should be provided on both sides of the street.</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>Road Widening C.4.5.6 The City shall reserve or obtain road widenings for rights-of-way right-of-way dedications as described in Schedule C-2 – Future Road Widenings Right-of-Way Dedications. Where a road right-of-way is not described in Schedule C-2 – Future Road Widenings Right-of-Way Dedications, the City shall reserve or obtain road widenings dedications for rights-of-ways as described in Section C.4.5.2. The aforesaid road widenings dedications shall be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.</p>	<p>Road Widening C.4.5.6 The City shall reserve or obtain right-of-way dedications as described in Schedule C-2 – Future Right-of-Way Dedications. Where a right-of-way is not described in Schedule C-2 – Future Right-of-Way Dedications, the City shall reserve or obtain dedications for right-of-ways as described in Section C.4.5.2. The aforesaid dedications shall be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.</p>
<p>C.4.5.6.3 Where a proposed development is subject to site plan approval as detailed in Policy F.1.7 – Site Plan Control, the following provisions shall apply: b) Where feasible, the City shall acquire land through dedication, equally from both sides of the road unless otherwise specified. However, in the built up areas of the City, it may be necessary to acquire more than half of the total dedication from one side of the road right-of-way. Where the City requires more than one half of the widening from one side of the road right-of-way, the City shall require, from said side of the road right-of-way, dedication at no cost to the City of one half of the total proposed widening and shall acquire the remaining land required for the road right-of-way widening dedication through gift, bequeathment, purchase, expropriation or other methods.</p>	<p>C.4.5.6.3 Where a proposed development is subject to site plan approval as detailed in Policy F.1.7 – Site Plan Control, the following provisions shall apply: b) Where feasible, the City shall acquire land through dedication, equally from both sides of the road unless otherwise specified. However, in the built up areas of the City, it may be necessary to acquire more than half of the total dedication from one side of the right-of-way. Where the City requires more than one half of the widening from one side of the right-of-way, the City shall require, from said side of the right-of-way, dedication at no cost to the City of one half of the total proposed widening and shall acquire the remaining land required for the right-of-way dedication through gift, bequeathment, purchase, expropriation or other methods.</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>C.4.5.6.5 ...it is not feasible or desirable to widen an existing road allowance right-of-way to the maximum road widening right-of-way width or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Road Widening Right-of-Way Dedications, or Section C.4.5.7, and that the City's objectives for sustainable infrastructure, complete streets and mobility can be achieved; or, b) An alternative road road right-of-way width or daylighting triangle size has been deemed appropriate through a City initiated environmental assessment, streetscape master plan, area master plan, secondary planning study, or other transportation or planning study approved by Council, and provided it does not affect the safe and planned operation of the roadway. (OPA 49)</p>	<p>C.4.5.6.5 ...it is not feasible or desirable to widen an existing right-of-way to the maximum right-of-way width or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, and that the City's objectives for sustainable infrastructure, complete streets and mobility can be achieved; or, b) An alternative right-of-way width or daylighting triangle size has been deemed appropriate through a City initiated environmental assessment, streetscape master plan, area master plan, secondary planning study, or other transportation or planning study approved by Council, and provided it does not affect the safe and planned operation of the roadway. (OPA 49)</p>
<p>C.4.5.6.7 Notwithstanding Section C.4.5.6, the City shall interpret the required right-of-way widths detailed in Section C.4.5.2 and Schedule C-2 – Future Road Widening Right-of-Way Dedications, where applicable to denote only the basic requirement for the section of the road right-of-way.</p>	<p>C.4.5.6.7 Notwithstanding Section C.4.5.6, the City shall interpret the required right-of-way widths detailed in Section C.4.5.2 and Schedule C-2 – Future Right-of-Way Dedications, where applicable to denote only the basic requirement for the section of the right-of-way.</p>

Appendix "C" – Volume 1, Schedule C-2 – Future Road Widening

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
Amend title of Schedule in header and in main body.	Future Right-of-Way Dedications
Add one entry: Barton Street East from Wellington Street to Ottawa Street – 26.213	Barton Street from Wellington Street to Ottawa Street – 26.213
Add one entry: Charlton Street from Queen Street to Dundurn Street – 20.117	Charlton Street from Queen Street to Dundurn Street – 20.117
Modify one entry: Dartnall Road from Lincoln Alexander Parkway to Hydro Corridor Rymal Road East – 36.576	Dartnall Road from Lincoln Alexander Parkway to Rymal Road – 36.576
Modify one entry: Highway 8 from King Street E Donn Ave to East City Limits – 36.576.	Highway 8 from Donn Ave to East City Limits – 36.576.
Add new entry as follows: John Street from St. Joseph's Drive to Augusta Street – 30.480	John Street from St. Joseph's Drive to Augusta Street – 30.480
Add a new entry as follows: Lawrence Road from Gage Avenue South to King Street East – 26.213	Lawrence Road from Gage Avenue to King Street – 26.213
Modify one entry, as follows: Nash Road from End (Kenora Ave) to Barton Street King Street East – 26.213	Nash Road from End (Kenora Ave) to King Street East – 26.213
Modify one entry: Nebo Road from Rymal Road Stone Church Road East to Dartnall Road Extension - 30.480	Nebo Road from Stone Church Road to Dartnall Road Extension - 30.480
Add one entry: Scenic Drive from Upper Paradise Road to Garth Street – 30.480	Scenic Drive from Upper Paradise Road to Garth Street – 30.480
Modify one entry: Springbrook Road Avenue from Meadowlands Boulevard to Garner Road East - 20.117	Springbrook Avenue from Meadowlands Boulevard to Garner Road - 20.117
Modify one entry: Twenty Road West (south side only) from Smith Road to Upper James Street – 37	Twenty Road West (south side only) from Smith Road to Upper James Street – 37

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
Modify one entry: Winterberry Drive from Highland Road W. to Old Mud Street Paramount Drive – 26.213	Winterberry Drive from Highland Road W. to Paramount Drive – 26.213
Add one entry: Winterberry Drive from Paramount Drive to Old Mud Street – 30.480	Winterberry Drive from Paramount Drive to Old Mud Street – 30.480

Appendix “D” – Volume 1, Chapter E – Urban Systems and Designations

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>E.3.6.6.c) Notwithstanding the maximum density requirement in the maximum density requirement in Policy E.3.6.6 b), for smaller sites fronting on arterial roads, an increase in density may be considered, without an amendment to this Plan, provided the policies of this Plan are met.</p>	<p>E.3.6.6.c) Notwithstanding the maximum density requirement in Policy E.3.6.6 b), for smaller sites fronting on arterial roads, an increase in density may be considered, without an amendment to this Plan, provided the policies of this Plan are met.</p>
<p>E.3.6.7a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted direct access to a collector or major or minor arterial roads via from a local road upon which but only a small number of low density residential category dwellings are fronting on the local road.</p>	<p>E.3.6.7a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted indirect access to a collector or major or minor arterial roads via a local road upon which only a small number of low density residential dwellings are fronting on the local road.</p>
<p>E.5.2.4 Uses permitted in the Employment Area designations shall may include clusters of business and economic activities such as, manufacturing, research and development, transport terminal, <i>building or contracting supply establishment</i>, tradesperson's shop, warehousing, <i>waste management facilities</i>, private power generation, office, and accessory uses. <i>Ancillary uses</i> which primarily support businesses and employees within the Employment Area shall may also be permitted. Permitted uses specific to the four Employment Area designations are contained in Policies E.5.3.2, E.5.4.3, E.5.5.1, E.5.5.2 and E.5.6.1.</p>	<p>E.5.2.4 Uses permitted in the Employment Area designations may include clusters of business and economic activities such as, manufacturing, research and development, transport terminal, <i>building or contracting supply establishment</i>, tradesperson's shop, warehousing, <i>waste management facilities</i>, private power generation, office, and accessory uses. <i>Ancillary uses</i> which primarily support businesses and employees within the Employment Area may also be permitted. Permitted uses specific to the four Employment Area designations are contained in Policies E.5.3.2, E.5.4.3, E.5.5.1, E.5.5.2 and E.5.6.1.</p>
<p>E.5.3.2 The following uses shall may be permitted on lands designated Employment Area - Industrial Land on Schedule E-1 - Urban Land Use Designations, in accordance with the Zoning By-law:</p>	<p>E.5.3.2 The following uses may be permitted on lands designated Employment Area - Industrial Land on Schedule E-1 - Urban Land Use Designations, in accordance with the Zoning By-law:</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>Add new policy as Policy E.5.3.2.1.</p>	<p>E.5.3.2.1 In addition to Policy E.5.3.2 c), <i>ancillary</i> uses may be permitted within the Employment Area provided the following conditions are met: a) the uses shall be determined through the Zoning By-law in accordance with the policies of this Plan; b) Notwithstanding Policy E.5.3.2.1 a), the Zoning By-law may:</p> <ul style="list-style-type: none"> i) permit a limited number of restaurants where a need for the use can be justified; and ii) restrict or limit the number of <i>ancillary</i> uses from occupying Employment Areas. <p>c) the need for the uses to support the businesses and employees within the Employment Area has been determined; d) the uses shall only be located along the exterior of the Employment Area and should generally be located at intersections of arterial or collector roads; and, e) where possible, the uses should be clustered on single sites to limit the impact on the supply of developable lands for use permitted in Policy E.5.3.2 a).</p>
<p>E.5.4.3 The following uses shall may be permitted on lands designated Employment Area -Industrial Land on Schedule E-1 - Urban Land Use Designations, in accordance with the Zoning By-law:</p>	<p>E.5.4.3 The following uses may be permitted on lands designated Employment Area -Industrial Land on Schedule E-1 - Urban Land Use Designations, in accordance with the Zoning By-law:</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>Delete Policy E.5.4.4 and replace it with a new Policy.</p> <p>E.5.4.4 Ancillary uses which serve the businesses and employees of the business park as described in Policy E.5.4.3 c), shall only be permitted at locations fronting arterial roads or collector roads into the business parks.</p>	<p>E.5.4.4 In addition to Policy E.5.4.3 c), ancillary uses may be permitted within the Employment Area provided the following conditions are met: a) the uses shall be determined through the Zoning By-law in accordance with the policies of this Plan; b) Notwithstanding Policy E.5.4.4 a), the Zoning By-law may:</p> <ul style="list-style-type: none"> i) permit a limited number of restaurants where a need for the use can be justified; ii) restrict or limit the number of ancillary uses from occupying Employment Areas. <p>c) the need for the uses to support the businesses and employees within the Employment Area has been determined; d) the uses shall only be located along the exterior of the Employment Area and should generally be located at intersections of arterial or collector roads; and, e) where possible, the uses should be clustered on single sites to limit the impact on the supply of developable lands for use permitted in Policy E.5.4.3 a).</p>
<p>E.5.4.4 E.5.4.4 Ancillary uses shall only be permitted at strategic locations and may contain a gross floor area restriction, as identified in the Airport Employment Growth District Secondary Plan.</p>	<p>E.5.5.4 Ancillary uses shall only be permitted at strategic locations and may contain a gross floor area restriction, as identified in the Airport Employment Growth District Secondary Plan.</p>
<p>E.5.6.1 The following uses shall be permitted on lands owned by the Hamilton Port Authority, specifically Piers 10 to 15 inclusive, Piers 22 to 27 inclusive, and the canal reserve lands south of the Burlington Ship Canal, excluding Windermere Basin Special Policy Area, identified on Volume 3, Map 2a as "UHOS-1", and designated "Employment Area – Shipping and Navigation" on Schedule E-1 – Urban Land Use Designations:</p>	<p>E.5.6.1 The following uses shall be permitted on lands owned by the Hamilton Port Authority, specifically Piers 10 to 15 inclusive, Piers 22 to 27 inclusive, and the canal reserve lands south of the Burlington Ship Canal, excluding Windermere Basin Special Policy Area, identified on Volume 3, Map 2a as "UHOS-1", and designated "Employment Area – Shipping and Navigation" on Schedule E-1 – Urban Land Use Designations:</p>

Appendix "E" – Volume 1, Chapter F – Implementation

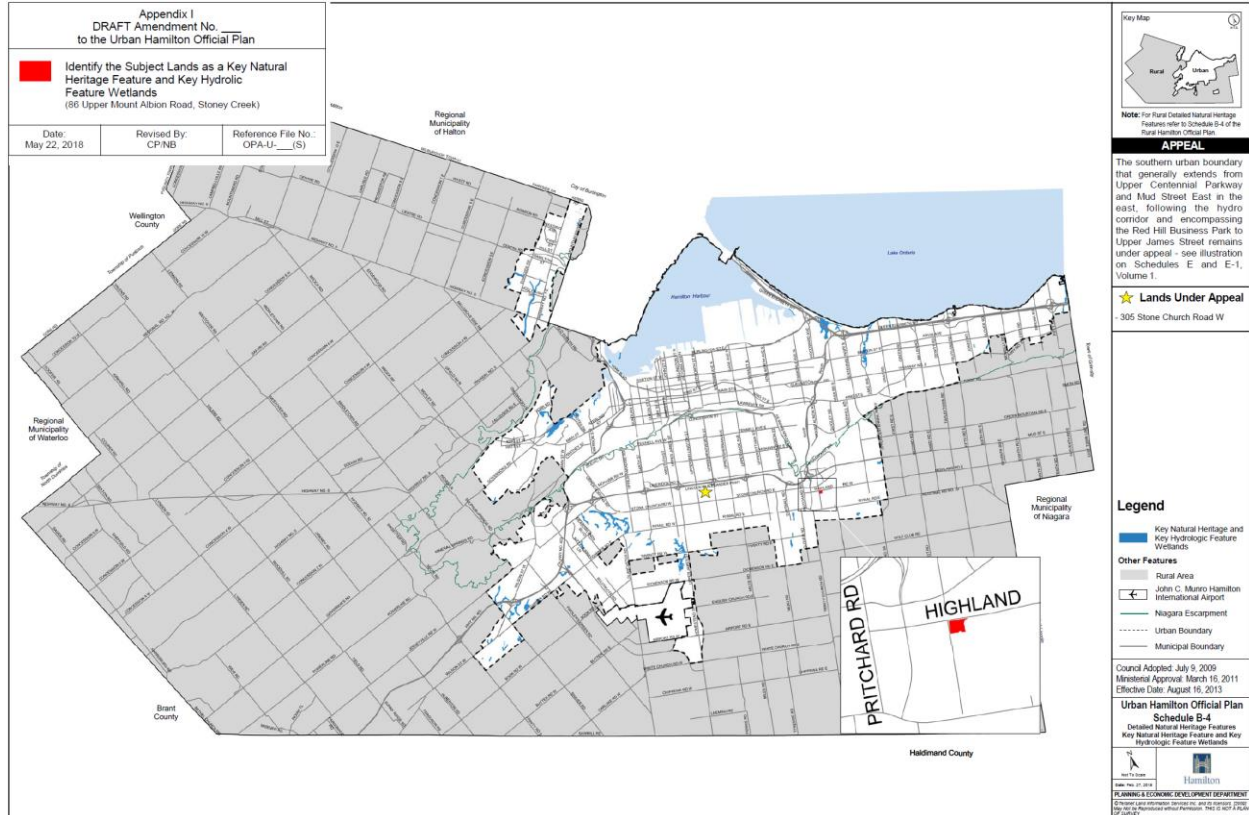
Proposed Change	Proposed New Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>Add new policies to Section F.1.5 – Zoning By-law.</p>	<p>F.1.5.5 There are instances where intended zoning for certain lands in the urban area has not yet been determined, and lands remain zoned for agricultural purposes or have been zoned as a future development zone. These lands may be rezoned to a Future Development zone to allow for the following matters to be addressed:</p> <ul style="list-style-type: none"> a) to implement the provisions of the Urban Hamilton Official Plan, including, but not limited to policies relating to natural heritage and environmental considerations, cultural heritage, built form, urban design, and principle of use; b) to ensure adequate transportation and municipal servicing to support the land use; and, c) to establish phasing to ensure orderly <i>development and/or redevelopment</i> of the lands. <p>F.1.5.6 Until such time as the lands within the Future Development zone are rezoned, the Zoning By-law may permit interim land uses which may include an existing use or other use(s) that is permitted by the Zoning By-law and does not jeopardize the land for future development.</p> <p>F.1.5.7 Council may pass a By-law to rezone all or parts of the lands within the Future Development zone to permit development or redevelopment at such time as the City is satisfied that conditions of Policy F.1.5.5 are met.</p>

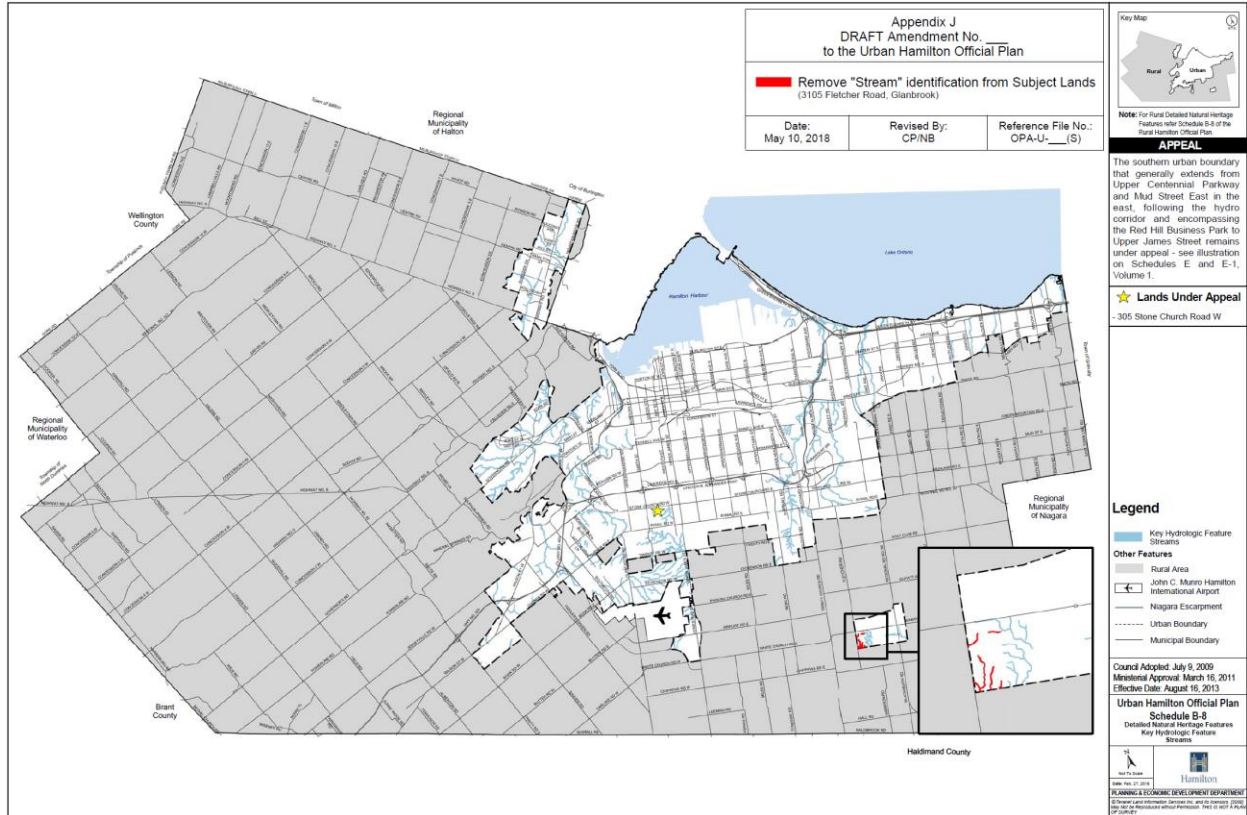
Appendix "F" – Volume 1, Chapter G – Glossary

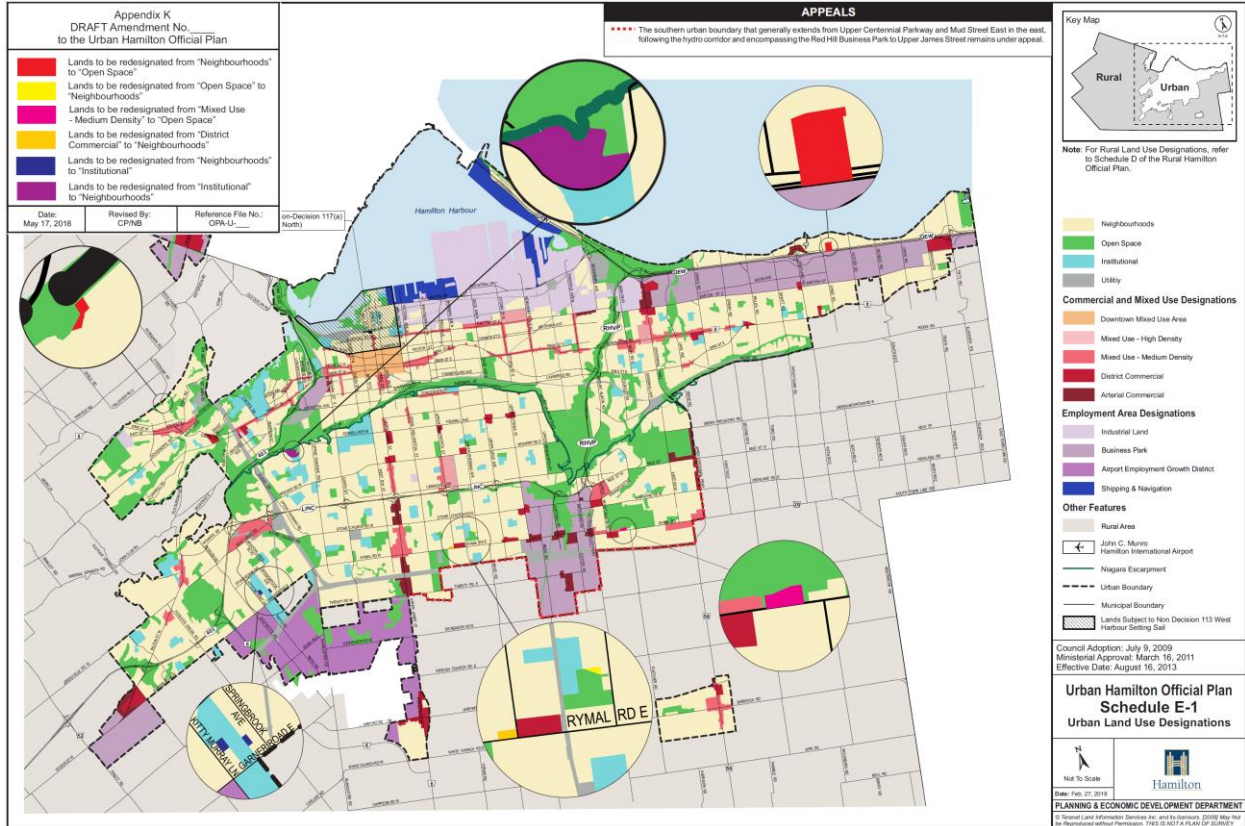
Proposed Change	Proposed New Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>Add definition of Small Scale to Chapter G - Glossary.</p>	<p>Small Scale: used to describe a permitted or accessory use, shall mean those uses that are characterized by a size and intensity of activity that is clearly secondary to and does not negatively impact the predominant use of the lands or surrounding lands, and which meet the maximum floor area, site coverage and other provisions of the Zoning By-law specific to that use.</p>











Appendix “L” – Volume 2, Chapter B – Secondary Plans (excluding Chedmac Secondary Plan Chedoke Browlands Addition – see Appendix “M”)

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>B.2.2.1.5 High Density Residential 1 Designation Notwithstanding Section E.3.6 – High Density Residential Policy E.3.6.6 of Volume 1, and Policy B.2.2.1.2 a) of Volume 2, the following policies shall apply to the High Density Residential 1 designation identified on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan:</p>	<p>B.2.2.1.5 High Density Residential 1 Designation Notwithstanding Policy E.3.6.6 of Volume 1, and Policy B.2.2.1.2 a) of Volume 2, the following policies shall apply to the High Density Residential 1 designation identified on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan:</p>
<p>B.2.3.2.1 In addition to Section E.3.8 – Local Commercial Designation and Notwithstanding Section E.3.8 – Local Commercial Policy E.3.8.8 of Volume 1, the following policies shall apply to the lands designated Local Commercial on Map B.2.3-1 – Garner Neighbourhood – Land Use Plan:</p> <p>...</p>	<p>B.2.3.2.1 In addition to Section E.3.8 – Local Commercial Designation and notwithstanding Policy E.3.8.8 of Volume 1, the following policies shall apply to the lands designated Local Commercial on Map B.2.3-1 – Garner Neighbourhood – Land Use Plan:</p> <p>...</p>
<p>B.2.4.4.2 Low Density Residential 2c Designation Notwithstanding Policies Policy E.3.4.4 of Volume 1, the following policies policy shall apply to the lands designated Low Density Residential 2c on Map B.2.4-1 – Meadowlands Mixed Use – Land Use Plan:</p> <p>a) the density shall not exceed of 25 units per net hectare (including local roads).</p>	<p>B.2.4.4.2 Low Density Residential 2c Designation Notwithstanding Policy E.3.4.4 of Volume 1, the following policy shall apply to the lands designated Low Density Residential 2c on Map B.2.4-1 – Meadowlands Mixed Use – Land Use Plan:</p> <p>a) the density shall not exceed of 25 units per net hectare (including local roads).</p>
<p>B.2.5.1.1 The residential areas are designated Low Density Residential (Infill), Low Density Residential 1, Low Density Residential 2a, Low Density Residential 2c, and Low Density Residential 3b as identified on B.2.5-1 - Meadowlands Neighbourhood III – Land Use Plan.</p>	<p>B.2.5.1.1 The residential areas are designated Low Density Residential (Infill), Low Density Residential 1, Low Density Residential 2a, Low Density Residential 2c, and Low Density Residential 3b as identified on B.2.5-1 - Meadowlands Neighbourhood III – Land Use Plan.</p>
<p>Add new policy to Section B.2.5 – Meadowlands Neighbourhood III Secondary Plan as Policy B.2.5.1.2 d) and renumber subsequent policies accordingly.</p>	<p>B.2.5.1.2 d) In the Low Density Residential 2c designation:</p> <p>i) The permitted use shall be street, block, and courtyard townhouses, as well as other innovative ground oriented attached housing forms;</p> <p>ii) The density shall not exceed 27 units per gross/net residential hectare.</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>Site Specific Policy – Area D B.2.7.6.4 A 24 unit, 3 storey apartment building shall be permitted at 8686 Golf Links Road on lands designated Medium Density Residential 3 and identified as Site Specific Policy – Area D on Map B.2.7-1 – Meadowlands Neighbourhood V - Land Use Plan.</p>	<p>Site Specific Policy – Area D B.2.7.6.4 A 24 unit, 3 storey apartment building shall be permitted at 886 Golf Links Road on lands designated Medium Density Residential 3 and identified as Site Specific Policy – Area D on Map B.2.7-1 – Meadowlands Neighbourhood V - Land Use Plan.</p>
<p>B.2.8.8.4 Mixed Use - Medium Density Designation <u>Village Core Area</u> ... h) Commercial facilities to be encouraged with within the Village Core area may include retail stores, service commercial uses, banks, restaurants with sit-down service, and offices. The lands to be used for commercial purposes shall be those lands that front onto Wilson Street.</p>	<p>B.2.8.8.4 Mixed Use - Medium Density Designation <u>Village Core Area</u> ... h) Commercial facilities to be encouraged within the Village Core area may include retail stores, service commercial uses, banks, restaurants with sit-down service, and offices. The lands to be used for commercial purposes shall be those lands that front onto Wilson Street.</p>
<p>B.2.8.16 Area and Site-Specific Policies The sites within the Ancaster Wilson Street Secondary Plan, which are identified as Site-Specific Policy Areas and identified on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan: Land Use Plan, include: a) Site Specific Policy Area A – 437 Wilson Street East; b) Site Specific Policy Area B – Part of 449 Wilson Street East and part of 548 Old Dundas Road; c) Site Specific Policy Area C – 143 and 153 Wilson Street West; d) Site Specific Policy Area D – 129-139 Wilson Street West e) Site Specific Policy Area E – 357 Wilson Street East; f) Site Specific Policy Area F – 385 Wilson Street East; g) Site Specific Policy Area G – 370 Wilson Street East; and, h) Site Specific Policy Area H – 54 Wilson Street West.</p>	<p>B.2.8.16 Area and Site Specific Policies</p>
<p>B.4.1.1 Residential Designations The residential policies define the location and scale of each type of residential use and shall ensure that a variety of housing types are provided to meet the requirements needs of residents of the City and provincial policy requirements by providing a range of dwelling types.</p>	<p>B.4.1.1 Residential Designations The residential policies define the location and scale of each type of residential use and shall ensure that a variety of housing types are provided to meet the needs of residents of the City and provincial policy requirements.</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>Area Specific Policy – Area D (OPA 37) B.4.2.14.4 In addition to Sections E.3.4 – Low Density Residential and E.3.5 – Medium Density Residential of Volume 1, the following policies shall apply to the lands identified as Area Specific Policy – Area D on Map B.4.2-1 – Waterdown North – Land Use Plan: a) Notwithstanding Policies E.3.5.2 and E.3.5.8 of Volume 1, and Policy B.4.2.4.5 a), for the lands designated Medium Density Residential 3, permitted uses shall be restricted to block townhouses with a maximum height of 3 stories. b) Notwithstanding Policy Policies B.4.2.4.4 c) and B.4.2.4.5 b), a maximum density of 48 units per net residential hectare shall be permitted.</p>	<p>Area Specific Policy – Area D (OPA 37) B.4.2.14.4 In addition to Sections E.3.4 – Low Density Residential and E.3.5 – Medium Density Residential of Volume 1, the following policies shall apply to the lands identified as Area Specific Policy – Area D on Map B.4.2-1 – Waterdown North – Land Use Plan: a) Notwithstanding Policies E.3.5.2 and E.3.5.8 of Volume 1, and Policy B.4.2.4.5 a), for the lands designated Medium Density Residential 3, permitted uses shall be restricted to block townhouses with a maximum height of 3 stories. b) Notwithstanding Policies B.4.2.4.4 c) and B.4.2.4.5 b), a maximum density of 48 units per net residential hectare shall be permitted.</p>
<p>B.4.3.3.7 Medium Density Residential 2 Designation In addition to the policies of Section E.3.5 - Medium Density Residential of Volume 1, the following policies shall apply to the lands designated Medium Density Residential 2 on Map B.4.3-1 - Waterdown South - Land Use Plan: ... b) The overall density of lands designated Medium Density Residential 2 shall be in the range of 60 to 75 units per net residential hectare (upnrh).</p>	<p>B.4.3.3.7 Medium Density Residential 2 Designation In addition to the policies of Section E.3.5 - Medium Density Residential of Volume 1, the following policies shall apply to the lands designated Medium Density Residential 2 on Map B.4.3-1 - Waterdown South - Land Use Plan: ... b) The overall density of lands designated Medium Density Residential 2 shall be in the range of 60 to 75 units per net residential hectare (upnrh).</p>
<p>B.5.1.4.2 The residential areas are designated Low Density Residential 2d, 2e, 2h, 3c, and 3e, as indicated on Map B.5.1-1 – Binbrook Village – Land use Plan. The policies which follow are applicable to each of these land use designations.</p>	<p>B.5.1.4.2 The residential areas are designated Low Density Residential 2d, 2e, 2h, 3c, and 3e, as indicated on Map B.5.1-1 – Binbrook Village – Land use Plan. The policies which follow are applicable to each of these land use designations.</p>
<p>B.5.1.4.4 The residential areas are designated Low Density Residential 2d, Low Density Residential 2e, Low Density Residential 2h, Low Density Residential 3c, and Low Density Residential 3e as identified on Map B.5.1-1 – Binbrook Village – Land Use Plan. The following policies shall apply to each respective residential land use designation.</p>	<p>B.5.1.4.4 The residential areas are designated Low Density Residential 2d, Low Density Residential 2e, Low Density Residential 2h, Low Density Residential 3c, and Low Density Residential 3e as identified on Map B.5.1-1 – Binbrook Village – Land Use Plan. The following policies shall apply to each respective residential land use designation.</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>Add a new policy as B.5.1.4.5 d) and renumber subsequent policies.</p>	<p>B.5.1.4.5 d) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 3c on Map B.5.1-1 – Binbrook Village – Land Use Plan:</p> <ul style="list-style-type: none"> i) The permitted uses shall be low rise apartments, row houses, stacked and block townhouses, and innovative forms of attached housing; ii) The density range shall be from 41 to 60 units per net hectare. iii) In locating new Low Density Residential 3c development, consideration shall be given to the following criteria: <ul style="list-style-type: none"> 1. Low Density Residential 3c uses shall generally be located on the periphery of the neighbourhood, in areas abutting commercial development, or fronting major or minor arterial or major collector Roads. 2. Some Low Density Residential 3c development in proximity to the Mixed-Use - Medium Density area is desirable. 3. Low Density Residential 3c dwelling forms shall be sensitively integrated with and adequately buffered from adjacent land uses. 4. Where Low Density Residential 3c areas are proposed adjacent to Low Density Residential 2e and 2h uses, consideration shall be given to appropriate integration and compatibility of the dwelling forms. Compatibility may be accomplished through attention to architectural massing, height, scale, buffering, and landscaping.
<p>Site Specific Policy – Area G (OPA 51)</p> <p>B.5.1.13.7 That notwithstanding Section E.4.3.4 (d) of Volume 1 – Pedestrian Predominant Streets, the The following policy shall apply to the lands located at 2605 Binbrook Road East (lands located at the southwest corner of Binbrook Road East and Southbrook Drive), and identified as Site Specific Policy – Area G on Map B.5.1.1-1 – Binbrook Village Secondary Plan Land Use Plan:</p>	<p>Site Specific Policy – Area G (OPA 51)</p> <p>B.5.1.13.7 The following policy shall apply to the lands located at 2605 Binbrook Road East (lands located at the southwest corner of Binbrook Road East and Southbrook Drive), and identified as Site Specific Policy – Area G on Map B.5.1.1-1 – Binbrook Village Secondary Plan Land Use Plan:</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added</p>	
<p>Area Specific Policy – Area L (OPA 80)</p> <p>B.5.1.13.12 In addition to Policy B.1.8 (Volume 2), for the lands known municipally as 3105 Fletcher Road, designated Low Density Residential 2e and identified as Area Specific Policy – Area L on Map B.5.1-1 – Binbrook Village Secondary Plan, the deletion of a local road from the road pattern shown on Maps B.5.1-1 and B.5.1-2 shall be permitted without a further amendment to the Binbrook Village Secondary Plan - Land Use Plan, if it is determined that such a road is not needed to connect to lands immediately to the east without a further amendment to the Binbrook Village Land Use Plan.</p>	<p>Area Specific Policy – Area L (OPA 80)</p> <p>B.5.1.13.12 In addition to Policy B.1.8 (Volume 2), for the lands known municipally as 3105 Fletcher Road, designated Low Density Residential 2e and identified as Area Specific Policy – Area L on Map B.5.1-1 – Binbrook Village Secondary Plan, the deletion of a local road from the road pattern shown on Maps B.5.1-1 and B.5.1-2 shall be permitted without a further amendment to the Binbrook Village Secondary Plan - Land Use Plan, if it is determined that such a road is not needed to connect to lands immediately to the east.</p>
<p>Delete Policy B.5.2.14.2 Area Specific Policy – Area B in its entirety.</p> <p>Area Specific Policy – Area B</p> <p>B.5.2.14.2 In addition to the uses permitted on the lands identified on Map B.5.2-1 – Rymal Road – Land Use Plan as Area Specific Policy – Area B, live-work units containing grade-related commercial uses shall be permitted on lands abutting Trinity Church Road and Dakota Boulevard subject to provision of an acceptable site plan and building elevations which illustrate the nature and function of the development and demonstrate compatibility with adjacent development and adequate provisions for on-street parking. Permitted commercial uses within the live-work units shall include retail, personal services, and offices.</p>	
<p>B.6.2.17 Area and Site Specific Policies</p> <p>Area and Site Specific Policies are designated to address specific areas or sites for which the identification of future land designations and policies involves a greater degree of complexity. The policies in this section provide more detailed guidance than contained in the other sections of this Secondary Plan. These areas and sites include large parcels with options for future use, and for which performance standards are especially important.</p>	<p>B.6.2.17 Area and Site Specific Policies</p> <p>Area and Site Specific Policies are designated to address specific areas or sites for which the identification of future land designations and policies involves a greater degree of complexity. The policies in this section provide more detailed guidance than contained in the other sections of this Secondary Plan. These areas and sites include large parcels with options for future use, and for which performance standards are especially important.</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>Delete policy B.6.2.17.1 in its entirety and renumber subsequent policies accordingly. B.6.2.17.1 The sites within the Ainslie Wood Westdale community which are defined as Site Specific Policies and identified on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan are: a) Site Specific Policy – Area A – McMaster University; b) Site Specific Policy – Area B – Lands at the West End of Ward and Royal Avenues (Henkel site); and, c) Site Specific Policy – Area C – Lands located 20, 22, 28, 45, 58 and 60 Ewen Road, and 5 Ofield Road.</p>	
<p>B.6.2.17.5 Notwithstanding Policies B.6.2.5.5 a) and b), E.4.6.7 and E.4.6.8 of Volume 1, and Policies B.6.2.7.2 b) of Volume 2, for the lands designated Mixed Use – Medium Density, located at 17 Ewen Road, and identified as Site Specific Policy – Area D on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan, the following policies shall apply:</p>	<p>B.6.2.17.5 Notwithstanding E.4.6.7 and E.4.6.8 of Volume 1, for the lands designated Mixed Use – Medium Density, located at 17 Ewen Road, and identified as Site Specific Policy – Area D on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan, the following policies shall apply:</p>
<p>B.6.2.17.7 In addition to Policy B.6.2.17.6, the following policies shall apply to the lands located on Main Street between Hollywood Avenue and Highway 403, designated Mixed Use – Medium Density, and identified as Area Specific Policy – Area E on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan:</p>	<p>B.6.2.17.7 In addition to Policy B.6.2.17.6, the following policies shall apply to the lands located on Main Street between Hollywood Avenue and Highway 403, designated Mixed Use – Medium Density, and identified as Area Specific Policy – Area E on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan:</p>
<p>B.6.3.2.1 The residential areas are designated Low Density Residential 1, Low Density Residential 1a, and Low Density Residential 2c, and Medium Density Residential 3 on Map B.6.3-1 – Chedmac - Land Use Plan. The following policies shall apply to each of these land use designations.</p>	<p>B.6.3.2.1 The residential areas are designated Low Density Residential 1, Low Density Residential 1a, Low Density Residential 2c, and Medium Density Residential 3 on Map B.6.3-1 – Chedmac - Land Use Plan. The following policies shall apply to each of these land use designations.</p>
<p>Add new policy as B.6.3.2.3 a) and renumber subsequent policies accordingly.</p>	<p>B.6.3.2.3 a) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, land designated Low Density Residential 1 shall consist of only single detached units at a maximum density of 20 units per hectare.</p>
<p>B.6.3.2.3 Low Density Residential Designations b) Notwithstanding Policy B.6.3.2.3 a) b), for the lands designated Low Density Residential 1a abutting existing residential development at the northern limit of Chedmac Planning Area the following policies apply:</p>	<p>B.6.3.2.3 Low Density Residential Designations b) Notwithstanding Policy B.6.3.2.3 b), for the lands designated Low Density Residential 1a abutting existing residential development at the northern limit of Chedmac Planning Area the following policies apply:</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added</p>	
<p>Add new policy to Section B.6.3.2 – Residential Designations</p>	<p>B.6.3.2.4 Medium Density Residential 3 Designations</p> <p>The following policies shall apply to the lands designated Medium Density Residential 3 on Map B.6.3-1 – Chedmac - Land Use Plan:</p> <p>a) In addition to Policies E.3.5.2 of Volume 1, lands designated Medium Density Residential 3 shall consist of block townhouses, stacked townhouses and multiple dwellings.</p> <p>b) Notwithstanding Policy E.3.5.7 of Volume 1, the <i>net residential density</i> shall be greater than 75 units per hectare and shall not exceed 100 units per hectare.</p>
<p>B.6.3.3.1 In addition to Sections B.3.5.3 – Parkland Policies and C.3.3 – Open Space Designations, the following policies shall apply to the lands designated Neighbourhood Park, Community Park, and General Open Space, and Natural Open Space on Map B.6.3 - 1 - Chedmac - Land Use Plan:</p> <p>a) Three Four components make up the parks and open space system of the Chedmac community:</p> <p>i) Neighbourhood Park;</p> <p>ii) Community Park; and,</p> <p>iii) General Open Space; and,</p> <p>iv) Natural Open Space.</p>	<p>B.6.3.3.1 In addition to Sections B.3.5.3 – Parkland Policies and C.3.3 – Open Space Designations, the following policies shall apply to the lands designated Neighbourhood Park, Community Park, General Open Space, and Natural Open Space on Map B.6.3 - 1 - Chedmac - Land Use Plan:</p> <p>a) Four components make up the parks and open space system of the Chedmac community:</p> <p>i) Neighbourhood Park;</p> <p>ii) Community Park;</p> <p>iii) General Open Space; and,</p> <p>iv) Natural Open Space.</p>
<p>Site Specific Policy - Area A (OPA 56)</p> <p>B.6.3.7.1 For the lands located at 1 Redfern Avenue, designated Medium Density Residential 3, and identified as Area Specific Policy Area A on Map B.6.3.1 - Chedmac Secondary Plan - Land Use Plan, the following policies shall apply:</p> <p>a) Notwithstanding Policies E.3.5.6 and E.3.5.7 of Volume 1, and Policy B.6.3.2.4 of Volume 2, the following policies shall apply:</p> <p>...</p>	<p>Site Specific Policy - Area A (OPA 56)</p> <p>B.6.3.7.1 For the lands located at 1 Redfern Avenue, designated Medium Density Residential 3, and identified as Area Specific Policy Area A on Map B.6.3.1 - Chedmac Secondary Plan - Land Use Plan, the following policies shall apply:</p> <p>a) Notwithstanding Policies E.3.5.6 and E.3.5.7 of Volume 1, and Policy B.6.3.2.4 of Volume 2, the following policies shall apply:</p> <p>...</p>
<p>B.6.4.4.4 In addition to Sections B.3.3 - Urban Design and E.4.8 – Arterial Commercial Areas E.4.7 – District Commercial Designation of Volume 1, the following policies shall apply to development of lands within the Arterial District Commercial designation on Map B.6.4-1 - West Hamilton Innovation District Land Use Plan:</p>	<p>B.6.4.4.4 In addition to Sections B.3.3 - Urban Design and E.4.7 – District Commercial Designation of Volume 1, the following policies shall apply to development of lands within the District Commercial designation on Map B.6.4-1 - West Hamilton Innovation District Land Use Plan:</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added</p>	
<p>B.7.1.1.1 The residential areas are designated Low Density Residential 2b, Low Density Residential 3c, and Medium Density 3, and High Density Residential 1 on Map B.7.1-1 – Western Development Area - Land Use Plan.</p>	<p>B.7.1.1.1 The residential areas are designated Low Density Residential 2b, Low Density Residential 3c, Medium Density 3, and High Density Residential 1 on Map B.7.1-1 – Western Development Area - Land Use Plan.</p>
<p>Add new policy to Section B.7.1 – Western Development Area Secondary Plan as Policy B.7.1.1.5.</p>	<p>B.7.1.1.5 High Density Designation Section E.3.6 - High Density Residential of Volume 1 shall apply to the lands designated High Density on Map B.7.1-1 – Western Development Area Secondary Plan - Land Use Plan.</p>
<p>B.7.2.2.4 High Density Residential 1 Designation In addition to Section E.3.6 – High Density Residential of Volume 1, the following policies policy shall apply to the lands designated High Density Residential 1 on Map B.7.2-1 – Old Town – Land Use Plan: a) Notwithstanding Policy E.3.6.6 of Volume 1, the density range for development shall be from 100 to 200 units per net residential hectare. High density residential uses should be located within the Stoney Creek Community Node and along Queenston Road. b) Notwithstanding Policies E.3.6.2 and E.3.6.3 of Volume 1, permitted uses shall include apartment buildings above six storeys in height.</p>	<p>B.7.2.2.4 High Density Residential 1 Designation In addition to Section E.3.6 – High Density Residential of Volume 1, the following policy shall apply to the lands designated High Density Residential 1 on Map B.7.2-1 – Old Town – Land Use Plan: a) High density residential uses should be located within the Stoney Creek Community Node and along Queenston Road.</p>
<p>B.7.2.8.4 For the lands identified as Site Specific Policy – Area D on Map B.7.2.1 - Old Town - Land Use Plan - designated as "Local Commercial" and known as 60, 8 and 72 Centennial Parkway South, the following policy shall apply: a) That notwithstanding Policy B.7.2.4.1 b) of Volume 2 upon the redevelopment of the subject lands, the maximum gross floor area for medical clinic uses shall be 1,203 square metres, the maximum gross floor area for retail uses combined shall be 402 square metres and the total maximum gross floor area shall be 1,605 square metres."</p>	<p>B.7.2.8.4 For the lands identified as Site Specific Policy – Area D on Map B.7.2.1 - Old Town - Land Use Plan - designated as "Local Commercial" and known as 60, 8 and 72 Centennial Parkway South, the following policy shall apply: a) That notwithstanding Policy B.7.2.4.1 b) of Volume 2 upon the redevelopment of the subject lands, the maximum gross floor area for medical clinic uses shall be 1,203 square metres, the maximum gross floor area for retail uses combined shall be 402 square metres and the total maximum gross floor area shall be 1,605 square metres."</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added</p>	
<p>B.7.2.8 - Site Specific Policies - Add a new site specific policy.</p>	<p>Site Specific Policy – Area X B.7.2.8.X Lands Located at 120 and 124 King Street West, with an area of 0.791 hectares, designated “Medium Density Residential 3” and identified as Site Specific Policy – Area “D” on Map B.7.2-1 – Old Town Secondary Plan – Land Use Plan, shall be developed according to the following: a) Notwithstanding Policy 7.2.2.3 a), the development of a 6-storey, multiple dwelling containing a maximum of 80 units, and 10 commercial and residential live-work townhouse units, shall be permitted to a maximum net residential density of 114 units per net residential hectare for the entirety of the subject lands. “</p>
<p>B.7.2.8 - Site Specific Policies - Add a new site specific policy.</p>	<p>Site Specific Policy – Area Y B.7.2.8.X Lands located at 135 and 137 King Street East, and 42 Passmore Street, designated Institutional and identified as Site Specific Policy – Area Y on Map B.7.2-1 – Old Town Secondary Plan – Land Use Plan shall be developed according to the following: a) Notwithstanding Policy E.6.2.2 of Volume 1 and Policy B.7.2.6 of Volume 2, a retirement home shall be permitted. A commercial component consisting of a restaurant and office space only in conjunction with a use permitted under this designation shall also be permitted.</p>
<p>B.7.5.4.2 b) Medium Density Residential 3 Designation: i) Notwithstanding Policy Policies E.3.5.3 and E.3.5.8 of Volume 1, apartment buildings and street and block townhouses shall be permitted providing that heights do not exceed eight storeys.</p>	<p>B.7.5.4.2 b) Medium Density Residential 3 Designation: i) Notwithstanding Policies E.3.5.3 and E.3.5.8 of Volume 1, apartment buildings and street and block townhouses shall be permitted providing that heights do not exceed eight storeys.</p>
<p>B.7.5.6.1 The policies of Section B.3.5.3 – Parkland Policies, Section C.2.0 – Natural Heritage System, and Section C.3.3 – Open Space Designations of Volume 1, shall apply to lands designated General Open Space, Neighbourhood Parks, Community City-Wide Parks and Natural Open Space on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan.</p>	<p>B.7.5.6.1 The policies of Section B.3.5.3 – Parkland Policies, Section C.2.0 – Natural Heritage System, and Section C.3.3 – Open Space Designations of Volume 1, shall apply to lands designated General Open Space, Neighbourhood Parks, City-Wide Parks and Natural Open Space on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan.</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>B.7.5.6.2 The open space system for the Nash Neighbourhood includes the following designations and components designated on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan:</p> <p>...</p> <p>c) Community City-Wide Parks;</p>	<p>B.7.5.6.2 The open space system for the Nash Neighbourhood includes the following designations and components designated on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan:</p> <p>...</p> <p>c) City-Wide Parks;</p>
<p>B.7.5.6.4 The former Taro Quarry West lands designated Open Space located west of First Road West, between Mud Street West and the Heritage Green Community City-Wide Park and east of the unopened road allowance are ultimately intended for open space and/or recreational use and may include a golf course.</p>	<p>B.7.5.6.4 The former Taro Quarry West lands designated Open Space located west of First Road West, between Mud Street West and the Heritage Green City-Wide Park and east of the unopened road allowance are ultimately intended for open space and/or recreational use and may include a golf course.</p>
<p>B.7.5.6.5.2 The open space system for the West Mountain (Heritage Green) Secondary Plan area includes the following designations and components designated on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan:</p>	<p>B.7.6.5.2 The open space system for the West Mountain (Heritage Green) Secondary Plan area includes the following designations and components designated on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan:</p>
<p>Insert new Section Heading for Area and Site Specific Policies in Trinity West Secondary Plan:</p> <p>B.7.7.13 Area and Site Specific Policies</p>	<p>B.7.7.13 Area and Site Specific Policies</p>
<p>Renumber existing policy B.7.7.13 to B.7.7.13.1 as follows:</p> <p>B.7.7.13.1 Area Specific Policy - USC - 1 (Eramosa Karst)</p>	<p>B.7.7.13.1 Area Specific Policy - USC - 1 (Eramosa Karst)</p>
<p>B.7.7.14 B.7.7.13.2 Site Specific Policy – Area A (OPA 53)</p> <p>Notwithstanding Policy B.7.7.3.4 b), for the lands designated Low Density Residential 1, located at 1831 Rymal Road East east of the Upper Red Hill Valley Parkway between Highland Road East and Rymal Road East, and identified as Site Specific Policy – Area A on Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan, the maximum net residential density of development shall not exceed 23 units per net hectare.</p>	<p>B.7.7.13.2 Site Specific Policy – Area A (OPA 53)</p> <p>Notwithstanding Policy B.7.7.3.4 b), for the lands designated Low Density Residential 1, located east of the Upper Red Hill Valley Parkway between Highland Road East and Rymal Road East, and identified as Site Specific Policy – Area A on Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan, the maximum net residential density of development shall not exceed 23 units per net hectare.</p>

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted Bolded text = text to be added</p>	
<p>B.7.7.15 B.7.7.13.3 Site Specific Policy – Area B (OPA 53)</p> <p>Notwithstanding Policy B.7.7.3.5 a), for the lands designated Low Density Residential 2, at 1831 Rymal Road East east of the Upper Red Hill Valley Parkway between Highland Road East and Rymal Road East, and identified as Site Specific Policy – Area B on Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan, the maximum net residential density of development shall not exceed 42 units per net hectare.</p>	<p>B.7.7.13.3 Site Specific Policy – Area B (OPA 53)</p> <p>Notwithstanding Policy B.7.7.3.5 a), for the lands designated Low Density Residential 2, located east of the Upper Red Hill Valley Parkway between Highland Road East and Rymal Road East, and identified as Site Specific Policy – Area B on Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan, the maximum net residential density of development shall not exceed 42 units per net hectare.</p>
<p>B.7.7.16 13.4 Site Specific Policy – Area C (OPA 53)</p> <p>Notwithstanding Policy B.7.7.3.6 b), for the lands designated Medium Density Residential 2, located at 1831 Rymal Road East, the minimum net residential density of development shall not exceed be less than 55 units per net hectare.</p>	<p>B.7.7.13.4 Site Specific Policy – Area C (OPA 53)</p> <p>Notwithstanding Policy B.7.7.3.6 b), for the lands designated Medium Density Residential 2, located at 1831 Rymal Road East, the minimum net residential density of development shall not be less than 55 units per net hectare.</p>
<p>B.7.7.13.15 Site Specific Policy – Area D (OPA 78)</p> <p>For the lands identified as Site Specific Policy Area “D”, on Map B.7.7-1 – Trinity West Secondary Plan: Land Use Plan, designated “Low Density Residential 1”, “Low Density Residential 2”, and “Mixed Use – Medium Density”, and known as 26 Upper Mount Albion Road, the following policy shall apply:</p> <p>a) Notwithstanding Section E.3.4.3 of Volume 1, and Policy Section B.7.7.3.4 a), a two (2) storey multiple dwelling, for the purposes of a Residential Care Facility, shall also be permitted; and, the minimum net residential density shall be 5 units per hectare, and the maximum shall be 20 units per hectare.</p> <p>b) Notwithstanding Policy B.7.7.3.5, the minimum net residential density shall be 5 units per hectare, and the maximum shall be 20 units per hectare.</p>	<p>B.7.7.13.5 Site Specific Policy – (OPA 78)</p> <p>For the lands identified as Site Specific Policy Area “D”, on Map B.7.7-1 – Trinity West Secondary Plan: Land Use Plan, designated “Low Density Residential 1”, “Low Density Residential 2”, and “Mixed Use – Medium Density”, and known as 26 Upper Mount Albion Road, the following policy shall apply:</p> <p>a) Notwithstanding Section E.3.4.3 of Volume 1 and Policy B.7.7.3.4 a), a two (2) storey multiple dwelling, for the purposes of a Residential Care Facility, shall also be permitted; and,</p> <p>b) Notwithstanding Policy B.7.7.3.5, the minimum net residential density shall be 5 units per hectare, and the maximum shall be 20 units per hectare.</p>

Appendix "M" - Section B.6.3 – Chedmac Secondary Plan (Chedoke Browlands Addition only). Add the following policies to the Chedmac Secondary Plan:

Area Specific Policy – Area X

6.3.7.3 Chedoke Browlands

The Chedoke Browlands are located north of the intersection of Scenic Drive and Sanatorium Road, known municipally as 801-780 Scenic Drive, designated Medium Density Residential 3, General Open Space and Natural Open Space, and identified as Area Specific Policy Area X on Map B.6.3.1 - Chedmac Secondary Plan - Land Use Plan.

6.3.7.3.1 Objectives

- a) In addition to Section B.6.3.1 of Volume 2, the following objectives shall apply to the Chedoke Browlands (Area X):
- i) To provide for the opportunity of small scale commercial and business uses in close proximity to residential uses, live/work dwelling units are encouraged;
 - ii) To ensure that the development of the Chedoke Browlands (Area X) shall provide a safe, attractive and pedestrian-oriented residential environment with a high quality of design of buildings, public spaces and streets;
 - ii) To encourage energy conservation through community planning, site planning and urban design;
 - iv) To integrate natural and cultural heritage features into the design of the site with specific focus on the open space areas as well as providing a strong link to the Niagara Escarpment;
 - v) To integrate significant cultural heritage landscape features and characteristics such as the pavilion design, the curvilinear street pattern, as well as the sense of openness and park-like setting, into the development;
 - vi) To identify and protect historically or architecturally significant buildings and cultural heritage landscape features;
 - vii) To ensure compatibility with the existing residential area;
 - viii) To develop a land use pattern and transportation system that supports transit, cyclists and pedestrians and vehicular traffic;

- ix) To provide public linkages to and through the site; and,
- x) To provide and/or protect significant views and encourage sensitive development adjacent to the Niagara Escarpment.

6.3.7.3.2 Residential Policies

Areas X-1 and X-2

- a) The following policies shall apply to those lands designated Medium Density Residential 3 - Land Use Plan and identified as Areas X-1 and X-2 in Area Specific Policy X on Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan:
 - i) In addition to Sections E.3.5.2 – Medium Density designation of Volume 1 and B.6.3.2.4 Medium Density 3 Residential Designation, a retirement home and amenity uses may be permitted.
 - ii) Notwithstanding Sections E.3.5.2 – Medium Density Residential designation of Volume 1 and B.6.3.2.3 Medium Density 3 Residential Designation, live/work units may be permitted in block townhouses only, except for lands fronting on Scenic Drive and shall be limited to only the following uses:
 - 1. Artists' or photographers' studios;
 - 2. Personal services;
 - 3. Custom workshop; and,
 - 4. Office; and,
 - iii) Notwithstanding Sections E.3.5.7 – Medium Density Residential designation of Volume 1 and B.6.3.2.3 Medium Density 3 Residential Designation, limited local commercial uses may be permitted within apartment buildings on the ground floor only and within the heritage buildings existing as of June 22, 2012 and in accordance with the Zoning By-law.
 - iv) Notwithstanding Sections E.3.5.7 – Medium Density designation (scale) of Volume 1 and B.6.3.2.4 - Medium Density 3 Residential Designation, the maximum net residential density shall not exceed 80 units per hectare.
 - v) Notwithstanding Policy B.6.3.7.3.2 a) iv), a maximum of 529 dwelling units shall be permitted. For the purposes of overall unit count and density:
 - 1. Up to 100 of the permitted dwelling units may be allocated as retirement dwelling units and two retirement dwelling units shall be equivalent to one residential dwelling unit.

2. Should the land owner choose to implement the equivalency option in Policy B.6.3.7.3.2 a) v) 1., a maximum of 429 residential dwelling units and 200 retirement dwelling units shall be permitted within the Area Specific Policy Areas X-1 and X-2.
 3. Notwithstanding the equivalency option in Policy B.6.3.7.3.2 a) v) 1., retirement dwelling units may also be permitted on a one to one basis exceeding the 200 equivalency units, provided the total number of dwelling units shall not exceed 629.
- vi) The Long Bisby building, existing as of June 22, 2012, and shown on Map B.6.3-2-Cultural Heritage Landscapes, shall be retained and conserved through sympathetic adaptive reuse, where structurally feasible.
 - vii) Notwithstanding Policies B.6.3.7.3.2 a) v), b) i) and c) i), uses contained within any existing heritage building shall not contribute to the overall unit count gross floor area or density.
 - viii) Direct vehicular access to individual buildings shall be prohibited from Scenic Drive. The site shall be developed on the premise of a private condominium road network.
 - ix) New buildings and structures shall be set back a minimum of 30 metres from the staked limit of the brow of the Niagara Escarpment. If enlarging any part of an existing building which is located closer than the 30 metres, no part of the new construction shall be within the 30 setback to the staked limit of the Niagara Escarpment or closer to the brow than the existing building.

Area X-1

- b) In addition to Section B.6.3.7.3.2a, the following policies shall apply to the lands designated Medium Density Residential 3 and identified as Area specific X-1, on Map B.6.3-1 – Chedmac - Land Use Plan:
 - i) Notwithstanding Policy E.3.5.7 and B.6.3.2.4 b),
 1. a maximum of 195 units; shall be permitted and,
 2. the overall gross floor area for all residential units shall not exceed 20,000 square metres.
 - ii) Notwithstanding Section E.3.5.8 – Medium Density Residential (scale), the maximum height of buildings shall not exceed
 1. 4 storeys for buildings located in the interior of the site; and,
 2. 3 storeys for buildings located on Scenic Drive.

- iii) Notwithstanding Policy B.6.3.7.3.2 a) vii), a residential building shall be permitted in the vicinity of the former Brow Infirmary building provided:
 - 1. it maintains the existing setbacks from the Escarpment brow; and,
 - 2. the design of the building shall incorporate the recommendations of the Cultural Heritage Impact Assessment.

Area X-2

- c) In addition to Section B.6.3.7.3.2 a), the following policies shall apply to the lands designated Medium Density Residential 3 and identified as Area Specific X-2, on Map B.6.3-1 – Chedmac – Land Use Plan:
 - i) Notwithstanding Policy E.3.5.7 and B.6.3.2.4 b),
 - 1. a maximum of 335 units shall be permitted; and,
 - 2. the overall gross floor area for all residential units shall not exceed 34,000 square metres.
 - ii) Notwithstanding Section E.3.5.8 – Medium Density Residential (scale), the maximum height of buildings shall not exceed
 - 1. 3 storeys for block or stacked townhouses; and,
 - 2. 4 storeys for apartment buildings.
 - iii) In addition to Policy E.3.5.7 and B.6.3.2.4 b) and notwithstanding Policy E.3.8.2a) – Local Commercial Permitted Uses in Volume 1, only the following commercial and institutional uses shall be permitted in the existing "Long and Bisby" building:
 - 1. Art Gallery;
 - 2. Artist Studio;
 - 3. Craftsperson Shop;
 - 4. Office;
 - 5. Personal Services;
 - 6. Retail Store, excluding a Convenience Store, not to exceed 200 square metres;
 - 7. Day Nursery;
 - 8. Library;
 - 9. Museum;
 - 10. Community Centre;
 - 11. Lecture Room; and,
 - 12. Medical Clinic.
 - iv) The existing "Long and Bisby" building may also be converted to a maximum of 12 residential dwelling units provided the heritage character of the building is not altered significantly.

6.3.7.3.3 Natural Open Space

- a) Lands designated "Natural Open Space" and identified as X-3 and X-4 on Map B.6.3-1 Chedmac Secondary Plan – Land Use Plan shall be preserved as natural open space and no development shall be permitted. Conservation, flood and erosion control, and passive recreation uses shall be permitted.
- b) Notwithstanding Policy B.6.3.7.3.4 a), the existing heritage building may be converted to other uses in accordance with Policies B.6.3.7.3.2 c) iii) and iv); and,
- c) A vegetative protection zone (buffer) will be provided along X-3, as identified through an approved Environmental Impact Statement, and revegetated in accordance with the recommendations of this study.

6.3.7.3.4 Urban Design

The Chedoke Browlands (Area X) shall be developed in accordance with the following urban design principles:

- a) Prior to the approval of site plan and/or plan of condominium applications, the applicant is required to submit:
 - i) A Master Site Plan including, among other matters, a phasing plan, visual impact assessment and urban design guidelines, in accordance with Policies B.6.3.7.3.4 b) and e);
 - ii) A Precinct Plan, in accordance with Policies B.6.3.7.3.4 g) and h) below;
 - iii) Architectural Control Guidelines, in accordance with Policy B.6.3.7.3.4 i); and,
 - iv) An Urban Design Report, in accordance with Policy B.6.3.7.3.4 j).

Visual Impact Assessment/Viewshed Analysis

- b) All new development proposals within Chedoke Browlands (Area X) shall conform to an approved Visual Impact Assessment prepared to the satisfaction of the City of Hamilton, in consultation with the Niagara Escarpment Commission. The Visual Impact Assessment shall:
 - i) determine the potential for adverse impacts on the Niagara Escarpment.
 - ii) recommend mitigation measures to assist in the visual integration of buildings into the landscape of the Niagara Escarpment, including but not limited to, landscaping, architectural treatment of buildings,

building heights, roof details and fenestration, glazing of buildings and lighting;

- c) An addendum to the Visual Impact Assessment will be required, prior to Site Plan Approval and the removal of "H" Holding provisions in the implementing Zoning By-law, detailing how the final building locations meet the Visual Assessment Guidelines and the requirements of the policies within Section B.6.3.7.3 – Chedoke Browlands (Area X).
- d) All new developments shall be implemented in accordance with the Visual Impact Assessment, including the addendum, as appropriate.

Master Site Plan

- e) A Master Site Plan shall be prepared prior to the removal of any "H" Holding Provision in the implementing Zoning By-law and prior to Site Plan Approval.
- f) Master Site Plan shall provide a general site plan for all of the lands within Chedoke Browlands (Area X) and shall include:
 - i) Key neighbourhood design and built form elements, such as: the internal road system; pedestrian and cycling circulation and connectivity; buildings and associated parking areas; open space and recreational areas; cultural heritage buildings, structures and features that are to be preserved; locations of commercial and other non-residential uses; and other neighbourhood and site design elements (such as viewsheds identified in the Visual Impact Assessment as set out in Policy B.6.3.7.3.4 b) to d);
 - ii) General urban design guidelines to illustrate the intended character of buildings, streets and exterior spaces, and building relationships to streets and public spaces, to natural environment areas, to heritage buildings and structures to be preserved and to the surrounding neighbourhood. The guidelines shall address how the proposed development features such as new buildings, entry features, streetscape and landscape design are to be sympathetic in nature to the historical significant of the Chedoke Browlands (Area X), retained natural heritage features (including the Niagara Escarpment) and, to the heritage architectural and cultural landscape features that will be conserved; and,
 - iii) A phasing plan for Chedoke Browlands (Area X);

Precinct Plans

- g) Precinct Plans shall be prepared for each phase of development. The Precinct Plan shall illustrate the intended form of development for each block including the implementation of the overall neighbourhood design and built form elements (as set out in the Master Site Plan) and

include: building footprints and heights; parking areas; landscaped areas; the manner in which cultural heritage buildings, structures and features are to be preserved and integrated into the project; and the locations of commercial and other non-residential uses.

- h) The Master Site Plan and Precinct Plan(s) shall be used as a guide in the preparation and review of Site Plan and Plan of Condominium Applications. Deviations from the Master Site Plan may be permitted where required to reflect detailed building or infrastructure design, provided the change is consistent with the intent Urban Hamilton Official Plan and fundamental principles of the Master Site Plan are maintained, to the satisfaction of the City.

Architectural control guidelines

- i) Architectural control guidelines shall be prepared prior to Site Plan Approval to provide design guidance necessary to achieve a high quality of architectural design and to ensure that new buildings are sympathetic to both the historical significance of the Chedoke Browlands (Area X) and to the heritage architecture and cultural landscape features that will be preserved. Architectural control is to be implemented through a third-party registered architect retained by the City.

Urban Design Report

- j) The Urban Design Report shall include text, plans, details and/or elevations, as necessary, to demonstrate how the intent of the Chedmac Secondary Plan policies and the urban design policies contained in Section B.6.3.7.3.4 – Chedoke Browlands (Area X) have been met.

Other Policies

- k) Significant views to and from the Escarpment Urban Area shall be maintained and enhanced, consistent with the cultural heritage landscape.
- l) Surface parking shall be prohibited between Scenic Drive and the main wall of any building that faces Scenic Drive.
- m) The majority of parking shall be accommodated either through underground structures or within buildings.
- n) A minimum of 30% of landscaped open space shall be maintained for each of Areas X-1 and X-2. In order to preserve the open, park-like setting, the established groupings of trees shall be preserved, where possible.
- o) Continuous building walls along Scenic Drive shall be prohibited. Buildings shall provide appropriate spacing based on building height to

allow light, reduce shadow impacts and provide privacy between buildings. The spacing of the buildings will also promote views into and through the site.

- p) All block townhouse units shall have the principal front door orientated towards Scenic Drive or an internal private condominium road or driveway. For townhouse units fronting both Scenic Drive and an internal public street, private condominium road or driveway, the principal entrance shall be orientated towards the public street.
- q) All apartment buildings shall have a minimum podium height of 2 storeys and a maximum podium height of 4 storeys. Those portions of apartment buildings that abut Scenic Drive shall be setback above 4 storeys.
- r) Green roofs shall be incorporated, where feasible, for all buildings that exceed 4 storeys in height.
- s) Development of the Chedoke Browlands (Area X) shall incorporate sustainable site and building features and technologies to minimize energy consumption, conserve water, reduce waste, improve air quality and promote human health and wellbeing. All new development shall incorporate Leadership in Energy and Environmental Design (LEED) certification for new construction and neighbourhood development and Low Impact Development (LID) approaches, where possible.

6.3.7.3.5 Transportation

In addition to Section C.4 – Integrated Transportation Network and Policy B.6.3.6 of Volume 2, the following policies shall also apply:

- a) The Chedoke Browlands (Area X) will be developed on the premise of a network of private driveways together with a private condominium road or public street, with a minimum of two driveway accesses to Scenic Drive.
- b) New development shall support the use of public transit by creating a comfortable pedestrian environment with links to the public arterial road system where transit will be provided.
- c) A pedestrian pathway network shall be established throughout the Chedoke Browlands (Area X) to connect to the Brow Trail. A public access easement shall be granted for pedestrian linkages within the north-south portion of the private road (as shown as a dashed line on Map B.6.3-1 Chedmac Secondary Plan – Land Use Plan).

- d) A roundabout may be required at the southerly intersection of Scenic Drive and the private road (as shown as a dashed line on (as shown as a dashed line on Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan) and any land required to accommodate the roundabout shall be dedicated to the City.
- e) The Owner shall submit a streetscape plan for existing Sanatorium Road either as a private condominium road or as a public street.
- f) A bicycle pathway, as identified in the City's Trails Master Plan, shall be provided and maintained through an easement along the north-south alignment of the Sanatorium Road either as a private condominium road or public street (as shown as a dashed line on Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan).
- g) Any private condominium road shall be engineered and built to carry the load of fire apparatus to the satisfaction of the Fire Chief.

6.3.7.3.6 Cultural Heritage Resources

In addition to Section B.3.4 – Cultural Heritage Resources of Volume 1, the following policies shall also apply:

- a) The lands contained within the Chedoke Browlands (Area X) have been included in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest, Appendix A: Inventory of Cultural Heritage Landscapes, as such, development and redevelopment within the Chedoke Browlands (Area X) shall be sympathetic to the cultural heritage landscape and shall ensure the conservation of significant built heritage and cultural heritage resources.
- b) The Chedoke Browlands (Area X) shall be developed in accordance with the following built heritage conservation and planning principles and objectives:
 - i) The continuation of a pedestrian corridor along the brow of the Niagara Escarpment;
 - ii) The protection and retention of the "Long and Bisby" Building as shown as LB on Map B.6.3-2 – Chedmac Secondary Plan – Cultural Heritage Landscapes, in situ and through sympathetic adaptive reuse;
 - iii) A new building in the location of the former "Brow Infirmary" Building shall be designed to respect the heritage architecture of the original building shall be constructed in the same approximate building footprint to a maximum height of 4 storeys and be set back

from the staked limit of the brow of the Niagara Escarpment no closer than the existing "Brow Infirmary" Building;

- iv) The preservation and conservation of the pedestrian bridge over the Chedoke Creek and the stone vehicular bridge and associated stone wall/pillars; and,
- v) The preservation and conservation of other heritage resources shall be encouraged. Where these resources cannot be retained, then the City will require the appropriate documentation of all buildings to be demolished be provided prior to removal.

Cultural Heritage Landscapes

- c) The cultural heritage landscape consists of the curvilinear street pattern, open park-like setting, the undulating topography, the natural areas, the views through the site and the spatial organization of the buildings. In addition, the buildings themselves, the pedestrian bridge, the Cross of Lorraine, the stone pillars and stone wall, the stormwater management facility and Escarpment stairs are elements of the cultural heritage landscape.
- d) Development within the Chedoke Browlands (Area X) shall have regard to the following cultural heritage landscape requirements:
 - i) Development shall be compatible with the existing cultural heritage landscape, such that open spaces, plantings and the curvilinear street pattern are maintained and/or referenced in the new development and that the layout and scale of buildings reflect the existing site, where possible;
 - ii) The existing topography of the perimeter roads, woodlots and Chedoke Creek and stormwater management facility shall be maintained, where feasible.
 - iii) The existing trees and vegetation within the Chedoke Creek/stormwater management facility shall be maintained and enhanced.
 - iv) A tree preservation plan shall be submitted to determine the opportunities for the protection and preservation of individual trees and the recommendations shall be implemented to the satisfaction of the City. The plan shall be prepared in association with the Heritage Impact Assessment so that trees that contribute to the cultural heritage landscape can be identified and considered for preservation;

- v) Significant view and view corridors to, through, and from Chedoke Browlands (Area X) shall be protected, as identified in the Master Site Plan, identified in Section B.6.3.7.3.5 – Urban Design of Volume 2.
- vi) An open, park-like landscape setting shall be provided in front of the "Long and Bisby" Building. Limited parking may be permitted provided there are no other feasible alternative locations; and,
- vii) The existing curvilinear road alignment of old Sanatorium Road shall be respected, where technically feasible.

Cultural Heritage Impact Assessment

- e) A Cultural Heritage Impact Assessment or Assessments shall be undertaken prior to Site Plan Approval for any development within Chedoke Browlands (Area X) and shall contain the following matters:
 - i) Identification and evaluation of the following potentially affected cultural heritage resource(s): The "Long and Bisby" Building; including detailed site(s) history and cultural heritage resource inventory containing textual and graphic documentation;
 - ii) A descriptive of the proposed development or site alteration and alternative forms of the development or site alteration;
 - iii) A description of all cultural heritage resource(s) to be affected by the development and its alternative forms;
 - iv) A description of the effects on the cultural heritage resource(s) by the proposed development or site alteration and its alternative forms; and,
 - v) A description of the measures necessary to mitigate the adverse effects of the development or site alteration and its alternatives upon the cultural heritage resource(s).
- f) The City may require that, as part of the development or redevelopment of the lands, heritage features be retained on site and incorporated, used for adaptively re-used as appropriate.
- g) Where appropriate, the City may impose a condition on any development approval for the retention and conservation of the affected heritage features or the implementation of recommended mitigation measures through heritage easements pursuant to the *Ontario Heritage Act* and/or Development Agreements.

Archaeology

- h) An Archaeological Assessment shall be undertaken by an Ontario licensed archaeologist for the entire site to the satisfaction of the Ministry of Culture and the City of Hamilton prior to any development or site alteration (including site grading, tree planting/removal and topsoil disturbance);
- i) Where archaeological features are identified, the development proponent shall develop a plan, to protect, salvage or otherwise conserve the features within the context of the proposed development as recommended by a licensed archaeologist and approved by the Province and the City of Hamilton.

6.3.7.3.7 Stormwater Management and Engineering

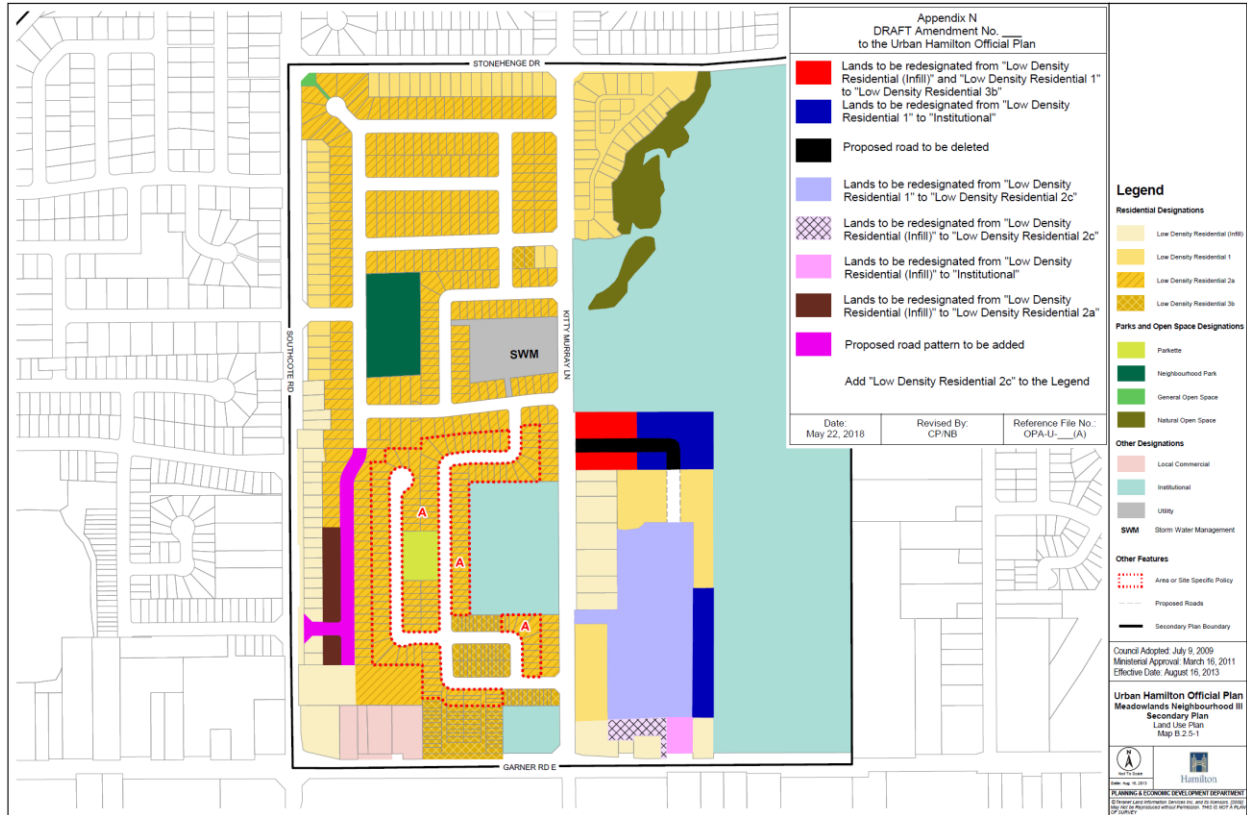
In accordance with Section C.5.4 – Storm Water Management of Volume 1, the following policies shall also apply:

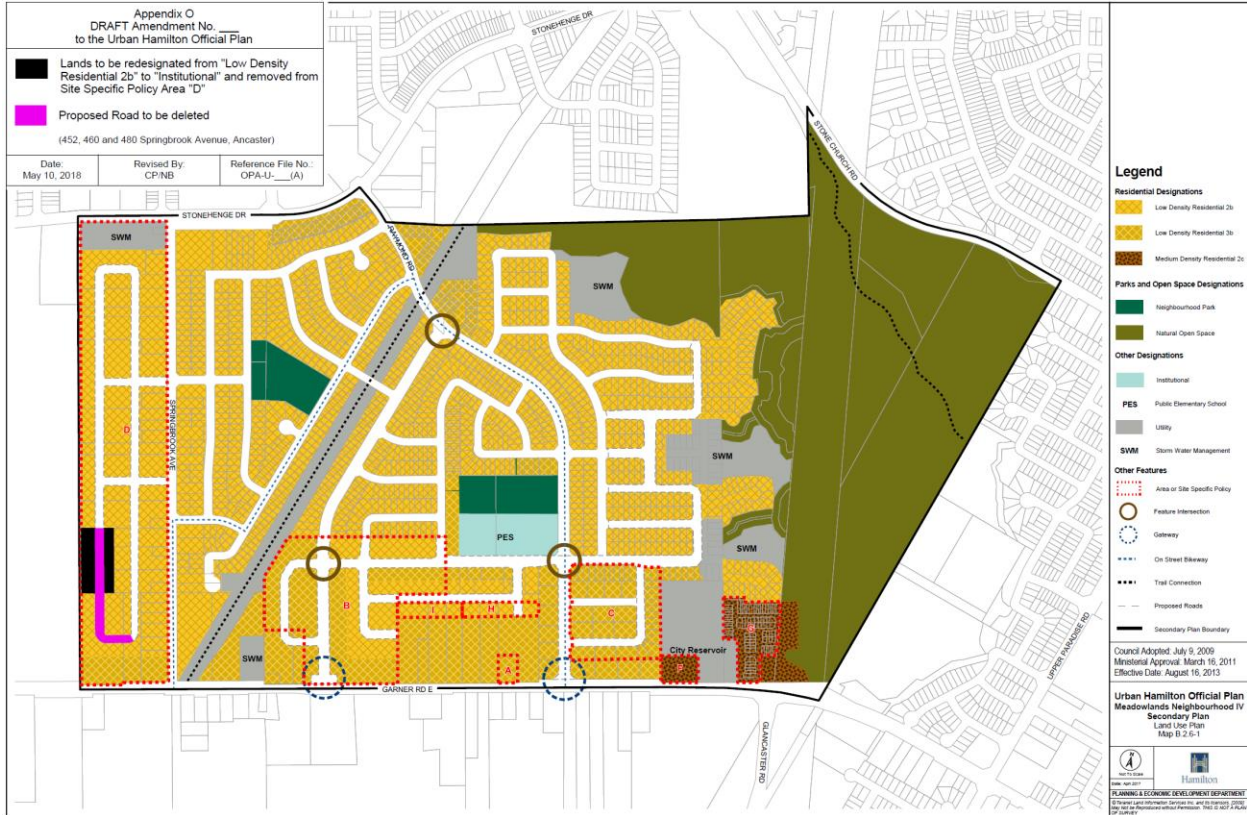
- a) Stormwater management facilities shall follow an integrated design process. The design of the facilities shall respect the recommendations of the Tree Preservation Plan and Heritage Impact Assessment.
- b) Submission of engineering and grading plans for stormwater management facilities shall demonstrate a low impact design and how impact to the important heritage features identified will be minimized.
- c) Due to the sensitive nature of the site a detailed engineering submission outlining how excavation for footings or underground parking on the subject lands can be achieved without adversely affecting the stability of the Niagara Escarpment. The report shall consider utilizing methods other than blasting, where possible.

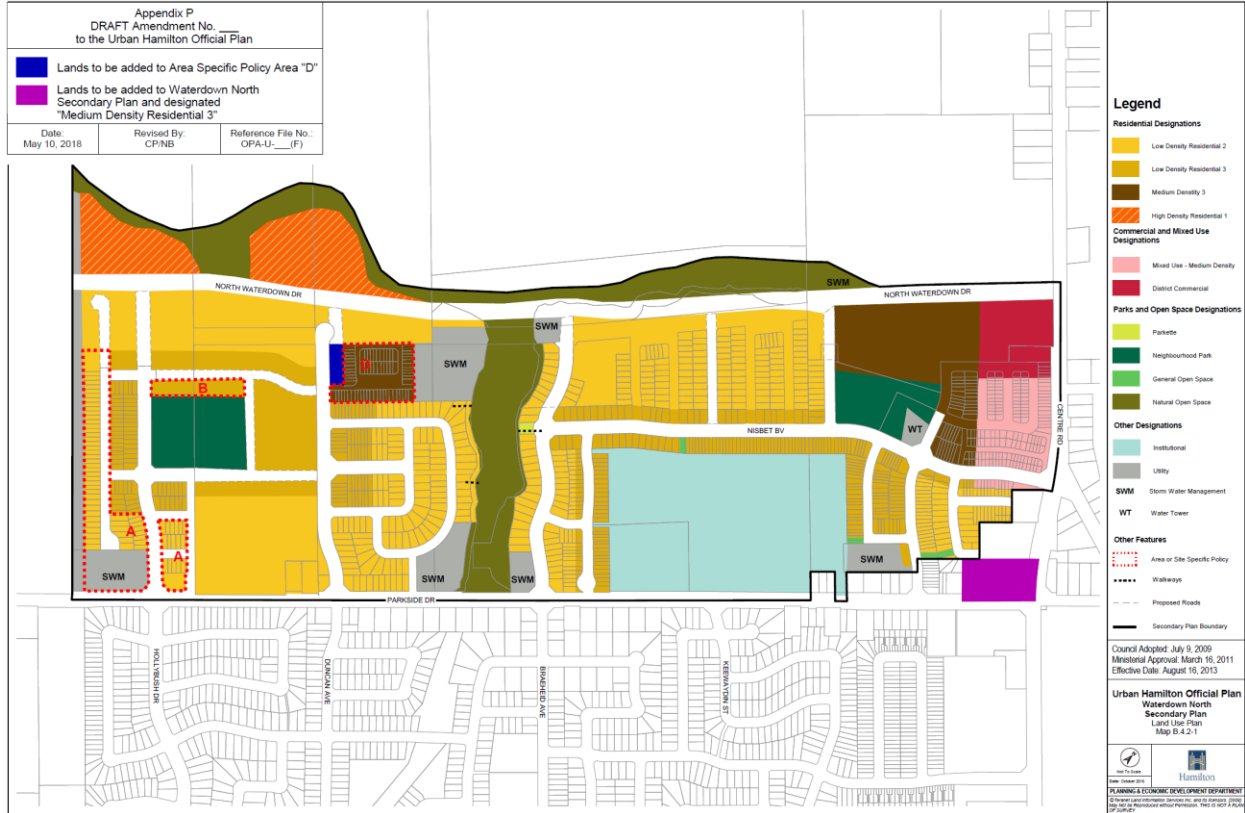
6.3.7.3.8 Implementation

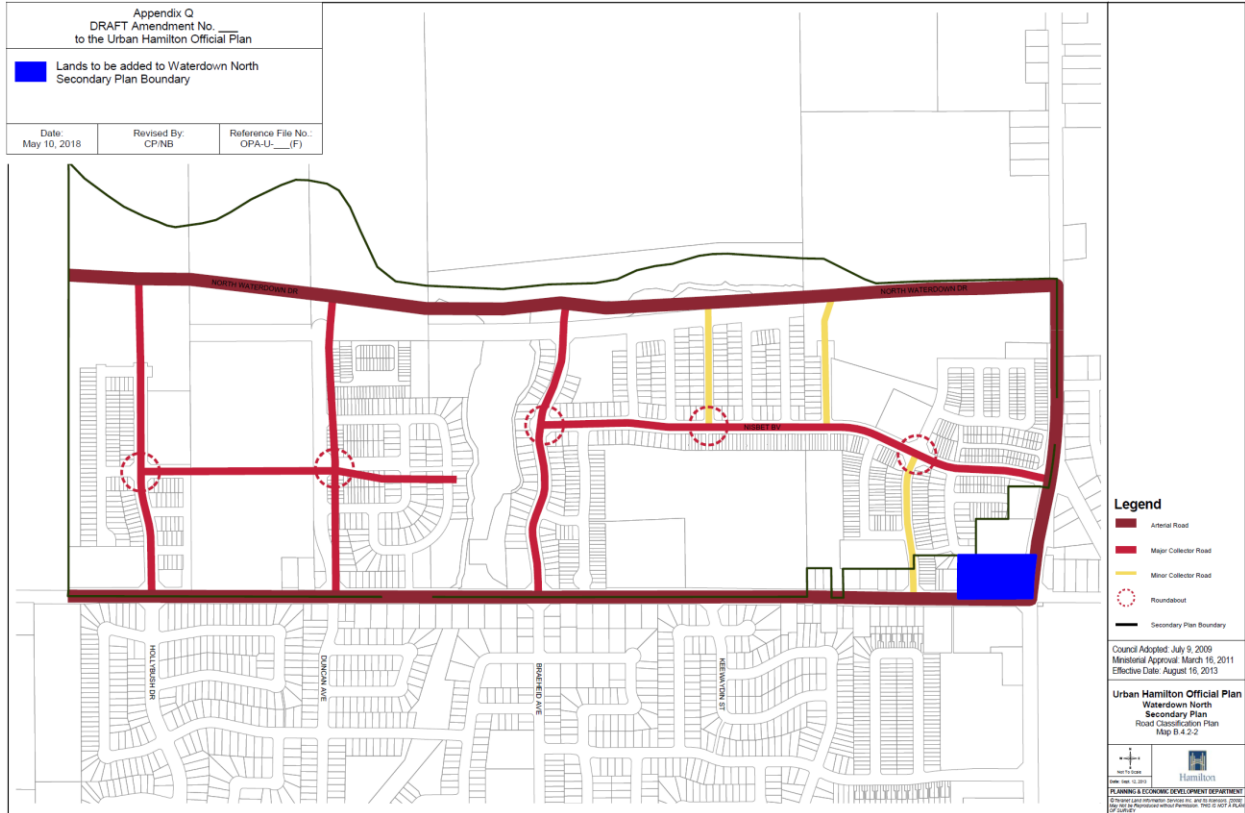
- a) The "H" Holding provisions in the implementing Zoning By-law shall include the following requirements and maybe lifted for portions of the site to allow development to occur in phases:
 - i) The Master Site Plan and/or Master Plan for the relevant development phase has been prepared to the satisfaction of the City;
 - ii) Studies or updates/addenda to existing studies, as determined by the Director of Planning and Chief Planner, have been prepared which inform and support the master plan(s), and which may include:

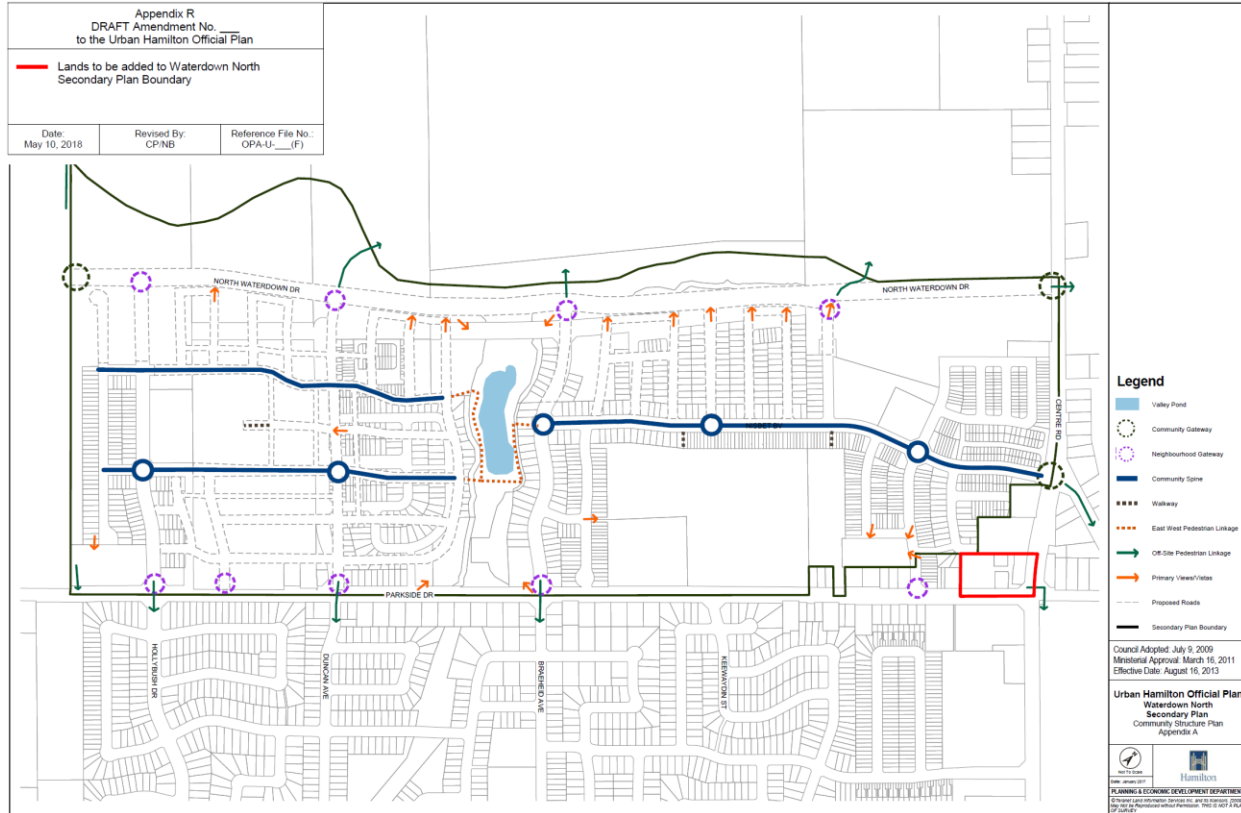
1. Sustainability Strategy;
 2. Detailed Cultural Heritage Impact Assessment(s);
 3. Stormwater Management Report that considers Low Impact Development opportunities;
 4. Tree Preservation/Protection Plan;
 5. Traffic Impact Study;
 6. Visual Impact Assessment or Update;
 7. Archeological Assessments,;
 8. Geotechnical/Engineering Study; and,
 9. Detailed Servicing Strategy;
- iii) The urban design guidelines have been prepared in accordance with Policy F.3.2.5.2 of Volume 1, to the satisfaction of the City;
- iv) An Urban Design Report has been submitted to demonstrate, to the satisfaction of the Director of Planning, compliance with the urban design policies contained in Section B.3.3 – Urban Design Policies of Volume 1 and Section B.6.3.7.3.4 – Chedoke Browlands (Area X).

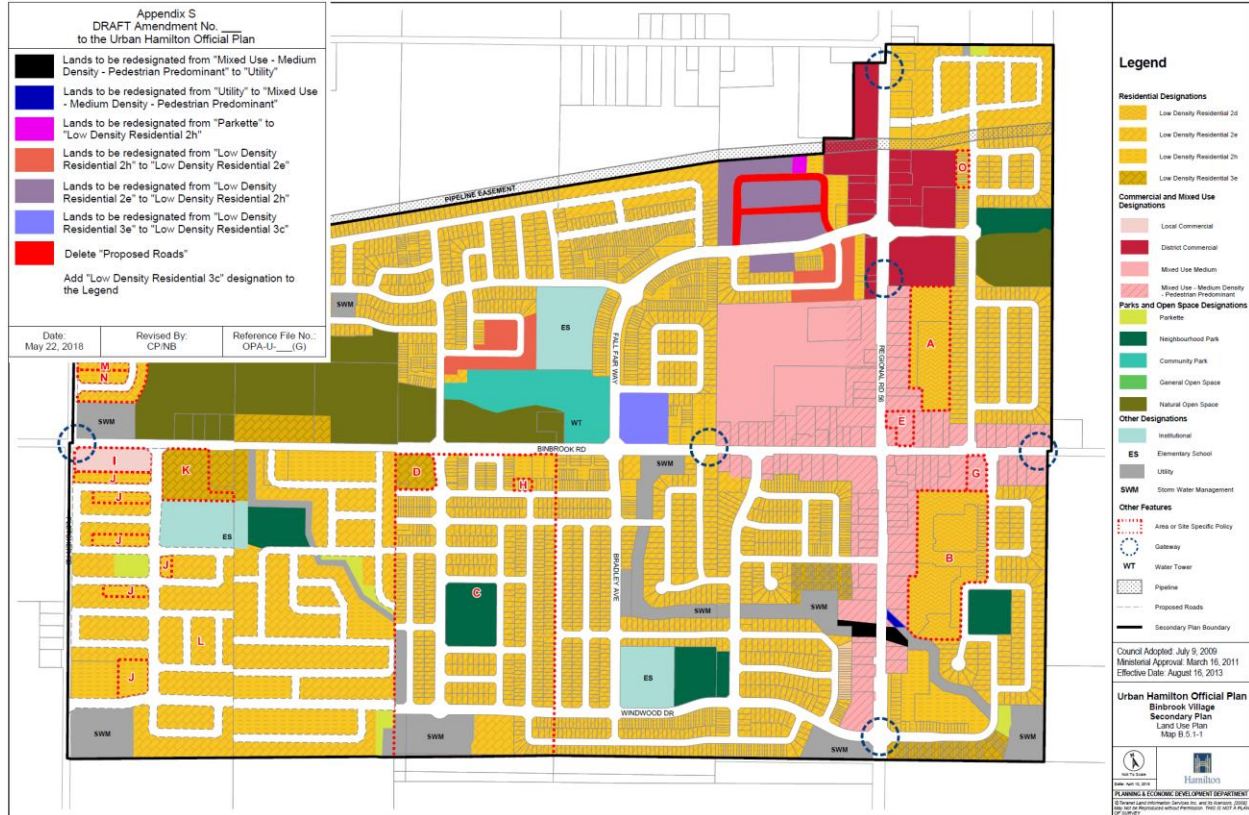


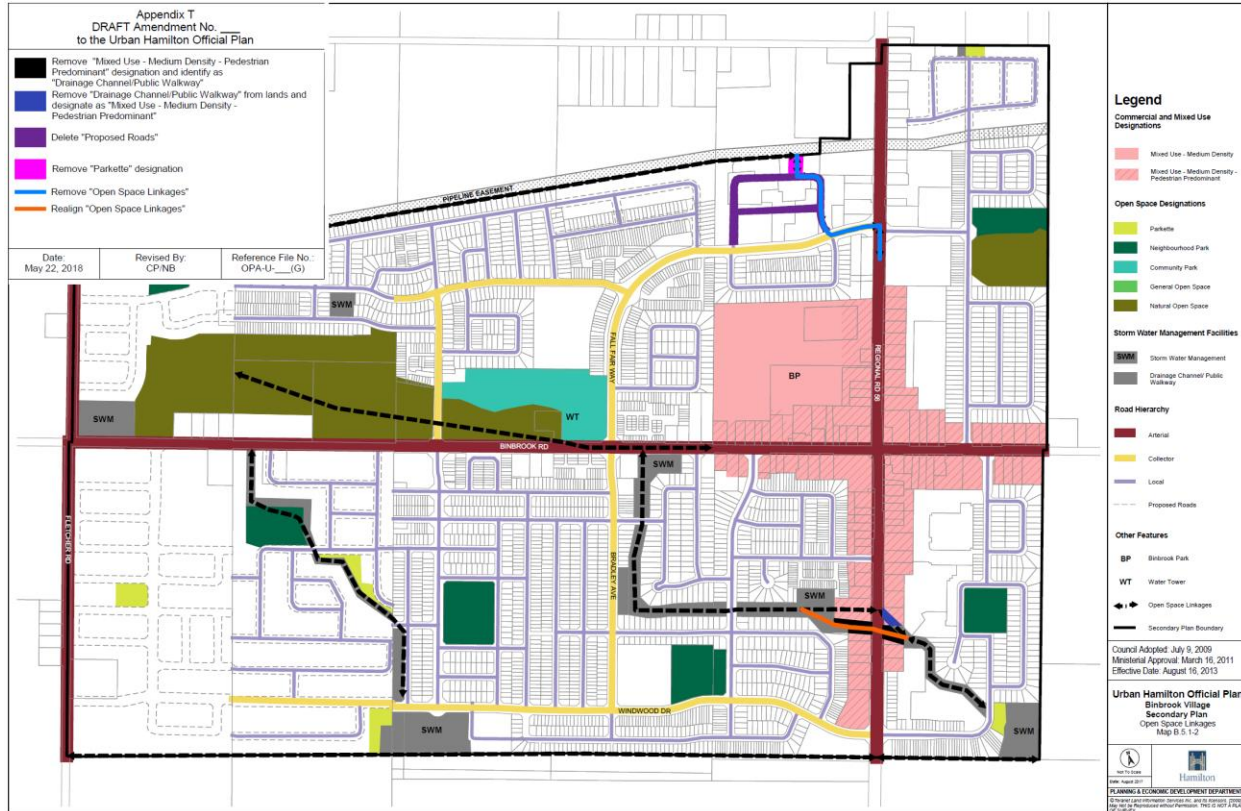


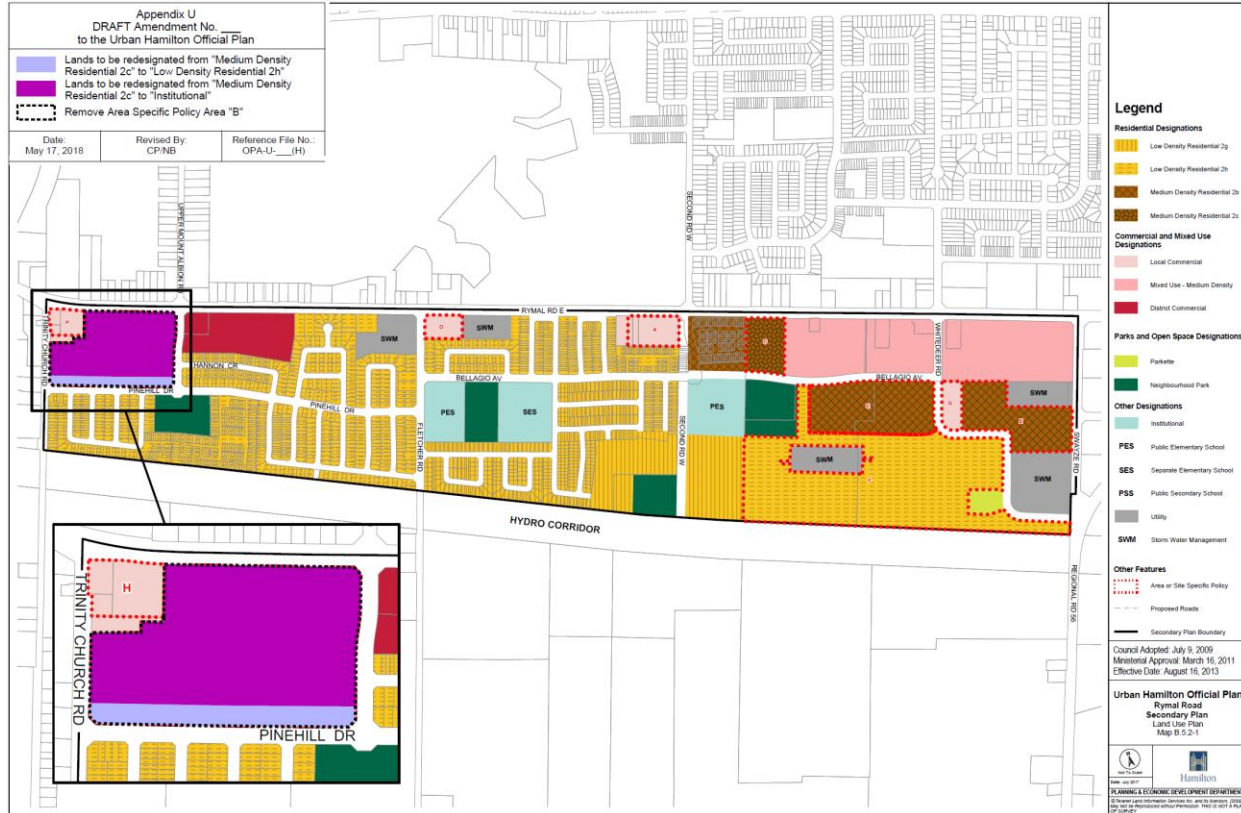


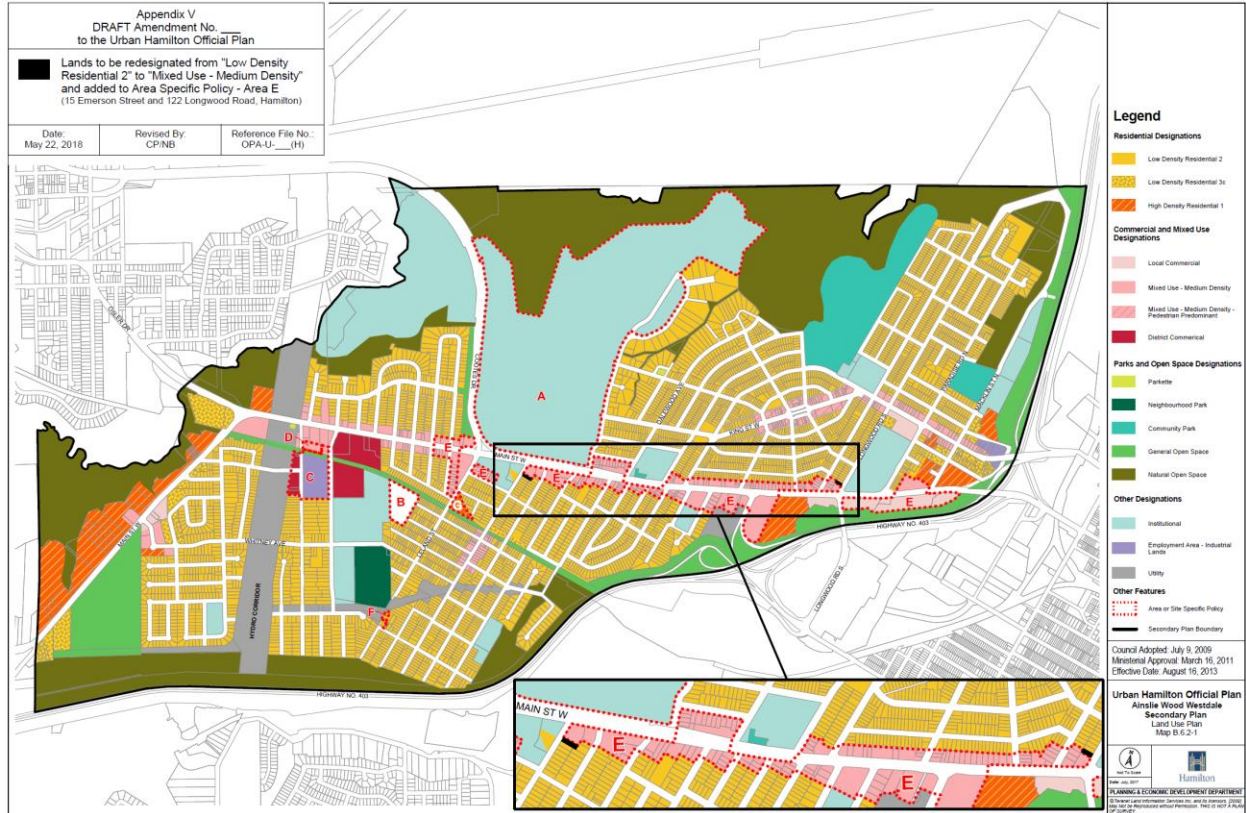


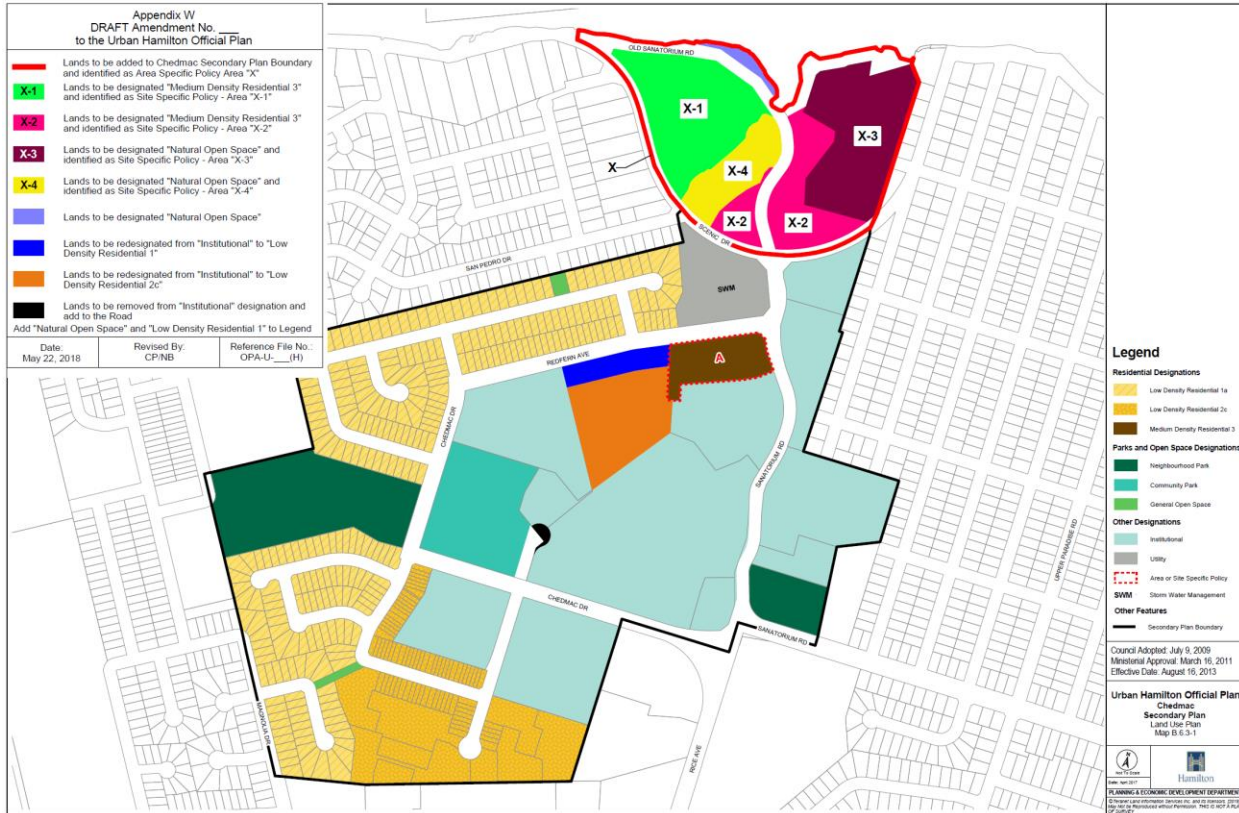


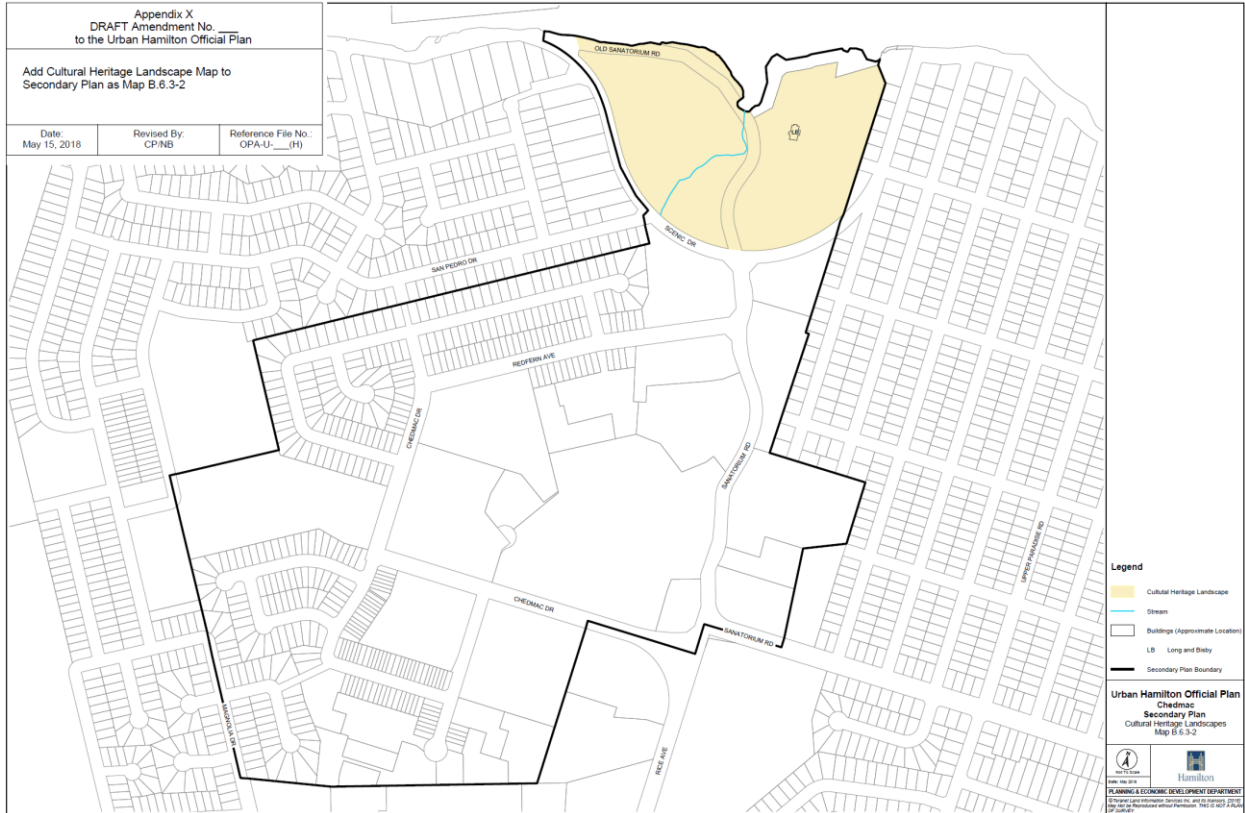


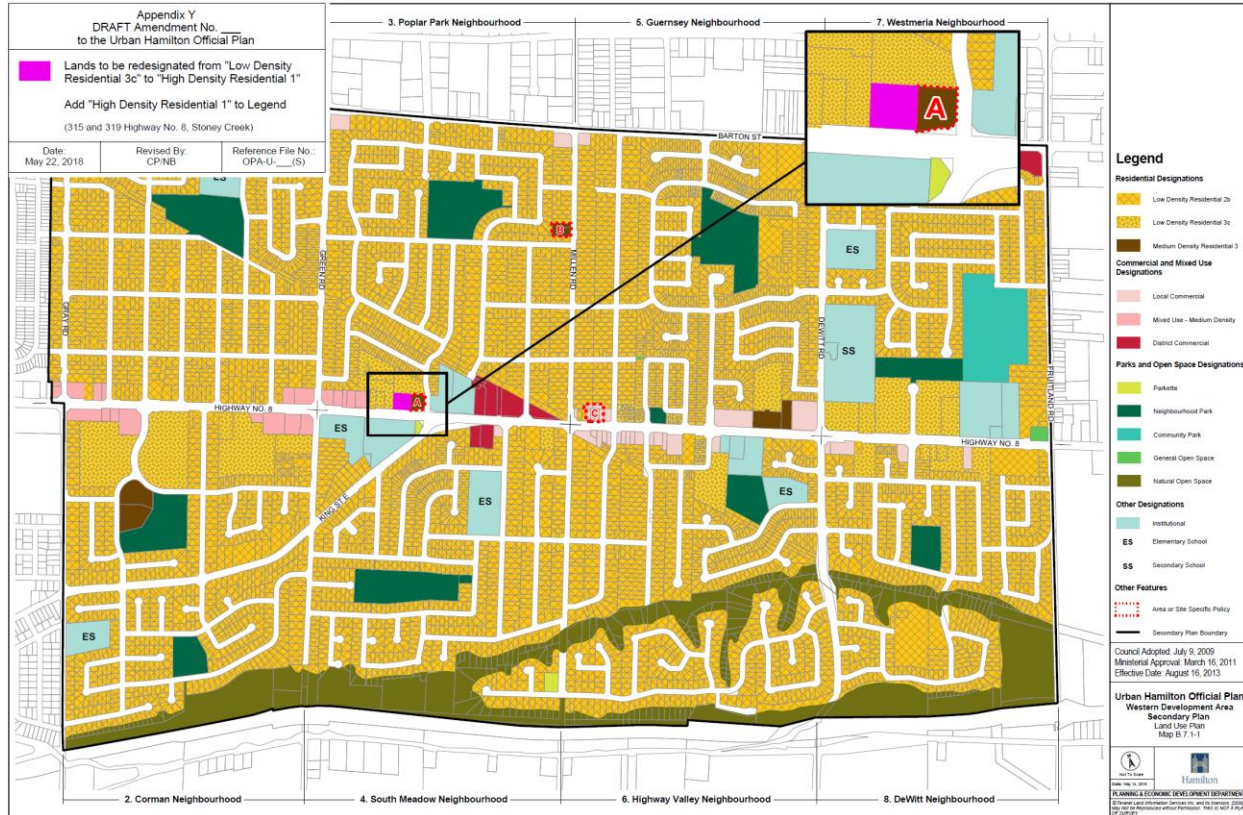


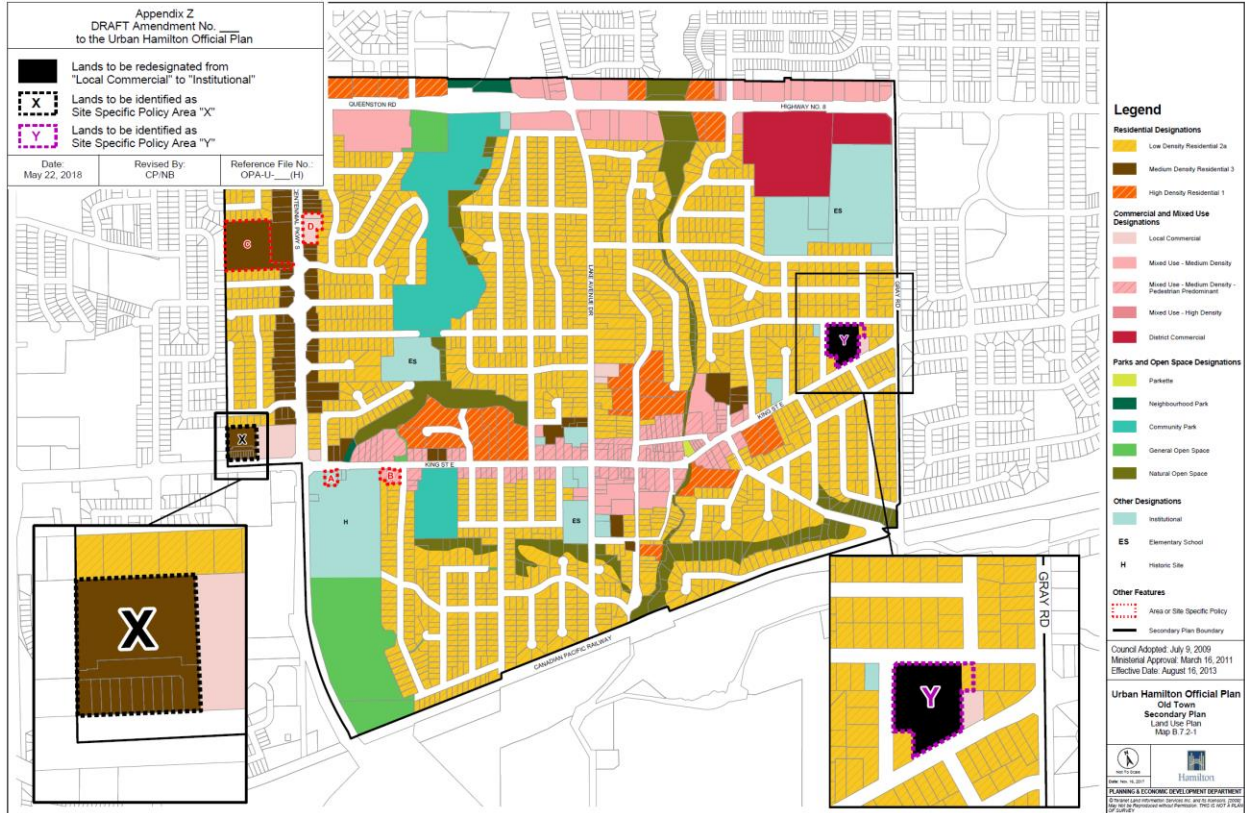


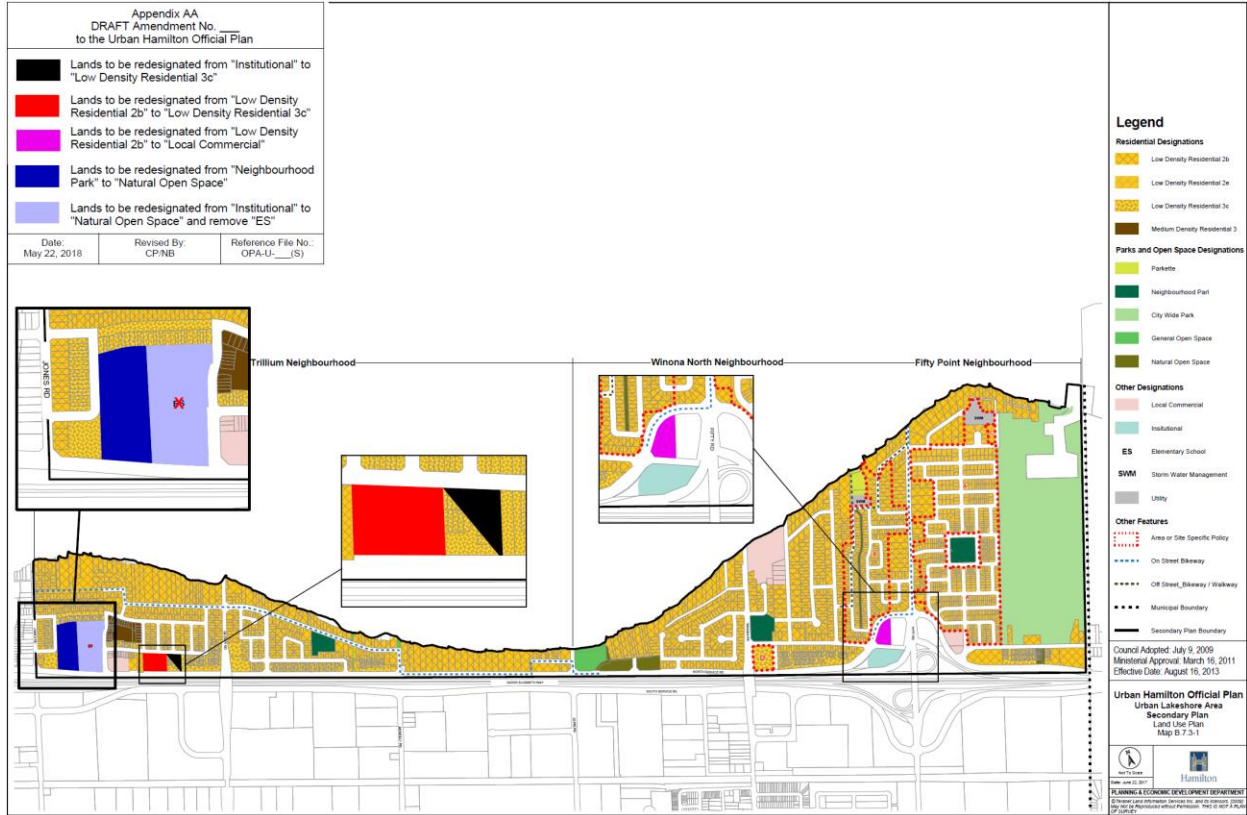


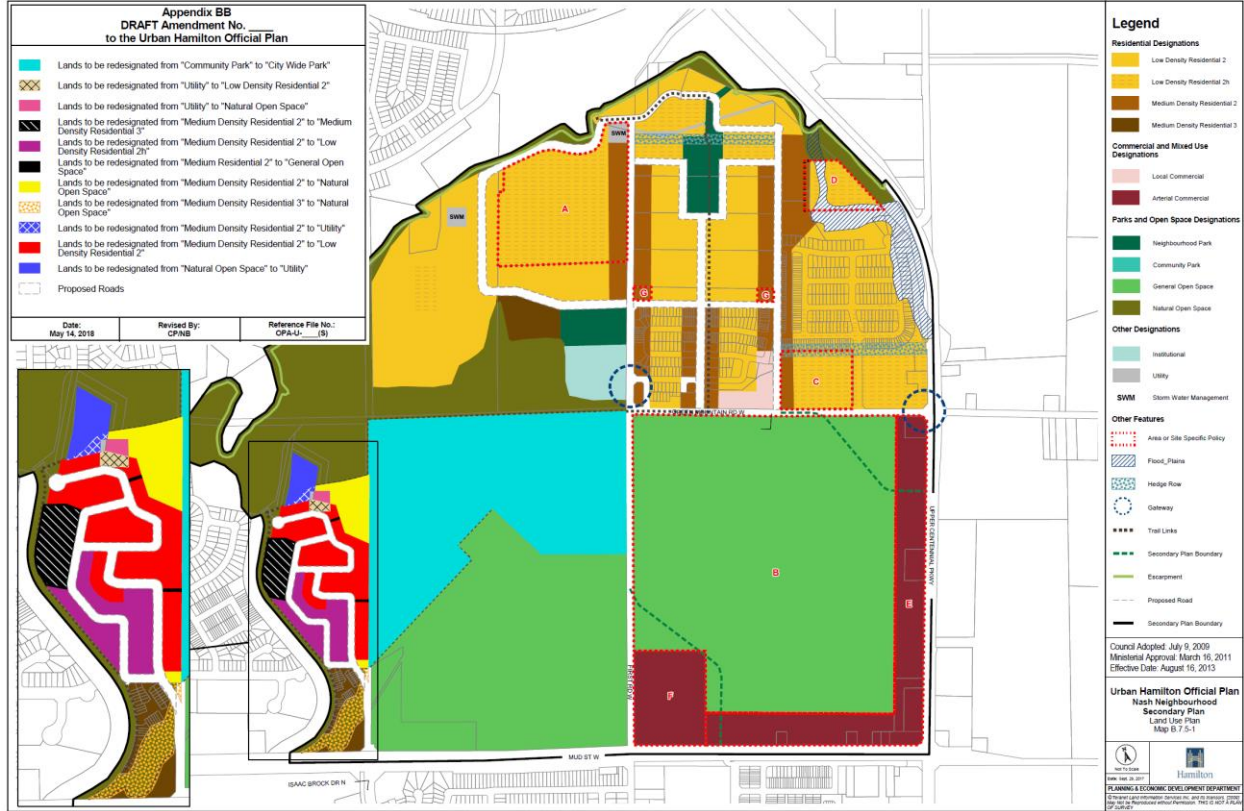


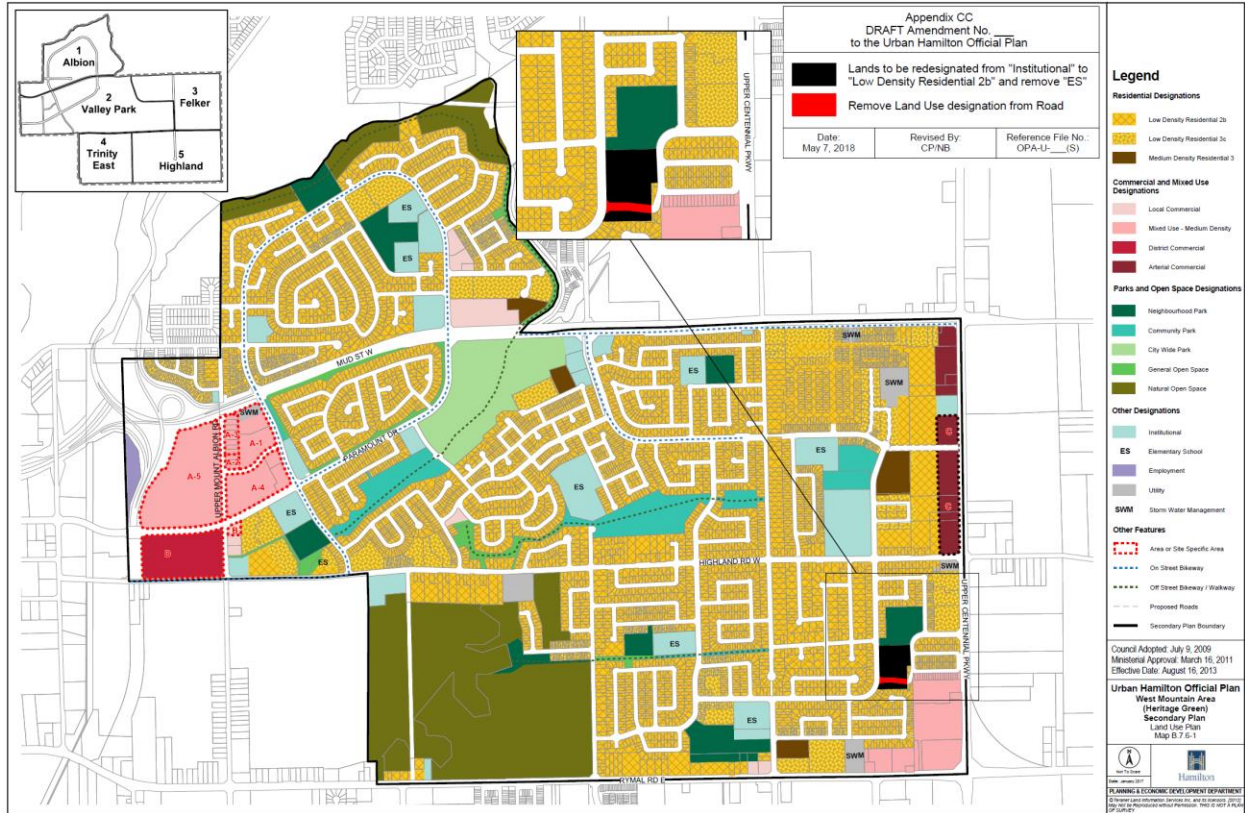


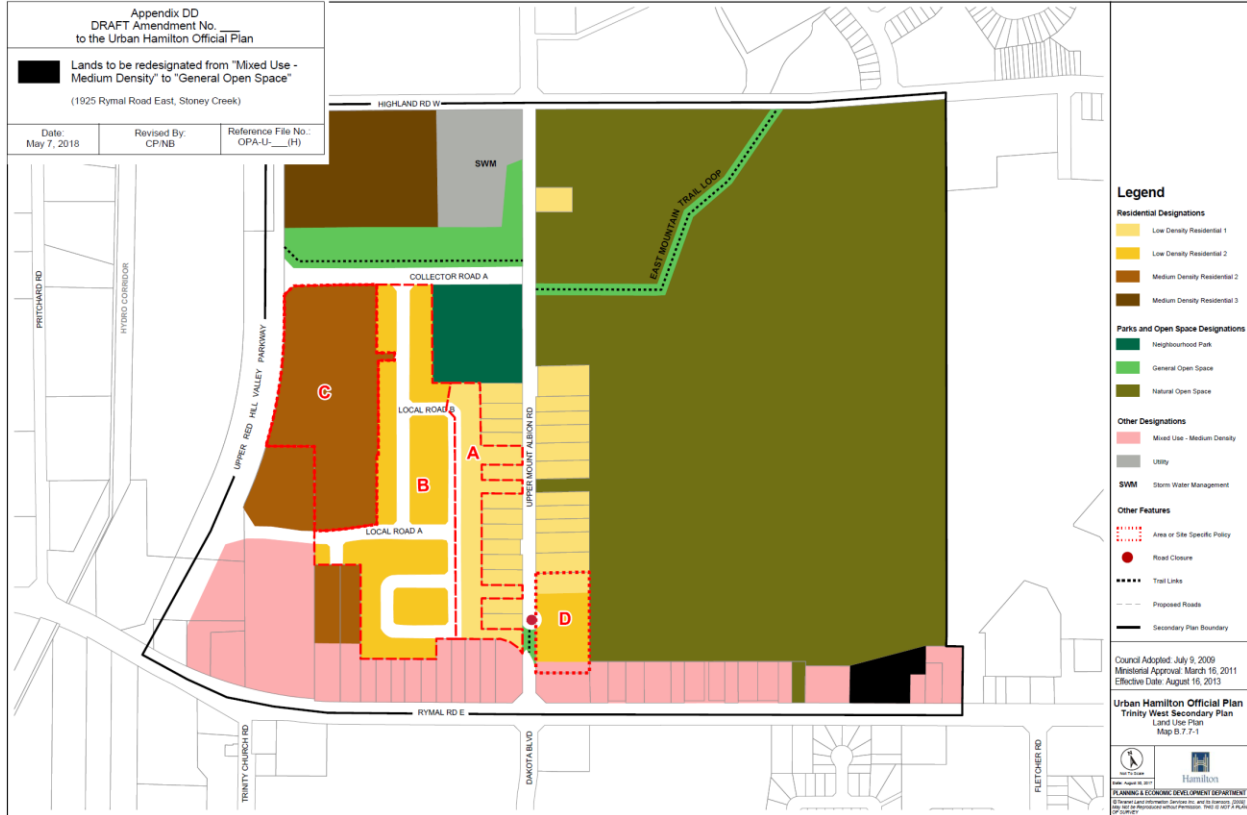




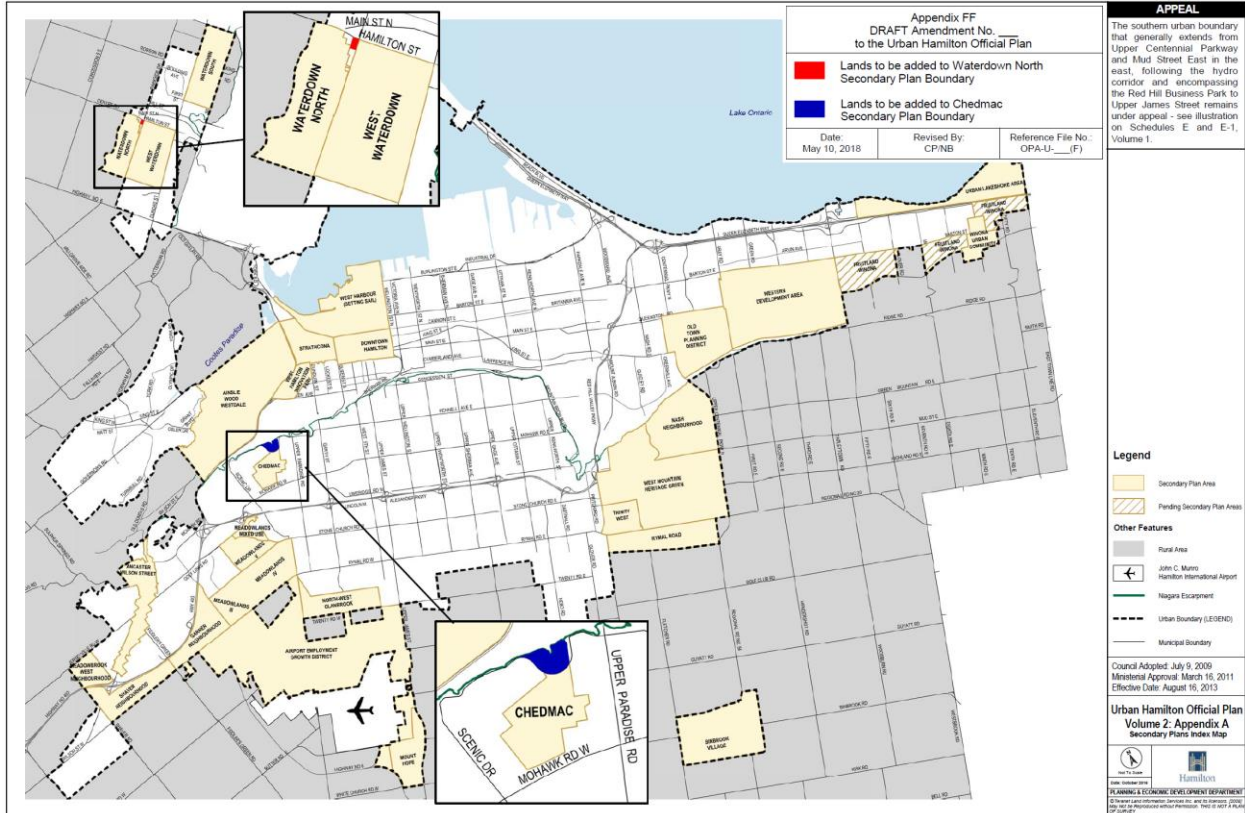








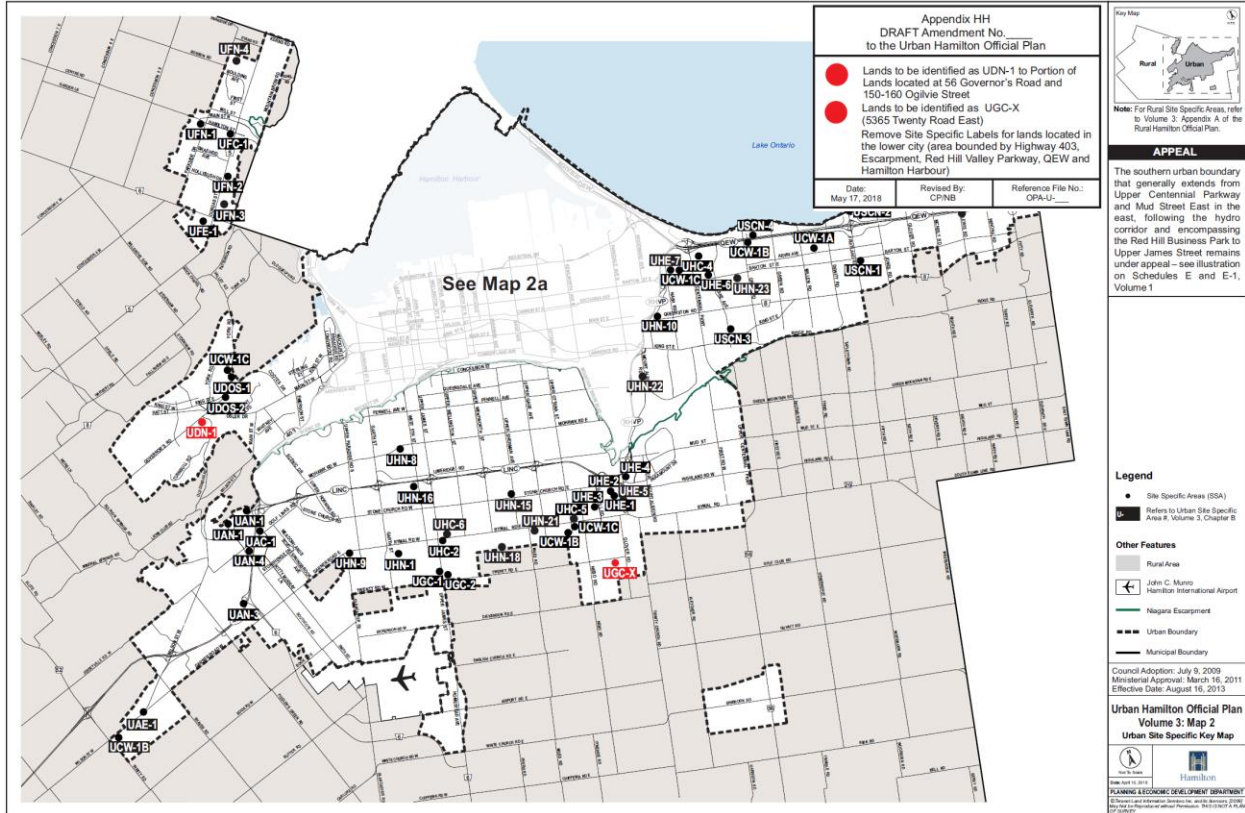


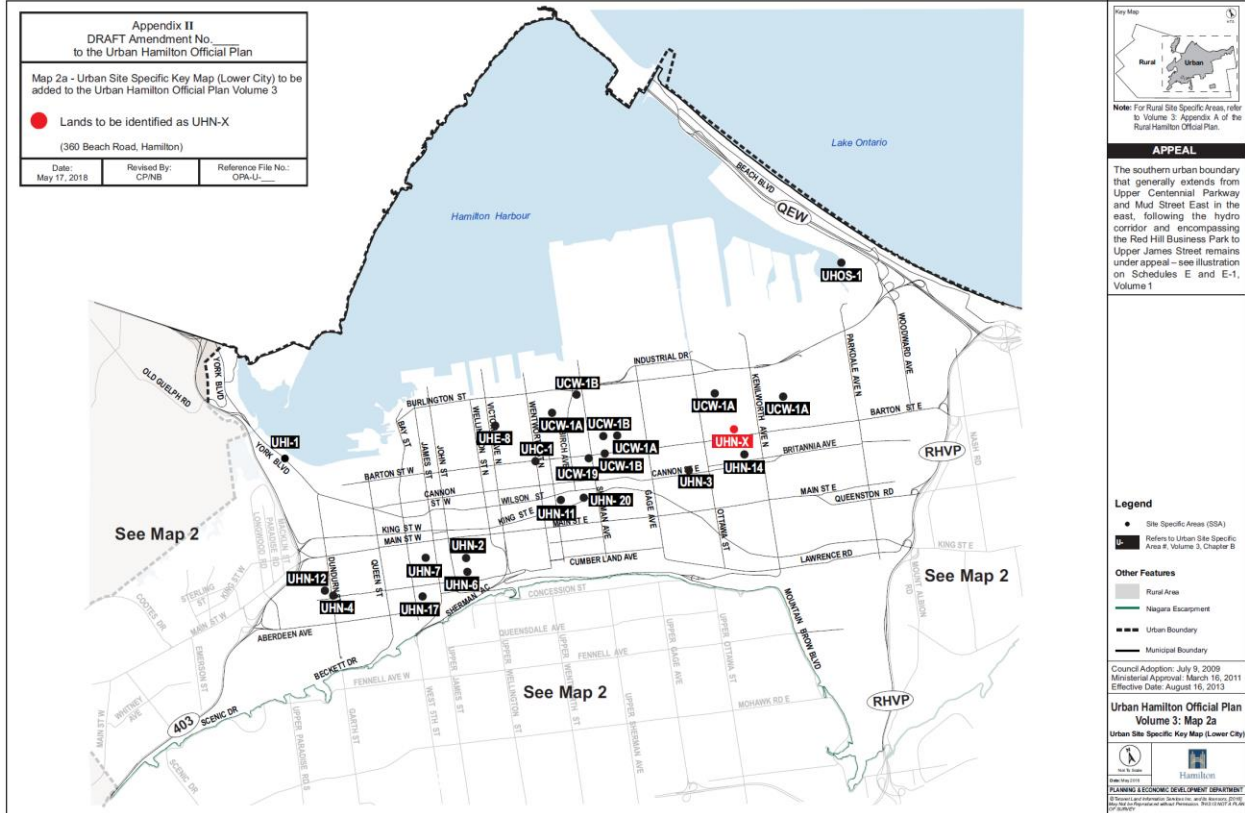


Appendix “GG” - Chapter C – Urban Site Specific Policies

Proposed Change	Proposed New Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>Amend Preamble to chapter as follows:</p> <p>Site specific policies (SSP) are policies that apply to individual properties. They are adopted to address unique local circumstances that cannot be addressed in Volume 1 or secondary plans. The site specific policies in this section apply to lands within the urban area and outside of a secondary plan area. Site specific policies for lands contained within a secondary plan area are found in the appropriate secondary plan. Site specific policies are identified Map 2 – Urban Site Specific Key Map and Map 2a – Upper Site Specific Key Map (Lower City) of Volume 3.</p>	<p>Site specific policies (SSP) are policies that apply to individual properties. They are adopted to address unique local circumstances that cannot be addressed in Volume 1 or secondary plans. The site specific policies in this section apply to lands within the urban area and outside of a secondary plan area. Site specific policies for lands contained within a secondary plan area are found in the appropriate secondary plan. Site specific policies are identified Map 2 – Urban Site Specific Key Map and Map 2a – Upper Site Specific Key Map (Lower City) of Volume 3.</p>
<p>UAN-4 A portion of the lands located at 558 Golf Links Road, former Town of Ancaster (OPA 88)</p> <p>b) In addition to Policy C.2.3.3 of Volume 1, limited vegetation removal and encroachment into the Core Area shall be permitted to provide for private services and a private service road connection.</p>	<p>UAN-4 A portion of the lands located at 558 Golf Links Road, former Town of Ancaster (OPA 88)</p> <p>b) In addition to Policy C.2.3.3 of Volume 1, limited vegetation removal and encroachment into the Core Area shall be permitted to provide for private services and a private service road connection.</p>
<p>Add Site Specific Policy UGC-X</p>	<p>UGC-X Lands located at 5365 Twenty Road East, located on the south side of Twenty Road E, east of the Dartnall Road Extension, in the former Township of Glanbrook</p> <p>1.0 In addition to the uses permitted in Section E.4.2 - Commercial and Mixed Use Designations – General Policies and Policy E.4.8.2 of Volume 1, lands designated Arterial Commercial, located at 5365 Twenty Road East, the following policies shall apply:</p> <p>a) Limited manufacturing may be permitted in accordance with the Zoning By-law;</p> <p>b) Noxious uses, such as but not limited to slaughtering, eviscerating, rendering or cleaning of meat, poultry or fish, primary production of chemicals, vulcanizing of rubber, shall be prohibited, in accordance with the Zoning By-law; and,</p> <p>c) Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited, in accordance with the Zoning By-law.</p>

Proposed Change	Proposed New Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
Add Site Specific Policy UHN-X	<p>UHN-X Lands located at 360 Beach Road, former City of Hamilton</p> <p>1.0 In addition to the local commercial uses permitted in Policy E.3.8.2 – Local Commercial – Neighbourhoods Designation of Volume 1, a medical clinic shall also be permitted only within the existing building located at 360 Beach Road.</p> <p>2.0 The uses permitted in Policy UHN-X shall only be permitted within the former school building located at 360 Beach Road.</p> <p>3.0 Policies E.3.8.2b), E.3.8.8a), and E.3.8.9a) of Volume 1 shall not apply to the local commercial uses located at 360 Beach Road.</p>
Add site specific policy USCN-X	<p>USCN-XX Lands located at 98 Shoreview Place, former City of Stoney Creek</p> <p>1.0 Notwithstanding Policy E.3.5.7 of Volume 1, for medium density residential uses, the <i>net residential density</i> shall be between 35 and 100 units per hectare.</p>





DRAFT Rural Hamilton Official Plan Amendment No. X

The following text, together with:

Volume 1

Appendix "A"	Chapter C – City Wide Systems and Designations
Appendix "B"	Chapter F – Implementation
Appendix "C"	Volume 1, Schedule A – Provincial Plans
Appendix "D"	Volume 1, Schedule C – Functional Road Classification
Appendix "E"	Volume 1, Schedule D – Rural Land Use Designations
Appendix "F"	Volume 1, Schedule F – Airport Influence Area
Appendix "G"	Volume 1, Appendix A – Parks Classification
Appendix "H"	Volume 1, Appendix C-1 – Non-Renewable Resources – Gas and Petroleum Wells
Appendix "I"	Volume 1, Appendix D – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations
Appendix "J"	Volume 1, Appendix E – Rural Municipal Landfill Sites

Volume 2

Appendix "K"	Chapter A – Rural Settlement Area Plans
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Volume 3

Appendix "L"	– Volume 3, Map A – Special Policy Areas
Appendix "M"	– Volume 3, Appendix A – Site Specific Area Key Map

attached hereto, constitutes Official Plan Amendment No. **XX** to the Rural Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this amendment is to make administrative changes to correct policy and mapping errors, amend existing policies to add clarification, to add a policy regarding the usage of cisterns as a water source in the rural area, to amend the policy regarding minor lot adjustments in relation to lot area and servicing requirements, and to add a site specific policy to permit an existing dwelling to connect to municipal services.

The effect of this Amendment is to improve clarity and understanding and ensure correctness of the Rural Hamilton Official Plan, and to update rural servicing policies in relation to cisterns and minor lot additions to facilitate rural development.

2.0 Location:

The lands affected by this Amendment are located within the Rural Area of the City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposed Amendment will clarify policies by correcting administrative errors (i.e. formatting, numbering, typographical and grammar) in the Rural Hamilton Official Plan.
- The proposed Amendment will allow greater flexibility in rural servicing requirements related to the usage of a cistern as a primary water source and related to minor lot additions to increase the size of undersized lots.
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Greenbelt Plan, 2017 and the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Text

4.1.1 Chapter C – City Wide Systems and Designations

- a. That Volume 1: Chapter C – City Wide Systems and Designations be amended as outlined in Appendix "A".

4.1.2 Schedule C-1 – Future Road Widenings

- a. That Schedule C-1 – Future Road Widenings be renamed to Schedule C-1 – Future Right-of-Way Dedications in the Header and Chart Title.

4.1.3 Chapter F – Implementation

- a. That Volume 1: Chapter F – Implementation be amended as outlined in Appendix "B".

Schedules and Appendices

4.1.3 Schedules

- a. That Volume 1: Schedule A – Provincial Plans be amended by:
- i. adding lands located at the southeast corner of Mountain Brow Road and Waterdown Road, Flamborough to the Municipal Boundary and to the Niagara Escarpment Area; and,
 - ii. designating lands located in the southeast corner of Mountain Brow Road and Waterdown Road, Flamborough as "Protection Area" under the Niagara Escarpment Plan Designations;
- as shown on Appendix "C", attached to this Amendment.
- b. That Volume 1: Schedule C – Functional Road Classification be amended by adding lands located at the southeast corner of Mountain Brow Road and Waterdown Road, Flamborough to the Municipal Boundary, as shown on Appendix "D", attached to this amendment.
- c. That Volume 1: Schedule D – Rural Land Use Designations be amended by:
- i. adding lands located at the southeast corner of Mountain Brow Road and Waterdown Road, Flamborough to the Municipal Boundary; and
 - ii. designating lands located at the southeast corner of Mountain Brow Road and Waterdown Road, Flamborough as "Rural";
- as shown on Appendix "E", attached to this Amendment.
- d. That Volume 1: Schedule F – Airport Influence Area be amended by adding lands located at the southeast corner of Mountain Brow Road and Waterdown Road, Flamborough to the Municipal Boundary, as shown on Appendix "F", attached to this Amendment.

4.1.4 Appendices

- a. That Volume 1: Appendix A – Parks Classification be amended by adding lands located at the southeast corner of Mountain Brow Road and Waterdown Road, Flamborough to the Municipal Boundary, as shown on Appendix "G", attached to this Amendment.

- b. That Volume 1: Appendix C-1 – Non-Renewable Resources – Gas and Petroleum Wells be amended by adding lands located at the southeast corner of Mountain Brow Road and Waterdown Road, Flamborough to the Municipal Boundary, as shown on Appendix "H", attached to this Amendment.
- c. That Volume 1: Appendix D – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations be amended by adding lands located at the southeast corner of Mountain Brow Road and Waterdown Road, Flamborough to the Municipal Boundary, as shown on Appendix "I", attached to this Amendment.
- d. That Volume 1: Appendix E – Rural Municipal Landfill Sites be amended by adding lands located at the southeast corner of Mountain Brow Road and Waterdown Road, Flamborough to the Municipal Boundary, as shown on Appendix "J", attached to this Amendment.

4.2 Volume 2 – Secondary Plans and Rural Settlement Areas

Text

4.2.1 Chapter A – Rural Settlement Area Plans

- a. That Volume 2: Chapter A – Rural Settlement Area Plans, Section A.2 – Ancaster Rural Settlement Area Plans be amended by adding the word "Ancaster" between the phrases "Chapter A" and "Rural Settlement Areas" in the section header, so the header reads as follows:

"Volume 2, Chapter A – Ancaster Rural Settlement Areas";

- b. That Volume 2: Chapter A – Rural Settlement Area Plans, Section A.3 – Flamborough Rural Settlement Area Plans be amended by adding the word "Flamborough" between the phrases "Chapter A" and "Rural Settlement Areas" in the section header, so the header reads as follows:

"Volume 2, Chapter A – Glanbrook Rural Settlement Areas";

- c. That Volume 2: Chapter A – Rural Settlement Area Plans, Section A.3 – Glanbrook Rural Settlement Area Plans be amended by adding the word "Glanbrook" between the phrases "Chapter A" and "Rural Settlement Areas" in the section header, so the header reads as follows:

"Volume 2, Chapter A – Glanbrook Rural Settlement Areas"; and,

- d. That Volume 2: Chapter A – Rural Settlement Area Plans, Section A.3 – Stoney Creek Rural Settlement Area Plans be amended by adding the word “Stoney Creek” between the phrases “Chapter A” and “Rural Settlement Areas” in the section header, so the header reads as follows:

“Volume 2, Chapter A – Stoney Creek Rural Settlement Areas”.

4.3 Volume 3 – Special Policy and Site Specific Areas

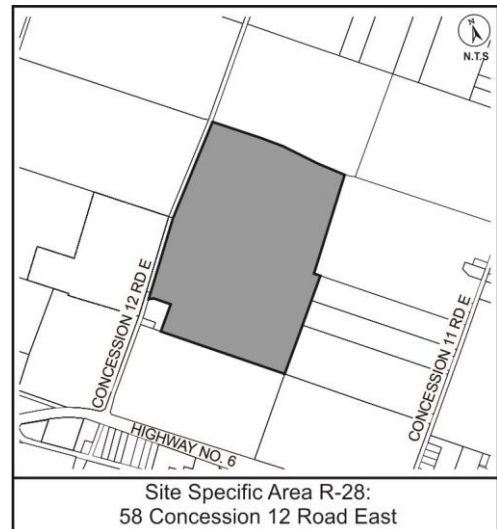
Text

4.3.1 Chapter B – Rural Site Specific Areas

- a. That Volume 3: Chapter B – Rural Site Specific Areas be amended as outlined in Appendix “K”;
- b. That Volume 3: Chapter B – Rural Site Specific Areas be amended by renumbering Site Specific Policy – Area R-7 to Site Specific Policy – Area R-28 for lands located at 58 12th Concession Road East, Flamborough in title, text, and inset map, so that the policy reads as follows:

R-28 Lands known municipally as 58 12th Concession Road East, former Town of Flamborough

1.0 Notwithstanding Section D.4.0, Rural Designation of this Plan, for the lands designated Rural, known municipally as 58 12th Concession Road East and identified as Site Specific Policy R-28, consisting of approximately 60 ha, may be used for 100 seasonal trailer sites and ancillary uses, which may include a single detached dwelling for a park manager or superintendent, a pavilion or recreation centre, utility or maintenance buildings associated with a private sewage and water distribution system and sports fields. All of the trailer sites and ancillary uses shall be located on lands which do not contain key natural heritage features.



- c. That Volume 3: Chapter B – Rural Site Specific Areas be amended by adding a new site specific policy to the lands known as 296 York Road, Dundas, as follows:

"R-XX Lands known municipally as 296 York Road, Former Town of Dundas

1.0 Notwithstanding Policy C.5.3.2, the existing dwelling located at 296 York Road, designated Open Space on Schedule "D", may connect to municipal water and wastewater systems."



Maps

4.3.2 Maps

- a. That Volume 3: Map A – Special Policy Areas be amended by adding lands located at the southeast corner of Mountain Brow Road and Waterdown Road, Flamborough to the Municipal Boundary, as shown on Appendix "L", attached to this amendment.
- b. That Volume 3: Appendix A – Site Specific Key Map be amended by:
 - i. adding lands located at the southeast corner of Mountain Brow Road and Waterdown Road, Flamborough to the Municipal Boundary;
 - ii. renumbering Site Specific Area R-7 (located at 58 12th Concession Road East, former Town of Flamborough) as "R-28"; and,
 - ii. identifying lands known as 296 York Road, Dundas as "R-XX",as shown on Appendix "M", attached to this Amendment.

5.0 Implementation:

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

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the
day of month, 201X.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

CITY CLERK

Appendix “A” – Volume 1, Chapter C – City Wide Systems and Designations

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
Replace the phrases “Road Widening” and “Road allowance” with the phrase “Right-of-Way Dedication” throughout the entire chapter.	Right-of-Way Dedication
Replace the phrase “Future Road Widenings” with the phrase “Future Right-of-Way Dedications” throughout the entire chapter.	Future Right-of-Way Dedications
C.4.4 Municipal public transit in the <i>rural area</i> is limited to the Accessible Transit System (DARTS), Trans-Cab service in small defined areas, and urban routes that cross stretches of <i>rural lands</i> to access urban destinations.	C.4.4 Municipal public transit in the <i>rural area</i> is limited to the Accessible Transit System, Trans-Cab service in small defined areas, and urban routes that cross stretches of <i>rural lands</i> to access urban destinations.
C.4.5.2 b) iii) The maximum basic right-of-way width for arterial roads shall generally be 36.567 metres, but in certain circumstances a right of way width of 45.720 may be required, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Widenings.	C.4.5.2 b) iii) The maximum basic right-of-way width for arterial roads shall generally be 36.567 metres, but in certain circumstances a right of way width of 45.720 may be required, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Widenings.
C.4.5.2 c) ii) The maximum basic right-of-way widths for collector roads in the <i>rural area</i> shall be 36 metres, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Widenings.	C.4.5.2 c) ii) The maximum basic right-of-way widths for collector roads in the <i>rural area</i> shall be 36 metres, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Widenings.
C.4.5.2 d) ii) The maximum basic right-of-way widths for local roads in the <i>rural area</i> shall be 36 metres, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Widenings.	C.4.5.2 d) ii) The maximum basic right-of-way widths for local roads in the <i>rural area</i> shall be 36 metres, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Widenings.
C.4.5.2 d) v) The minimum right of way width for all local road classifications shall be 20.117 metres.	C.4.5.2 d) v) The minimum right of way width for local road classifications shall be 20.117 metres.

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>Road Widening</p> <p>C.4.5.6 The City may reserve or obtain land for future road widenings for rights-of-way right-of-way dedications as described in Schedule C-1 – Future Road Widenings Right-of-Way Dedications (Rural). Where a future road widening for rights-of-way right-of-way dedication is not described in Schedule C-1 – Future Road Widenings Right-of-Way Dedications (Rural), the City may reserve or obtain land for road widenings for rights-of-way as described in Section C.4.5.2. The aforesaid road widening right-of-way land conveyances may be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.</p>	<p>Road Widening</p> <p>C.4.5.6 The City may reserve or obtain land for future road widenings for right-of-way dedications as described in Schedule C-1 – Future Right-of-Way Dedications (Rural). Where a future right-of-way dedication is not described in Schedule C-1 – Future Right-of-Way Dedications (Rural), the City may reserve or obtain land for road widenings for rights-of-way as described in Section C.4.5.2. The aforesaid right-of-way land conveyances may be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.</p>
<p>C.4.5.6.3 Where a proposed development is subject to site plan approval as detailed in Policy F.1.7 – Site Plan Control, the following provisions shall apply:</p> <p>b)Where feasible and where the City requires dedication of property for future rights-of-way widths, lands shall be dedicated equally from both sides of the road unless otherwise specified. Where the City requires more than one half of the widening from one side of the road right-of-way, the City shall require, from said side of the road right-of-way, dedication at no cost to the City of one half of the total proposed widening and shall acquire the remaining land required for the road right-of-way widening through gift, bequeathment, purchase, expropriation or other methods.</p>	<p>C.4.5.6.3 Where a proposed development is subject to site plan approval as detailed in Policy F.1.7 – Site Plan Control, the following provisions shall apply:</p> <p>b)Where feasible and where the City requires dedication of property for future right-of-way widths, lands shall be dedicated equally from both sides of the road unless otherwise specified. Where the City requires more than one half of the widening from one side of the right-of-way, the City shall require, from said side of the right-of-way, dedication at no cost to the City of one half of the total proposed widening and shall acquire the remaining land required for the right-of-way widening through gift, bequeathment, purchase, expropriation or other methods.</p>

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>C.4.5.6.7 Notwithstanding Section C.4.5.6 and C.4.5.7, the City shall interpret the required right-of-way widths detailed in Section C.4.5.2 and Schedule C-1 – Future Road Widening Right-of-Way Dedications (Rural), where applicable to denote only the basic requirement for the section of the road. Additional rights-of-ways may be required at intersections to provide for exclusive turning lanes, daylight triangles and other special treatments to accommodate the optimum road/ intersection geometric design. There may also be additional requirements for rights-of-ways to provide lands for environmental considerations, the construction of bridges, overpasses, earth filled ramps, grade separations, depressed sections of roads, pathways, roundabouts, and traffic control in accordance with Section C.4.5.7. Any such additional right-of-way requirements shall be determined at the time of design of the road facilities and shall become part of the total required right-of-way.</p>	<p>C.4.5.6.7 Notwithstanding Section C.4.5.6 and C.4.5.7, the City shall interpret the required right-of-way widths detailed in Section C.4.5.2 and Schedule C-1 – Future Right-of-Way Dedications (Rural), where applicable to denote only the basic requirement for the section of the road. Additional right-of-ways may be required at intersections to provide for exclusive turning lanes, daylight triangles and other special treatments to accommodate the optimum road/ intersection geometric design. There may also be additional requirements for right-of-ways to provide lands for environmental considerations, the construction of bridges, overpasses, earth filled ramps, grade separations, depressed sections of roads, pathways, roundabouts, and traffic control in accordance with Section C.4.5.7. Any such additional right-of-way requirements shall be determined at the time of design of the road facilities and shall become part of the total required right-of-way.</p>

Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be deleted	Bolded text = text to be added
<p>C.5.1.1 h) Add a new policies as h) h) Notwithstanding Policy C.5.1.1 g), a cistern that meets current accepted standards may be used as a primary water source in the following circumstances: i) the building of a dwelling on an <i>existing</i> lot in accordance with Policy F.1.12.6, where insufficient water supply is due to the impacts of dewatering for mineral aggregate extraction as demonstrated by a quarry area of influence study, approved by the Province and provided by the proponent. ii) redevelopment of an <i>existing</i> use, on an <i>existing</i> lot, which is serviced by an <i>existing</i> water cistern, provided there is no negative impact of the proposal on the cistern. iii) new development on an <i>existing</i> lot if it is demonstrated by an applicant, through the submission of evidence in the form of a well test, hydrogeological study or other, that groundwater quality or quantity is inadequate to support the use, to the satisfaction of the City. iv) the severance of an <i>existing</i> dwelling in accordance with Section F.1.14.2, serviced by an <i>existing</i> water cistern, provided there is no negative impact on the cistern.</p>	<p>C.5.1.1h) h) Notwithstanding Policy C.5.1.1 g), a cistern that meets current accepted standards may be used as a primary water source in the following circumstances: i) the building of a dwelling on an <i>existing</i> lot in accordance with Policy F.1.12.6, where insufficient water supply is due to the impacts of dewatering for mineral aggregate extraction as demonstrated by a quarry area of influence study, approved by the Province and provided by the proponent. ii) redevelopment of an <i>existing</i> use, on an <i>existing</i> lot, which is serviced by an <i>existing</i> water cistern, provided there is no negative impact of the proposal on the cistern. iii) new development on an <i>existing</i> lot if it is demonstrated by an applicant, through the submission of evidence in the form of a well test, hydrogeological study or other, that groundwater quality or quantity is inadequate to support the use, to the satisfaction of the City. iv) the severance of an <i>existing</i> dwelling in accordance with Section F.1.14.2, serviced by an <i>existing</i> water cistern, provided there is no negative impact on the cistern.</p>
<p>Delete Policy C.5.1.4 in its entirety. C.5.1.4 Notwithstanding Policies F.1.14.2.1 c) v), F.1.14.2.1 e), and the water supply requirements of C.5.1.1, Private Water and Wastewater Services, which prohibit <i>development</i> on a water cistern, in the case of the severance of an <i>existing</i> surplus farm dwelling in accordance with Section F.1.14.2.8, the severance of an <i>existing</i> dwelling serviced by an <i>existing</i> water cistern may be permitted provided there is no negative impact of the proposal on the cistern. All other aspects of Policies F.1.14.2.1 c) v) and F.1.14.2.1 e), and Section C.5.1 shall continue to apply.</p>	N/A

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>Delete Policy C.5.1.5 in its entirety. C.5.1.5 Notwithstanding the water supply requirements of C.5.1.1 f) Private Water and Wastewater Services which prohibit <i>development</i> on a water cistern, the building of a dwelling on an <i>existing</i> vacant legal lot of record in accordance with Policy F.1.12.6, serviced by a water cistern, where insufficient water supply is due to the impacts of dewatering for mineral aggregate extraction as demonstrated by a quarry area of influence study, approved by the Province and provided by the proponent, may be permitted at the discretion of the City. All other aspects of Section C.5.1 shall continue to apply. No severances shall be permitted on the basis of an <i>existing</i> water cistern except in accordance with Policy C.5.1.4.</p>	<p>N/A</p>
<p>Delete Policy C.5.1.6 in its entirety. C.5.1.5 Where a new dwelling is permitted under Policy C.5.1.5, the servicing or hydrogeological study required in Policy C.5.1.1 shall consider potential hydrologic and hydrogeological changes when the mineral aggregate operation ceases and the lands are rehabilitated.</p>	<p>N/A</p>

Appendix “B” Chapter F – Implementation

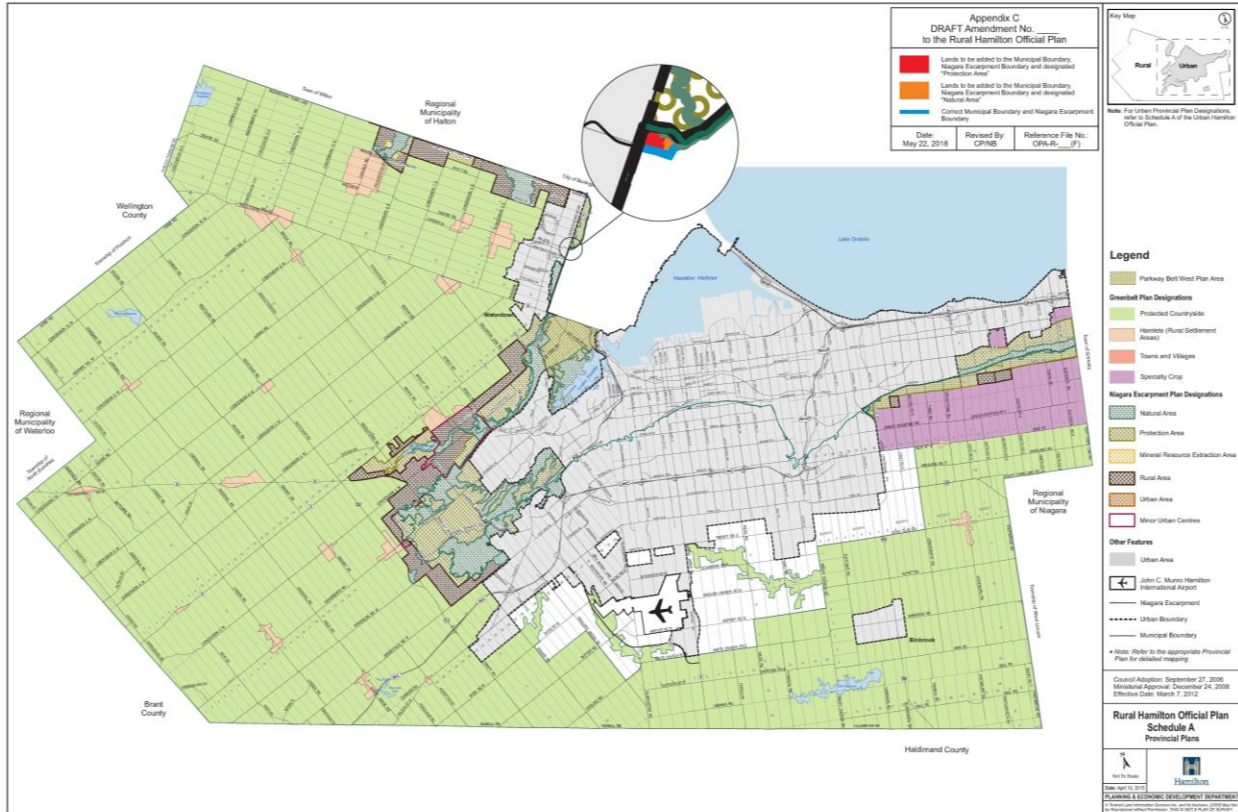
Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be	Bolded text = text to be added
<p>F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations:</p> <p>b) Severances that create a new lot(s) may be permitted for only the following purposes:</p> <p>iv) Severances within designated Rural Settlement Areas in accordance with Policies F.1.14.2.1 c), d) and e), Policy F.1.14.2.4, and Section C.5.1, Private Water and Wastewater Services;</p>	<p>F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations:</p> <p>b) Severances that create a new lot(s) may be permitted for only the following purposes:</p> <p>iv) Severances within designated Rural Settlement Areas in accordance with Policy F.1.14.2.1 c), Policy F.1.14.2.4, and Section C.5.1, Private Water and Wastewater Services;</p>
<p>F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations:</p> <p>b) Severances that create a new lot(s) may be permitted for only the following purposes:</p> <p>v) Acquiring land for infrastructure, petroleum resource extraction, and <i>mineral aggregate resource</i> extraction purposes in accordance with Policy F.1.14.2.1 hg);</p>	<p>F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations:</p> <p>b) Severances that create a new lot(s) may be permitted for only the following purposes:</p> <p>v) Acquiring land for infrastructure, petroleum resource extraction, and <i>mineral aggregate resource</i> extraction purposes in accordance with Policy F.1.14.2.1 g);</p>

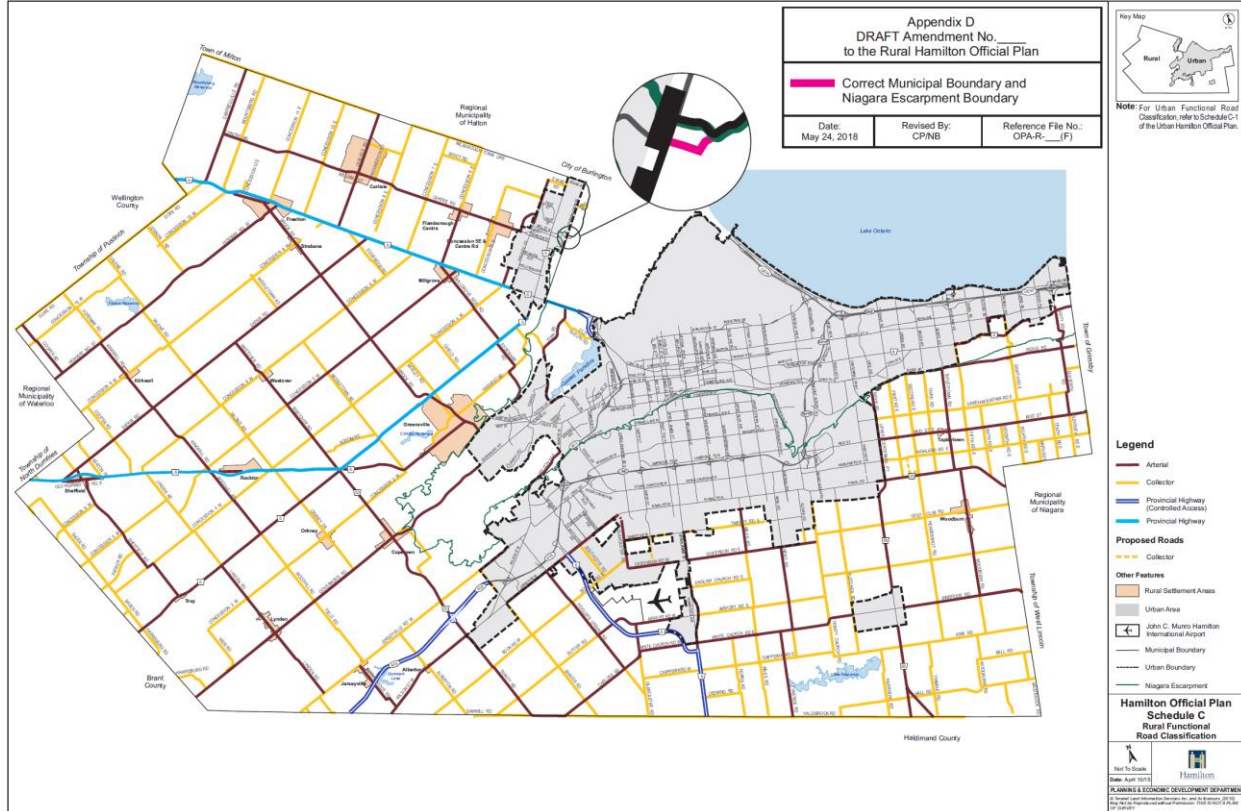
Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be	Bolded text = text to be added
<p>F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultureal, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations:</p> <p>b) Severances that create a new lot(s) may be permitted for only the following purposes:</p> <p>vi) Facilitating conveyances of land to a public body or approved private <i>land trust</i> in accordance with Policy F.1.14.2.1 ih);</p>	<p>F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations:</p> <p>b) Severances that create a new lot(s) may be permitted for only the following purposes:</p> <p>vi) Facilitating conveyances of land to a public body or approved private <i>land trust</i> in accordance with Policy F.1.14.2.1 h);</p>
<p>F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultureal, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations:</p> <p>d) All proposed lot additions shall:</p> <p>iv) meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of complete information a hydrogeological study regarding existing or proposed water and wastewater services prior to or at the time of application, except as permitted in F.1.14.2.7d).</p>	<p>F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations:</p> <p>d) All proposed lot additions shall:</p> <p>v) meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of a hydrogeological study regarding existing or proposed water and wastewater services prior to or at the time of application, except as permitted in F.1.14.2.7d).</p>
<p>Policy F.1.14.2.1 e) to be deleted in its entirety, and the remaining subsections re-numbered accordingly.</p> <p>F.1.14.2.1 e) Proposed lot additions may be required to submit a hydrogeological study in accordance with C.5.1, Private Water and Wastewater Services, at the discretion of the City.</p>	

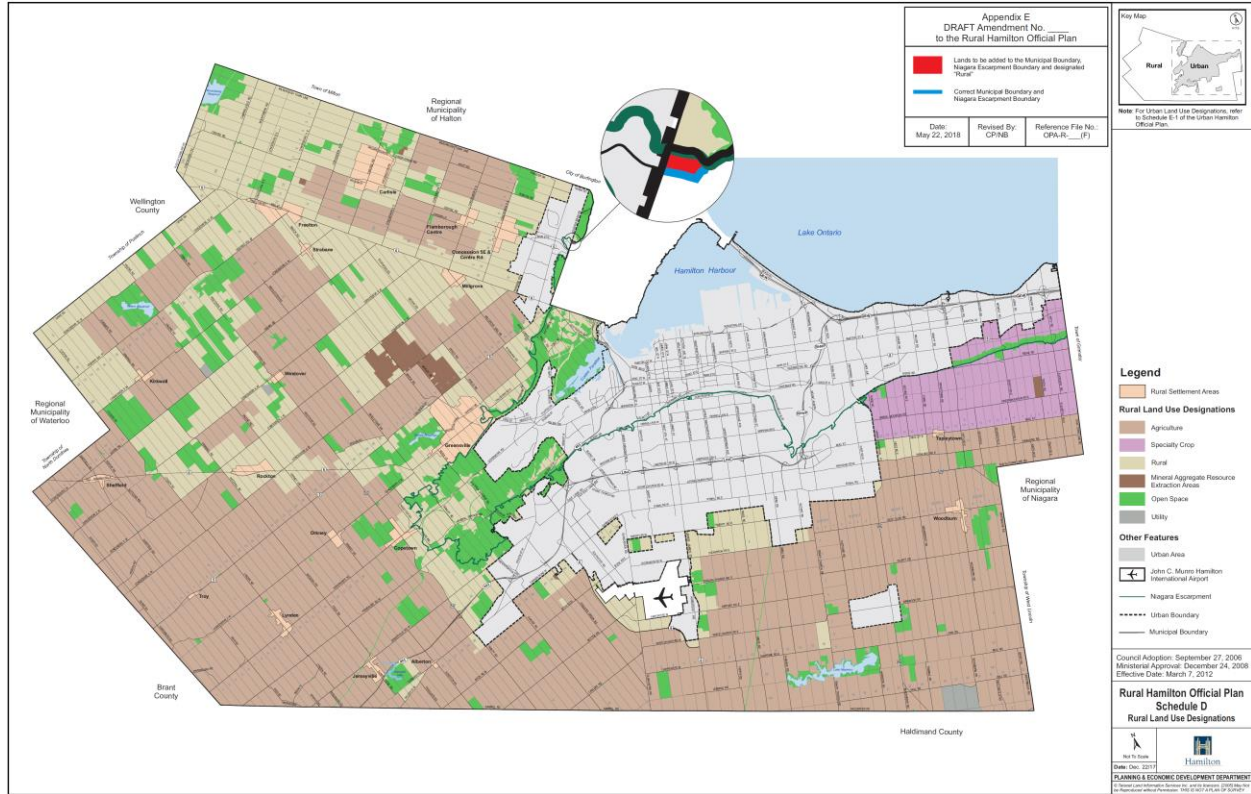
Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be	Bolded text = text to be added
F.1.14.2.3 In the Rural designation, severances that create a new lot, except surplus farm dwelling severances, may be considered only for agricultural uses, agriculture-related uses, existing rural resource-based commercial uses, existing rural resource-based industrial uses, and existing rural institutional uses, provided all of the relevant conditions of Section D.4.2.1 and the following conditions are met:	F.1.14.2.3 In the Rural designation, severances that create a new lot, except surplus farm dwelling severances, may be considered only for agricultural uses, agriculture-related uses, existing rural resource-based commercial uses, existing rural resource-based industrial uses, and existing rural institutional uses, provided all of the relevant conditions of Section D.4.1 and the following conditions are met:
F.1.14.2.4 Within designated Rural Settlement Areas all proposed severances that create a new lot and proposed lot additions shall: f) meet the requirements of Section C.5.1, Private Water and Wastewater Services, except as permitted in F.1.14.2.7 d).	F.1.14.2.4 Within designated Rural Settlement Areas all proposed severances that create a new lot and proposed lot additions shall: f) meet the requirements of Section C.5.1, Private Water and Wastewater Services, except as permitted in F.1.14.2.7 d).
F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met: b)All resulting lots shall be: i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Waterwater Services of this Plan, except as permitted in F.1.14.2.7 d); and,	F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met: b)All resulting lots shall be: i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Waterwater Services of this Plan, except as permitted in F.1.14.2.7 d); and,
F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met: b) All resulting lots shall be: iii c) For lands within the Agriculture designation where the lot addition is for <i>agricultural uses</i> the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).	F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met: c) For lands within the Agriculture designation where the lot addition is for <i>agricultural uses</i> the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).
F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met: f) The minimum lot size requirements in F.1.14.2.5 b), c) and d) and e) may also include lands designated as Open Space on Schedule D – Rural Land Use Designations, or identified as within the Natural Heritage System on Schedule B – Natural Heritage System.	F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met: f) The minimum lot size requirements in F.1.14.2.5 b), c) and d) may also include lands designated as Open Space on Schedule D – Rural Land Use Designations, or identified as within the Natural Heritage System on Schedule B – Natural Heritage System.

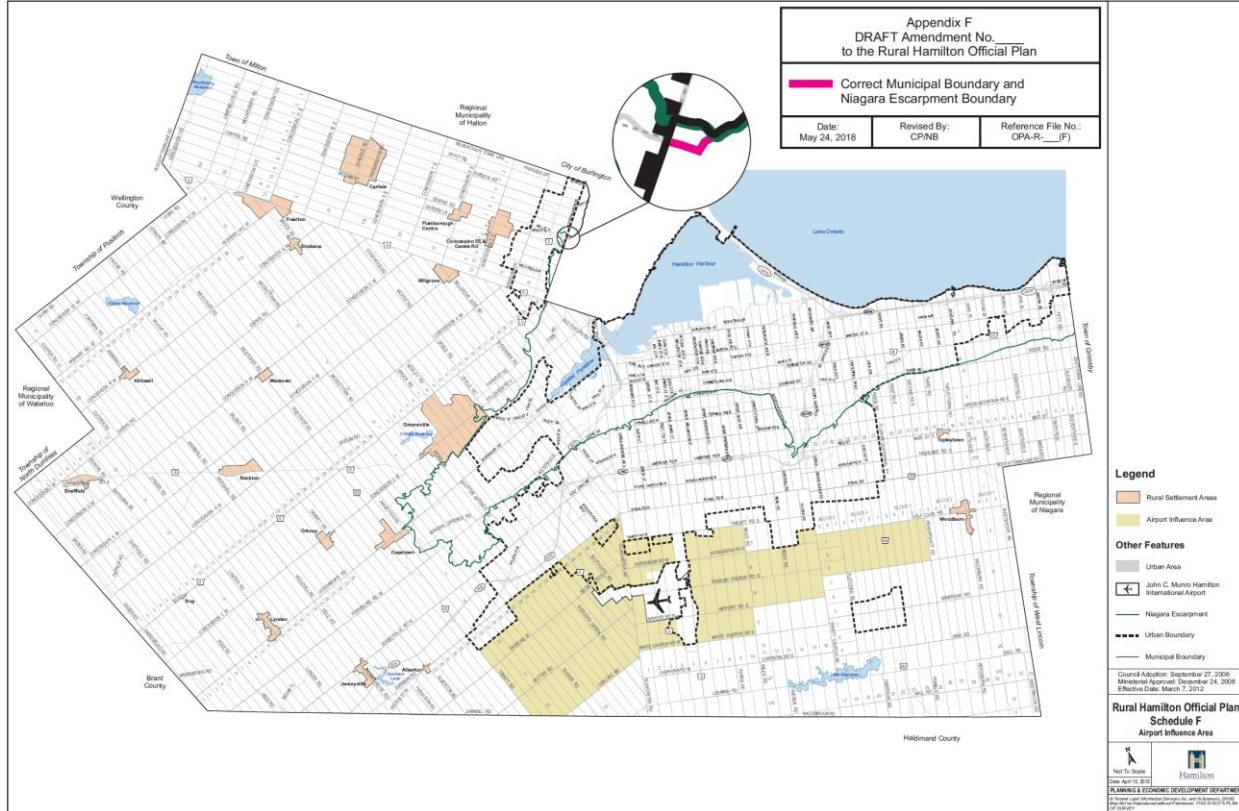
Proposed Change	Proposed New / Revised Policy
Grey highlighted strikethrough text = text to be	Bolded text = text to be added
<p>F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:</p> <p>h) The lands to be severed and conveyed are added to and merged in title with an abutting property or properties.</p>	<p>F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met:</p> <p>h) The lands to be severed and conveyed are added to and merged in title with an abutting property or properties.</p>
<p>F.1.14.2.6 Minor lot line adjustments and minor boundary adjustments may be considered for <i>legal and technical reasons</i> only provided:</p> <p>c) the land area of the lot adjustment does not exceed the land area required to address the legal or technical issue, meet the requirements of Section C.5.1, Private Water and Wastewater Services, and meet F.1.14.2.6 b) and c) above with as little acreage as possible taken out of <i>agricultural use</i>; and,</p>	<p>F.1.14.2.6 Minor lot line adjustments and minor boundary adjustments may be considered for <i>legal and technical reasons</i> only provided:</p> <p>c) the land area of the lot adjustment does not exceed the land area required to address the legal or technical issue, meet the requirements of Section C.5.1, Private Water and Wastewater Services, and meet F.1.14.2.6 b) above with as little acreage as possible taken out of <i>agricultural use</i>; and,</p>
<p>F.1.14.2.7 Notwithstanding In addition to Policy F.1.14.2.6, minor lot additions may be permitted where additional land is required for <i>existing</i> undersized lots to meet all of the applicable requirements of Section C.5.1, Private Water and Wastewater Services, as determined by the City, for <i>existing</i> uses only, provided all of the following are met:</p> <p>c) there is no increased fragmentation of a <i>key natural heritage feature</i> or <i>key hydrologic feature</i>; and,</p> <p>d) the lot being enlarged is not required to demonstrate conformity with Policy C.5.1.1 c), but should generally be a minimum of one acre in size following the lot addition; and,</p> <p>e) the land area of the minor lot addition does not exceed the land area needed to meet the requirements of Section C.5.1, Private Water and Wastewater Services, and F.1.14.2.7 b) and vc) above with as little acreage as possible taken out of agricultural use.</p>	<p>F.1.14.2.7 In addition to Policy F.1.14.2.6, minor lot additions may be permitted where additional land is required for <i>existing</i> undersized lots to meet the applicable requirements of Section C.5.1, Private Water and Wastewater Services, as determined by the City, for <i>existing</i> uses only, provided all of the following are met:</p> <p>c) there is no increased fragmentation of a <i>key natural heritage feature</i> or <i>key hydrologic feature</i>;</p> <p>d) the lot being enlarged is not required to demonstrate conformity with Policy C.5.1.1 c), but should generally be a minimum of one acre in size following the lot addition; and,</p> <p>e) the land area of the minor lot addition does not exceed the land area needed to meet the requirements of Section C.5.1, Private Water and Wastewater Services, and F.1.14.2.7 b) and c) above with as little acreage as possible taken out of agricultural use.</p>

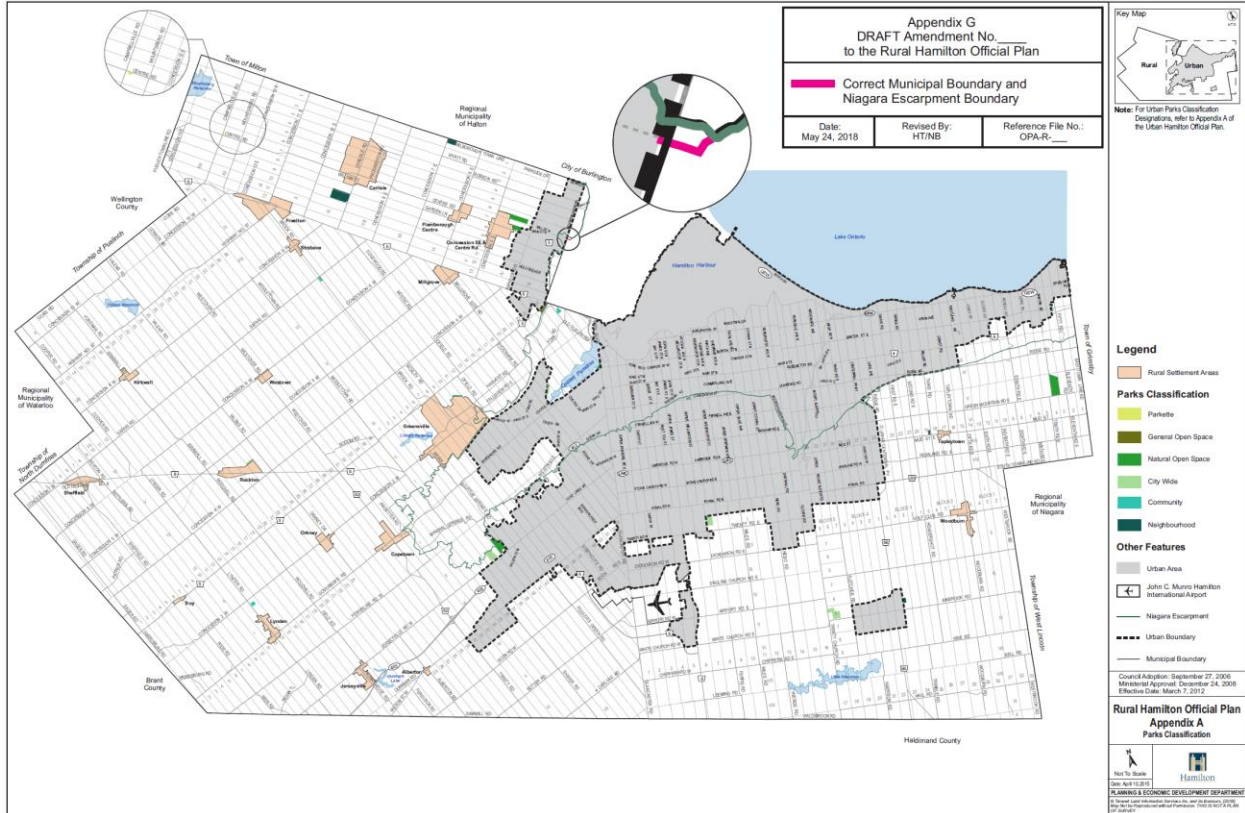
Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be removed Bolded text = text to be added</p>	
<p>Policy F.1.14.2.9 is being deleted in its entirety. Subsection F.1.14.2.9 f) ii) has been renumbered to F.1.14.2.5 h) and re-located.</p> <p>Lot additions shall be permitted in the Rural, Agriculture and Specialty Crop designations provided the following conditions are met:</p> <p>b) No new lots shall be created;</p> <p>c) All lot additions shall comply with Sections F.1.14.2.2 d) ii), iii), iv) and v) of this Plan;</p> <p>d) For lands within the Agriculture designation Section F.1.14.2.1 b) i), c) and d) shall apply;</p> <p>e) For lands within the Specialty Crop designation Section F.1.14.2.1 b) ii), c) and d) shall apply;</p> <p>f) For lands within the Rural designation the following conditions shall apply:</p> <p>i) Where a lot addition severance will result in the creation of a non-agricultural lot, an existing building or structure for an established residential, commercial or industrial use must be located on the proposed non-agricultural lot; and</p> <p>ii) The lands to be severed and conveyed are added to and merged in title with an abutting property or properties.</p>	

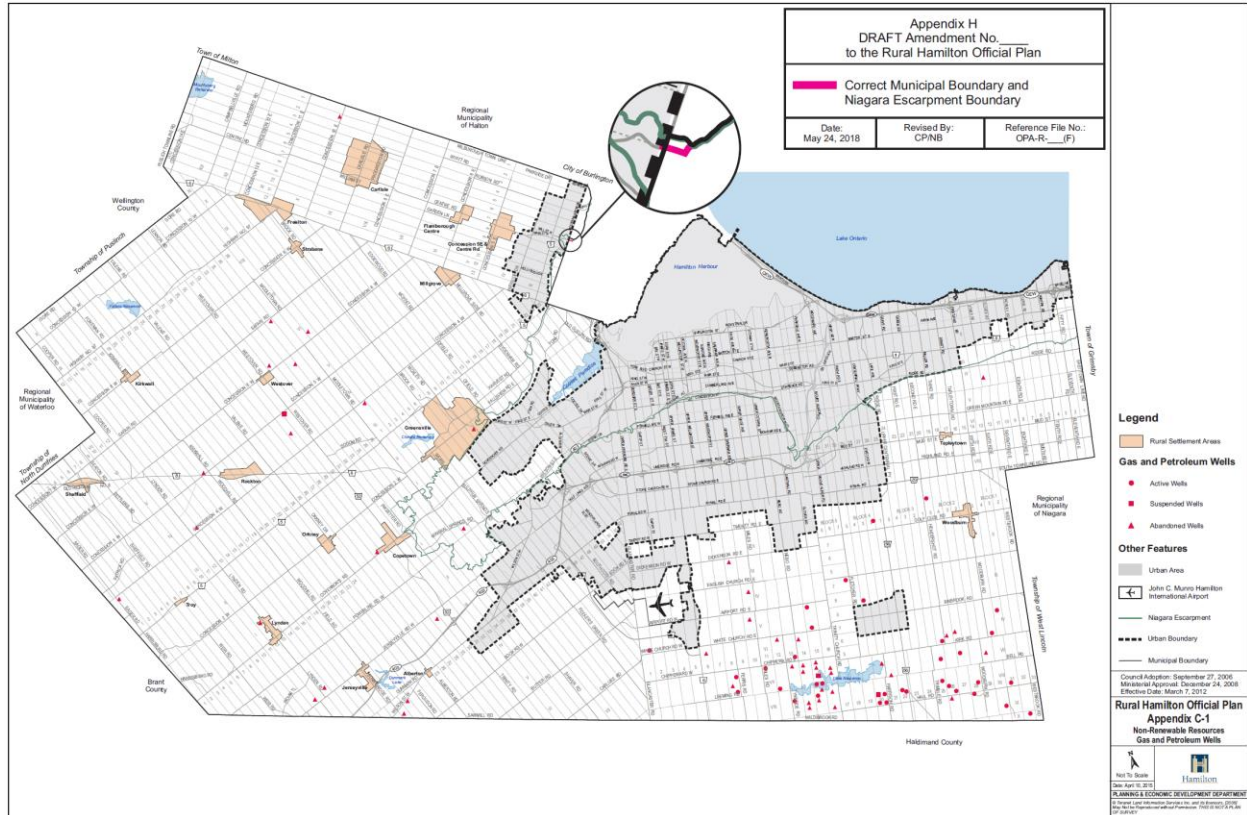


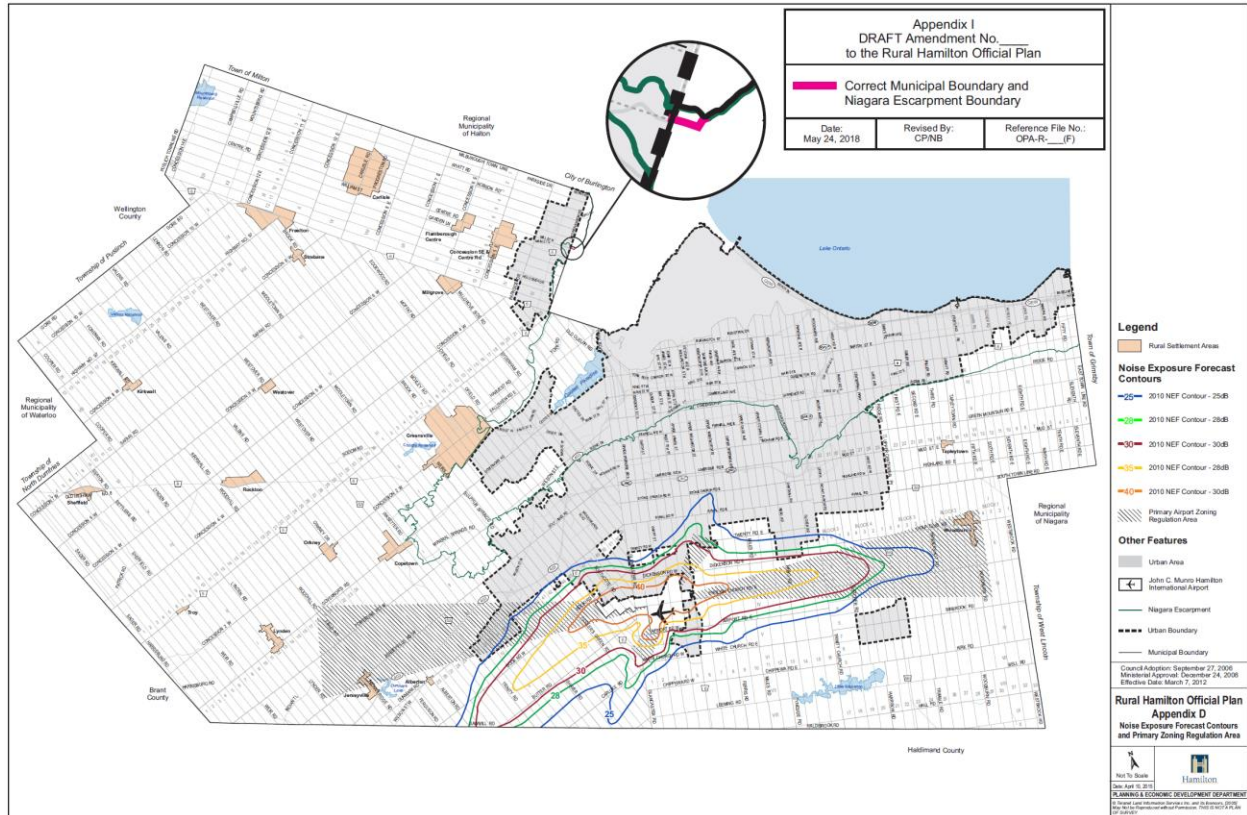


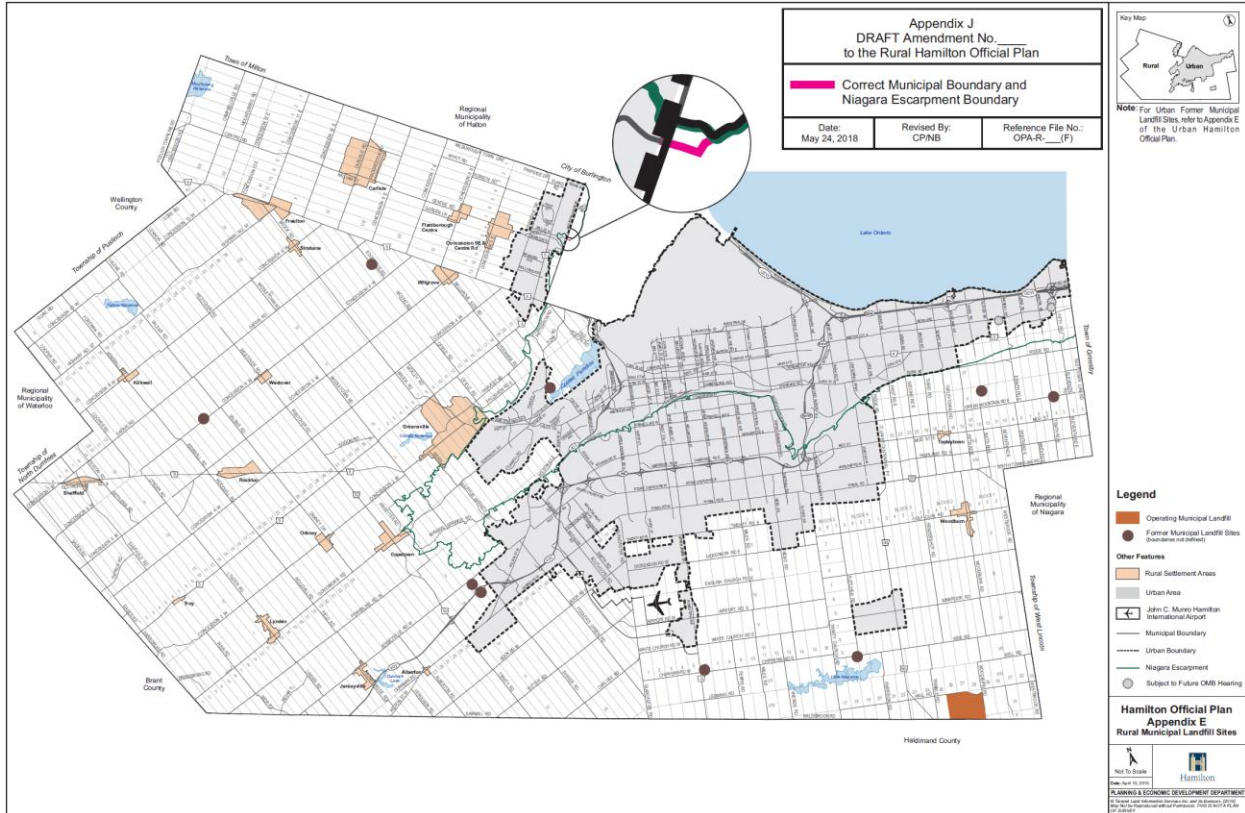






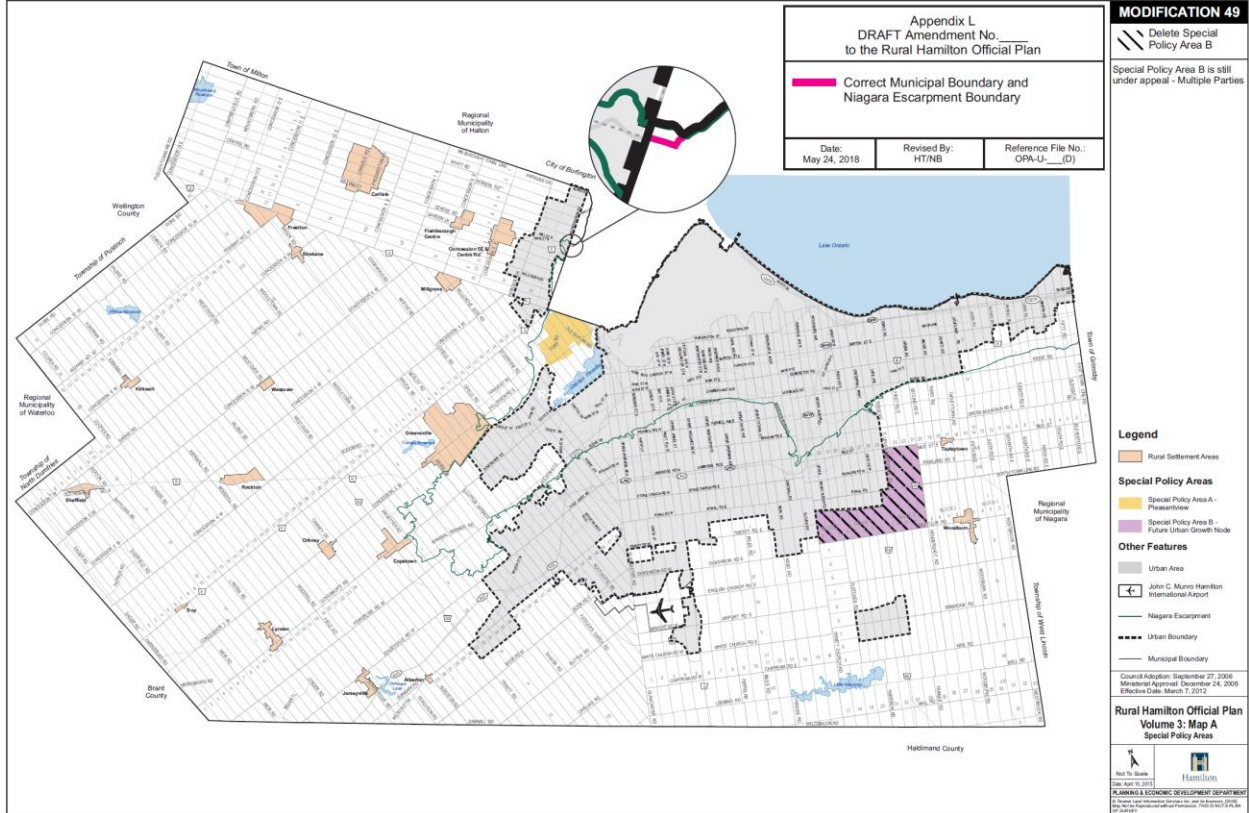


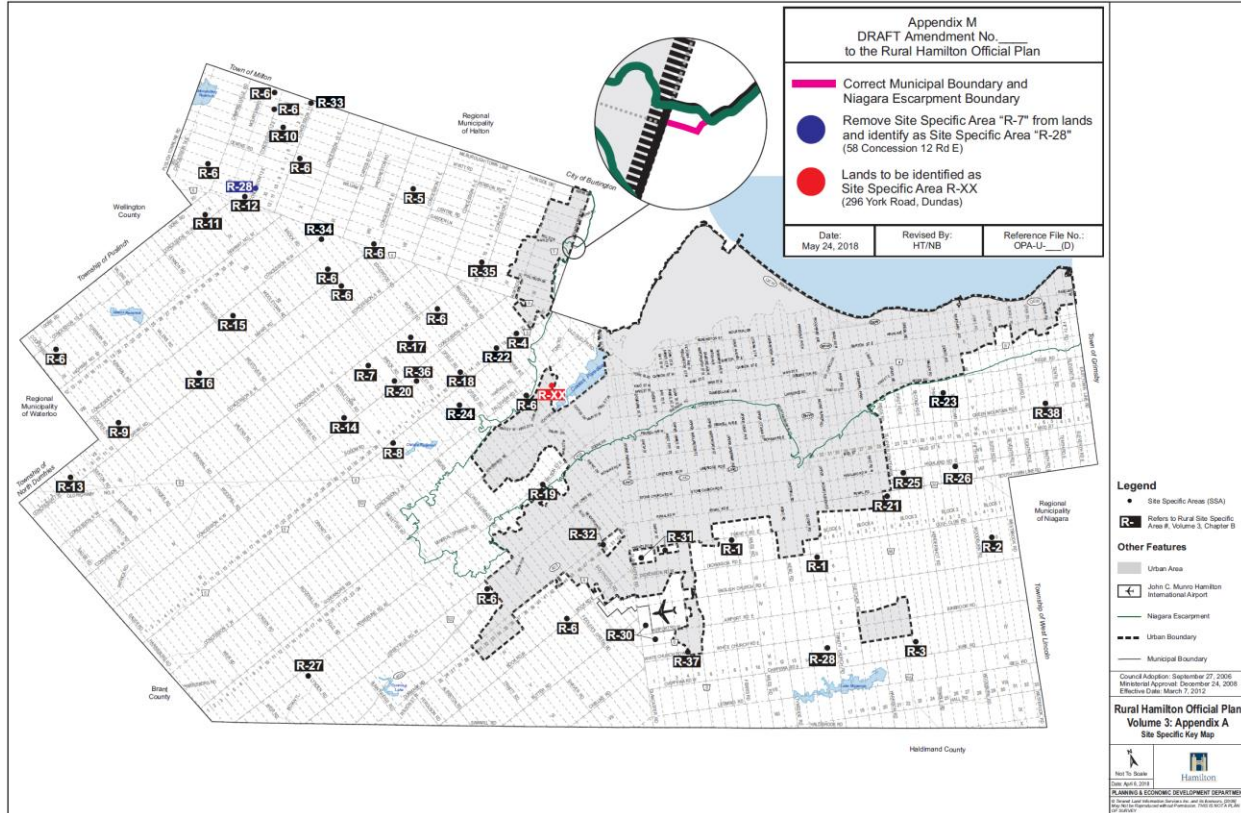




Appendix "K" – Chapter A – Rural Settlement Area Plans

Proposed Change	Proposed New / Revised Policy
<p>Grey highlighted strikethrough text = text to be deleted</p>	<p>Bolded text = text to be added</p>
<p>R-4 Lands known municipally as 159 and 163167 Highway No. 5 West, former Town of Flamborough. 1.0 Notwithstanding Section C.3.3, Open Space of this Plan, the lands designated Open Space, known municipally as 159 and 163167 Highway No. 5 West, shall be used for public or private recreation, golf course and agriculture, together with limited commercial uses which are ancillary to, and support the permitted Open Space uses.</p>	<p>R-4 Lands known municipally as 167 Highway No. 5 West, former Town of Flamborough. 1.0 Notwithstanding Section C.3.3, Open Space of this Plan, the lands designated Open Space, known municipally as 167 Highway No. 5 West, shall be used for public or private recreation, golf course and agriculture, together with limited commercial uses which are ancillary to, and support the permitted Open Space uses.</p>





Schedule "1"

Draft Amendment to the Official Plan of the City of Hamilton

Appendix "A" - Schedule M-2: General Land Use attached hereto, constitutes Official Plan Amendment No. XX to the City of Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this amendment is to redesignate lands within the West Harbour (Setting Sail) Secondary Plan to implement the direction of Ontario Municipal Board (OMB) Decision PL101293 (Decision Date August 9, 2011) to allow for the development of the site for medium density residential purposes.

2.0 Location:

The lands affected by this Amendment are known municipally as 366 Bay Street North, Hamilton.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The Amendment conforms to the Residential policies of the Former City of Hamilton Official Plan;
- The Amendment implements a planning decision of the OMB; and,
- The Amendment is consistent with the Provincial Policy Statement, 2014 conforms to the Growth Plan for the Greater Golden Horseshoe.

4.0 Actual Changes:

Schedule Changes:

4.1.1 That Schedule M-2 – General Land Use – West Harbour Secondary Plan be amended by redesignating lands located at 366 Bay Street North from "Low Density Residential" to "Medium Density Residential 1", as shown on Appendix "A", attached hereto.

5.0 Implementation:

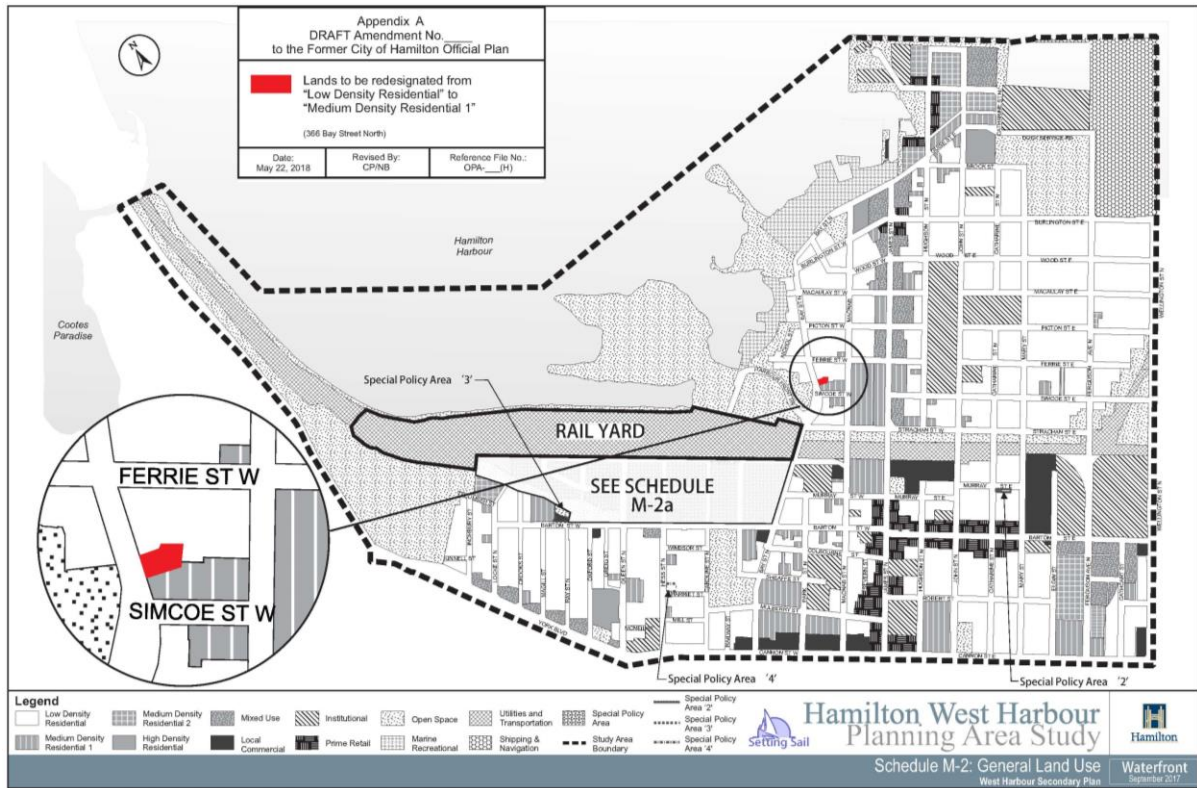
An implementing Zoning By-law will give effect to intended uses on the subject lands.

This is Schedule "1" to By-law No. XX-XXX passed on the XX day of MONTH, 2018.

**The
City of Hamilton**

Fred Eisenberger
MAYOR

CITY CLERK



Proposed Text Amendments - UHOP Volume 1

Grey highlighted strikethrough text = text to be deleted

Bolded text = text to be added

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Volume 1, Chapter B - Communities			
B.3.2.2 Housing Targets	<p>B.3.2.2 Housing Targets</p> <p>The housing targets in Tables B.3.2.1 – Housing Targets – Ownership and B.3.2.2 – Housing Targets - Rental are based on future population growth forecasts to the year 2031 and future housing need. Targets for <i>affordable</i> rental housing are divided into housing <i>affordable for low and moderate income households</i>. Meeting the housing targets for housing <i>affordable for low and moderate income households</i> will require sustainable and predictable funding from senior levels of government.</p>	<p>B.3.2.2 Housing Targets</p> <p>The housing targets in Tables B.3.2.1 – Housing Targets – Ownership and B.3.2.2 – Housing Targets - Rental are based on future population growth forecasts to the year 2031 and future housing need. Targets for <i>affordable</i> rental housing are divided into housing <i>affordable for low and moderate income households</i>. Meeting the housing targets for housing <i>affordable for low and moderate income households</i> will require sustainable and predictable funding from senior levels of government.</p>	To correctly refer to the Housing Targets tables in the section.
B.3.2.2.1	<p>B.3.2.2.1 In addition to projected housing needs based on population forecasts in Table B.3.2.1 – Housing Targets – Ownership, the City has a substantial existing shortage of <i>affordable</i> rental housing. In particular, 12,650 renter households (1 in 5) are currently paying more than 50% of their income on rent (2006 Census) and are at risk of homelessness. This need shall be addressed through a target of 1,265 new annual rent supplements/housing allowances, over a period of ten years (2006 to 2016), in addition to the targets for future new rental housing shown in Table B.3.2.12 – Housing Targets – Rental. This need will require sustainable and predictable funding from senior levels of government to be met.</p>	<p>B.3.2.2.1 In addition to projected housing needs based on population forecasts in Table B.3.2.1 – Housing Targets – Ownership, the City has a substantial existing shortage of <i>affordable</i> rental housing. In particular, 12,650 renter households (1 in 5) are currently paying more than 50% of their income on rent (2006 Census) and are at risk of homelessness. This need shall be addressed through a target of 1,265 new annual rent supplements/housing allowances, over a period of ten years (2006 to 2016), in addition to the targets for future new rental housing shown in Table B.3.2.2 – Housing Targets – Rental. This need will require sustainable and predictable funding from senior levels of government to be met.</p>	To clarify table reference.

Proposed Text Amendments - UHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Volume 1, Chapter C – City Wide Systems and Designations			
C.2.5.1	<p>C.2.5.1 Permitted uses within <i>Core Areas</i> as identified on Schedule B – Natural Heritage System are established through the designations and policies of Chapter E – Urban Systems and Designations and Volume 3 of this Plan. Boundaries of <i>Core Areas</i> and associated vegetation protection zones may be further refined by the completion of an Environmental Impact Statement. Generally, permitted uses in <i>Core Areas</i> shall include:</p> <p>a) to f) in Rural Hamilton Official Plan; g) forest, fish and wildlife management; h) conservation, and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; i) <i>existing</i> uses, in accordance with Section F.1.12 - Existing, Non- Complying and Non- Conforming Uses, and according to the requirements in Section C.2.6 – Environmental Impact Statements; j) <i>passive recreation uses</i> and <i>small scale</i> structures for recreation uses (such as boardwalks, footbridges, fences, docks, and picnic facilities) where permitted by Conservation Authority policies; however, the <i>negative impacts</i> on these features should be minimized; k) in Rural Hamilton Official Plan; and, k) infrastructure projects, in accordance with Section C.5.0 - Infrastructure.</p>	<p>C.2.5.1 Permitted uses within <i>Core Areas</i> as identified on Schedule B – Natural Heritage System are established through the designations and policies of Chapter E – Urban Systems and Designations and Volume 3 of this Plan. Boundaries of <i>Core Areas</i> and associated vegetation protection zones may be further refined by the completion of an Environmental Impact Statement. Generally, permitted uses in <i>Core Areas</i> shall include:</p> <p>a) to f) in Rural Hamilton Official Plan; g) forest, fish and wildlife management; h) conservation, and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; i) <i>existing</i> uses, in accordance with Section F.1.12 - Existing, Non- Complying and Non- Conforming Uses, and according to the requirements in Section C.2.6 – Environmental Impact Statements; j) <i>passive recreation uses</i> and <i>small scale</i> structures for recreation uses (such as boardwalks, footbridges, fences, docks, and picnic facilities) where permitted by Conservation Authority policies; however, the <i>negative impacts</i> on these features should be minimized; k) infrastructure projects, in accordance with Section C.5.0 - Infrastructure.</p>	<p>To clarify that clauses a) to f) are found in the RHOP, not just clause f). To delete reference to clause k), which is not in the RHOP. To subsequently renumber.</p> <p>Small scale structure is not defined in the Glossary, therefore it should not be italicized.</p>

Proposed Text Amendments - UHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Volume 1, Chapter E – Urban Systems and Designations			
E.3.6.6	E.3.6.6.c) Notwithstanding the maximum density requirement in Policy E.3.6.6 b), for smaller sites fronting on arterial roads, an increase in density may be considered, without an amendment to this Plan, provided the policies of this Plan are met.	E.3.6.6.c) Notwithstanding the maximum density requirement in Policy E.3.6.6 b), for smaller sites fronting on arterial roads, an increase in density may be considered, without an amendment to this Plan, provided the policies of this Plan are met.	To clarify policy intent.
E.3.6.7a)	E.3.6.7a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted direct access to a collector or major or minor arterial roads via from a local road upon which but only a small number of low density residential category dwellings are fronting on the local road.	E.3.6.7a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted indirect access to a collector or major or minor arterial roads via a local road upon which only a small number of low density residential dwellings are fronting on the local road.	To clarify policy intent.
Section 5.5. – Employment Area – Airport Employment Growth District Designation Policy E.5.4.4 (second policy)	E.5.4.4 5.4 <i>Ancillary</i> uses shall only be permitted at strategic locations and may contain a gross floor area restriction, as identified in the Airport Employment Growth District Secondary Plan.	E.5.4 <i>Ancillary</i> uses shall only be permitted at strategic locations and may contain a gross floor area restriction, as identified in the Airport Employment Growth District Secondary Plan.	Numbering error.
E.5.6.1	E.5.6.1 The following uses shall be permitted on lands owned by the Hamilton Port Authority, specifically Piers 10 to 15 inclusive, Piers 22 to 27 inclusive, and the canal reserve lands south of the Burlington Ship Canal, excluding Windermere Basin Special Policy Area, identified on Volume 3, Map 2a as “UHOS-1”, and designated “Employment Area – Shipping and Navigation” on Schedule E-1 – Urban Land Use Designations:	E.5.6.1 The following uses shall be permitted on lands owned by the Hamilton Port Authority, specifically Piers 10 to 15 inclusive, Piers 22 to 27 inclusive, and the canal reserve lands south of the Burlington Ship Canal, excluding Windermere Basin Special Policy Area, identified on Volume 3, Map 2a as “UHOS-1”, and designated “Employment Area – Shipping and Navigation” on Schedule E-1 – Urban Land Use Designations:	To cross reference the site specific policy that this policy addresses.

Proposed Text Amendments - UHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Volume 1, Chapter F - Implementation			
New policies to be added – F.1.5.5 to F.1.5.7.	Add new policies to Section F.1.5 – Zoning By-law.	<p>F.1.5.5 There are instances where intended zoning for certain lands in the urban area has not yet been determined, and lands remain zoned for agricultural purposes or have been zoned as a future development zone. These lands may be rezoned to a Future Development zone to allow for the following matters to be addressed:</p> <ul style="list-style-type: none"> a) to implement the provisions of the Urban Hamilton Official Plan, including, but not limited to policies relating to natural heritage and environmental considerations, cultural heritage, built form, urban design, and principle of use; b) to ensure adequate transportation and municipal servicing to support the land use; and, c) to establish phasing to ensure orderly <i>development</i> and/or <i>redevelopment</i> of the lands. <p>F.1.5.6 Until such time as the lands within the Future Development zone are rezoned, the Zoning By-law may permit interim land uses which may include an existing use or other use(s) that is permitted by the Zoning By-law and does not jeopardize the land for future development.</p> <p>F.1.5.7 Council may pass a By-law to rezone all or parts of the lands within the Future Development zone only when the City is satisfied that conditions of Policy F.1.5.5 are met.</p>	To enable to creation of a new zone that ensures orderly development of lands currently zoned for agriculture.
Volume 1, Chapter G - Glossary			
N/A	Add definition of Small Scale to Chapter G - Glossary.	Small Scale: used to describe a permitted or accessory use, shall mean those uses that are characterized by a size and intensity of activity that is clearly secondary to and does not negatively impact the predominant use of the lands or surrounding lands, and which meet the maximum floor area, site coverage and other provisions of the Zoning By-law specific to that use.	Not currently defined in UHOP but defined in RHOP.

Proposed Amendments to Integrated Transportation Network Policies – UHOP Volume 1

~~Grey highlighted strikethrough text~~ = text to be deleted

Bolded text = text to be added

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Chapter C – City Wide Systems and Designations, Section 4.0 – Integrated Transportation Network			
Throughout chapter – terms “Road Widening” and “Road Allowance”	Replace the phrases “Road Widening” and “Road allowance” with the phrase “Right-of-Way Dedication” throughout the entire chapter.	Right-of-Way Dedication	The current wording may be misinterpreted as creating additional vehicular capacity, which is not the intent of the policy. The future dedications are for other purposes such as utility requirements, pedestrian and cycling amenities, wider sidewalks, trees, off-road cycling infrastructure, transit priority measures and not necessarily road widening for additional travel lanes.
Throughout chapter – term “Future Road Widenings”	Replace the phrase “Future Road Widenings” with the phrase “Future Right-of-Way Dedications” throughout the entire chapter.	Future Right-of-Way Dedications	The current wording may be misinterpreted as creating additional vehicular capacity, which is not the intent of the policy. The future dedications are for other purposes such as utility requirements, pedestrian and cycling amenities, wider sidewalks, trees, off-road cycling infrastructure, transit priority measures and not necessarily road widening for additional travel lanes.
C.4.5.2 f) v)	C.4.5.2 f) v) Sidewalks should be provided on one or both sides of the street, but cycling facilities shall not be required.	C.4.5.2 f) v) Sidewalks should be provided on both sides of the street.	As per the Pedestrian Mobility Plan and the City of Hamilton Comprehensive Development Guidelines and Financial Policies Manual (PED12165(a)) (City Wide) (Item 7.1) requires sidewalk on both sides of all streets.

Proposed Amendments to Integrated Transportation Network Policies – UHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
C.4.5.6	<p>Road Widening C.4.5.6 The City shall reserve or obtain road widenings for rights-of-way right-of-way dedications as described in Schedule C-2 – Future Road Widenings Right-of-Way Dedications. Where a road right-of-way is not described in Schedule C-2 – Future Road Widenings Right-of-Way Dedications, the City shall reserve or obtain road widenings dedications for rights-of-ways as described in Section C.4.5.2. The aforesaid road widenings dedications shall be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.</p>	<p>Road Widening C.4.5.6 The City shall reserve or obtain right-of-way dedications as described in Schedule C-2 – Future Right-of-Way Dedications. Where a right-of-way is not described in Schedule C-2 – Future Right-of-Way Dedications, the City shall reserve or obtain dedications for right-of-ways as described in Section C.4.5.2. The aforesaid dedications shall be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.</p>	<p>The current wording may be misinterpreted as creating additional vehicular capacity, which is not the intent of the policy. The future dedications are for other purposes such as utility requirements, pedestrian and cycling amenities, wider sidewalks, trees, off-road cycling infrastructure, transit priority measures and not necessarily road widening for additional travel lanes.</p>

Proposed Amendments to Integrated Transportation Network Policies – UHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
C.4.5.6.3 b)	<p>C.4.5.6.3 Where a proposed development is subject to site plan approval as detailed in Policy F.1.7 – Site Plan Control, the following provisions shall apply:</p> <p>b) Where feasible, the City shall acquire land through dedication, equally from both sides of the road unless otherwise specified. However, in the built up areas of the City, it may be necessary to acquire more than half of the total dedication from one side of the road right-of-way. Where the City requires more than one half of the widening from one side of the road right-of-way, the City shall require, from said side of the road right-of-way, dedication at no cost to the City of one half of the total proposed widening and shall acquire the remaining land required for the road right-of-way widening-dedication through gift, bequeathment, purchase, expropriation or other methods.</p>	<p>C.4.5.6.3 Where a proposed development is subject to site plan approval as detailed in Policy F.1.7 – Site Plan Control, the following provisions shall apply:</p> <p>b) Where feasible, the City shall acquire land through dedication, equally from both sides of the road unless otherwise specified. However, in the built up areas of the City, it may be necessary to acquire more than half of the total dedication from one side of the right-of-way. Where the City requires more than one half of the widening from one side of the right-of-way, the City shall require, from said side of the right-of-way, dedication at no cost to the City of one half of the total proposed widening and shall acquire the remaining land required for the right-of-way dedication through gift, bequeathment, purchase, expropriation or other methods.</p>	<p>The current wording may be misinterpreted as creating additional vehicular capacity, which is not the intent of the policy. The future dedications are for other purposes such as utility requirements, pedestrian and cycling amenities, wider sidewalks, trees, off-road cycling infrastructure, transit priority measures and not necessarily road widening for additional travel lanes.</p>

Proposed Amendments to Integrated Transportation Network Policies – UHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
C.4.5.6.5	<p>C.4.5.6.5 ...it is not feasible or desirable to widen an existing road allowance right-of-way to the maximum road widening right-of-way width or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Road Widening Right-of-Way Dedications, or Section C.4.5.7, and that the City's objectives for sustainable infrastructure, complete streets and mobility can be achieved; or, b) An alternative road right-of-way width or daylighting triangle size has been deemed appropriate through a City initiated environmental assessment, streetscape master plan, area master plan, secondary planning study, or other transportation or planning study approved by Council, and provided it does not affect the safe and planned operation of the roadway. (OPA 49)</p>	<p>C.4.5.6.5 ...it is not feasible or desirable to widen an existing right-of-way to the maximum right-of-way width or provide the full daylight triangle as set in Section C.4.5.2, Schedule C-2 – Future Right-of-Way Dedications, or Section C.4.5.7, and that the City's objectives for sustainable infrastructure, complete streets and mobility can be achieved; or, b) An alternative right-of-way width or daylighting triangle size has been deemed appropriate through a City initiated environmental assessment, streetscape master plan, area master plan, secondary planning study, or other transportation or planning study approved by Council, and provided it does not affect the safe and planned operation of the roadway. (OPA 49)</p>	<p>The current wording may be misinterpreted as creating additional vehicular capacity, which is not the intent of the policy. The future dedications are for other purposes such as utility requirements, pedestrian and cycling amenities, wider sidewalks, trees, off-road cycling infrastructure, transit priority measures and not necessarily road widening for additional travel lanes.</p>
C.4.5.6.7	<p>C.4.5.6.7 Notwithstanding Section C.4.5.6, the City shall interpret the required right-of-way widths detailed in Section C.4.5.2 and Schedule C-2 – Future Road Widening Right-of-Way Dedications, where applicable to denote only the basic requirement for the section of the road right-of-way.</p>	<p>C.4.5.6.7 Notwithstanding Section C.4.5.6, the City shall interpret the required right-of-way widths detailed in Section C.4.5.2 and Schedule C-2 – Future Right-of-Way Dedications, where applicable to denote only the basic requirement for the section of the right-of-way.</p>	<p>The current wording may be misinterpreted as creating additional vehicular capacity, which is not the intent of the policy. The future dedications are for other purposes such as utility requirements, pedestrian and cycling amenities, wider sidewalks, trees, off-road cycling infrastructure, transit priority measures and not necessarily road widening for additional travel lanes.</p>

Proposed Amendments to Integrated Transportation Network Policies – UHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Schedule C-2 – Future Road Widening			
Schedule C-2 - Future Road Widening	Amend title of Schedule in header and in main body.	Future Right-of-Way Dedications	To reflect new chapter title.
Schedule C-2 - Future Road Widening	Add one entry: Barton Street East from Wellington Street North to Ottawa Street North – 26.213	Barton Street East from Wellington Street North to Ottawa Street North – 26.213	Reflects existing built form and consistent with planning decisions and ROW dedications through this section of Barton Street.
Schedule C-2 - Future Road Widening	Add one entry: Charlton Street from Queen Street to Dundurn Street – 20.117	Charlton Street from Queen Street to Dundurn Street – 20.117	Based on an approved ROW impact assessment. This section of the corridor was revised based on input from affected departments regarding their servicing requirements.
Schedule C-2 - Future Road Widening	Modify one entry: Dartnall Road from Lincoln Alexander Parkway to Hydro Corridor Rymal Road East – 36.576	Dartnall Road from Lincoln Alexander Parkway to Rymal Road East – 36.576	Correct duplication of road section
Schedule C-2 - Future Road Widening	Modify one entry: Highway 8 from King Street E Donn Ave to East City Limits – 36.576.	Highway 8 from Donn Ave to East City Limits – 36.576.	Adding in missing section of the road
Schedule C-2 - Future Road Widening	Add new entry as follows: John Street from St. Joseph’s Drive to Augusta Street – 30.480	John Street from St. Joseph’s Drive to Augusta Street – 30.480	Based on an approved ROW impact assessment. This section of the corridor was revised based on input from affected departments regarding their servicing requirements.

Proposed Amendments to Integrated Transportation Network Policies – UHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Schedule C-2 - Future Road Widenings	Add a new entry as follows: Lawrence Road from Gage Avenue South to King Street East – 26.213	Lawrence Road from Gage Avenue South to King Street East– 26.213	Based on an approved ROW impact assessment. This section of the corridor was revised based on input from affected departments regarding their servicing requirements.
Schedule C-2 - Future Road Widenings	Modify one entry, as follows: Nash Road from End (Kenora Ave) to Barton Street King Street East – 26.213	Nash Road from End (Kenora Ave) to King Street East – 26.213	To add missing section that was in Chapter C
Schedule C-2 - Future Road Widenings	Modify one entry: Nebo Road from Rymal Road Stone Church Road East to Dartnall Road Extension - 30.480	Nebo Road from Stone Church Road East to Dartnall Road Extension - 30.480	To add missing section that was in Chapter C
Schedule C-2 - Future Road Widenings	Add one entry: Scenic Drive from Upper Paradise Road to Garth Street – 30.480	Scenic Drive from Upper Paradise Road to Garth Street – 30.480	Based on an approved ROW impact assessment. This section of the corridor was revised based on input from affected departments regarding their servicing requirements.
Schedule C-2 - Future Road Widenings	Modify one entry: Springbrook Road Avenue from Meadowlands Boulevard to Garner Road East - 20.117	Springbrook Avenue from Meadowlands Boulevard to Garner Road East - 20.117	Based on an approved ROW impact assessment. This section of the corridor was revised based on input from affected departments regarding their servicing requirements.
Schedule C-2 - Future Road Widenings	Modify one entry: Twenty Road West (south side only) from Smith Road to Upper James Street – 37	Twenty Road West (south side only) from Smith Road to Upper James Street – 37	Based on an approved ROW impact assessment. This section of the corridor was revised based on input from affected departments regarding their servicing requirements.

Proposed Amendments to Integrated Transportation Network Policies – UHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Schedule C-2 - Future Road Widenings	Modify one entry: Winterberry Drive from Highland Road W. to Old Mud Street Paramount Drive – 26.213	Winterberry Drive from Highland Road W. to Paramount Drive – 26.213	City of Hamilton already has the 30.480 metres on Winterberry Drive from Paramount Drive to Old Mud Street, therefore only a portion of the road will require only a 26.213 metre ROW.
Schedule C-2 - Future Road Widenings	Add one entry: Winterberry Drive from Paramount Drive to Old Mud Street – 30.480	Winterberry Drive from Paramount Drive to Old Mud Street – 30.480	City of Hamilton already has the 30.480 metres on Winterberry Drive from Paramount Drive to Old Mud Street.

Proposed Text Amendments - UHOP Volume 2

Grey highlighted strikethrough text = text to be deleted

Bolded text = text to be added

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Chapter B, Section B.2 – Ancaster Secondary Plans			
B.2.2.1.5 a) Shaver Neighbourhood Secondary Plan	B.2.2.1.5 High Density Residential 1 Designation Notwithstanding Section E.3.6 – High Density Residential Policy E.3.6.6 of Volume 1, and Policy B.2.2.1.2 a) of Volume 2, the following policies shall apply to the High Density Residential 1 designation identified on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan:	B.2.2.1.5 High Density Residential 1 Designation Notwithstanding Policy E.3.6.6 of Volume 1, and Policy B.2.2.1.2 a) of Volume 2, the following policies shall apply to the High Density Residential 1 designation identified on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan:	To clarify the intent of the policy, which is only to notwithstanding one Volume 1 policy, not the entirety of the section.
B.2.3.2.1 Garner Neighbourhood Secondary Plan	2.3.2.1 In addition to Section E.3.8 – Local Commercial Designation and Notwithstanding Section E.3.8 – Local Commercial Policy E.3.8.8 of Volume 1, the following policies shall apply to the lands designated Local Commercial on Map B.2.3-1 – Garner Neighbourhood – Land Use Plan: ...	2.3.2.1 In addition to Section E.3.8 – Local Commercial Designation and notwithstanding Policy E.3.8.8 of Volume 1, the following policies shall apply to the lands designated Local Commercial on Map B.2.3-1 – Garner Neighbourhood – Land Use Plan: ...	To clarify the intent of the policy, which is only to notwithstanding one Volume 1 policy, not the entirety of the section.
B.2.4.4.2 Meadowlands Mixed Use Secondary Plan	2.4.4.2 Low Density Residential 2c Designation Notwithstanding Policies Policy E.3.4.4 of Volume 1, the following policies policy shall apply to the lands designated Low Density Residential 2c on Map B.2.4-1 – Meadowlands Mixed Use – Land Use Plan: a) the density shall not exceed of 25 units per net hectare (including local roads).	2.4.4.2 Low Density Residential 2c Designation Notwithstanding Policy E.3.4.4 of Volume 1, the following policy shall apply to the lands designated Low Density Residential 2c on Map B.2.4-1 – Meadowlands Mixed Use – Land Use Plan: a) the density shall not exceed of 25 units per net hectare (including local roads).	To clarify that only one policy is being notwithstood and that only one new policy applies.
B.2.7.6.4 (Site Specific Policy – Area D)	Site Specific Policy – Area D B.2.7.6.4 A 24 unit, 3 storey apartment building shall be permitted at 8686 Golf Links Road on lands designated Medium Density Residential 3 and identified as Site Specific Policy – Area D on Map B.2.7-1 – Meadowlands Neighbourhood V - Land Use Plan.	Site Specific Policy – Area D B.2.7.6.4 A 24 unit, 3 storey apartment building shall be permitted at 886 Golf Links Road on lands designated Medium Density Residential 3 and identified as Site Specific Policy – Area D on Map B.2.7-1 – Meadowlands Neighbourhood V - Land Use Plan.	To correct inaccurate address.

Proposed Text Amendments - UHOP Volume 2

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
B.2.8.8.4 h) Ancaster Wilson Street Secondary Plan	Village Core Area ... h) Commercial facilities to be encouraged with within the Village Core area may include retail stores, service commercial uses, banks, restaurants with sit-down service, and offices. The lands to be used for commercial purposes shall be those lands that front onto Wilson Street.	Village Core Area ... h) Commercial facilities to be encouraged within the Village Core area may include retail stores, service commercial uses, banks, restaurants with sit-down service, and offices. The lands to be used for commercial purposes shall be those lands that front onto Wilson Street.	To correct typographic error.
B.2.8.16 Ancaster Wilson Street Secondary Plan	2.8.16 Area and Site-Specific Policies The sites within the Ancaster Wilson Street Secondary Plan, which are identified as Site Specific Policy Areas and identified on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan: Land Use Plan, include: _____ a) Site Specific Policy Area A _____ 437 Wilson Street East; _____ b) Site Specific Policy Area B _____ Part of 449 Wilson Street East and part _____ of 548 Old Dundas Road; _____ c) Site Specific Policy Area C _____ 143 and 153 Wilson Street West; _____ d) Site Specific Policy Area D _____ 129-139 Wilson Street West _____ e) Site Specific Policy Area E _____ 357 Wilson Street East; _____ f) Site Specific Policy Area F _____ 385 Wilson Street East; _____ g) Site Specific Policy Area G _____ 370 Wilson Street East; and, _____ h) Site Specific Policy Area H _____ 54 Wilson Street West.	2.8.16 Area and Site Specific Policies	To correct section title. To reduce unnecessary list and reduce requirement for future amendments to this policy. To create consistency in formatting between secondary plans.

Proposed Text Amendments - UHOP Volume 2

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Chapter B, Section B.4 – Flamborough Secondary Plans			
B.4.1.1 West Waterdown Secondary Plan	4.1.1 Residential Designations The residential policies define the location and scale of each type of residential use and shall ensure that a variety of housing types are provided to meet the requirements needs of residents of the City and provincial policy requirements by providing a range of dwelling types.	4.1.1 Residential Designations The residential policies define the location and scale of each type of residential use and shall ensure that a variety of housing types are provided to meet the needs of residents of the City and provincial policy requirements.	To clarify intent and correct grammatical errors.
B.4.2.14.4 Waterdown North Secondary Plan	Area Specific Policy – Area D (OPA 37) 4.2.14.4 In addition to Sections E.3.4 – Low Density Residential and E.3.5 – Medium Density Residential of Volume 1, the following policies shall apply to the lands identified as Area Specific Policy – Area D on Map B.4.2-1 – Waterdown North – Land Use Plan: a) Notwithstanding Policies E.3.5.2 and E.3.5.8 of Volume 1, and Policy B.4.2.4.5 a), for the lands designated Medium Density Residential 3, permitted uses shall be restricted to block townhouses with a maximum height of 3 stories. b) Notwithstanding Policy Policies B.4.2.4.4 c) and B.4.2.4.5 b), a maximum density of 48 units per net residential hectare shall be permitted.	Area Specific Policy – Area D (OPA 37) 4.2.14.4 In addition to Sections E.3.4 – Low Density Residential and E.3.5 – Medium Density Residential of Volume 1, the following policies shall apply to the lands identified as Area Specific Policy – Area D on Map B.4.2-1 – Waterdown North – Land Use Plan: a) Notwithstanding Policies E.3.5.2 and E.3.5.8 of Volume 1, and Policy B.4.2.4.5 a), for the lands designated Medium Density Residential 3, permitted uses shall be restricted to block townhouses with a maximum height of 3 stories. b) Notwithstanding Policies B.4.2.4.4 c) and B.4.2.4.5 b), a maximum density of 48 units per net residential hectare shall be permitted.	The boundaries of the Area Specific Policy were expanded to add lands designated Medium Density Residential 3. Therefore, the policy needs to cross-reference appropriate policies and refer to the correct land use designation.
B.4.3.3.7 Waterdown South Secondary Plan	4.3.3.7 Medium Density Residential 2 Designation In addition to the policies of Section E.3.5 - Medium Density Residential of Volume 1, the following policies shall apply to the lands designated Medium Density Residential 2 on Map B.4.3-1 - Waterdown South - Land Use Plan: ... b) The overall density of lands designated Medium Density Residential 2 shall be in the range of 60 to 75 units per net residential hectare (upnrh).	4.3.3.7 Medium Density Residential 2 Designation In addition to the policies of Section E.3.5 - Medium Density Residential of Volume 1, the following policies shall apply to the lands designated Medium Density Residential 2 on Map B.4.3-1 - Waterdown South - Land Use Plan: ... b) The overall density of lands designated Medium Density Residential 2 shall be in the range of 60 to 75 units per net residential hectare (upnrh).	To clarify that policies apply to lands designated Medium Density Residential 2.

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Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Chapter B, Section B.5 – Glanbrook Secondary Plans			
B.5.1.13.7 Binbrook Village Secondary Plan	Site Specific Policy – Area G (OPA 51) 5.1.13.7 That notwithstanding Section E.4.3.4 (d) of Volume 1 – Pedestrian Predominant Streets, the The following policy shall apply to the lands located at 2605 Binbrook Road East (lands located at the southwest corner of Binbrook Road East and Southbrook Drive), and identified as Site Specific Policy – Area G on Map B.5.1.1-1 – Binbrook Village Secondary Plan Land Use Plan: a) Notwithstanding Policy E.4.3.4 (d) of Volume 1 – Pedestrian Predominant Streets, residential units shall be permitted on the ground floor of a mixed use building facing onto Binbrook Road East or Southbrook Drive, provided that the residential units are not located within any portion of the building immediately adjacent to Binbrook Road East or Southbrook Drive.	Site Specific Policy – Area G (OPA 51) 5.1.13.7 The following policy shall apply to the lands located at 2605 Binbrook Road East (lands located at the southwest corner of Binbrook Road East and Southbrook Drive), and identified as Site Specific Policy – Area G on Map B.5.1.1-1 – Binbrook Village Secondary Plan Land Use Plan: a) Notwithstanding Policy E.4.3.4 (d) of Volume 1 – Pedestrian Predominant Streets, residential units shall be permitted on the ground floor of a mixed use building facing onto Binbrook Road East or Southbrook Drive, provided that the residential units are not located within any portion of the building immediately adjacent to Binbrook Road East or Southbrook Drive.	Redundancy of notwithstanding clause to be deleted.
B.5.1.13.12 Binbrook Village Secondary Plan	Area Specific Policy – Area L (OPA 80) 5.1.13.12 In addition to Policy B.1.8 (Volume 2), for the lands known municipally as 3105 Fletcher Road, designated Low Density Residential 2e and identified as Area Specific Policy – Area L on Map B.5.1-1 – Binbrook Village Secondary Plan, the deletion of a local road from the road pattern shown on Maps B.5.1-1 and B.5.1-2 shall be permitted without a further amendment to the Binbrook Village Secondary Plan - Land Use Plan , if it is determined that such a road is not needed to connect to lands immediately to the east without a further amendment to the Binbrook Village Land Use Plan.	Area Specific Policy – Area L (OPA 80) 5.1.13.12 In addition to Policy B.1.8 (Volume 2), for the lands known municipally as 3105 Fletcher Road, designated Low Density Residential 2e and identified as Area Specific Policy – Area L on Map B.5.1-1 – Binbrook Village Secondary Plan, the deletion of a local road from the road pattern shown on Maps B.5.1-1 and B.5.1-2 shall be permitted without a further amendment to the Binbrook Village Secondary Plan - Land Use Plan, if it is determined that such a road is not needed to connect to lands immediately to the east.	Incorrect numbering and text changes for clarity.

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Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Chapter B, Section B.6 – Hamilton Secondary Plans			
B.6.2.17 Ainslie Wood Westdale Secondary Plan	6.2.17 Area and Site Specific Policies Area and Site Specific Policies are designated to address specific areas or sites for which the identification of future land designations and policies involves a greater degree of complexity. The policies in this section provide more detailed guidance than contained in the other sections of this Secondary Plan. These areas and sites include large parcels with options for future use, and for which performance standards are especially important.	6.2.17 Area and Site Specific Policies Area and Site Specific Policies are designated to address specific areas or sites for which the identification of future land designations and policies involves a greater degree of complexity. The policies in this section provide more detailed guidance than contained in the other sections of this Secondary Plan. These areas and sites include large parcels with options for future use, and for which performance standards are especially important.	To clarify the section title.
B.6.2.17.1 Ainslie Wood Westdale Secondary Plan	Delete policy in its entirety and renumber subsequent policies accordingly. 6.2.17.1 The sites within the Ainslie Wood Westdale community which are defined as Site Specific Policies and identified on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan are: a) Site Specific Policy – Area A – McMaster University; b) Site Specific Policy – Area B – Lands at the West End of Ward and Royal Avenues (Henkel site); and, c) Site Specific Policy – Area C – Lands located 20, 22, 28, 45, 58 and 60 Ewen Road, and 5 Ofield Road.		To reduce unnecessary list and reduce requirement for future amendments to this policy. To create consistency in formatting between secondary plans.
B.6.2.17.5 Ainslie Wood Westdale Secondary Plan	6.2.17.5 Notwithstanding Policies B.6.2.5.5 a) and b), E.4.6.7 and E.4.6.8 of Volume 1 , and Policies B.6.2.7.2 b) of Volume 2, for the lands designated Mixed Use – Medium Density, located at 17 Ewen Road, and identified as Site Specific Policy – Area D on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan, the following policies shall apply:	6.2.17.5 Notwithstanding E.4.6.7 and E.4.6.8 of Volume 1, for the lands designated Mixed Use – Medium Density, located at 17 Ewen Road, and identified as Site Specific Policy – Area D on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan, the following policies shall apply:	This policy notwithstanding the secondary plan High Density Residential policies, and instead the policy should notwithstanding the Mixed Use –Medium Density policies of Volume 1. Error from OMB decision.

Proposed Text Amendments - UHOP Volume 2

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
B.6.2.17.7 Ainslie Wood Westdale Secondary Plan	6.2.17.7 In addition to Policy B.6.2.17.6 , the following policies shall apply to the lands located on Main Street between Hollywood Avenue and Highway 403, designated Mixed Use – Medium Density, and identified as Area Specific Policy – Area E on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan:	6.2.17.7 In addition to Policy B.6.2.17.6, the following policies shall apply to the lands located on Main Street between Hollywood Avenue and Highway 403, designated Mixed Use – Medium Density, and identified as Area Specific Policy – Area E on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan:	To clarify that both policies B.6.2.17.6 and B.6.2.17.7 apply.
B.6.3.7.1 Chedmac Secondary Plan	Site Specific Policy - Area A (OPA 56) 6.3.7.1 For the lands located at 1 Redfern Avenue, designated Medium Density Residential 3, and identified as Area Specific Policy Area A on Map B.6.3.1 - Chedmac Secondary Plan - Land Use Plan, the following policies shall apply: a) Notwithstanding Policies E.3.5.6 and E.3.5.7 of Volume 1, and Policy B.6.3.2.4 of Volume 2 , the following policies shall apply: ...	Site Specific Policy - Area A (OPA 56) 6.3.7.1 For the lands located at 1 Redfern Avenue, designated Medium Density Residential 3, and identified as Area Specific Policy Area A on Map B.6.3.1 - Chedmac Secondary Plan - Land Use Plan, the following policies shall apply: a) Notwithstanding Policies E.3.5.6 and E.3.5.7 of Volume 1, and Policy B.6.3.2.4 of Volume 2, the following policies shall apply: ...	Required due to addition of Medium Density Residential 3 policy to secondary plan as per OMB Decision issued on June 22, 2012 and Case Number PL100691 (refer to Appendix “E” of Report PED18148).
B.6.4.4.4 West Hamilton Innovation District	6.4.4.4 In addition to Sections B.3.3 - Urban Design and E.4.8 – Arterial Commercial Areas E.4.7 – District Commercial Designation of Volume 1, the following policies shall apply to development of lands within the Arterial District Commercial designation on Map B.6.4-1 - West Hamilton Innovation District Land Use Plan:	6.4.4.4 In addition to Sections B.3.3 - Urban Design and E.4.7 – District Commercial Designation of Volume 1, the following policies shall apply to development of lands within the District Commercial designation on Map B.6.4-1 - West Hamilton Innovation District Land Use Plan:	Incorrect designation reference – lands are designated District Commercial.

Proposed Text Amendments - UHOP Volume 2

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Chapter B, Section B.7– Stoney Creek Secondary Plans			
B.7.2.2.4 Old Town Secondary Plan	<p>7.2.2.4 High Density Residential 1 Designation In addition to Section E.3.6 – High Density Residential of Volume 1, the following policies policy shall apply to the lands designated High Density Residential 1 on Map B.7.2-1 – Old Town – Land Use Plan:</p> <p>a) Notwithstanding Policy E.3.6.6 of Volume 1, the density range for development shall be from 100 to 200 units per net residential hectare.</p> <p>b) Notwithstanding Policies E.3.6.2 and E.3.6.3 of Volume 1, permitted uses shall include apartment buildings above six storeys in height.</p> <p>e) a) High density residential uses should be located within the Stoney Creek Community Node and along Queenston Road.</p>	<p>7.2.2.4 High Density Residential 1 Designation In addition to Section E.3.6 – High Density Residential of Volume 1, the following policy shall apply to the lands designated High Density Residential 1 on Map B.7.2-1 – Old Town – Land Use Plan:</p> <p>a) High density residential uses should be located within the Stoney Creek Community Node and along Queenston Road.</p>	Policies duplicate Volume 1 policies.
B.7.2.8.4 Old Town Secondary Plan	<p>B.7.2.8.4 For the lands identified as Site Specific Policy – Area D on Map B.7.2.1 - Old Town - Land Use Plan - designated as "Local Commercial" and known as 60, 8 and 72 Centennial Parkway South, the following policy shall apply:</p> <p>a) That notwithstanding Policy B.7.2.4.1 b) of Volume 2 upon the redevelopment of the subject lands, the maximum gross floor area for medical clinic uses shall be 1,203 square metres, the maximum gross floor area for retail uses combined shall be 402 square metres and the total maximum gross floor area shall be 1,605 square metres."</p>	<p>B.7.2.8.4 For the lands identified as Site Specific Policy – Area D on Map B.7.2.1 - Old Town - Land Use Plan - designated as "Local Commercial" and known as 60, 8 and 72 Centennial Parkway South, the following policy shall apply:</p> <p>a) That notwithstanding Policy B.7.2.4.1 b) of Volume 2 upon the redevelopment of the subject lands, the maximum gross floor area for medical clinic uses shall be 1,203 square metres, the maximum gross floor area for retail uses combined shall be 402 square metres and the total maximum gross floor area shall be 1,605 square metres."</p>	To clarify which Volume.
7.5.4.2 b) i) Nash Neighbourhood Secondary Plan	<p>7.5.4.2 b) Medium Density Residential 3 Designation:</p> <p>i) Notwithstanding Policy Policies E.3.5.3 and E.3.5.8 of Volume 1, apartment buildings and street and block townhouses shall be permitted providing that heights do not exceed eight storeys.</p>	<p>7.5.4.2 b) Medium Density Residential 3 Designation:</p> <p>i) Notwithstanding Policies E.3.5.3 and E.3.5.8 of Volume 1, apartment buildings and street and block townhouses shall be permitted providing that heights do not exceed eight storeys.</p>	To clarify the intent to permit certain forms of development in this designation, notwithstanding the Volume 1 policy framework.

Proposed Text Amendments - UHOP Volume 2

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
7.5.6.1 Nash Neighbourhood Secondary Plan	7.5.6.1 The policies of Section B.3.5.3 – Parkland Policies, Section C.2.0 – Natural Heritage System, and Section C.3.3 – Open Space Designations of Volume 1, shall apply to lands designated General Open Space, Neighbourhood Parks, Community City-Wide Parks and Natural Open Space on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan.	7.5.6.1 The policies of Section B.3.5.3 – Parkland Policies, Section C.2.0 – Natural Heritage System, and Section C.3.3 – Open Space Designations of Volume 1, shall apply to lands designated General Open Space, Neighbourhood Parks, City-Wide Parks and Natural Open Space on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan.	Heritage Green Park is considered City-wide park due to function and amenities.
7.5.6.2 c) Nash Neighbourhood Secondary Plan	The open space system for the Nash Neighbourhood includes the following designations and components designated on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan: ... c) Community City-Wide Parks;	7.5.6.2 The open space system for the Nash Neighbourhood includes the following designations and components designated on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan: ... c) City-Wide Parks;	Heritage Green Park is considered City-wide park due to function and amenities.
7.5.6.4 Nash Neighbourhood Secondary Plan	7.5.6.4 The former Taro Quarry West lands designated Open Space located west of First Road West, between Mud Street West and the Heritage Green Community City-Wide Park and east of the unopened road allowance are ultimately intended for open space and/or recreational use and may include a golf course.	7.5.6.4 The former Taro Quarry West lands designated Open Space located west of First Road West, between Mud Street West and the Heritage Green City-Wide Park and east of the unopened road allowance are ultimately intended for open space and/or recreational use and may include a golf course.	Heritage Green Park is considered City-wide park due to function and amenities.
7.5.5.2 West Mountain (Heritage Green) Secondary Plan	7.5.5.2 The open space system for the West Mountain (Heritage Green) Secondary Plan area includes the following designations and components designated on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan:	7.6.5.2 The open space system for the West Mountain (Heritage Green) Secondary Plan area includes the following designations and components designated on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan:	Numbering error.
7.7.13 Trinity West Secondary Plan	Insert new Section Heading for Area and Site Specific Policies, similar to other Secondary Plans.	7.7.13 Area and Site Specific Policies	Site and Area Specific Policies should be under one section. This change creates new section (7.7.13) and renumbers Area and Site Specific Policies

Proposed Text Amendments - UHOP Volume 2

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
7.7.13 Trinity West Secondary Plan Area Specific Policy - USC - 1 (Eramosa Karst)	7.7.13.1 Area Specific Policy - USC - 1 (Eramosa Karst)	7.7.13.1 Area Specific Policy - USC - 1 (Eramosa Karst)	Follows the renumbering of Area and Site Specific Policies, as per other Secondary Plans.
7.7.14 Trinity West Secondary Plan Site Specific Policy – Area A (OPA 53)	7.7.14 7.7.13.2 Site Specific Policy – Area A (OPA 53) Notwithstanding Policy B.7.7.3.4 b), for the lands designated Low Density Residential 1, located at 1831 Rymal Road East east east of the Upper Red Hill Valley Parkway between Highland Road East and Rymal Road East, and identified as Site Specific Policy – Area A on Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan , the maximum net residential density of development shall not exceed 23 units per net hectare.	7.7.13.2 Site Specific Policy – Area A (OPA 53) Notwithstanding Policy B.7.7.3.4 b), for the lands designated Low Density Residential 1, located east of the Upper Red Hill Valley Parkway between Highland Road East and Rymal Road East, and identified as Site Specific Policy – Area A on Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan, the maximum net residential density of development shall not exceed 23 units per net hectare.	Follows the renumbering of Area and Site Specific Policies, as per other Secondary Plans.
7.7.15 Trinity West Secondary Plan Site Specific Policy – Area B (OPA 53)	7.7.15 7.7.13.3 Site Specific Policy – Area B (OPA 53) Notwithstanding Policy B.7.7.3.5 a), for the lands designated Low Density Residential 2, at 1831 Rymal Road East east east of the Upper Red Hill Valley Parkway between Highland Road East and Rymal Road East, and identified as Site Specific Policy – Area B on Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan , the maximum net residential density of development shall not exceed 42 units per net hectare.	7.7.13.3 Site Specific Policy – Area B (OPA 53) Notwithstanding Policy B.7.7.3.5 a), for the lands designated Low Density Residential 2, located east of the Upper Red Hill Valley Parkway between Highland Road East and Rymal Road East, and identified as Site Specific Policy – Area B on Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan, the maximum net residential density of development shall not exceed 42 units per net hectare.	To correct the policy number and to clarify the site specific policy number and map number within the policy.

Proposed Text Amendments - UHOP Volume 2

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
B.7.7.16 Trinity West Secondary Plan Site Specific Policy – Area C (OPA 53)	7.7.16 13.4 Site Specific Policy - Area C (OPA 53) Notwithstanding Policy B.7.7.3.6 b), for the lands designated Medium Density Residential 2, located at 1831 Rymal Road East, the minimum net residential density of development shall not exceed be less than 55 units per net hectare.	7.7.13.4 Site Specific Policy - Area C (OPA 53) Notwithstanding Policy B.7.7.3.6 b), for the lands designated Medium Density Residential 2, located at 1831 Rymal Road East, the minimum net residential density of development shall not be less than 55 units per net hectare.	The wording implies that this is a maximum density not to be exceeded, but the intent was to create a minimum density.
B.7.7.13.1 Trinity West Secondary Plan	7.7.13.1 45 Site Specific Policy – Area D (OPA 78) For the lands identified as Site Specific Policy Area “D”, on Map B.7.7-1 – Trinity West Secondary Plan: Land Use Plan, designated “Low Density Residential 1”, “Low Density Residential 2”, and “Mixed Use – Medium Density”, and known as 26 Upper Mount Albion Road, the following policy shall apply: a) Notwithstanding Section E.3.4.3 of Volume 1, and Policy Section B.7.7.3.4 a), a two (2) storey multiple dwelling, for the purposes of a Residential Care Facility, shall also be permitted; and, the minimum net residential density shall be 5 units per hectare, and the maximum shall be 20 units per hectare. b) Notwithstanding Policy B.7.7.3.5, the minimum net residential density shall be 5 units per hectare, and the maximum shall be 20 units per hectare.	7.7.13.5 Site Specific Policy – (OPA 78) For the lands identified as Site Specific Policy Area “D”, on Map B.7.7-1 – Trinity West Secondary Plan: Land Use Plan, designated “Low Density Residential 1”, “Low Density Residential 2”, and “Mixed Use – Medium Density”, and known as 26 Upper Mount Albion Road, the following policy shall apply: a) Notwithstanding Section E.3.4.3 of Volume 1 and Policy B.7.7.3.4 a), a two (2) storey multiple dwelling, for the purposes of a Residential Care Facility, shall also be permitted; and, b) Notwithstanding Policy B.7.7.3.5, the minimum net residential density shall be 5 units per hectare, and the maximum shall be 20 units per hectare.	To correct the policy number. To clarify the policy references in a) and restructure the policy into separate clauses.

Proposed Text Amendments - UHOP Volume 3


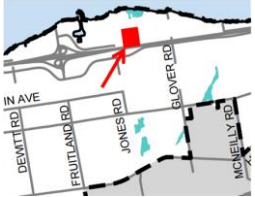

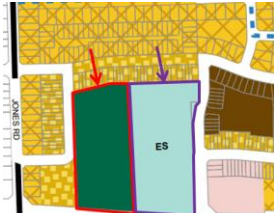
Grey highlighted strikethrough text = text to be deleted

Bolded text = text to be added




Chapter C – Urban Site Specific Policies

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Preamble to chapter.	Site specific policies (SSP) are policies that apply to individual properties. They are adopted to address unique local circumstances that cannot be addressed in Volume 1 or secondary plans. The site specific policies in this section apply to lands within the urban area and outside of a secondary plan area. Site specific policies for lands contained within a secondary plan area are found in the appropriate secondary plan. Site specific policies are identified Map 2 – Urban Site Specific Key Map and Map 2a – Upper Site Specific Key Map (Lower City) of Volume 3.	Site specific policies (SSP) are policies that apply to individual properties. They are adopted to address unique local circumstances that cannot be addressed in Volume 1 or secondary plans. The site specific policies in this section apply to lands within the urban area and outside of a secondary plan area. Site specific policies for lands contained within a secondary plan area are found in the appropriate secondary plan. Site specific policies are identified Map 2 – Urban Site Specific Key Map and Map 2a – Upper Site Specific Key Map (Lower City) of Volume 3.	Map 2 has been divided into two maps for legibility purposes. Text needs to refer to maps.
UAN-4	UAN-4 A portion of the lands located at 558 Golf Links Road, former Town of Ancaster (OPA 88) b) In addition to Policy C.2.3.3 of Volume 1 , limited vegetation removal and encroachment into the Core Area shall be permitted to provide for private services and a private service road connection.	UAN-4 A portion of the lands located at 558 Golf Links Road, former Town of Ancaster (OPA 88) b)In addition to Policy C.2.3.3 of Volume 1, limited vegetation removal and encroachment into the Core Area shall be permitted to provide for private services and a private service road connection.	To clarify policy reference.
Stoney Creek Site Specific Policies	Add site specific policy USCN-XX	USCN-XX Lands located at 98 Shoreview Place, former City of Stoney Creek 1.0 Notwithstanding Policy E.3.5.7 of Volume 1, for medium density residential uses, the <i>net residential density</i> shall be between 35 and 100 units per hectare.	To bring development into compliance with UHOP policies respecting minimum density for medium density residential uses. Zoning By-law Amendment (By-law 13-247).

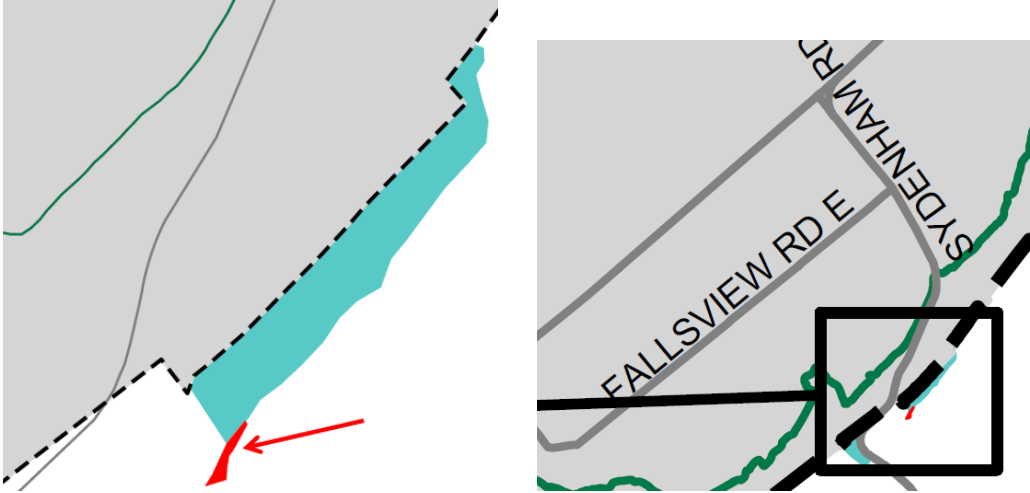
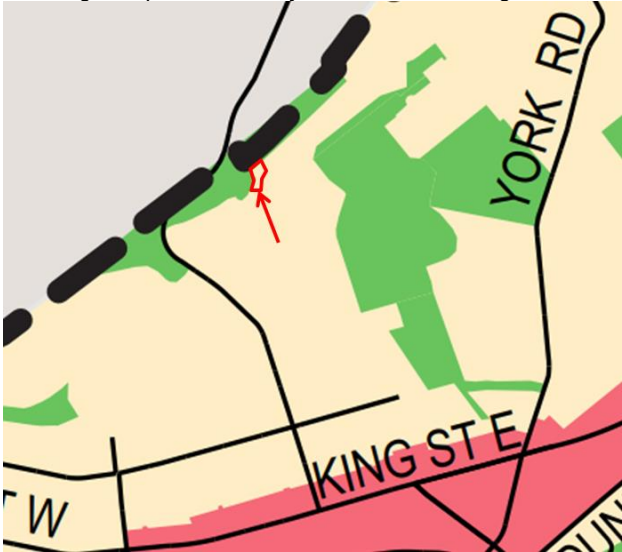
Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
Volume 1, Schedule B – Natural Heritage System	<p>Remove “Linkage” identification from portion of subject lands and identify entire site as “Core Area”:</p> 	<p>Linkage Assessment prepared by Dillon Consulting Ltd in August, 2014 has identified that lands qualify to be removed from “Linkage” identification and added to “Core Area” identification. Lands therefore need to be identified as Significant Woodlands on Schedule B-2. Lands need to be redesignated on Schedule E-1 since they are greater than 4 hectares in size, as well as in secondary plan (Map B.7.3-1)</p>
Volume 1, Schedule B-2 - Natural Heritage – Key Natural Heritage Feature – Significant Woodlands	<p>Add “Significant Woodlands” identification to subject lands:</p> 	
Volume 1, Schedule E-1 - Urban Land Use Designations	<p>Redesignate lands from “Neighbourhoods” to “Open Space”:</p> 	
Volume 2, Map B.7.3-1 – Urban Lakeshore Area Secondary Plan	<p>Redesignate lands from “Neighbourhood Park” and “Institutional” to “Natural Open Space” and remove “ES” from lands</p> 	


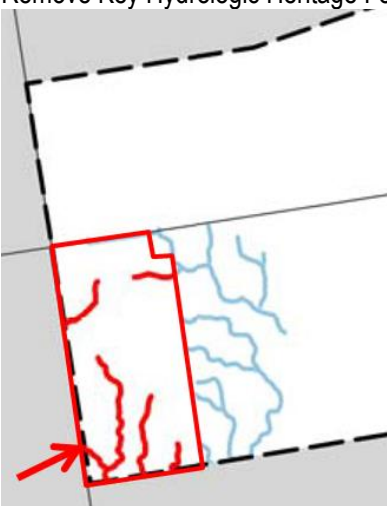
Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 1, Schedule B-4 – Natural Heritage System</p>	<p>Remove “Linkage” identification from lands and add “Core Area” identification to lands:</p> 	<p>86 Upper Mount Albion Road, Stoney Creek. EIS completed for the subject Central Park Phase 1 (25T-201401, 1831 Rymal Road East), identifying compensation of wetlands to be located on adjacent lands.</p>
<p>Volume 1, Schedule B-4 – Detailed Natural Heritage Features Key Natural Heritage Feature and Key Hydrologic Feature Wetlands</p>	<p>Identify lands as “Key Natural Heritage Feature and Key Hydrologic Feature Wetlands”:</p> 	
<p>Volume 2, Map B.7.7-2 – Trinity West Secondary Plan – Natural Heritage System</p>	<p>Remove “Linkage” identification from lands and add “Core Area” identification to lands:</p> 	

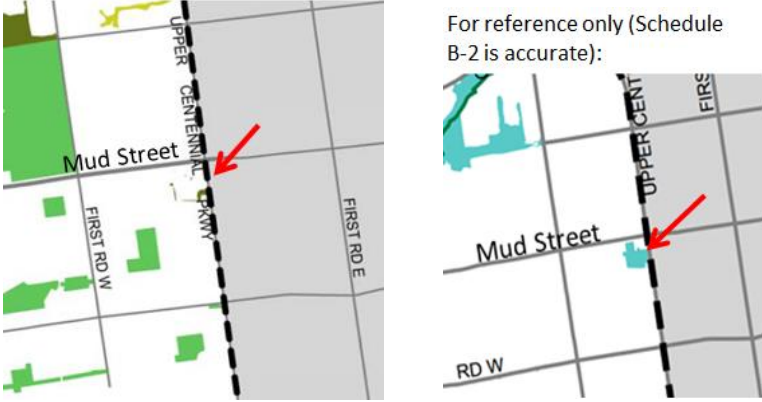
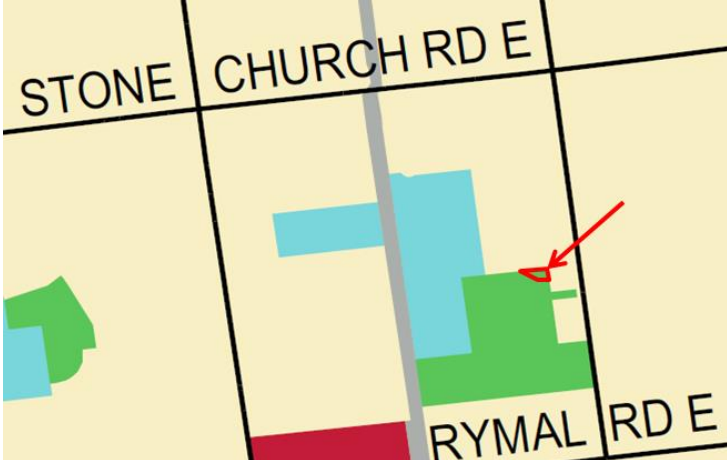
Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 1, Schedule B-2 - Natural Heritage – Key Natural Heritage Feature – Significant Woodlands</p>	<p>Identify lands as “Key Natural Heritage Feature – Significant Woodlands”</p> 	<p>Refinement of Core Area boundary through EIS. (40 Parkside Drive, Dundas)</p>
<p>Volume 1, Schedule E-1 - Urban Land Use Designations</p>	<p>Redesignate portion of subject lands from “Neighbourhoods” to “Open Space”</p> 	


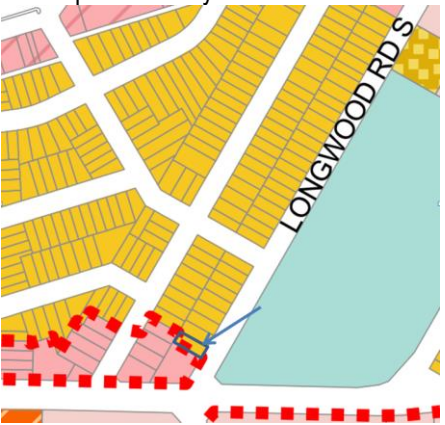
Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 1 Schedule B – Natural Heritage System</p>	<p>Remove Natural Heritage Feature – Streams from subject lands:</p> 	<p>Removal of streams from Schedule B, Schedule B-2 was overlooked through Official Plan Amendment Process (UHOPA 80).</p>
<p>Volume 1 Schedule B-8 – Detailed Natural Heritage Features Key Hydrologic Feature Streams</p>	<p>Remove Key Hydrologic Heritage Feature – Streams from subject lands:</p> 	

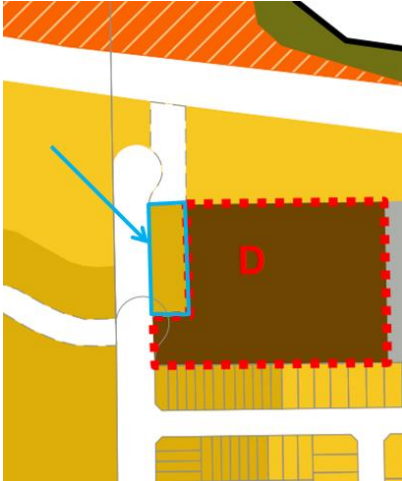
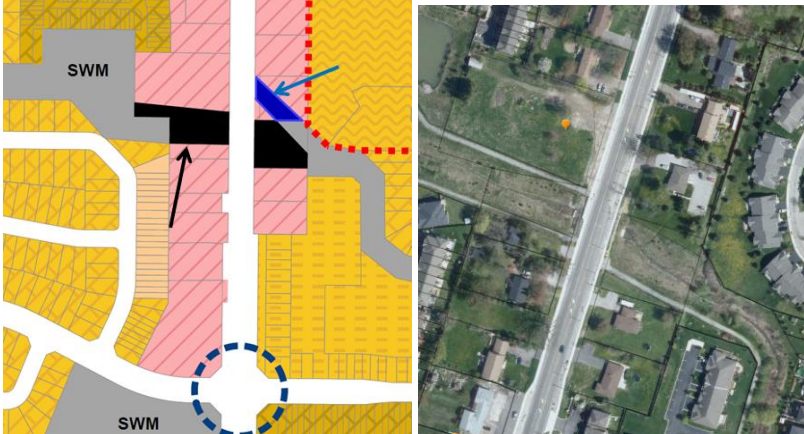
Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
Volume 1, Schedule B – Natural Heritage System	<p>Key Natural Heritage Feature Significant Woodlands to be Added near the intersection of Mud Street and Upper Centennial Parkway, as per Schedule B-2</p> 	Inadvertent deletion of Natural Heritage Feature from maps.
Schedule E-1 – Urban Land Use Designations	<p>Redesignate lands from Open Space to Neighbourhoods (1518 Upper Sherman Ave)</p> 	Portion of City-owned parkland was sold as surplus. Lands are planned for high density residential redevelopment.

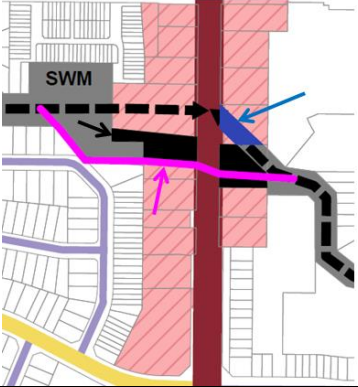
Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 1, Schedule E-1 – Urban Land Use Designations</p>	<p>Redesignate lands from Neighbourhoods to Mixed-Use Medium Density (122 Longwood Road)</p> 	<p>Due to significant road widening requirements of LRT, the development potential of 906 Main Street West is limited. The property in the TOC 1 zone is being expanded to include 122 Longwood Road South. The residential parcel will therefore need to be redesignated and added to the Area Specific Policy – Area E.</p>
<p>Volume 2, Map B.6.2-1 –Ainslie Wood Westdale Secondary Plan –Land Use Plan</p>	<p>Redesignate lands from “Low Density Residential 2” to “Mixed Use – Medium Density” and add lands to Area Specific Policy – Area E.</p> 	

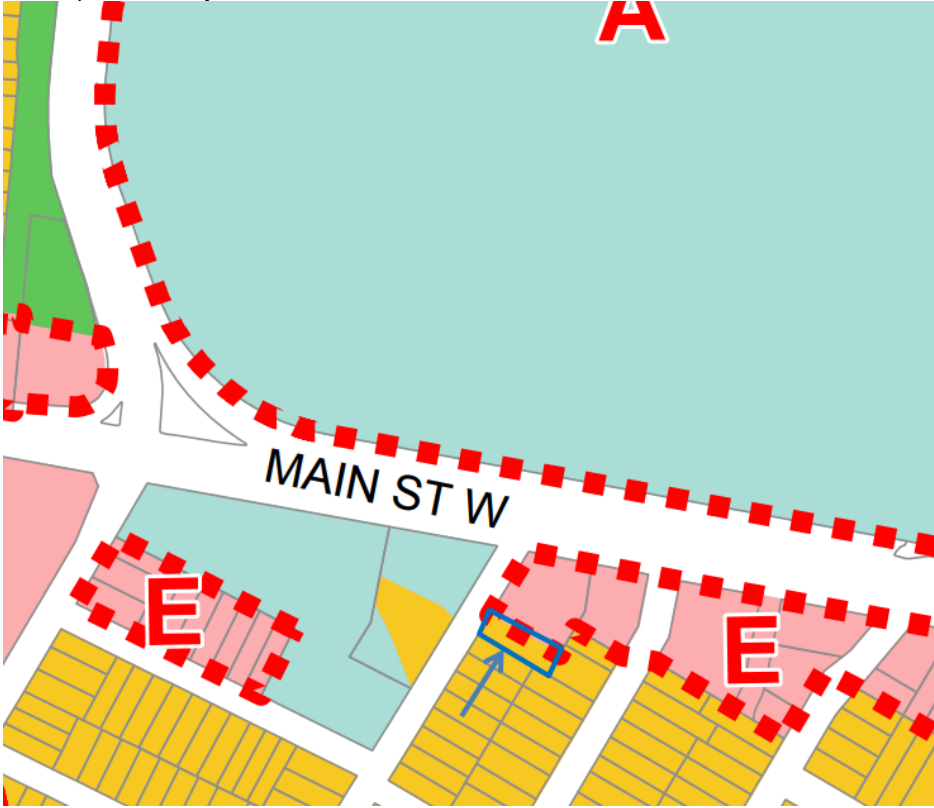
Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 2, Map B.2.3-1 - Garner Neighbourhood Secondary Plan - Land Use Plan</p>	<p>Extend boundary of Area Specific Policy – Area D to include the adjacent street townhouse lots that front Mosaic Drive.</p>  <p>The map shows a street layout with a brown shaded area labeled 'D' representing Area D. A blue arrow points to a rectangular area on the left side of the street, indicating the proposed extension of the boundary. A red dashed line outlines the new boundary of Area D.</p>	<p>The implementing zoning by-law exceeds the maximum density requirement, as set out in the LDR 3 policies. Error was made in not including these lands in OPA. (OPA 37) Site Specific Policy – Area D text has corresponding changes proposed.</p>
<p>Volume 2, Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan</p>	<p>Redesignate portion of lands from “Mixed Use-Medium Density-Pedestrian Predominant” to “Utility”, and redesignate portion of lands from “Utility” to “Mixed Use-Medium Density-Pedestrian Predominant”.</p>  <p>The map shows a street layout with various colored areas. A blue arrow points to a specific area, and a red dashed line indicates a boundary. Two areas are labeled 'SWM'. An aerial photograph on the right shows the actual terrain and buildings, with a blue arrow pointing to the same location as the map.</p>	<p>Technical amendment to accurately reflect drainage channel/public walkway. See also - required for Map B.5.1-2 – Binbrook Village Secondary Plan - Open Space Linkages.</p>

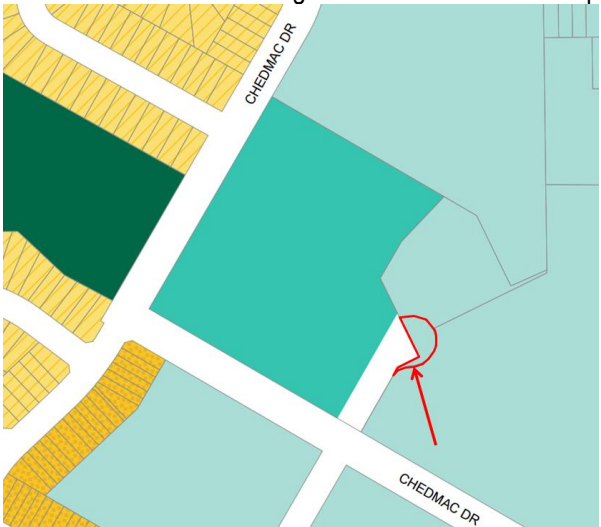
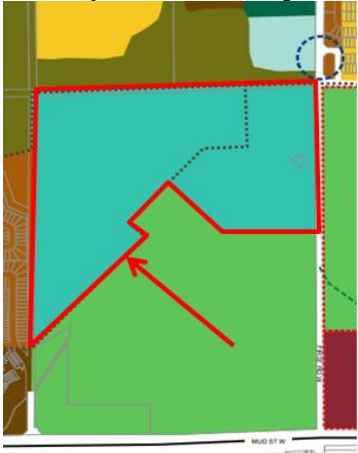
Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
Volume 2, Map B.5.1-2 – Binbrook Village Secondary Plan - Open Space Linkages	<p>Remove “Mixed Use-Medium Density-Pedestrian Predominant” designation and identify as “Drainage Channel/Public Walkway” for a portion of the lands. Remove “Drainage Channel/Public Walkway” for a portion of the lands and designate as “Mixed Use – Medium Density – Pedestrian Predominant” Realign “Open Space Linkages.”</p> 	Technical amendment to accurately reflect drainage channel/public walkway. See also - required for Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan.

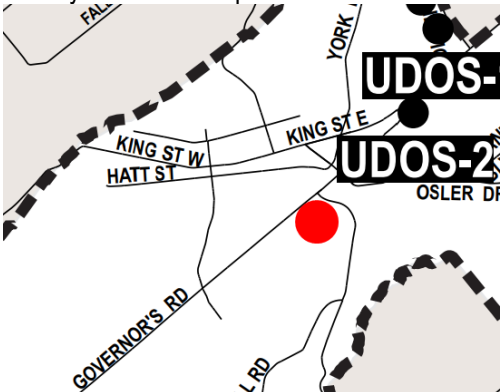

Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 2, Map B.6.2-1 –Ainslie Wood Westdale Secondary Plan –Land Use Plan</p>	<p>Redesignate lands from “Low Density Residential 2” to “Mixed Use – Medium Density” and add lands to Area Specific Policy – Area E.</p> 	<p>For reference - OPA 229 to City of Hamilton Official Plan (By-law 12-044). Note – OPA 229 did not include a redesignation, and instead permitted only a parking lot in conjunction with the commercial use at 1341 Main Street West via a Site Specific Policy. The subject lands appear to have been merged with 1341 Main Street West. The subject lands would be more appropriately redesignated and added to Area Specific Policy – Area E and rezoned to TOC 1. Volume 1, Schedule E-1 amendments are not required as the subject lands are already designated Mixed Use – Medium Density.</p>

Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 2, Map B.6.3-1 - Chedmac Secondary Plan - Land Use Plan</p>	<p>Refine the Institutional designation to reflect the municipal right of way:</p> 	<p>As per Registered Plan of Subdivision 62M - 1191, the bulb is part of the municipal right of way.</p>
<p>Volume 2, Map B.7.5-1 - Nash Neighbourhood Secondary Plan – Land Use Plan</p>	<p>Redesignate lands from “Community Park” to “City Wide Park” Add “City Wide Park” to legend</p> 	<p>To reflect programming intent of park and role of park as a city-wide destination.</p>

Proposed Schedule, Map, and Appendix Amendments – UHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
Volume 3, Map 2 - Urban Site Specific Key Map	Identify UDN-1 on map 	Site Specific Policy identification missing from map.
Volume 3, Map 2 - Urban Site Specific Key Map	Remove all Site Specific Policy identifiers on Map 2 that are located in the Lower City (north of the Escarpment) between Hwy 403, the Escarpment, the Red Hill Valley Parkway, and Hamilton Harbour. 	Site Specific identifiers on Map 2 are becoming crowded and illegible.
Volume 3, Map 2a - Urban Site Specific Key Map – Lower City (to be added to UHOP)	Add a new Map, to be called Map 2a, that displays Urban Site Specific Policies in the Lower City (north of the Escarpment) between Hwy 403, the Escarpment, the Red Hill Valley Parkway, and Hamilton Harbour.	Site Specific identifiers on Map 2 are becoming crowded and illegible.

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Grey highlighted strikethrough text = text to be deleted

Bolded text = text to be added

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
Volume 1, Chapter E – Urban Systems and Designations			
E.5.2.4	E.5.2.4 Uses permitted in the Employment Area designations shall may include clusters of business and economic activities such as, manufacturing, research and development, transport terminal, <i>building or contracting supply establishment</i> , tradesperson's shop, warehousing, <i>waste management facilities</i> , private power generation, office, and accessory uses. <i>Ancillary uses</i> which primarily support businesses and employees within the Employment Area shall may also be permitted. Permitted uses specific to the four Employment Area designations are contained in Policies E.5.3.2, E.5.4.3, E.5.5.1, E.5.5.2 and E.5.6.1.	E.5.2.4 Uses permitted in the Employment Area designations may include clusters of business and economic activities such as, manufacturing, research and development, transport terminal, <i>building or contracting supply establishment</i> , tradesperson's shop, warehousing, <i>waste management facilities</i> , private power generation, office, and accessory uses. <i>Ancillary uses</i> which primarily support businesses and employees within the Employment Area may also be permitted. Permitted uses specific to the four Employment Area designations are contained in Policies E.5.3.2, E.5.4.3, E.5.5.1, E.5.5.2 and E.5.6.1.	In 2011, the City adopted OPA's to all the former municipal OP's to update the policy language for Employment areas. A similar amendment was included for the UHOP; it could not be implemented since the UHOP was under appeal. The purpose of this change is to reflect the recommendations (e) of PED11199 which identified the changes for the UHOP.

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
E.5.3.2	E.5.3.2 The following uses shall may be permitted on lands designated Employment Area -Industrial Land on Schedule E-1 - Urban Land Use Designations, in accordance with the Zoning By-law:	E.5.3.2 The following uses may be permitted on lands designated Employment Area -Industrial Land on Schedule E-1 - Urban Land Use Designations, in accordance with the Zoning By-law:	In 2011, the City adopted OPA's to all the former municipal OP's to update the policy language for Employment areas. A similar amendment was included for the UHOP; it could not be implemented since the UHOP was under appeal. The purpose of this change is to reflect the recommendations (e) of PED11199 which identified the changes for the UHOP.

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
E.5.3.2.1	Add new policy as Policy E.5.3.2.1.	<p>E.5.3.2.1 In addition to Policy E.5.3.2 c), <i>ancillary</i> uses may be permitted within the Employment Area provided the following conditions are met:</p> <ul style="list-style-type: none"> a) the uses shall be determined through the Zoning By-law in accordance with the policies of this Plan; b) Notwithstanding Policy E.5.3.2.1a), the Zoning By-law may: <ul style="list-style-type: none"> i) permit a limited number of restaurants where a need for the use can be justified; and ii) restrict or limit the number of <i>ancillary</i> uses from occupying Employment Areas. c) the need for the uses to support the businesses and employees within the Employment Area has been determined; d) the uses shall only be located along the exterior of the Employment Area and should generally be located at intersections of arterial or collector roads; and, e) where possible, the uses should be clustered on single sites to limit the impact on the supply of developable lands for use permitted in Policy E.5.3.2 a). 	<p>In 2011, the City adopted OPA's to all the former municipal OP's to update the policy language for Employment areas. A similar amendment was included for the UHOP; it could not be implemented since the UHOP was under appeal. The purpose of this change is to reflect the recommendations (e) of PED11199 which identified the changes for the UHOP.</p>

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
E.5.4.3	E.5.4.3 The following uses shall may be permitted on lands designated Employment Area -Industrial Land on Schedule E-1 - Urban Land Use Designations, in accordance with the Zoning By-law:	E.5.4.3 The following uses may be permitted on lands designated Employment Area -Industrial Land on Schedule E-1 - Urban Land Use Designations, in accordance with the Zoning By-law:	In 2011, the City adopted OPA's to all the former municipal OP's to update the policy language for Employment areas. A similar amendment was included for the UHOP; it could not be implemented since the UHOP was under appeal. The purpose of this change is to reflect the recommendations (e) of PED11199 which identified the changes for the UHOP.

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
E.5.4.4	<p>Delete Policy E.5.4.4 and replace it with a new Policy.</p> <p>E.5.4.4 Ancillary uses which serve the businesses and employees of the business park as described in Policy E.5.4.3 c), shall only be permitted at locations fronting arterial roads or collector roads into the business parks.</p>	<p>E.5.4.4 In addition to Policy E.5.4.3 c), <i>ancillary</i> uses may be permitted within the Employment Area provided the following conditions are met:</p> <ul style="list-style-type: none"> a) the uses shall be determined through the Zoning By-law in accordance with the policies of this Plan; b) Notwithstanding Policy E.5.4.4 a), the Zoning By-law may: <ul style="list-style-type: none"> i) permit a limited number of restaurants where a need for the use can be justified; ii) restrict or limit the number of <i>ancillary</i> uses from occupying Employment Areas. c) the need for the uses to support the businesses and employees within the Employment Area has been determined; d) the uses shall only be located along the exterior of the Employment Area and should generally be located at intersections of arterial or collector roads; and, e) where possible, the uses should be clustered on single sites to limit the impact on the supply of developable lands for use permitted in Policy E.5.4.3 a). 	<p>In 2011, the City adopted OPA's to all the former municipal OP's to update the policy language for Employment areas. A similar amendment was included for the UHOP; it could not be implemented since the UHOP was under appeal. The purpose of this change is to reflect the recommendations (e) of PED11199 which identified the changes for the UHOP.</p>

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
Volume 2, Chapter B, Section B.2 – Ancaster Secondary Plans			
B.2.5.1.1 Meadowlands III Secondary Plan	B.2.5.1.1 The residential areas are designated Low Density Residential (Infill), Low Density Residential 1, Low Density Residential 2a, Low Density Residential 2c , and Low Density Residential 3b as identified on B.2.5-1 - Meadowlands Neighbourhood III – Land Use Plan.	B.2.5.1.1 The residential areas are designated Low Density Residential (Infill), Low Density Residential 1, Low Density Residential 2a, Low Density Residential 2c, and Low Density Residential 3b as identified on B.2.5-1 - Meadowlands Neighbourhood III – Land Use Plan.	Required due to addition of new Low Density residential 2c designation to secondary plan (see blow – as per OPA 131 to the Former Town of Ancaster Official Plan).
B.2.5.1.2 d) Meadowlands III Secondary Plan	Add new policy to Section B.2.5 - Meadowlands Neighbourhood III Secondary Plan and renumber subsequent policies accordingly.	B.2.5.1.2 d) In the Low Density Residential 2c designation: i) The permitted use shall be street, block, and courtyard townhouses, as well as other innovative ground oriented attached housing forms; ii) The density shall not exceed 27 units per gross/net residential hectare.	As per OPA 131 to the former Town of Ancaster Official Plan (By-law 10-211) for lands located at 713 & Part of 777 Garner Road East, Ancaster
Volume 2, Chapter B, Section B.5 – Glanbrook Secondary Plans			
B.5.1.4.2 Binbrook Village Secondary Plan	B.5.1.4.2 The residential areas are designated Low Density Residential 2d, 2e, 2h, 3c , and 3e, as indicated on Map B.5.1-1 – Binbrook Village – Land use Plan. The policies which follow are applicable to each of these land use designations.	B.5.1.4.2 The residential areas are designated Low Density Residential 2d, 2e, 2h, 3c, and 3e, as indicated on Map B.5.1-1 – Binbrook Village – Land use Plan. The policies which follow are applicable to each of these land use designations.	As per OPA 83 to former Township of Glanbrook Official Plan (By-law 11-170) for lands located at northeast corner of Binbrook Road and Fall Fair Way (310 Fall Fair Way, Glanbrook)

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
B.5.1.4.4 Binbrook Village Secondary Plan	B.5.1.4.4 The residential areas are designated Low Density Residential 2d, Low Density Residential 2e, Low Density Residential 2h, Low Density Residential 3c , and Low Density Residential 3e as identified on Map B.5.1-1 – Binbrook Village – Land Use Plan. The following policies shall apply to each respective residential land use designation.	B.5.1.4.4 The residential areas are designated Low Density Residential 2d, Low Density Residential 2e, Low Density Residential 2h, Low Density Residential 3c, and Low Density Residential 3e as identified on Map B.5.1-1 – Binbrook Village – Land Use Plan. The following policies shall apply to each respective residential land use designation.	As per OPA 83 to former Township of Glanbrook Official Plan (By-law 11-170) for lands located at northeast corner of Binbrook Road and Fall Fair Way (310 Fall Fair Way, Glanbrook)

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
Policy B.5.1.4.5 d) and subsequent policies Binbrook Village Secondary Plan	Add a new policy as B.5.1.4.5 d) and renumber subsequent policies.	B.5.1.4.5 d) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 3c on Map B.5.1-1 – Binbrook Village – Land Use Plan: i) The permitted uses shall be low rise apartments, row houses, stacked and block townhouses, and innovative forms of attached housing; ii) The density range shall be from 41 to 60 units per net hectare. iii) In locating new Low Density Residential 3c development, consideration shall be given to the following criteria: 1. Low Density Residential 3c uses shall generally be located on the periphery of the neighbourhood, in areas abutting commercial development, or fronting major or minor arterial or major collector Roads. 2. Some Low Density Residential 3c development in proximity to the Mixed-Use - Medium Density area is desirable. 3. Low Density Residential 3c dwelling forms shall be sensitively integrated with and adequately buffered from adjacent land uses. 4. Where Low Density Residential 3c areas are proposed adjacent to Low Density Residential 2e and 2h uses, consideration shall be given to appropriate integration and compatibility of the dwelling forms. Compatibility may be accomplished through attention to architectural massing, height, scale, buffering, and landscaping.	As per OPA 83 to former Township of Glanbrook Official Plan (By-law 11-170) for lands located at northeast corner of Binbrook Road and Fall Fair Way (310 Fall Fair Way, Glanbrook)

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
B.5.2.14.2 Area Specific Policy – Area B Rymal Road Secondary Plan	Delete Policy in its entirety. Area Specific Policy – Area B B.5.2.14.2 In addition to the uses permitted on the lands identified on Map B.5.2-1 – Rymal Road – Land Use Plan as Area Specific Policy – Area B, live-work units containing grade-related commercial uses shall be permitted on lands abutting Trinity Church Road and Dakota Boulevard subject to provision of an acceptable site plan and building elevations which illustrate the nature and function of the development and demonstrate compatibility with adjacent development and adequate provisions for on-street parking. Permitted commercial uses within the live-work units shall include retail, personal services, and offices.		As per OPA 79 to the former Town of Glanbrook Official Plan (By-law 10-087) for lands located located within Part of lot 5, Block 5, Concession 1, Geographic Township of Binbrook, and Block 136, Registered Plan 62M-1033
Volume 2, Chapter B, Section B.6 – Hamilton Secondary Plans			
B.6.3.2.1 Chedmac Secondary Plan	B.6.3.2.1 The residential areas are designated Low Density Residential 1 , Low Density Residential 1a, and Low Density Residential 2c, and Medium Density Residential 3 on Map B.6.3-1 – Chedmac - Land Use Plan. The following policies shall apply to each of these land use designations.	B.6.3.2.1 The residential areas are designated Low Density Residential 1, Low Density Residential 1a, Low Density Residential 2c, and Medium Density Residential 3 on Map B.6.3-1 – Chedmac - Land Use Plan. The following policies shall apply to each of these land use designations.	As per OPA 228 to the former City of Hamilton Official Plan (By-law 12-041) for lands located at 444 Sanatorium Road, Hamilton and as per OMB Decision Date June 22, 2012 (OMB Case No. PL100691).

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
B.6.3.2.3 Chedmac Secondary Plan	Add new policy as B.6.3.2.3 a) and renumber subsequent policies accordingly.	B.6.3.2.3 a) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, land designated Low Density Residential 1 shall consist of only single detached units at a maximum density of 20 units per hectare.	As per OPA 228 to the former City of Hamilton Official Plan (By-law 12-041) for lands located at 444 Sanatorium Road, Hamilton. Note that OPA 228 also included a redesignation of a portion of the lands from “Institutional” to “Low Density Residential 3f” as well as the addition of a site specific policy, however these amendments are no longer required as a more recent OPA has amended the lands (UHOPA 56 for lands located at 1 Redfern Avenue, Hamilton)
B.6.3.2.3 b) (existing policy prior to renumbering) Chedmac Secondary Plan	B.6.3.2.3 Low Density Residential Designations b) Notwithstanding Policy B.6.3.2.3 a) b), for the lands designated Low Density Residential 1a abutting existing residential development at the northern limit of Chedmac Planning Area the following policies apply:	B.6.3.2.3 Low Density Residential Designations b) Notwithstanding Policy B.6.3.2.3 b), for the lands designated Low Density Residential 1a abutting existing residential development at the northern limit of Chedmac Planning Area the following policies apply:	Required due to addition of new policy B.6.3.2.3 a) and subsequent renumbering of policies in section (as per OPA 228 to the former City of Hamilton Official Plan (By-law 12-041) for lands located at 444 Sanatorium Road, Hamilton) .

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
Section B.6.3.2 Chedmac Secondary Plan	Add new policy to Section B.6.3.2 – Residential Designations	<p>B.6.3.2.4 Medium Density Residential 3 Designations</p> <p>The following policies shall apply to the lands designated Medium Density Residential 3 on Map B.6.3-1 – Chedmac - Land Use Plan:</p> <p>a) In addition to Policies E.3.5.2 of Volume 1, lands designated Medium Density Residential 3 shall consist of block townhouses, stacked townhouses and multiple dwellings.</p> <p>b) Notwithstanding Policy E.3.5.7 of Volume 1, the <i>net residential density</i> shall be greater than 75 units per hectare and shall not exceed 100 units per hectare.</p>	As per OMB Decision Date June 22, 2012.(OMB Case No. PL100691) This OMB decision identified a new Medium Density Residential 3 designation for the City of Hamilton Official Plan. The Medium Density Residential 3 designation needs to be added to the UHOP in a form that reflects the Chedmac Secondary Plan requirements for use and density.
B.6.3.3.1 Chedmac Secondary Plan	<p>B.6.3.3.1 In addition to Sections B.3.5.3 – Parkland Policies and C.3.3 – Open Space Designations, the following policies shall apply to the lands designated Neighbourhood Park, Community Park, and General Open Space, and Natural Open Space on Map B.6.3 - 1 - Chedmac - Land Use Plan:</p> <p>a) Three Four components make up the parks and open space system of the Chedmac community:</p> <p>i) Neighbourhood Park;</p> <p>ii) Community Park; and,</p> <p>iii) General Open Space; ; and,</p> <p>iv) Natural Open Space.</p>	<p>B.6.3.3.1 In addition to Sections B.3.5.3 – Parkland Policies and C.3.3 – Open Space Designations, the following policies shall apply to the lands designated Neighbourhood Park, Community Park, General Open Space, and Natural Open Space on Map B.6.3 - 1 - Chedmac - Land Use Plan:</p> <p>a) Four components make up the parks and open space system of the Chedmac community:</p> <p>i) Neighbourhood Park;</p> <p>ii) Community Park;</p> <p>iii) General Open Space; and,</p> <p>iv) Natural Open Space.</p>	As a result of OMB Decision Date June 22, 2012.(OMB Case No. PL100691), amendment to this policy is required to identify Natural Open Space as a new designation in the secondary plan.

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
Chedmac Secondary Plan	Add new Area Specific Policy for Chedoke Browlands (Part of Lot 57, Concession 2 in the City of Hamilton)	Refer to Appendix "E1" of Report PED18148.	As per OMB Decision Date June 22, 2012.(OMB Case No. PL100691)
Volume 2, Chapter B, Section B.7 – Stoney Creek Secondary Plans			
B.7.1.1.1 Western Development Area Secondary Plan	B.7.1.1.1 The residential areas are designated Low Density Residential 2b, Low Density Residential 3c, and Medium Density 3, and High Density Residential 1 on Map B.7.1-1 – Western Development Area - Land Use Plan.	B.7.1.1.1 The residential areas are designated Low Density Residential 2b, Low Density Residential 3c, Medium Density 3, and High Density Residential 1 on Map B.7.1-1 – Western Development Area - Land Use Plan.	As per OPA 162 to the Stoney Creek Official Plan (By-law 10-277) for lands located at 315 & 319 Highway No. 8, Stoney Creek
Section B.7.1.1 – Residential Designations Western Development Area Secondary Plan	Add new policy as B.7.1.1.5	B.7.1.1.5 High Density Designation Section E.3.6 - High Density Residential of Volume 1 shall apply to the lands designated High Density on Map B.7.1-1 – Western Development Area Secondary Plan - Land Use Plan.	As per OPA 162 to the Stoney Creek Official Plan (By-law 10-277) for lands located at 315 & 319 Highway No. 8, Stoney Creek

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
B.7.2.8 - Site Specific Policies Old Town Secondary Plan	Add Site Specific Policy to 120 and 124 King Street West	<p>Site Specific Policy – Area X</p> <p>B.7.2.8.X Lands Located at 120 and 124 King Street West, with an area of 0.791 hectares, designated “Medium Density Residential 3” and identified as Site Specific Policy – Area “D” on Map B.7.2-1 – Old Town Secondary Plan – Land Use Plan, shall be developed according to the following:</p> <p>a) Notwithstanding Policy 7.2.2.3 a), the development of a 6-storey, multiple dwelling containing a maximum of 80 units, and 10 commercial and residential live-work townhouse units, shall be permitted to a maximum net residential density of 114 units per net residential hectare for the entirety of the subject lands. “</p>	As per OPA 171 to the Stoney Creek Official Plan (By-law 12-175) for lands located at 120 and 124 King Street West

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
<p>B.7.2.8 – Area and Site Specific Policies</p> <p>Old Town Secondary Plan</p>	<p>Add a new site specific policy.</p>	<p>Site Specific Policy – Area Y</p> <p>B.7.2.8.Y Lands located at 135 and 137 King Street East, and 42 Passmore Street, designated Institutional and identified as Site Specific Policy – Area Y on Map B.7.2-1 – Old Town Secondary Plan – Land Use Plan shall be developed according to the following:</p> <p>a) Notwithstanding Policy E.6.2.2 of Volume 1 and Policy B.7.2.6 of Volume 2, a retirement home shall be permitted. A commercial component consisting of a restaurant and office space only in conjunction with a use permitted under this designation shall also be permitted.</p>	<p>As per OPA 171 to the Stoney Creek Official Plan (By-law 12-168) for lands located on the north side of King Street East, east side of Dawson Avenue, and south side of Passmore Street, known municipally as 135 and 137 Kind Street East and 42 Passmore Street, Stoney Creek</p>

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
Volume 3, Chapter C, Section B.2 – Urban Site Specific Policies			
Glanbrook Site Specific Policies - Commercial	Add Site Specific Policy UGC-X	<p>UGC-X Lands located at 5365 Twenty Road East, located on the south side of Twenty Road E, east of the Dartnall Road Extension, in the former Township of Glanbrook</p> <p>1.0 In addition to the uses permitted in Section E.4.2 - Commercial and Mixed Use Designations – General Policies and Policy E.4.8.2 of Volume 1, lands designated Arterial Commercial, located at 5365 Twenty Road East, the following policies shall apply:</p> <p>a) Limited manufacturing may be permitted in accordance with the Zoning By-law;</p> <p>b) Noxious uses, such as but not limited to slaughtering, eviscerating, rendering or cleaning of meat, poultry or fish, primary production of chemicals, vulcanizing of rubber, shall be prohibited, in accordance with the Zoning By-law; and,</p> <p>c) Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited, in accordance with the Zoning By-law.</p>	As per OPA 84 to the former Township of Glanbrook Official Plan (By-law 11-279) for lands located at 5365 Twenty Road East, Glanbrook

Proposed Text Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal – UHOP All Volumes

Policy Number	Proposed Changes	Proposed New Policy	Former Official Plan OPA / Implementing By-law
Hamilton Site Specific Policies - Neighbourhoods	Add Site Specific Policy UHN-X to Volume 3	<p>UHN-X Lands located at 360 Beach Road, former City of Hamilton</p> <p>1.0 In addition to the local commercial uses permitted in Policy E.3.8.2 – Local Commercial – Neighbourhoods Designation of Volume 1, a medical clinic shall also be permitted only within the existing building located at 360 Beach Road.</p> <p>2.0 The uses permitted in Policy UHN-X shall only be permitted within the former school building located at 360 Beach Road.</p> <p>3.0 Policies E.3.8.2b), E.3.8.8a), and E.3.8.9a) of Volume 1 shall not apply to the local commercial uses located at 360 Beach Road.</p>	As per OPA 231 to the former City of Hamilton Official Plan (By-law 12-080) for lands located at 360 Beach Road, Hamilton

The following text shall be added to the Chedmac Secondary Plan:

Area Specific Policy – Area X

6.3.7.3 Chedoke Browlands

The Chedoke Browlands are located north of the intersection of Scenic Drive and Sanatorium Road, known municipally as 801-780 Scenic Drive, designated Medium Density Residential 3, General Open Space and Natural Open Space, and identified as Area Specific Policy Area X on Map B.6.3.1 – Chedmac Secondary Plan - Land Use Plan.

6.3.7.3.1 Objectives

- a) In addition to Section B.6.3.1 of Volume 2, the following objectives shall apply to the Chedoke Browlands (Area X):
 - i) To provide for the opportunity of small scale commercial and business uses in close proximity to residential uses, live/work dwelling units are encouraged;
 - ii) To ensure that the development of the Chedoke Browlands (Area X) shall provide a safe, attractive and pedestrian-oriented residential environment with a high quality of design of buildings, public spaces and streets;
 - ii) To encourage energy conservation through community planning, site planning and urban design;
 - iv) To integrate natural and cultural heritage features into the design of the site with specific focus on the open space areas as well as providing a strong link to the Niagara Escarpment;
 - v) To integrate significant cultural heritage landscape features and characteristics such as the pavilion design, the curvilinear street pattern, as well as the sense of openness and park-like setting, into the development;
 - vi) To identify and protect historically or architecturally significant buildings and cultural heritage landscape features;
 - vii) To ensure compatibility with the existing residential area;

- viii) To develop a land use pattern and transportation system that supports transit, cyclists and pedestrians and vehicular traffic;
- ix) To provide public linkages to and through the site; and,
- x) To provide and/or protect significant views and encourage sensitive development adjacent to the Niagara Escarpment.

6.3.7.3.2 Residential Policies

Areas X-1 and X-2

- a) The following policies shall apply to those lands designated Medium Density Residential 3 - Land Use Plan and identified as Areas X-1 and X-2 in Area Specific Policy X on Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan:
 - i) In addition to Sections E.3.5.2 – Medium Density designation of Volume 1 and B.6.3.2.4 Medium Density 3 Residential Designation, a retirement home and amenity uses may be permitted.
 - ii) Notwithstanding Sections E.3.5.2 – Medium Density Residential designation of Volume 1 and B.6.3.2.3 Medium Density 3 Residential Designation, live/work units may be permitted in block townhouses only, except for lands fronting on Scenic Drive and shall be limited to only the following uses:
 1. Artists' or photographers' studios;
 2. Personal services;
 3. Custom workshop; and,
 4. Office; and,
 - iii) Notwithstanding Sections E.3.5.7 – Medium Density Residential designation of Volume 1 and B.6.3.2.3 Medium Density 3 Residential Designation, limited local commercial uses may be permitted within apartment buildings on the ground floor only and within the heritage buildings existing as of June 22, 2012 and in accordance with the Zoning By-law.
 - iv) Notwithstanding Sections E.3.5.7 – Medium Density designation (scale) of Volume 1 and B.6.3.2.4 – Medium Density 3 Residential Designation, the maximum net residential density shall not exceed 80 units per hectare.

- v) Notwithstanding Policy B.6.3.7.3.2 a) iv), a maximum of 529 dwelling units shall be permitted. For the purposes of overall unit count and density:
 - i) Up to 100 of the permitted dwelling units may be allocated as retirement dwelling units and two retirement dwelling units shall be equivalent to one residential dwelling unit.
 - ii) Should the land owner choose to implement the equivalency option in Policy B.6.3.7.3.2 a) v) 1., a maximum of 429 residential dwelling units and 200 retirement dwelling units shall be permitted within the Area Specific Policy Areas X-1 and X-2.
 - iii) Notwithstanding the equivalency option in Policy B.6.3.7.3.2 a) v) 1., retirement dwelling units may also be permitted on a one to one basis exceeding the 200 equivalency units, provided the total number of dwelling units shall not exceed 629.
- vi) The Long Bisby building, existing as of June 22, 2012, and shown on Map B.6.3-2-Cultural Heritage Landscapes, shall be retained and conserved through sympathetic adaptive reuse, where structurally feasible.
- vii) Notwithstanding Policies B.6.3.7.3.2 a) v), b) i) and c) i), uses contained within any existing heritage building shall not contribute to the overall unit count gross floor area or density.
- viii) Direct vehicular access to individual buildings shall be prohibited from Scenic Drive. The site shall be developed on the premise of a private condominium road network.
- ix) New buildings and structures shall be set back a minimum of 30 metres from the staked limit of the brow of the Niagara Escarpment. If enlarging any part of an existing building which is located closer than the 30 metres, no part of the new construction shall be within the 30 setback to the staked limit of the Niagara Escarpment or closer to the brow than the existing building.

Area X-1

- b) In addition to Section B.6.3.7.3.2a, the following policies shall apply to the lands designated Medium Density Residential 3 and

identified as Area specific X-1, on Map B.6.3-1 – Chedmac - Land Use Plan:

- i) Notwithstanding Policy E.3.5.7 and B.6.3.2.4 b),
 1. a maximum of 195 units; shall be permitted and,
 2. the overall gross floor area for all residential units shall not exceed 20,000 square metres.
- ii) Notwithstanding Section E.3.5.8 – Medium Density Residential (scale), the maximum height of buildings shall not exceed
 1. 4 storeys for buildings located in the interior of the site; and,
 2. 3 storeys for buildings located on Scenic Drive.
- iii) Notwithstanding Policy B.6.3.7.3.2 a) vii), a residential building shall be permitted in the vicinity of the former Brow Infirmary building provided:
 1. it maintains the existing setbacks from the Escarpment brow; and,
 2. the design of the building shall incorporate the recommendations of the Cultural Heritage Impact Assessment.

Area X-2

- c) In addition to Section B.6.3.7.3.2 a), the following policies shall apply to the lands designated Medium Density Residential 3 and identified as Area Specific X-2, on Map B.6.3-1 – Chedmac – Land Use Plan:
 - i) Notwithstanding Policy E.3.5.7 and B.6.3.2.4 b),
 1. a maximum of 335 units shall be permitted; and,
 2. the overall gross floor area for all residential units shall not exceed 34,000 square metres.
 - ii) Notwithstanding Section E.3.5.8 – Medium Density Residential (scale), the maximum height of buildings shall not exceed
 1. 3 storeys for block or stacked townhouses; and,
 2. 4 storeys for apartment buildings.
 - iii) In addition to Policy E.3.5.7 and B.6.3.2.4 b) and notwithstanding Policy E.3.8.2a) – Local Commercial Permitted Uses in Volume 1, only the following commercial and institutional uses shall be permitted in the existing “Long and Bisby” building:

1. Art Gallery;
2. Artist Studio;
3. Craftsperson Shop;
4. Office;
5. Personal Services;
6. Retail Store, excluding a Convenience Store, not to exceed 200 square metres;
7. Day Nursery;
8. Library;
9. Museum;
10. Community Centre;
11. Lecture Room; and,
12. Medical Clinic.

iv) The existing "Long and Bisby" building may also be converted to a maximum of 12 residential dwelling units provided the heritage character of the building is not altered significantly.

6.3.7.3.3 Natural Open Space

- a) Lands designated "Natural Open Space" and identified as X-3 and X-4 on Map B.6.3-1 Chedmac Secondary Plan – Land Use Plan shall be preserved as natural open space and no development shall be permitted. Conservation, flood and erosion control, and passive recreation uses shall be permitted.
- b) Notwithstanding Policy B.6.3.7.3.4 a), the existing heritage building may be converted to other uses in accordance with Policies B.6.3.7.3.2 c) iii) and iv); and,
- c) A vegetative protection zone (buffer) will be provided along X-3, as identified through an approved Environmental Impact Statement, and revegetated in accordance with the recommendations of this study.

6.3.7.3.4 Urban Design

The Chedoke Browlands (Area X) shall be developed in accordance with the following urban design principles:

- a) Prior to the approval of site plan and/or plan of condominium applications, the applicant is required to submit:
 - i) A Master Site Plan including, among other matters, a phasing plan, visual impact assessment and urban design guidelines, in accordance with Policies B.6.3.7.3.4 b) and e);

- ii) A Precinct Plan, in accordance with Policies B.6.3.7.3.4 g) and h) below;
- iii) Architectural Control Guidelines, in accordance with Policy B.6.3.7.3.4 i); and,
- iv) An Urban Design Report, in accordance with Policy B.6.3.7.3.4 j).

Visual Impact Assessment/Viewshed Analysis

- b) All new development proposals within Chedoke Browlands (Area X) shall conform to an approved Visual Impact Assessment prepared to the satisfaction of the City of Hamilton, in consultation with the Niagara Escarpment Commission. The Visual Impact Assessment shall:
 - i) determine the potential for adverse impacts on the Niagara Escarpment.
 - ii) recommend mitigation measures to assist in the visual integration of buildings into the landscape of the Niagara Escarpment, including but not limited to, landscaping, architectural treatment of buildings, building heights, roof details and fenestration, glazing of buildings and lighting;
- c) An addendum to the Visual Impact Assessment will be required, prior to Site Plan Approval and the removal of "H" Holding provisions in the implementing Zoning By-law, detailing how the final building locations meet the Visual Assessment Guidelines and the policies within Section B.6.3.7.3 – Chedoke Browlands (Area X).
- d) All new developments shall be implemented in accordance with the Visual Impact Assessment, including the addendum, as appropriate.

Master Site Plan

- e) A Master Site Plan shall be prepared prior to the removal of any "H" Holding Provision in the implementing Zoning By-law and prior to Site Plan Approval.
- f) Master Site Plan shall provide a general site plan for all of the lands within Chedoke Browlands (Area X) and shall include:
 - i) Key neighbourhood design and built form elements, such as: the internal road system; pedestrian and cycling circulation and connectivity; buildings and associated parking areas; open space and recreational areas; cultural heritage buildings, structures and features that are to be preserved; locations of

commercial and other non-residential uses; and other neighbourhood and site design elements (such as viewsheds identified in the Visual Impact Assessment as set out in Policy B.6.3.7.3.4 b) to d);

- ii) General urban design guidelines to illustrate the intended character of buildings, streets and exterior spaces, and building relationships to streets and public spaces, to natural environment areas, to heritage buildings and structures to be preserved and to the surrounding neighbourhood. The guidelines shall address how the proposed development features such as new buildings, entry features, streetscape and landscape design are to be sympathetic in nature to the historical significant of the Chedoke Browlands (Area X), retained natural heritage features (including the Niagara Escarpment) and, to the heritage architectural and cultural landscape features that will be conserved; and,
- iii) A phasing plan for Chedoke Browlands (Area X);

Precinct Plans

- g) Precinct Plans shall be prepared for each phase of development. The Precinct Plan shall illustrate the intended form of development for each block including the implementation of the overall neighbourhood design and built form elements (as set out in the Master Site Plan) and include: building footprints and heights; parking areas; landscaped areas; the manner in which cultural heritage buildings, structures and features are to be preserved and integrated into the project; and the locations of commercial and other non-residential uses.
- h) The Master Site Plan and Precinct Plan(s) shall be used as a guide in the preparation and review of Site Plan and Plan of Condominium Applications. Deviations from the Master Site Plan may be permitted where required to reflect detailed building or infrastructure design, provided the change is consistent with the intent Urban Hamilton Official Plan and fundamental principles of the Master Site Plan are maintained, to the satisfaction of the City.

Architectural control guidelines

- i) Architectural control guidelines shall be prepared prior to Site Plan Approval to provide design guidance necessary to achieve a high quality of architectural design and to ensure that new buildings are sympathetic to both the historical significance of the Chedoke Browlands (Area X) and to the heritage architecture and cultural landscape features that will be preserved. Architectural control is to be implemented through a third-party registered architect retained by the City.

Urban Design Report

- j) The Urban Design Report shall include text, plans, details and/or elevations, as necessary, to demonstrate how the intent of the Chedmac Secondary Plan policies and the urban design policies contained in Section B.6.3.7.3.4 – Chedoke Browlands (Area X) have been met.

Other Policies

- k) Significant views to and from the Escarpment Urban Area shall be maintained and enhanced, consistent with the cultural heritage landscape.
- l) Surface parking shall be prohibited between Scenic Drive and the main wall of any building that faces Scenic Drive.
- m) The majority of parking shall be accommodated either through underground structures or within buildings.
- n) A minimum of 30% of landscaped open space shall be maintained for each of Areas X-1 and X-2. In order to preserve the open, park-like setting, the established groupings of trees shall be preserved, where possible.
- o) Continuous building walls along Scenic Drive shall be prohibited. Buildings shall provide appropriate spacing based on building height to allow light, reduce shadow impacts and provide privacy between buildings. The spacing of the buildings will also promote views into and through the site.
- p) All block townhouse units shall have the principal front door orientated towards Scenic Drive or an internal private condominium road or driveway. For townhouse units fronting both Scenic Drive and an internal public street, private condominium road or driveway, the principal entrance shall be orientated towards the public street.
- q) All apartment buildings shall have a minimum podium height of 2 storeys and a maximum podium height of 4 storeys. Those portions of apartment buildings that abut Scenic Drive shall be setback above 4 storeys.
- r) Green roofs shall be incorporated, where feasible, for all buildings that exceed 4 storeys in height.
- s) Development of the Chedoke Browlands (Area X) shall incorporate sustainable site and building features and technologies to minimize energy consumption, conserve water, reduce waste, improve air quality and promote human health and wellbeing. All new

development shall incorporate Leadership in Energy and Environmental Design (LEED) certification for new construction and neighbourhood development and Low Impact Development (LID) approaches, where possible.

6.3.7.3.5 Transportation

In addition to Section C.4 – Integrated Transportation Network and Policy B.6.3.6 of Volume 2, the following policies shall also apply:

- a) The Chedoke Browlands (Area X) will be developed on the premise of a network of private driveways together with a private condominium road or public street, with a minimum of two driveway accesses to Scenic Drive.
- b) New development shall support the use of public transit by creating a comfortable pedestrian environment with links to the public arterial road system where transit will be provided.
- c) A pedestrian pathway network shall be established throughout the Chedoke Browlands (Area X) to connect to the Brow Trail. A public access easement shall be granted for pedestrian linkages within the north-south portion of the private road (as shown as a dashed line on Map B.6.3-1 Chedmac Secondary Plan – Land Use Plan).
- d) A roundabout may be required at the southerly intersection of Scenic Drive and the private road (as shown as a dashed line on (as shown as a dashed line on Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan) and any land required to accommodate the roundabout shall be dedicated to the City.
- e) The Owner shall submit a streetscape plan for existing Sanatorium Road either as a private condominium road or as a public street.
- f) A bicycle pathway, as identified in the City's Trails Master Plan, shall be provided and maintained through an easement along the north-south alignment of the Sanatorium Road either as a private condominium road or public street (as shown as a dashed line on Map B.6.3-1 – Chedmac Secondary Plan – Land Use Plan).
- g) Any private condominium road shall be engineered and built to carry the load of fire apparatus to the satisfaction of the Fire Chief.

6.3.7.3.6 Cultural Heritage Resources

In addition to Section B.3.4 – Cultural Heritage Resources of Volume 1, the following policies shall also apply:

- a) The lands contained within the Chedoke Browlands (Area X) have been included in the City of Hamilton's Inventory of Buildings of Architectural and/or Historical Interest, Appendix A: Inventory of Cultural Heritage Landscapes, as such, development and redevelopment within the Chedoke Browlands (Area X) shall be sympathetic to the cultural heritage landscape and shall ensure the conservation of significant built heritage and cultural heritage resources.
- b) The Chedoke Browlands (Area X) shall be developed in accordance with the following built heritage conservation and planning principles and objectives:
 - i) The continuation of a pedestrian corridor along the brow of the Niagara Escarpment;
 - ii) The protection and retention of the "Long and Bisby" Building as shown as LB on Map B.6.3-2 – Chedmac Secondary Plan – Cultural Heritage Landscapes, in situ and through sympathetic adaptive reuse;
 - iii) A new building in the location of the former "Brow Infirmary" Building shall be designed to respect the heritage architecture of the original building shall be constructed in the same approximate building footprint to a maximum height of 4 storeys and be set back from the staked limit of the brow of the Niagara Escarpment no closer than the existing "Brow Infirmary" Building;
 - iv) The preservation and conservation of the pedestrian bridge over the Chedoke Creek and the stone vehicular bridge and associated stone wall/pillars; and,
 - v) The preservation and conservation of other heritage resources shall be encouraged. Where these resources cannot be retained, then the City will require the appropriate documentation of all buildings to be demolished be provided prior to removal.

Cultural Heritage Landscapes

- c) The cultural heritage landscape consists of the curvilinear street pattern, open park-like setting, the undulating topography, the natural areas, the views through the site and the spatial organization of the buildings. In addition, the buildings themselves, the pedestrian bridge, the Cross of Lorraine, the stone pillars and stone wall, the stormwater management facility and Escarpment stairs are elements of the cultural heritage landscape.

- d) Development within the Chedoke Browlands (Area X) shall have regard to the following cultural heritage landscape requirements:
- i) Development shall be compatible with the existing cultural heritage landscape, such that open spaces, plantings and the curvilinear street pattern are maintained and/or referenced in the new development and that the layout and scale of buildings reflect the existing site, where possible;
 - ii) The existing topography of the perimeter roads, woodlots and Chedoke Creek and stormwater management facility shall be maintained, where feasible.
 - iii) The existing trees and vegetation within the Chedoke Creek/stormwater management facility shall be maintained and enhanced.
 - iv) A tree preservation plan shall be submitted to determine the opportunities for the protection and preservation of individual trees and the recommendations shall be implemented to the satisfaction of the City. The plan shall be prepared in association with the Heritage Impact Assessment so that trees that contribute to the cultural heritage landscape can be identified and considered for preservation;
 - v) Significant view and view corridors to, through, and from Chedoke Browlands (Area X) shall be protected, as identified in the Master Site Plan, identified in Section B.6.3.7.3.5 – Urban Design of Volume 2.
 - vi) An open, park-like landscape setting shall be provided in front of the "Long and Bisby" Building. Limited parking may be permitted provided there are no other feasible alternative locations; and,
 - vii) The existing curvilinear road alignment of old Sanatorium Road shall be respected, where technically feasible.

Cultural Heritage Impact Assessment

- e) A Cultural Heritage Impact Assessment or Assessments shall be undertaken prior to Site Plan Approval for any development within Chedoke Browlands (Area X) and shall contain the following matters:
- i) Identification and evaluation of the following potentially affected cultural heritage resource(s): The "Long and Bisby" Building; including detailed site(s) history and cultural heritage

- resource inventory containing textual and graphic documentation;
- ii) A descriptive of the proposed development or site alteration and alternative forms of the development or site alteration;
 - iii) A description of all cultural heritage resource(s) to be affected by the development and its alternative forms;
 - iv) A description of the effects on the cultural heritage resource(s) by the proposed development or site alteration and its alternative forms; and,
 - v) A description of the measures necessary to mitigate the adverse effects of the development or site alteration and its alternatives upon the cultural heritage resource(s).
- f) The City may require that, as part of the development or redevelopment of the lands, heritage features be retained on site and incorporated, used for adaptively re-used as appropriate.
 - g) Where appropriate, the City may impose a condition on any development approval for the retention and conservation of the affected heritage features or the implementation of recommended mitigation measures through heritage easements pursuant to the *Ontario Heritage Act* and/or Development Agreements.

Archaeology

- h) An Archaeological Assessment shall be undertaken by an Ontario licensed archaeologist for the entire site to the satisfaction of the Ministry of Culture and the City of Hamilton prior to any development or site alteration (including site grading, tree planting/removal and topsoil disturbance);
- i) Where archaeological features are identified, the development proponent shall develop a plan, to protect, salvage or otherwise conserve the features within the context of the proposed development as recommended by a licensed archaeologist and approved by the Province and the City of Hamilton.

6.3.7.3.7 Stormwater Management and Engineering

In accordance with Section C.5.4 – Storm Water Management of Volume 1, the following policies shall also apply:

- a) Stormwater management facilities shall follow an integrated design process. The design of the facilities shall respect the

recommendations of the Tree Preservation Plan and Heritage Impact Assessment.

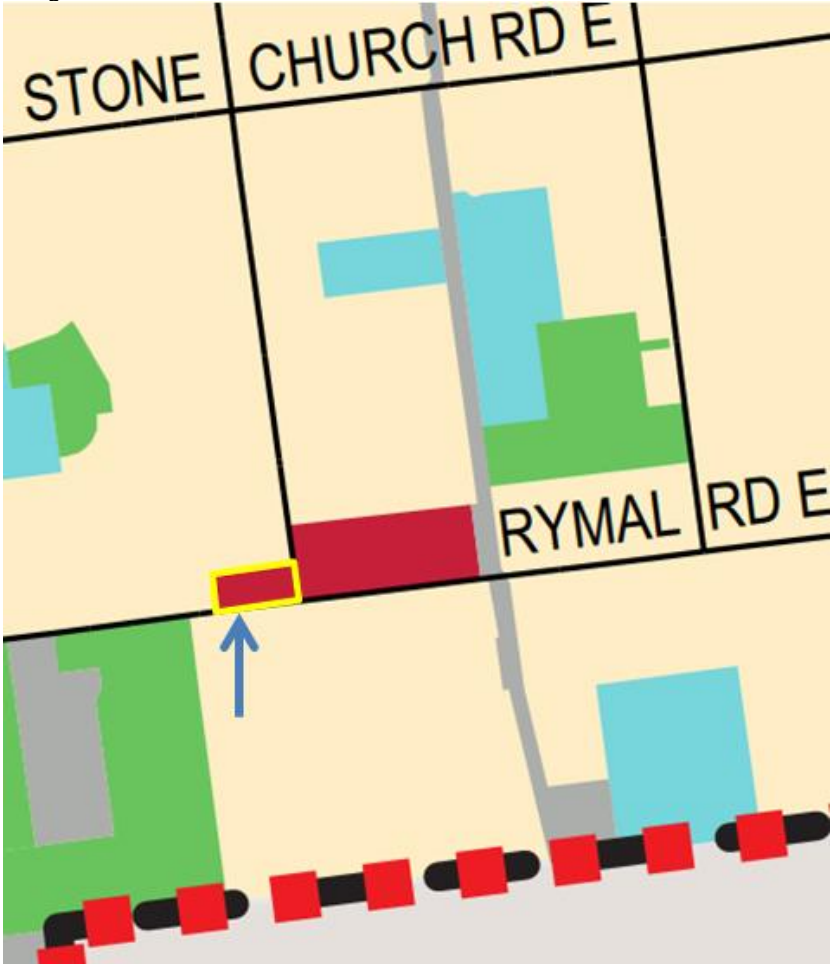
- b) Submission of engineering and grading plans for stormwater management facilities shall demonstrate a low impact design and how impact to the important heritage features identified will be minimized.
- c) Due to the sensitive nature of the site a detailed engineering submission outlining how excavation for footings or underground parking on the subject lands can be achieved without adversely affecting the stability of the Niagara Escarpment. The report shall consider utilizing methods other than blasting, where possible.

6.3.7.3.8 Implementation

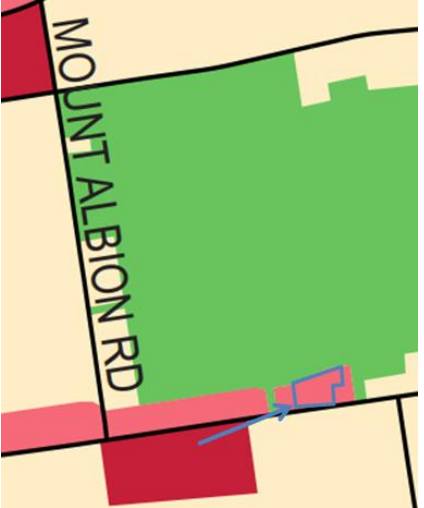
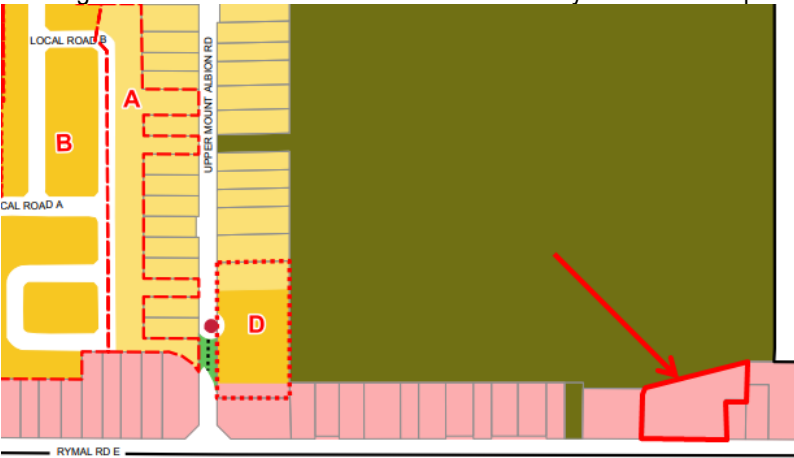
- a) The "H" Holding provisions in the implementing Zoning By-law shall include the following requirements and maybe lifted for portions of the site to allow development to occur in phases:
 - i) The Master Site Plan and/or Master Plan for the relevant development phase has been prepared to the satisfaction of the City;
 - ii) Studies or updates/addenda to existing studies, as determined by the Director of Planning and Chief Planner, have been prepared which inform and support the master plan(s), and which may include:
 1. Sustainability Strategy;
 2. Detailed Cultural Heritage Impact Assessment(s);
 3. Stormwater Management Report that considers Low Impact Development opportunities;
 4. Tree Preservation/Protection Plan;
 5. Traffic Impact Study;
 6. Visual Impact Assessment or Update;
 7. Archeological Assessments,;
 8. Geotechnical/Engineering Study; and,
 9. Detailed Servicing Strategy;

- iii) The urban design guidelines have been prepared in accordance with Policy F.3.2.5.2 of Volume 1, to the satisfaction of the City;
- iv) An Urban Design Report has been submitted to demonstrate, to the satisfaction of the Director of Planning, compliance with the urban design policies of this Plan and the urban design policies contained in Section B.3.3 – Urban Design Policies of Volume 1 and Section B.6.3.7.3.4 – Chedoke Browlands (Area X).

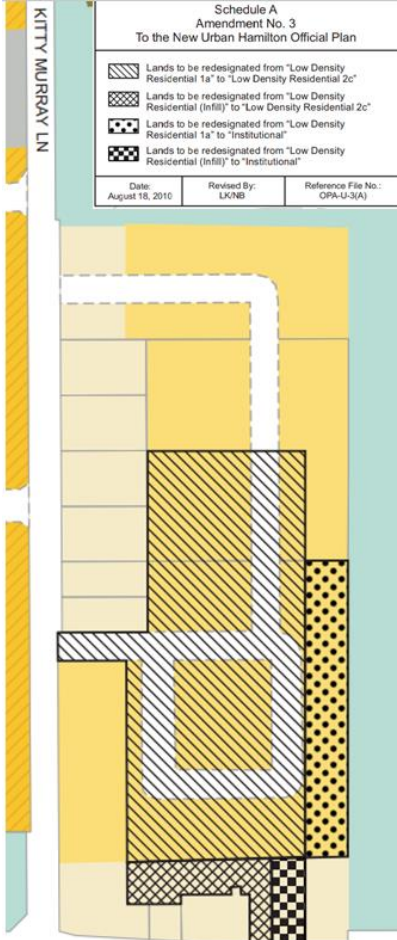
Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Schedule E-1 – Urban Land Use Designations</p>	<p>Redesignate a portion of lands located at 401 Rymal Road East from “District Commercial” to “Neighbourhoods”</p> 	<p>As per OPA 230 to the former City of Hamilton Official Plan (By-law 12-082) for lands located at 1620 Upper Wentworth Street and 401 Rymal Road East</p>

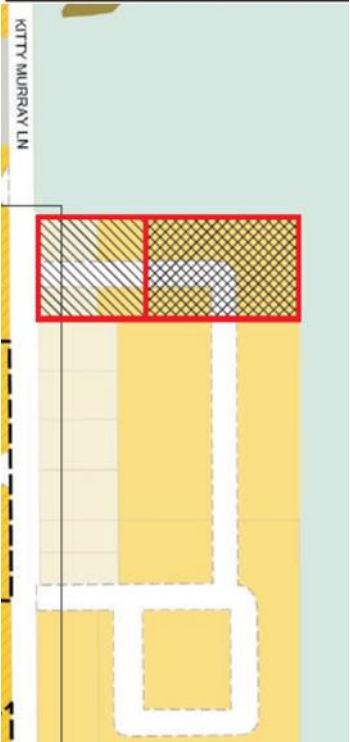
Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Schedule E-1 – Urban Land Use Designations</p>	<p>Redesignate lands from “Mixed Use – Medium Density” to “Open Space”</p> 	<p>As per OPA 172 to the former City of Stoney Creek Official Plan (By-law 12-283) for lands located at 1925 Rymal Road East, Stoney Creek. OPA identified proposed amendments to Schedule E-1 of Volume 1 and Map B.7.7-1 – Trinity West Secondary Plan – Land Use Plan</p>
<p>Map B.7.7-1 - Trinity West Secondary Plan – Land Use Plan</p>	<p>Redesignate lands from “Mixed Use – Medium Density” to “General Open Space”</p> 	

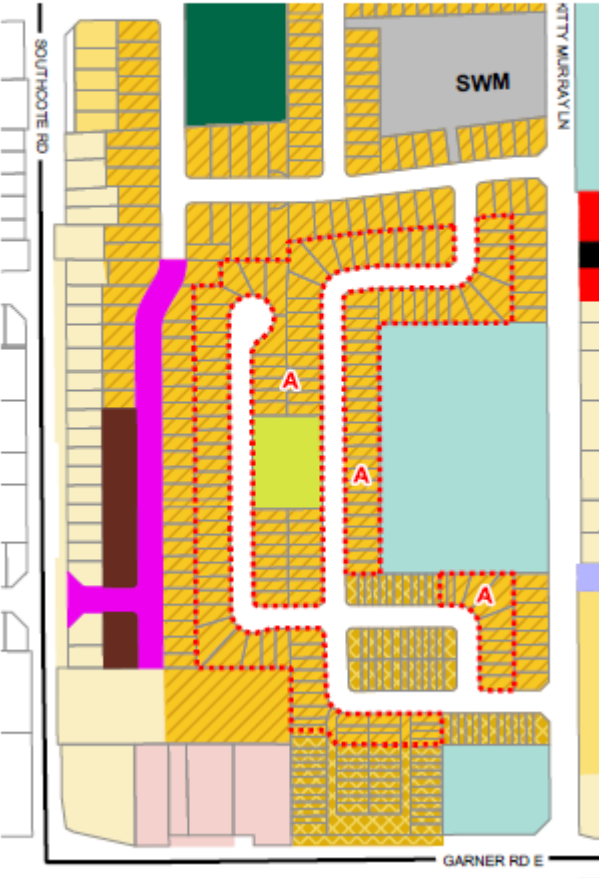
Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Map B.2.5-1 - Ancaster Meadowlands Neighbourhood III— Land Use Plan</p>	<p>Redesignate lands from “Low Density Residential 1a” and “Low Density Residential (Infill)” to “Low Density Residential 2c”</p> <p>Redesignate lands from “Low Density Residential 1a” and “Low Density Residential (Infill)” to “Institutional”</p> <p>Add “Low Density Residential 2c” to legend.</p> 	<p>As per OPA 131 to the former Town of Ancaster Official Plan (By-law 10-211) for lands located at 713 & Part of 777 Garner Road East, Ancaster</p>

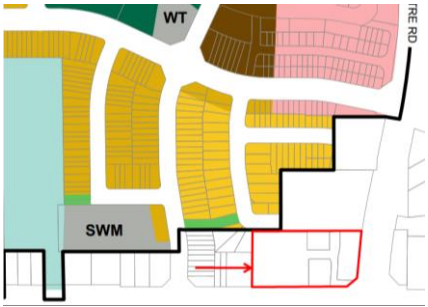


Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required			
<p>Ancaster Meadowlands Neighbourhood III - Map B.2.5-1 – Land Use Plan</p>	<p>Redesignate lands from “Low Density Residential (Infill)” and “Low Density Residential 1” to “Low Density Residential 3b”. Redesignate lands from “Low Density Residential 1” to “Institutional”. Delete proposed road pattern on subject lands.</p> <div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p style="text-align: center;">Appendix A DRAFT Amendment _____ to the Urban Hamilton Official Plan</p> <p> Lands to be redesignated from “Low Density Residential” and “Low Density Residential 1” to “Low Density Residential 3b”</p> <p> Lands to be redesignated from “Low Density Residential 1” to “Institutional”</p> <p> Proposed Road to be deleted</p> <table border="1" style="width: 100%; font-size: small;"> <tr> <td>Date: April 2012</td> <td>Revised By: LKLM</td> <td>Reference File No.: OPA-U-____(A)</td> </tr> </table> </div> 	Date: April 2012	Revised By: LKLM	Reference File No.: OPA-U-____(A)	<p>As per OPA 144 to the former Town of Ancaster Official Plan (By-law 12-156) for lands located at 411 and 421 Kitty Murray Lane, Ancaster</p>
Date: April 2012	Revised By: LKLM	Reference File No.: OPA-U-____(A)			


Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Ancaster Meadowlands Neighbourhood III - Map B.2.5-1 – Land Use Plan</p>	<p>Redesignate lands from “Low Density Residential(Infill)” to “Low Density Residential 2a” and add proposed road pattern</p> <div style="margin-left: 20px;"> <p> Lands to be redesignated from "Low Density Residential (Infill)" to "Low Density Residential 2a"</p> <p> Proposed road pattern to be added</p> </div> 	<p>As per OPA 144 to the Town of Ancaster Official Plan (By-law 11-117) for lands located at 431-497 Southcote Road</p>

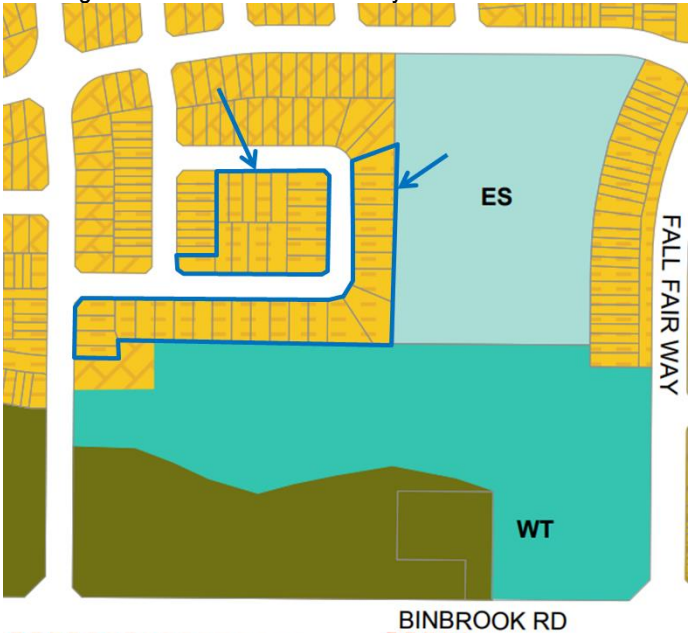
Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Waterdown North Secondary Plan – Map B.4.2-1 – Land Use Plan</p>	<p>Lands to be added to the Waterdown North Secondary Plan boundary and designated “Medium Density Residential 3”:</p> 	<p>As per OPA 128 to the former Town of Flamborough Official Plan (By-law 13-142) for lands located at 257-267 Parkside Drive</p>
<p>Waterdown North Secondary Plan – Map B.4.2-2 – Road Classification Map</p>	<p>Lands to be added to the Waterdown North Secondary Plan boundary:</p> 	
<p>Waterdown North Secondary Plan – Appendix A – Community Structure Plan</p>	<p>Lands to be added to the Waterdown North Secondary Plan boundary:</p> 	

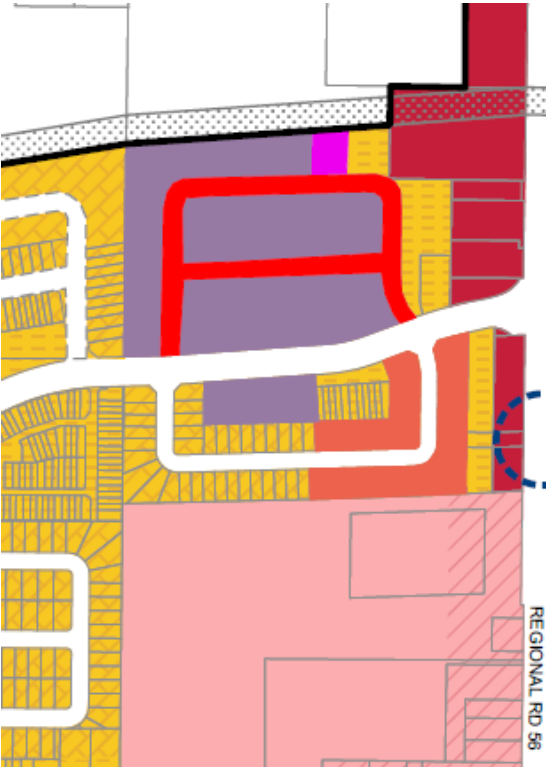
Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Map B.5.1-1 – Binbrook Village Secondary Plan –Land Use Plan</p>	<p>Redesignate lands from “Low Density Residential 2h” and “Low Density Residential 3e” to “Low Density Residential 3c”</p> <p> Lands to be redesignated from "Low Density Residential 3e" to "Low Density Residential 3c"</p> 	<p>As per OPA 83 to former Township of Glanbrook Official Plan (By-law 11-170) for lands located at northeast corner of Binbrook Road and Fall Fair Way (310 Fall Fair Way, Glanbrook)</p>

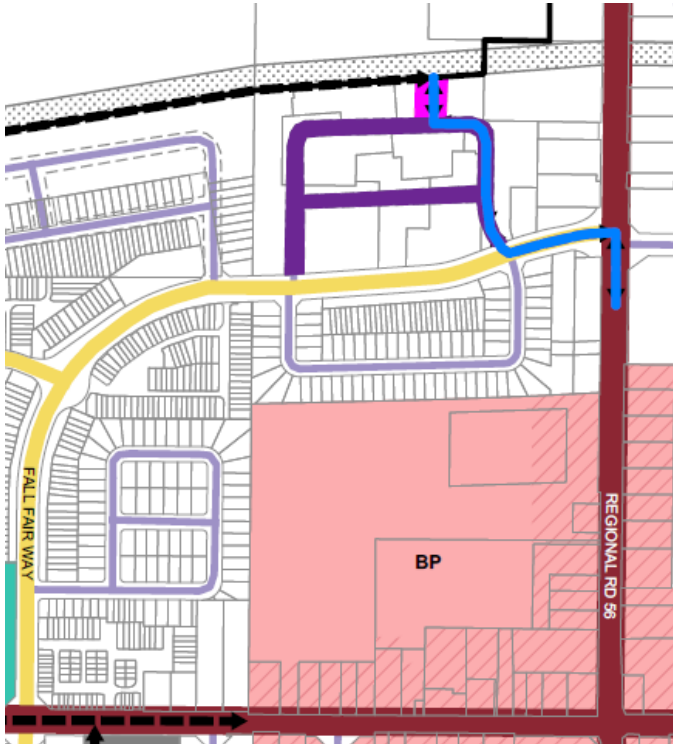
Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Map B.5.1-1 – Binbrook Village Secondary Plan –Land Use Plan</p>	<p>Redesignate lands from “Low Density Residential 2h” to “Low Density Residential 2e”</p> 	<p>As per OPA 86 to former Township of Glanbrook Official Plan (By-law 12-046) for lands located east of Royal Winter Drive and south of Pumpkin Pass, known municipally as 8 Country Fair Way, Glanbrook. Note that it appears there was a mapping error (redesignation) for a portion of these lands (on the south/east side of the road), and this error is also being corrected.</p>

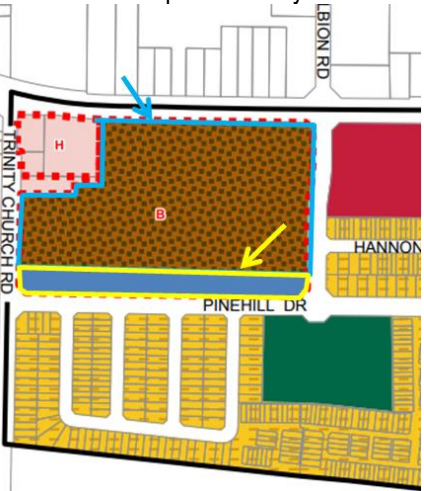
Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Map B.5.1-1 – Binbrook Village Secondary Plan –Land Use Plan</p>	<p>Redesignate lands from “Parkette” and “Low Density Residential 2e” to “Low Density Residential 2h” and redesignate lands from “Low Density Residential 2h” to “Low Density Residential 2e”.</p> <p>Delete proposed road pattern.</p> <ul style="list-style-type: none"> Lands to be redesignated from "Parkette" to "Low Density Residential 2h" Lands to be redesignated from "Low Density Residential 2e" to "Low Density Residential 2h" Lands to be redesignated from "Low Density Residential 2h" to "Low Density Residential 2e" Delete "Proposed Roads" 	<p>As per OPA 77 to former Township of Glanbrook Official Plan (By-law No. 10-024).</p>


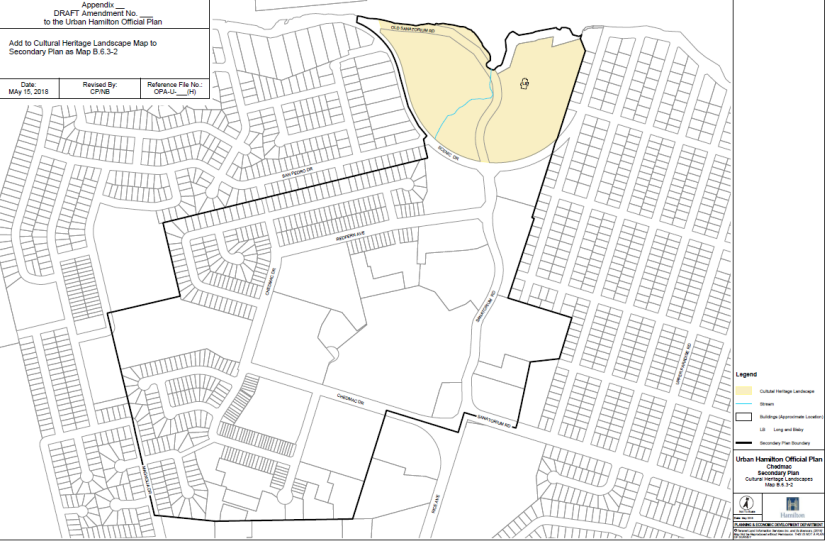
Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Map B.5.1-2 – Binbrook Village Secondary Plan – Open Space Linkages</p>	<p>Delete “Proposed Roads” and remove “Parkette” designation and “Open Space Linkages”.</p> <ul style="list-style-type: none"> Delete “Proposed Roads” Remove “Parkette” designation Remove “Open Space Linkages” 	<p>As per OPA 77 to former Township of Glanbrook Official Plan (By-law No. 10-024).</p>

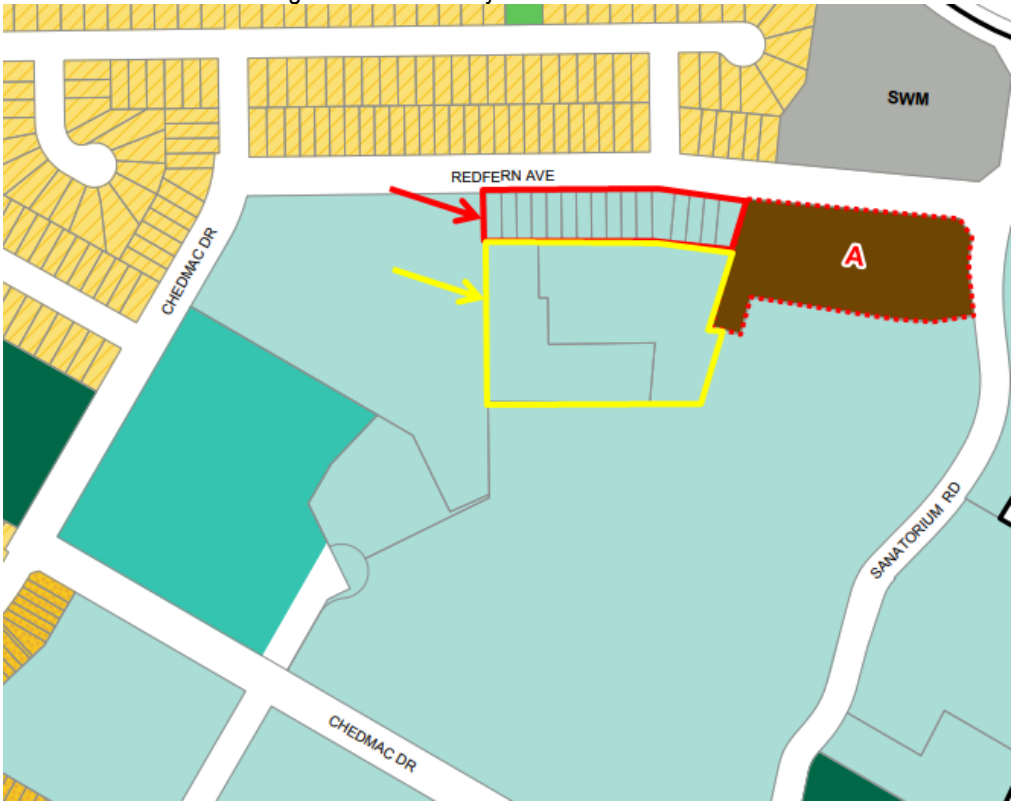
Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Map B.5.2-1 - Rymal Road Secondary Plan – Land Use Plan</p>	<p>Redesignate lands from “Medium Density Residential 3” to “Institutional” and “Low Density Residential 2h” Remove Area Specific Policy – Area B</p> 	<p>As per OPA 79 to the former Township of Glanbrook Official Plan (By-law 10-087) for lands located within Part of lot 5, Block 5, Concession 1, Geographic Township of Binbrook, and Block 136, Registered Plan 62M-1033</p>

Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required			
<p>Map B.6.3-1 – Chedmac Secondary Plan –Land Use Plan</p>	<p>Add area to Chedmac Secondary Plan boundary and add designations to lands (see Appendix “E1” to PED18XXX).</p> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 20px;"> <ul style="list-style-type: none"> Lands to be added to Chedmac Secondary Plan Boundary and identified as Area Specific Policy Area “X” X-1 Lands to be designated “Medium Density Residential 3” and identified as Site Specific Policy - Area “X-1” X-2 Lands to be designated “Medium Density Residential 3” and identified as Site Specific Policy - Area “X-2” X-3 Lands to be designated “Natural Open Space” and identified as Site Specific Policy - Area “X-3” X-4 Lands to be designated “Natural Open Space” and identified as Site Specific Policy - Area “X-4” Lands to be designated “Natural Open Space” </div>  </div>	<p>As per OMB decision PL100691, dated June 22, 2012.</p>			
<p>Map B.6.3-2 Chedmac Secondary Plan – Cultural Heritage Landscapes</p>	<p>Add Cultural Heritage Landscapes Map to Secondary Plan as Map B.6.3-2</p> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 20px; font-size: small;"> <p>Appendix — DRAFT Amendment No. to the Urban Hamilton Official Plan</p> <p>Add to Cultural Heritage Landscapes Map to Secondary Plan as Map B.6.3-2</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Date: May 15, 2018</td> <td style="width: 25%;">Revised By: CPNR</td> <td style="width: 50%;">Reference File No.: OPALC-18-01</td> </tr> </table> </div>  <div style="margin-left: 20px; font-size: x-small;"> <p>Legend</p> <ul style="list-style-type: none"> Cultural Heritage Landscapes Street Building Footprints Long and Easy Secondary Plan Boundary <p>Urban Hamilton Official Plan Chedmac Secondary Plan Cultural Heritage Landscapes Map B.6.3-2</p> </div> </div>	Date: May 15, 2018	Revised By: CPNR	Reference File No.: OPALC-18-01	
Date: May 15, 2018	Revised By: CPNR	Reference File No.: OPALC-18-01			



Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Map B.6.3-1 – Chedmac Secondary Plan –Land Use Plan</p>	<p>Redesignate lands from “Institutional” to “Low Density Residential 1” Redesignate lands from “Institutional” to “Low Density Residential 2c” Remove “Institutional” designation and identify as Road</p> 	<p>As per OPA 228 to City of Hamilton Official Plan (By-law 12-041) for lands located at 555 Sanatorium Road</p>

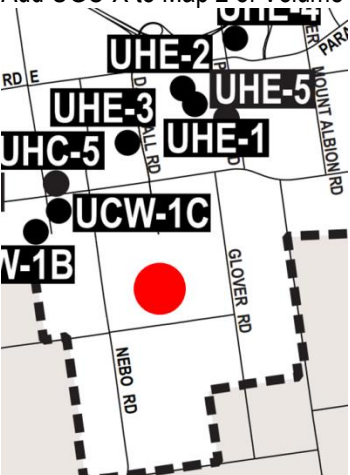
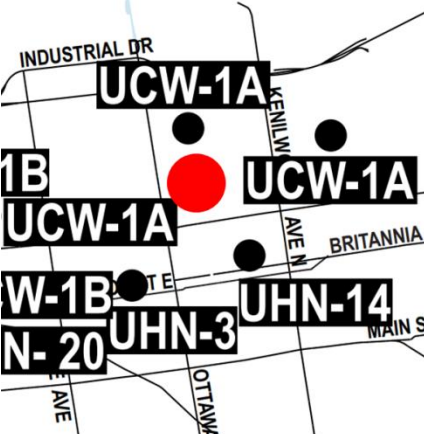
Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required
Map B.7.3-1 – Urban Lakeshore Secondary Plan –Land Use Plan	<p>Redesignate lands from “Low Density Residential 2b” to “Local Commercial”</p> 	As per OPA 166 to Stoney Creek Official Plan (By-law 12-064) for lands located at 1365 and 1367 Baseline Road
Map B.7.3-1 – Urban Lakeshore Secondary Plan –Land Use Plan	<p>Redesignate lands from Low Density Residential 2b” and “Institutional” to “Low Density Residential 3c”</p> 	As per OPA 169 to the Stoney Creek Official Plan (By-law 12-182) for lands located at 845 and 857 North Service Road

Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Map B.7.2-1 – Old Town Secondary Plan –Land Use Plan</p>	<p>Add Site Specific Policy Area “X” to lands</p> 	<p>As per OPA 171 to the Stoney Creek Official Plan (By-law 12-175) for lands located at 120 and 124 King Street West</p>
<p>Map B.7.2-1 – Old Town Secondary Plan –Land Use Plan</p>	<p>Redesignate lands from “Local Commercial” to “Institutional” and from “Low Density Residential 2a” to “Institutional”. Add Site Specific Policy – Area “Y” to subject lands (all lands).</p> 	<p>As per OPA 170 to the Stoney Creek Official Plan (By-law 12-175) for lands located on the north side of King Street East, east side of Dawson Avenue, and south side of Passmore Street, known municipally as 135 and 137 King Street East and 42 Passmore Street, Stoney Creek</p>

Proposed Schedule, Map, and Appendix Amendments for OPAs and OMB Decision Held in Abeyance while UHOP Under Appeal

Schedule / Map Number	Proposed Changes	Why Change is Required
Map 2 - Urban Site Specific Key Map	<p>Add UGC-X to Map 2 of Volume 3</p> 	<p>As per OPA 84 to the former Township of Glanbrook Official Plan (By-law 11-279) for lands located at 5365 Twenty Road East, Glanbrook</p>
Map 2 - Urban Site Specific Key Map	<p>Add Site Specific Policy UHN-X to Subject Lands</p> 	<p>As per OPA 231 to the former City of Hamilton Official Plan (By-law 12-080) for lands located at 360 Beach Road, Hamilton</p>

Proposed Text Amendments - RHOP Volume 1

Grey highlighted strikethrough text = text to be deleted

Bolded text = text to be added

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Volume 1, Chapter C – City Wide Systems and Designations			
C.5.1.1 a) Chapter C – City Wide Systems and Designations	C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with the all of the following: a) Prior to or at the time of application for a proposal that could impact existing <i>private services</i> or involves proposed <i>private services</i> , <i>development</i> proponents shall submit complete information regarding existing or proposed private water and wastewater services. This information shall be complete to the satisfaction of the City. Where sufficient information is not available to enable a full assessment of on-site and off-site water supply and / or sewage disposal impacts or if the proponent does not agree with the City’s calculations, the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.25 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved and amended from time to time.	C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with the all of the following: a) Prior to or at the time of application for a proposal that could impact existing private services or involves proposed private services, development proponents shall submit complete information regarding existing or proposed private water and wastewater services. This information shall be complete to the satisfaction of the City. Where sufficient information is not available to enable a full assessment of on-site and off-site water supply and / or sewage disposal impacts or if the proponent does not agree with the City’s calculations, the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.5 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved and amended from time to time.	Administrative change to correct Policy Section number reference.

Proposed Text Amendments - RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
C.5.1.1 b) Chapter C – City Wide Systems and Designations	<p>C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with the all of the following:</p> <p>b) Any information submitted or study required in Policy C.5.1.1 a) shall be completed to the satisfaction of the City in accordance with Section F.3.2.25 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. The City may request or conduct a peer review of the study or servicing information, which shall be completed by an agency or professional consultant acceptable to the City and retained by the City at the applicant's expense.</p>	<p>C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with the all of the following:</p> <p>b) Any information submitted or study required in Policy C.5.1.1 a) shall be completed to the satisfaction of the City in accordance with Section F.3.2.5 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. The City may request or conduct a peer review of the study or servicing information, which shall be completed by an agency or professional consultant acceptable to the City and retained by the City at the applicant's expense.</p>	<p>Administrative change to correct Policy Section number reference.</p>

Proposed Text Amendments - RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
<p>C.5.1.1 c)</p> <p>Chapter C – City Wide Systems and Designations</p>	<p>C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with the all of the following:</p> <p>c) The minimum size for a new lot proposed in an application for a severance or lot addition, with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall:</p> <p>i) be the size required to accommodate the water system and sewage disposal system with no acceptable on-site and off-site impacts; and shall</p> <p>ii) include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b); In no case shall a proposed new lot and,</p> <p>iii) not be less than one acre in size. The maximum lot size shall be in accordance with Policy F.1.14.2.1 gf.</p>	<p>C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with the all of the following:</p> <p>c) The minimum size for a new lot proposed in an application for a severance or lot addition, with an existing or proposed private water system and/or existing or proposed private sewage disposal system shall:</p> <p>i) be the size required to accommodate the water system and sewage disposal system with acceptable on-site and off-site impacts;</p> <p>ii) include sufficient land for a reserve discharge site or leaching bed, as determined by the requirements in Policies C.5.1.1 a) and b); and,</p> <p>iii) not be less than one acre in size. The maximum lot size shall be in accordance with Policy F.1.14.2.1 f).</p>	<p>Formatting change - the policy has been reformatted into a list (i, ii, and iii) for clarity purposes.</p> <p>In addition, the word “no” in the phrase “no on-site and off-site impacts” has changed to the word “acceptable” so that it reads “acceptable on-site and off-site impacts”. This change is being made to be consistent with the wording of Policy 5.1.1 d).</p> <p>Also an administrative change to correct Policy Section number reference.</p>

Proposed Text Amendments - RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
C.5.1.1 d) Chapter C – City Wide Systems and Designations	<p>C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with the all of the following:</p> <p>d) Development of a new land use or a new or replacement building on an existing lot that require(s) water and/or wastewater servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot size are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 gf).</p>	<p>C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with the all of the following:</p> <p>d) Development of a new land use or a new or replacement building on an existing lot that require(s) water and/or wastewater servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 f).</p>	Administrative change to correct Policy Section number reference and delete duplicate word.
C.5.1.1 g) Chapter C – City Wide Systems and Designations	<p>C.5.1.1 g) The existing or proposed water supply system shall include a well with sufficient quantity of water and with potable water supply to sustain the use. A cistern that meets current accepted standards, may, to the satisfaction of the City, be an additional component of the water supply system.</p>	<p>C.5.1.1 g) The existing or proposed water supply system shall include a well with sufficient quantity of water and with potable water supply to sustain the use. A cistern that meets current accepted standards, may, to the satisfaction of the City, be an additional component of the water supply system.</p>	Additional wording added to reflect the requirement for sufficient quality and quantity of water to be provided.

Proposed Text Amendments - RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
C.5.1.1 h) Chapter C – City Wide Systems and Designations	<p>C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with the all of the following:</p> <p>h) Notwithstanding Policy C.5.1.1 g), a cistern that meets current accepted standards may be used as a primary water source in the following circumstances:</p> <p>i) the building of a dwelling on an <i>existing</i> lot in accordance with Policy F.1.12.6, where insufficient water supply is due to the impacts of dewatering for mineral aggregate extraction as demonstrated by a quarry area of influence study, approved by the Province and provided by the proponent.</p> <p>ii) redevelopment of an <i>existing</i> use, on an <i>existing</i> lot, which is serviced by an <i>existing</i> water cistern, provided there is no negative impact of the proposal on the cistern.</p> <p>iii) new development on an <i>existing</i> lot if it is demonstrated by an applicant, through the submission of evidence in the form of a well test, hydrogeological study or other, that groundwater quality or quantity is inadequate to support the use, to the satisfaction of the City.</p> <p>iv) the severance of an <i>existing</i> dwelling in accordance with Section F.1.14.2, serviced by an <i>existing</i> water cistern, provided there is no</p>	<p>C.5.1.1 No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with the all of the following:</p> <p>h) Notwithstanding Policy C.5.1.1 g), a cistern that meets current accepted standards may be used as a primary water source in the following circumstances:</p> <p>i) the building of a dwelling on an <i>existing</i> lot in accordance with Policy F.1.12.6, where insufficient water supply is due to the impacts of dewatering for mineral aggregate extraction as demonstrated by a quarry area of influence study, approved by the Province and provided by the proponent.</p> <p>ii) redevelopment of an <i>existing</i> use, on an <i>existing</i> lot, which is serviced by an <i>existing</i> water cistern, provided there is no negative impact of the proposal on the cistern.</p> <p>iii) new development on an <i>existing</i> lot if it is demonstrated by an applicant, through the submission of evidence in the form of a well test, hydrogeological study or other, that groundwater quality or quantity is inadequate to support the use, to the satisfaction of the City.</p> <p>iv) the severance of an <i>existing</i> dwelling in accordance with Section F.1.14.2, serviced by an <i>existing</i> water cistern, provided there is no negative impact on the cistern.</p>	<p>New policy added to allow greater flexibility in the usage of a cistern as a primary water source in the following circumstances:</p> <ul style="list-style-type: none"> - In the case of redevelopment of an existing use already reliant on a cistern - In the case of new development where inadequate water quality or quantity can be provided with well alone (must be demonstrated through testing). <p>Previous policy C.5.1.5, which allowed use of cisterns if lot was impacted by aggregate dewatering, has been relocated, revised, and re-numbered to C.5.1.1 h) i).</p> <p>Previous policy C.5.1.4, which permitted a surplus farm dwelling, on a cistern, to remain on a cistern after severance, has been relocated and re-numbered to C.5.1.5 h) iv) and modified to apply to the severance of any existing</p>

Proposed Text Amendments - RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
	negative impact on the cistern.		dwelling on a cistern (no longer limited to surplus farm dwellings).
C.5.1.4 Chapter C – City Wide Systems and Designations	Delete Policy C.5.1.4 in its entirety: C.5.1.4 Notwithstanding Policies F.1.14.2.1 c) v), F.1.14.2.1 e), and the water supply requirements of C.5.1.1, Private Water and Wastewater Services, which prohibit <i>development</i> on a water cistern, in the case of the severance of an <i>existing</i> surplus farm dwelling in accordance with Section F.1.14.2.8, the severance of an <i>existing</i> dwelling serviced by an <i>existing</i> water cistern may be permitted provided there is no negative impact of the proposal on the cistern. All other aspects of Policies F.1.14.2.1 c) v) and F.1.14.2.1 e), and Section C.5.1 shall continue to apply.	N/A	This policy has been relocated and re-numbered to C.5.1.5 h) iv) and modified to apply to the severance of any existing dwelling on a cistern (no longer limited to surplus farm dwellings). (see above).

Proposed Text Amendments - RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
C.5.1.5 Chapter C – City Wide Systems and Designations	<p>Delete Policy C.5.1.5 in its entirety:</p> <p>C.5.1.5 Notwithstanding the water supply requirements of C.5.1.1 f) Private Water and Wastewater Services which prohibit development on a water cistern, the building of a dwelling on an existing vacant legal lot of record in accordance with Policy F.1.12.6, serviced by a water cistern, where insufficient water supply is due to the impacts of dewatering for mineral aggregate extraction as demonstrated by a quarry area of influence study, approved by the Province and provided by the proponent, may be permitted at the discretion of the City. All other aspects of Section C.5.1 shall continue to apply. No severances shall be permitted on the basis of an existing water cistern except in accordance with Policy C.5.1.4.</p>	N/A	This policy has been relocated and re-numbered to C.5.1.1 h) i) (see above).
C.5.1.6 Chapter C – City Wide Systems and Designations	<p>Delete Policy C.5.1.6 in its entirety:</p> <p>C.5.1.5 Where a new dwelling is permitted under Policy C.5.1.5, the servicing or hydrogeological study required in Policy C.5.1.1 shall consider potential hydrologic and hydrogeological changes when the mineral aggregate operation ceases and the lands are rehabilitated.</p>	N/A	This policy goes beyond a typical on-site lot review and would be difficult to implement and has therefore been removed.

Proposed Text Amendments - RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Volume 1, Chapter F - Implementation			
F.1.14.2.1 b) iv) Chapter F – Implementation	F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture al , Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations: b) Severances that create a new lot(s) may be permitted for only the following purposes: iv) Severances within designated Rural Settlement Areas in accordance with Policies F.1.14.2.1 c), d) and e) , Policy F.1.14.2.4, and Section C.5.1, Private Water and Wastewater Services;	F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations: b) Severances that create a new lot(s) may be permitted for only the following purposes: iv) Severances within designated Rural Settlement Areas in accordance with Policy F.1.14.2.1 c), Policy F.1.14.2.4, and Section C.5.1, Private Water and Wastewater Services;	Administrative change to correct the reference to the “Agriculture” designation, and to remove the reference to policies F.1.14.2.1 d) and e) which are not applicable to new lot creation.
F.1.14.2.1 b) v) Chapter F – Implementation	F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture al , Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations: b) Severances that create a new lot(s) may be permitted for only the following purposes: v) Acquiring land for infrastructure, petroleum resource extraction, and <i>mineral aggregate resource</i> extraction purposes in accordance with Policy F.1.14.2.1 h g);	F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations: b) Severances that create a new lot(s) may be permitted for only the following purposes: v) Acquiring land for infrastructure, petroleum resource extraction, and <i>mineral aggregate resource</i> extraction purposes in accordance with Policy F.1.14.2.1 g);	Administrative change to correct Policy Section number reference due to deletion.

Proposed Text Amendments - RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
F.1.14.2.1 b) vi) Chapter F – Implementation	<p>F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations:</p> <p>b) Severances that create a new lot(s) may be permitted for only the following purposes:</p> <p>vi) Facilitating conveyances of land to a public body or approved private <i>land trust</i> in accordance with Policy F.1.14.2.1 ih);</p>	<p>F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations:</p> <p>b) Severances that create a new lot(s) may be permitted for only the following purposes:</p> <p>vi) Facilitating conveyances of land to a public body or approved private <i>land trust</i> in accordance with Policy F.1.14.2.1 h);</p>	Administrative change to correct Policy Section number reference.

Proposed Text Amendments - RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
F.1.14.2.1 d) iv) Chapter F – Implementation	<p>F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations:</p> <p>d) All proposed lot additions shall:</p> <p>iv) meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of complete information a hydrogeological study regarding existing or proposed water and wastewater services prior to or at the time of application, except as permitted in F.1.14.2.7d).</p>	<p>F.1.14.2.1 The following policies shall apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agriculture, Rural, Specialty Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D-Rural Land Use Designations:</p> <p>d) All proposed lot additions shall:</p> <p>v) meet the requirements of Section C.5.1, Private Water and Wastewater Services, including the requirement for submission of a hydrogeological study regarding existing or proposed water and wastewater services prior to or at the time of application, except as permitted in F.1.14.2.7d).</p>	<p>Policy has been updated to refer to Policy F.1.14.2.7, in relation to minor lot additions for existing undersized lots.</p> <p>Policy has also been updated to reference “hydrogeological study” instead of “complete information” which is a more accurate reference to the required information.</p> <p>Also an administrative change to correct a numbering error – the policy should be numbered F.1.14.2.1d)v).</p>
F.1.14.2.1 e) Chapter F – Implementation	<p>Policy F.1.14.2.1 e) to be deleted in its entirety, and the remaining subsections re-lettered accordingly.</p> <p>F.1.14.2.1 e) Proposed lot additions may be required to submit a hydrogeological study in accordance with C.5.1, Private Water and Wastewater Services, at the discretion of the City.</p>		<p>Administrative – this policy is redundant to Policy F.1.14.2.1 d)v) (above).</p>

Proposed Text Amendments - RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
F.1.14.2.3 Chapter F – Implementation	F.1.14.2.3 In the Rural designation, severances that create a new lot, except surplus farm dwelling severances, may be considered only for agricultural uses, agriculture-related uses, existing rural resource-based commercial uses, existing rural resource-based industrial uses, and existing rural institutional uses, provided all of the relevant conditions of Section D.4.2.1 and the following conditions are met:	F.1.14.2.3 In the Rural designation, severances that create a new lot, except surplus farm dwelling severances, may be considered only for agricultural uses, agriculture-related uses, existing rural resource-based commercial uses, existing rural resource-based industrial uses, and existing rural institutional uses, provided all of the relevant conditions of Section D.4.1 and the following conditions are met:	Administrative change to correct Policy Section number reference.
F.1.14.2.4 f) Chapter F – Implementation	F.1.14.2.4 Within designated Rural Settlement Areas all proposed severances that create a new lot and proposed lot additions shall: f) meet the requirements of Section C.5.1, Private Water and Wastewater Services, except as permitted in F.1.14.2.7 d).	F.1.14.2.4 Within designated Rural Settlement Areas all proposed severances that create a new lot and proposed lot additions shall: f) meet the requirements of Section C.5.1, Private Water and Wastewater Services, except as permitted in F.1.14.2.7 d).	Policy has been updated to refer to Policy F.1.14.2.7, in relation to minor lot additions for existing undersized lots.
F.1.14.2.5 b)i) Chapter F – Implementation	F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met: b)All resulting lots shall be: i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Waterwater Services of this Plan, except as permitted in F.1.14.2.7 d); and,	F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met: b)All resulting lots shall be: i) a minimum of 0.4 hectares (1 acre), or such larger area as may be required by Section C.5.1, Private Water and Waterwater Services of this Plan, except as permitted in F.1.14.2.7 d); and,	Policy has been updated to refer to Policy F.1.14.2.7, in relation to minor lot additions for existing undersized lots.

Proposed Text Amendments - RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
F.1.14.2.5 b)iii) Chapter F – Implementation	F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met: b) All resulting lots shall be: iii c) For lands within the Agriculture designation where the lot addition is for <i>agricultural uses</i> the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).	F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met: c) For lands within the Agriculture designation where the lot addition is for <i>agricultural uses</i> the minimum lot size of all resulting lots shall be 40.4 hectares (100 acres).	Administrative change – policy has been re-numbered to be consistent with format of remaining policies in Section – remaining policies have been re-numbered.
F.1.14.2.5 e) Chapter F – Implementation	F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met: f) The minimum lot size requirements in F.1.14.2.5 b), c) and d) and e) may also include lands designated as Open Space on Schedule D – Rural Land Use Designations, or identified as within the Natural Heritage System on Schedule B – Natural Heritage System.	F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met: f) The minimum lot size requirements in F.1.14.2.5 b), c) and d) may also include lands designated as Open Space on Schedule D – Rural Land Use Designations, or identified as within the Natural Heritage System on Schedule B – Natural Heritage System.	Administrative change to correct Policy Section number reference. In addition, policy has been renumbered to f) in accordance with the change above.
F.1.14.2.5 h) Chapter F – Implementation	F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met: h) The lands to be severed and conveyed are added to and merged in title with an abutting property or properties.	F.1.14.2.5 Lot additions, except within designated Rural Settlement Areas, may be considered for permitted uses provided the following conditions are met: h) The lands to be severed and conveyed are added to and merged in title with an abutting property or properties.	New subsection h) has been relocated from existing Policy F.1.14.2.9 f)ii). The remainder of Policy F.1.14.2.9 is being deleted in its entirety (see below) because it is redundant.

Proposed Text Amendments - RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
F.1.14.2.6 c) Chapter F – Implementation	F.1.14.2.6 Minor lot line adjustments and minor boundary adjustments may be considered for <i>legal and technical reasons</i> only provided: c) the land area of the lot adjustment does not exceed the land area required to address the legal or technical issue, meet the requirements of Section C.5.1, Private Water and Wastewater Services, and meet F.1.14.2.6 b) and c) above with as little acreage as possible taken out of <i>agricultural use</i> ; and,	F.1.14.2.6 Minor lot line adjustments and minor boundary adjustments may be considered for <i>legal and technical reasons</i> only provided: c) the land area of the lot adjustment does not exceed the land area required to address the legal or technical issue, meet the requirements of Section C.5.1, Private Water and Wastewater Services, and meet F.1.14.2.6 b) above with as little acreage as possible taken out of <i>agricultural use</i> ; and,	Administrative change to correct Policy number reference.
F.1.14.2.7 Chapter F – Implementation	F.1.14.2.7 Notwithstanding In addition to Policy F.1.14.2.6, minor lot additions may be permitted where additional land is required for <i>existing</i> undersized lots to meet all of the applicable requirements of Section C.5.1, Private Water and Wastewater Services, as determined by the City, for <i>existing</i> uses only, provided all of the following are met: c) there is no increased fragmentation of a <i>key natural heritage feature</i> or <i>key hydrologic feature</i> ; and, d) the lot being enlarged is not required to demonstrate conformity with Policy C.5.1.1 c), but should generally be a minimum of one acre in size following the lot addition; and, e) the land area of the minor lot addition does not exceed the land area needed to meet the requirements of Section C.5.1, Private Water and Wastewater Services, and F.1.14.2.7 b) and vc above with as little acreage as possible taken out of agricultural use.	F.1.14.2.7 In addition to Policy F.1.14.2.6, minor lot additions may be permitted where additional land is required for <i>existing</i> undersized lots to meet the applicable requirements of Section C.5.1, Private Water and Wastewater Services, as determined by the City, for <i>existing</i> uses only, provided all of the following are met: c) there is no increased fragmentation of a <i>key natural heritage feature</i> or <i>key hydrologic feature</i> ; d) the lot being enlarged is not required to demonstrate conformity with Policy C.5.1.1 c), but should generally be a minimum of one acre in size following the lot addition; and, e) the land area of the minor lot addition does not exceed the land area needed to meet the requirements of Section C.5.1, Private Water and Wastewater Services, and F.1.14.2.7 b) and c) above with as little acreage as possible taken out of agricultural use.	The existing policy allows minor lot additions to allow for undersized lots to be enlarged to accommodate private services. Subsection d) has been added to clarify that the resulting size of the lot after the minor lot addition should be generally one acre, but is not required to meet all of the sustainable servicing requirements of Section C.5.1.a, as it is not always possible to do so on an undersized lot. This policy change is recognizing that any enlargement of an existing undersized developed lot is an improvement.

Proposed Text Amendments - RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
<p>F.1.14.2.9</p> <p>Chapter F – Implementation</p>	<p>Policy is being deleted in its entirety. Subsection F.1.14.2.9 f) ii) has been renumbered to F.1.14.2.5 h) and re-located.</p> <p>Lot additions shall be permitted in the Rural, Agriculture and Specialty Crop designations provided the following conditions are met:</p> <p>b) No new lots shall be created;</p> <p>c) All lot additions shall comply with Sections F.1.14.2.2 d) ii), iii), iv) and v) of this Plan;</p> <p>d) For lands within the Agriculture designation Section F.1.14.2.1 b) i), c) and d) shall apply;</p> <p>e) For lands within the Specialty Crop designation Section F.1.14.2.1 b) ii), c) and d) shall apply;</p> <p>f) For lands within the Rural designation the following conditions shall apply:</p> <p>i) Where a lot addition severance will result in the creation of a non-agricultural lot, an existing building or structure for an established residential, commercial or industrial use must be located on the proposed non-agricultural lot; and</p> <p>ii) The lands to be severed and conveyed are added to and merged in title with an abutting property or properties.</p>		<p>This policy is being deleted because it is redundant to existing policies in Section F.1.14.2.1 addressing Lot Additions.</p>

Proposed Amendments to Integrated Transportation Network Policies – RHOP Volume 1

Grey highlighted strikethrough text = text to be deleted

Bolded text = text to be added

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Volume 1, Chapter C – City Wide Systems and Designations			
Throughout chapter.	Replace the phrases “Road Widening” and “Road allowance” with the phrase “Right-of-Way Dedication” throughout the entire chapter.	Right-of-Way Dedication	The current wording may be misinterpreted as creating additional vehicular capacity, which is not the intent of the policy. The future dedications are for other purposes such as utility requirements, pedestrian and cycling amenities, wider sidewalks, trees, off-road cycling infrastructure, transit priority measures and not necessarily road widening for additional travel lanes.
Throughout chapter.	Replace the phrase “Future Road Widening” with the phrase “Future Right-of-Way Dedications” throughout the entire chapter.	Future Right-of-Way Dedications	The current wording may be misinterpreted as creating additional vehicular capacity, which is not the intent of the policy. The future dedications are for other purposes such as utility requirements, pedestrian and cycling amenities, wider sidewalks, trees, off-road cycling infrastructure, transit priority measures and not necessarily road widening for additional travel lanes.
C.4.4 Public Transit Network	C.4.4 Municipal public transit in the <i>rural area</i> is limited to the Accessible Transit System (DARTS) , Trans-Cab service in small defined areas, and urban routes that cross stretches of <i>rural lands</i> to access urban destinations.	C.4.4 Municipal public transit in the <i>rural area</i> is limited to the Accessible Transit System, Trans-Cab service in small defined areas, and urban routes that cross stretches of <i>rural lands</i> to access urban destinations.	To allow for the flexibility that another Accessibility Transit System provider may be able to provide the same service.

Proposed Amendments to Integrated Transportation Network Policies – RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
C.4.5.2 b) iii)	C.4.5.2 b) iii) The maximum basic right-of-way width for arterial roads shall generally be 36.567 metres, but in certain circumstances a right of way width of 45.720 may be required, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Widening.	C.4.5.2 b) iii) The maximum basic right-of-way width for arterial roads shall generally be 36.567 metres, but in certain circumstances a right of way width of 45.720 may be required, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Widening.	Provide greater clarity to policy.
C.4.5.2 c) ii)	C.4.5.2 c) ii) The maximum basic right-of-way widths for collector roads in the <i>rural area</i> shall be 36 metres, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Widening.	C.4.5.2 c) ii) The maximum basic right-of-way widths for collector roads in the <i>rural area</i> shall be 36 metres, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Widening.	Provide greater clarity to policy.
C.4.5.2 d) ii)	C.4.5.2 d) ii) The maximum basic right-of-way widths for local roads in the <i>rural area</i> shall be 36 metres, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Widening.	C.4.5.2 d) ii) The maximum basic right-of-way widths for local roads in the <i>rural area</i> shall be 36 metres, unless otherwise specifically described in Schedule C-1 – Future Right-of-Way Widening.	Provide greater clarity to policy.
C.4.5.2 d) v)	C.4.5.2 d) v) The minimum right of way width for all local road classifications shall be 20.117 metres.	C.4.5.2 d) v) The minimum right of way width for local road classifications shall be 20.117 metres.	Provide greater clarity to policy.

Proposed Amendments to Integrated Transportation Network Policies – RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
C.4.5.6	<p>Road Widening C.4.5.6 The City may reserve or obtain land for future road widenings for rights-of-way right-of-way dedications as described in Schedule C-1 – Future Road Widenings Right-of-Way Dedications (Rural). Where a future road widening for rights-of-way right-of-way dedication is not described in Schedule C-1 – Future Road Widenings Right-of-Way Dedications (Rural), the City may reserve or obtain land for road widenings for rights-of-way as described in Section C.4.5.2. The aforesaid road widening right-of-way land conveyances may be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.</p>	<p>Road Widening C.4.5.6 The City may reserve or obtain land for future road widenings for right-of-way dedications as described in Schedule C-1 – Future Right-of-Way Dedications (Rural). Where a future right-of-way dedication is not described in Schedule C-1 – Future Right-of-Way Dedications (Rural), the City may reserve or obtain land for road widenings for rights-of-way as described in Section C.4.5.2. The aforesaid right-of-way land conveyances may be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.</p>	<p>The current wording may be misinterpreted as creating additional vehicular capacity, which is not the intent of the policy. The future dedications are for other purposes such as utility requirements, pedestrian and cycling amenities, wider sidewalks, trees, off-road cycling infrastructure, transit priority measures and not necessarily road widening for additional travel lanes.</p>

Proposed Amendments to Integrated Transportation Network Policies – RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
C.4.5.6.3 b)	<p>4.5.6.3 Where a proposed development is subject to site plan approval as detailed in Policy F.1.7 – Site Plan Control, the following provisions shall apply:</p> <p>b)Where feasible and where the City requires dedication of property for future rights-of-way widths, lands shall be dedicated equally from both sides of the road unless otherwise specified. Where the City requires more than one half of the widening from one side of the road right-of-way, the City shall require, from said side of the road right-of-way, dedication at no cost to the City of one half of the total proposed widening and shall acquire the remaining land required for the road right-of-way widening through gift, bequeathment, purchase, expropriation or other methods.</p>	<p>4.5.6.3 Where a proposed development is subject to site plan approval as detailed in Policy F.1.7 – Site Plan Control, the following provisions shall apply:</p> <p>b)Where feasible and where the City requires dedication of property for future right-of-way widths, lands shall be dedicated equally from both sides of the road unless otherwise specified. Where the City requires more than one half of the widening from one side of the right-of-way, the City shall require, from said side of the right-of-way, dedication at no cost to the City of one half of the total proposed widening and shall acquire the remaining land required for the right-of-way widening through gift, bequeathment, purchase, expropriation or other methods.</p>	<p>The current wording may be misinterpreted as creating additional vehicular capacity, which is not the intent of the policy. The future dedications are for other purposes such as utility requirements, pedestrian and cycling amenities, wider sidewalks, trees, off-road cycling infrastructure, transit priority measures and not necessarily road widening for additional travel lanes.</p>

Proposed Amendments to Integrated Transportation Network Policies – RHOP Volume 1

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
C.4.5.6.7	C.4.5.6.7 Notwithstanding Section C.4.5.6 and C.4.5.7, the City shall interpret the required right-of-way widths detailed in Section C.4.5.2 and Schedule C-1 – Future Road Widening Right-of-Way Dedications (Rural), where applicable to denote only the basic requirement for the section of the road. Additional rights-of-ways may be required at intersections to provide for exclusive turning lanes, daylight triangles and other special treatments to accommodate the optimum road/ intersection geometric design. There may also be additional requirements for rights-of-ways to provide lands for environmental considerations, the construction of bridges, overpasses, earth filled ramps, grade separations, depressed sections of roads, pathways, roundabouts, and traffic control in accordance with Section C.4.5.7. Any such additional right-of-way requirements shall be determined at the time of design of the road facilities and shall become part of the total required right-of-way.	C.4.5.6.7 Notwithstanding Section C.4.5.6 and C.4.5.7, the City shall interpret the required right-of-way widths detailed in Section C.4.5.2 and Schedule C-1 – Future Right-of-Way Dedications (Rural), where applicable to denote only the basic requirement for the section of the road. Additional right-of-ways may be required at intersections to provide for exclusive turning lanes, daylight triangles and other special treatments to accommodate the optimum road/ intersection geometric design. There may also be additional requirements for right-of-ways to provide lands for environmental considerations, the construction of bridges, overpasses, earth filled ramps, grade separations, depressed sections of roads, pathways, roundabouts, and traffic control in accordance with Section C.4.5.7. Any such additional right-of-way requirements shall be determined at the time of design of the road facilities and shall become part of the total required right-of-way.	The current wording may be misinterpreted as creating additional vehicular capacity, which is not the intent of the policy. The future dedications are for other purposes such as utility requirements, pedestrian and cycling amenities, wider sidewalks, trees, off-road cycling infrastructure, transit priority measures and not necessarily road widening for additional travel lanes.
Volume 1, Schedule C-1			
Header and Chart Title	Schedule C-1 – Future Road Widening Right-of-Way Dedications	Schedule C-1 – Future Right-of-Way Dedications	The current wording may be misinterpreted as creating additional vehicular capacity, which is not the intent of the policy. The future dedications are for other purposes such as utility requirements, pedestrian and cycling amenities, wider sidewalks, trees, off-road cycling infrastructure, transit priority measures and not necessarily road widening for additional travel lanes.

Proposed Text Amendments - RHOP Volume 2

~~Grey highlighted strikethrough text~~ = text to be deleted

Bolded text = text to be added

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Volume 2, Chapter A – Rural Settlement Area Plans			
Section A.2 – Ancaster Rural Settlement Area Plans Section Header	Volume 2, Chapter A – Ancaster Rural Settlement Areas	Volume 2, Chapter A – Ancaster Rural Settlement Areas	To provide greater detail in chapter headings for ease of navigation.
Section A.3 – Flamborough Rural Settlement Area Plans Section Header	Volume 2, Chapter A – Flamborough Rural Settlement Areas	Volume 2, Chapter A – Flamborough Rural Settlement Areas	To provide greater detail in chapter headings for ease of navigation.
Section A.4 – Glanbrook Rural Settlement Area Plans Section Header	Volume 2, Chapter A – Glanbrook Rural Settlement Areas	Volume 2, Chapter A – Glanbrook Rural Settlement Areas	To provide greater detail in chapter headings for ease of navigation.
Section A.5 – Stoney Creek Rural Settlement Area Plans Section Header	Volume 2, Chapter A – Stoney Creek Rural Settlement Areas	Volume 2, Chapter A – Stoney Creek Rural Settlement Areas	To provide greater detail in chapter headings for ease of navigation.

Proposed Text Amendments - RHOP Volume 3

Grey highlighted strikethrough text = text to be deleted

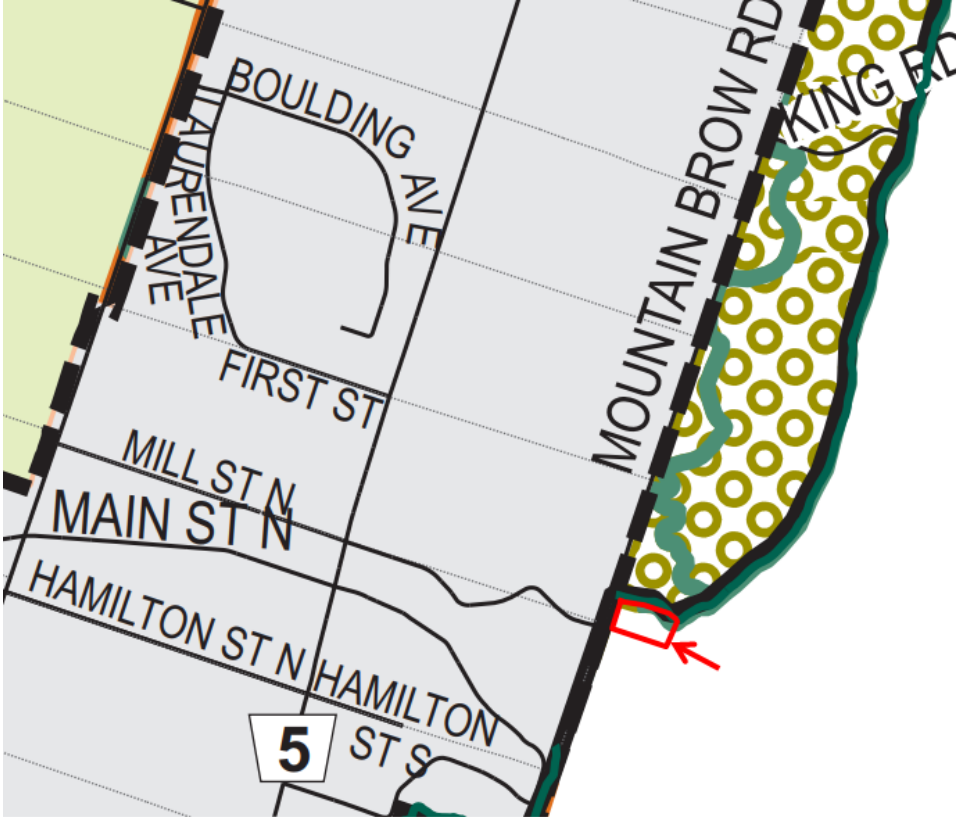
Bolded text = text to be added

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Volume 3, Chapter B – Rural Site Specific Areas			
Rural Site Specific Area – R-4	R-4 Lands known municipally as 159 and 163 167 Highway No. 5 West, former Town of Flamborough. 1.0 Notwithstanding Section C.3.3, Open Space of this Plan, the lands designated Open Space, known municipally as 159 and 163 167 Highway No. 5 West, shall be used for public or private recreation, golf course and agriculture, together with limited commercial uses which are ancillary to, and support the permitted Open Space uses.	R-4 Lands known municipally as 167 Highway No. 5 West, former Town of Flamborough. 1.0 Notwithstanding Section C.3.3, Open Space of this Plan, the lands designated Open Space, known municipally as 167 Highway No. 5 West, shall be used for public or private recreation, golf course and agriculture, together with limited commercial uses which are ancillary to, and support the permitted Open Space uses.	Legal address has changed.
Rural Site Specific Area – R-7 (second policy occurrence)	R-7 28 Lands known municipally as 58 12th Concession Road East, former Town of Flamborough 1.0 Notwithstanding Section D.4.0, Rural Designation of this Plan, for the lands designated Rural, known municipally as 58 12th Concession Road East and identified as Site Specific Policy R-7 28 , consisting of approximately 60 ha, may be used for 100 seasonal trailer sites and ancillary uses, which may include a single detached dwelling for a park manager or superintendent, a pavilion or recreation centre, utility or maintenance buildings associated with a private sewage and water distribution system and sports fields. All of the trailer sites and ancillary uses shall be located on lands which do not contain key natural heritage features.	R-28 Lands known municipally as 58 12th Concession Road East, former Town of Flamborough 1.0 Notwithstanding Section D.4.0, Rural Designation of this Plan, for the lands designated Rural, known municipally as 58 12th Concession Road East and identified as Site Specific Policy R-28, consisting of approximately 60 ha, may be used for 100 seasonal trailer sites and ancillary uses, which may include a single detached dwelling for a park manager or superintendent, a pavilion or recreation centre, utility or maintenance buildings associated with a private sewage and water distribution system and sports fields. All of the trailer sites and ancillary uses shall be located on lands which do not contain key natural heritage features.	Error in numbering at time of adoption.

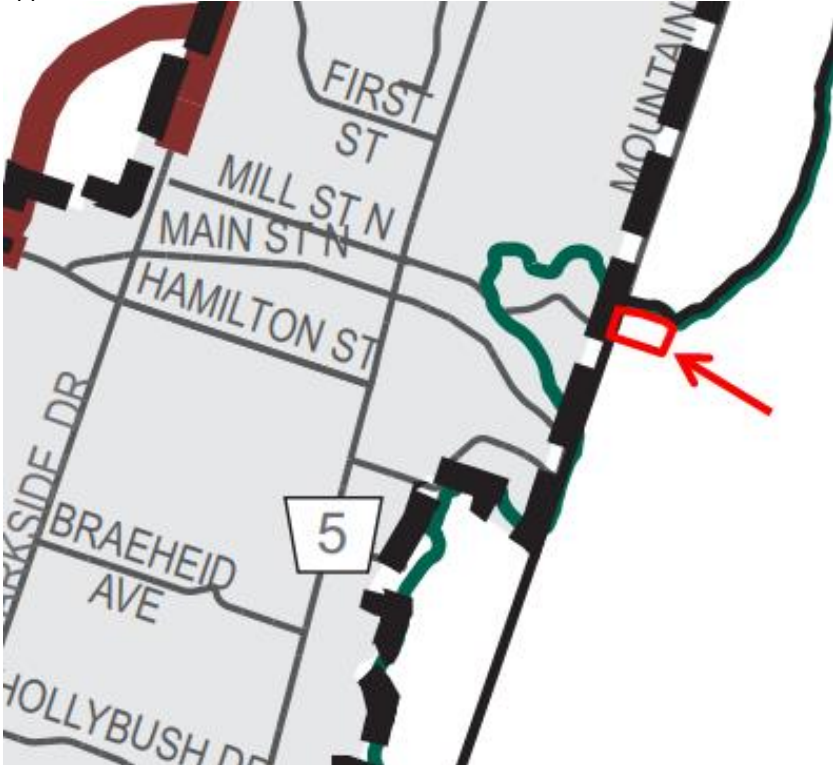
Proposed Text Amendments - RHOP Volume 3

Policy Number	Proposed Change	Proposed New Policy	Why Change is Required
Rural Site Specific Area – R-XX	<p>R-XX – Lands known municipally as 296 York Road, former Town of Dundas</p> <p>1.0 Notwithstanding Policy C.5.3.2, the <i>existing</i> dwelling located at 296 York Road, designated Open Space on Schedule “D”, may connect to municipal water and wastewater systems.</p>	<p>R-XX – Lands known municipally as 296 York Road, former Town of Dundas</p> <p>1.0 Notwithstanding Policy C.5.3.2, the <i>existing</i> dwelling located at 296 York Road, designated Open Space on Schedule “D”, may connect to municipal water and wastewater systems.</p>	<p>Policy C.5.3.2 only permits a connection to municipal services for a property on an urban-rural boundary road which is designated Agriculture, Rural or Specialty Crop. Because this property is designated Open Space, the site specific is required.</p>


Proposed Schedule, Appendix, and Map Amendments – RHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 1, Schedule A – Provincial Plans</p>	<p>Add lands to Municipal Boundary Add lands to Niagara Escarpment Plan Boundary Designate lands as “Protection Area” and “Natural Area”</p> 	<p>Lands were inadvertently omitted from Municipal Boundary. Lands fall within Niagara Escarpment Plan Area and are designated “Protection Area” and “Natural Area” in the Niagara Escarpment Plan.</p> <p>340 Mountain Brow Road, 2000 Waterdown Road, a portion of 342, 344, and 348 Mountain Brow Road, and a large municipal road allowance are to be included in these boundaries.</p>

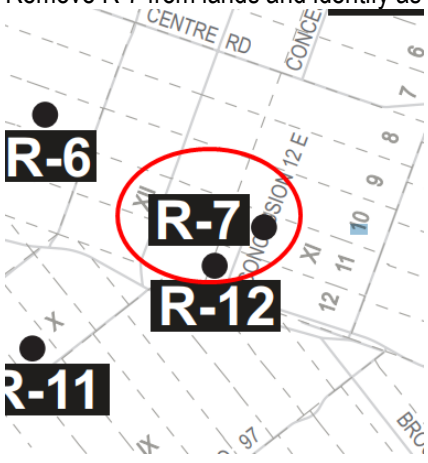
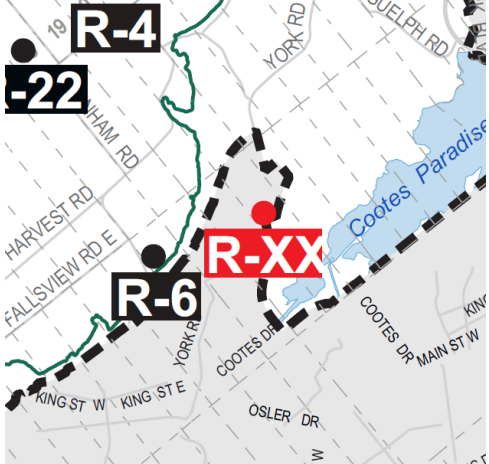
Proposed Schedule, Appendix, and Map Amendments – RHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 1 - Schedule C – Functional Road Classification, Schedule F – Airport Influence Area, Appendix A – Parks Classification, Appendix C-1 – Non Renewable Resources – Gas and Petroleum Wells, Schedule D – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations</p> <p>Volume 3, Map A – Special Policy Areas and Appendix A – Site Specific Area Key Map</p>	<p>Add lands to Municipal Boundary and Niagara Escarpment Plan Boundary for all schedules and appendices, as follows:</p> 	<p>Lands were inadvertently omitted from Municipal Boundary. Lands fall within Niagara Escarpment Plan Area and are designated “Protection Area” and “Natural Area” in the Niagara Escarpment Plan.</p> <p>340 Mountain Brow Road, 2000 Waterdown Road, a portion of 342, 344, and 348 Mountain Brow Road, and a large municipal road allowance are to be included in these boundaries.</p>

Proposed Schedule, Appendix, and Map Amendments – RHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 1, Schedule D – Rural Land Use Designations</p>	<p>Add lands to Municipal Boundary Add lands to Niagara Escarpment Plan Boundary Designate lands as “Rural”</p> 	<p>Lands were inadvertently omitted from Municipal Boundary. Lands fall within Niagara Escarpment Plan Area and are designated “Protection Area” and “Natural Area” in the Niagara Escarpment Plan.</p> <p>340 Mountain Brow Road, 2000 Waterdown Road, a portion of 342, 344, and 348 Mountain Brow Road,, and a large municipal road allowance are to be included in these boundaries.</p>

Proposed Schedule, Appendix, and Map Amendments – RHOP All Volumes

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Volume 3, Appendix A – Site Specific Area Key Map</p>	<p>Remove R-7 from lands and identify as R-28</p>  <p>The map shows a grid of roads including Centre Rd, Concession 12 E, and others. Zoning areas are labeled R-6, R-7 (circled in red), R-11, and R-12. A red circle highlights the R-7 area.</p>	<p>58 12th Concession Road East, Flamborough</p> <p>Numbering error at time of adoption.</p>
<p>Volume 3, Appendix A – Site Specific Area Key Map</p>	 <p>The map shows a residential area with roads like Harvest Rd, Fallsview Rd E, York Rd, and Cootes Dr. Zoning areas are labeled R-4, R-22, R-6, and R-XX (highlighted in red). A red dot is placed on the R-XX area. A dashed line indicates a boundary near Cootes Paradise.</p>	<p>296 York Road, Dundas</p> <p>Policy C.5.3.2 only permits a connection to municipal services for a property on an urban-rural boundary road which is designated Agriculture, Rural or Specialty Crop. Because this property is designated Open Space, the site specific is required.</p>

Proposed Amendment to Former City of Hamilton Official Plan

Schedule / Map Number	Proposed Changes	Why Change is Required
<p>Schedule M-2 – General Land Use Plan – West Harbour Secondary Plan</p>	<p>Redesignate lands from “Low Density Residential” to “Medium Density Residential 1”</p>	<p>As per OMB Decision PL1213292 (Decision Date August 9, 2011)</p>



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED18147) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Madeleine Giroux (905) 546 - 2424 Ext. 2664
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **City Initiative CI-18-G** for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 on the following basis:
- (i) That the Draft By-law, attached as Appendix “A” to Report PED18147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (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. ____;
 - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 and the Greenbelt Plan.
- (b) That approval be given to **City Initiative CI-18-G** for modifications and updates to the Town of Dundas Zoning By-law No. 3581-86 on the following basis:
- (i) That the Draft By-law, attached as Appendix “B-1” to Report PED18147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

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SUBJECT: Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED18147) (City Wide) - Page 2 of 11

- (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. ____;
 - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.
- (c) That approval be given to **City Initiative CI-18-G** for modifications and updates to the Town of Ancaster Zoning By-law No. 87-57 on the following basis:
- (i) That the Draft By-law, attached as Appendix “B-2” to Report PED18147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan (UHOP);
 - (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

EXECUTIVE SUMMARY

Staff continue to monitor the City of Hamilton Zoning By-law No. 05-200 and, where necessary, bring forward amendments to ensure the By-law remains up-to-date, and any clarification and interpretation issues are resolved. Staff propose three separate Zoning By-law Amendments: one to the City of Hamilton Zoning By-law No. 05-200, one to the Town of Dundas Zoning By-law No. 3581-86, and one to the Town of Ancaster Zoning By-law No. 87-57.

The purpose of the amendments to the City of Hamilton Zoning By-law No. 05-200 is:

- To add three new definitions and amend certain existing definitions;
- To correct inconsistencies in terminology and structure;
- To amend certain regulations to reflect best practices as a result of By-law implementation and monitoring;
- To provide flexibility for legal non-conforming single detached, semi-detached and duplex residential uses in the Airside Industrial (M7) Zone, the Airport Prestige Business (M11) Zone, and the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone;
- To add “Alcohol Production Facility” as a permitted use in certain Industrial Zones, to add Agriculture as a permitted use in all Rural Zones, and to prohibit certain residential uses in the TOC Zones;

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SUBJECT: Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED18147) (City Wide) - Page 3 of 11

- To add and amend certain Special Exceptions and Holding Provisions;
- To renumber and amend certain Special Figures;
- To update the Zoning By-law comprehensively as a result of the recent approval of the Transit Oriented Corridor (TOC) Zones, Commercial and Mixed Use Zones, and updated Downtown Zones; and,
- To refine zoning boundaries for certain properties in the rural area.

The purpose of the amendment to the Town of Dundas Zoning By-law No. 3581-86 is:

- To refine the residential and open space zoning boundaries for the property located at 40 Parkside Avenue, Dundas.

The purpose of the amendment to the Town of Ancaster Zoning By-law No. 87-57 is:

- To modify certain Accessory Structure regulations in the parent Zoning By-law to clarify intent and provide flexibility around the Existing Residential “ER” Zone changes that were approved by Council on April 25, 2018.

The modifications and updates to Zoning By-law No. 05-200 and Zoning By-law No. 3581-86 are presented in conjunction with an Urban Hamilton Official Plan (UHOP) Amendment (see Report PED18148). Specifically, four properties subject to these Zoning By-law Amendments are also subject to the Official Plan’s Housekeeping Amendment and are discussed in greater detail in the Policy Implications and Legislated Requirements Section of this Report.

Alternatives for Consideration – See Page 10

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 Official Plan Amendment and Zoning By-law Amendment. Notice of these Amendments has been posted in the Hamilton Spectator, as required by the *Planning Act*.

HISTORICAL BACKGROUND

The City of Hamilton Zoning By-law No. 05-200 is being completed in phases. The Downtown, Open Space and Parks, Institutional, Industrial, Rural, Transit Oriented Corridor (TOC), Utility, Waterfront, and Commercial and Mixed Use Zones have been adopted into the By-law, while the Residential Zones are currently being developed.

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Zoning By-law No. 05-200 is intended to be a “living document” which needs to be monitored and amended on an on-going basis.

Zoning By-law Reform staff continue to work with Development Planning, Heritage and Design Section and Building Division staff to identify any general text and mapping amendments that should be undertaken to provide clarity and consistency in the Zoning By-law.

Updates are provided to the former municipality Zoning By-laws where text or mapping errors have a more immediate impact. In this instance, incorrect Open Space – Conservation “OS” Zone and Single-Detached Residential “R2” Zone boundaries were identified for a property within the Town of Dundas Zoning By-law No. 3581-86, and these errors will be corrected through this process. Additionally, it was identified that certain accessory structure regulations in the Town of Ancaster Zoning By-law No. 87-57 are incompatible with the Existing Residential “ER” Zone regulations, as amended by By-law No. 18-105. Accordingly, these inconsistencies will be corrected through this process.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**Provincial Planning Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2014), the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) and the Greenbelt Plan. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan and the Greenbelt Plan.

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 Urban and Rural Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework.

This project contains both mapping and general text amendments to the Zoning By-law. The mapping amendments include rezoning two properties along the Transit Oriented Corridor, adding lands to Zoning By-law No. 05-200 that were inadvertently omitted from previous processes, and correcting Open Space and Parks Zone boundaries throughout the rural area. The rezoning of lands from the former City of Hamilton Zoning By-law No. 6593 to Transit Oriented Corridor Zoning in Zoning By-law No. 05-200 facilitates appropriate transit-supportive development with more appropriate lot sizes along the Corridor. Additionally, the Open Space and Parks Zone boundary changes facilitate the protection of natural heritage features and systems as well as archaeological resources.

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The extent of the remaining changes proposed to Zoning By-law No. 05-200 and Zoning By-law No. 87-57 constitute general text amendments and are administrative in nature and do not conflict with the Provincial Policy framework.

The protection of the open space areas in the Town of Dundas Zoning By-law No. 3581-86 conforms to and is consistent with the protection of natural heritage features and systems.

Accordingly, it is staff's opinion that these amendments:

- Are consistent with the Provincial Policy Statement (2014);
- Conform to the Growth Plan for the Greater Golden Horseshoe; and,
- Conform to the Greenbelt Plan.

Urban and Rural Hamilton Official Plans

The Open Space and Parks Zone boundary changes in By-law No. 05-200 (both urban and rural) and the Open Space – Conservation Zone boundary changes in By-law No. 3581-86 facilitate the protection of natural heritage features and systems (in accordance with the Natural Heritage System policies of Chapter C) as well as archaeological resources (in accordance with the Cultural Heritage policies of Chapter B).

The extent of the remaining changes proposed to Zoning By-law No. 05-200 and Zoning By-law No. 87-57 are administrative in nature and comply with the Official Plan. There are four properties subject to an associated administrative UHOP Amendment, as follows:

870 Scenic Drive, Hamilton

This property was subject to an approved OPA under the former City of Hamilton Official Plan; however, the approved OPA was not reflected in the UHOP. Accordingly, this property is subject to the UHOP Housekeeping Amendment (see Report PED18148) to recognize the previously-approved OPA. The former City of Hamilton Official Plan Amendment previously underwent a full planning review, and this current UHOP Amendment is administrative in nature.

15 Emerson Street and 122 Longwood Road South, Hamilton

These properties are both subject to the former City of Hamilton Zoning By-law No. 6593 and located directly adjacent to properties subject to the Transit Oriented Corridor (TOC) Zones in Zoning By-law No. 05-200.

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The property located at 15 Emerson Street has merged with 1341 Main Street West (and is now one comprehensive development site on the TOC corridor), and therefore it should be rezoned to a TOC Zone. The property located at 122 Longwood Road South is intended to be merged with the property located at 906 Main Street West to become a comprehensive development site on the TOC Corridor. Accordingly, it should also be rezoned to a TOC Zone.

To rezone these properties, a UHOP Amendment is required to change the designations of both properties from the Low Density Residential 2 Designation to the Mixed Use – Medium Density Designation, and to apply Area Specific Policy E in the Ainslie Wood Westdale Secondary Plan in Volume 2, and to change 122 Longwood Road South from the Neighbourhoods Designation to the Mixed Use – Medium Density Designation on Schedule “E-1” of Volume 1 (see Report PED18148). These amendments implement the intensification policies for the Transit Oriented Corridor in Chapter E (Volume 1).

40 Parkside Avenue, Dundas

This property is subject to the Single Detached Residential (R1) Zone and Open Space – Conservation (OS) Zone in the Town of Dundas Zoning By-law No. 3581-86. An Official Plan Amendment is required to update the limits of the Open Space designation in accordance an Environmental Impact Statement (EIS) (see Report PED18148), and this OPA will facilitate the required zone boundary changes for accuracy.

RELEVANT CONSULTATION

Consultation has been undertaken with staff in the Development Planning, Heritage and Design Section of the Planning Division, as well as Zoning staff in the Building Division to discuss any issues that have arisen in the implementation of Zoning By-law No. 05-200.

Staff also consulted with the Development Industry Liaison Group (DILG) on May 14, 2018.

Notice of these amendments has been posted in the Hamilton Spectator on June 22, 2018.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The purpose of the amendments to the City of Hamilton Zoning By-law No. 05-200 is:

- **Section 3**
(Definitions)
See Appendix “C” to
- To add new definitions for Brewery, Greenhouse and Parking Space, Tandem and to amend existing definitions for Commercial Parking Facility, Dwelling Unit, Front Lot

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**SUBJECT: Modifications and Updates to the City of Hamilton Zoning By-law
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- Report PED18147. Line, Landscaped Area, Parking Space, Personal Service, Planned Business Centre, Setback, and Warehouse.
- **Section 4**
(General Provisions)
See Appendix “D” to Report PED18147.
 - To update the General Provisions section to provide consistent language for Permitted Yard Encroachments; and to increase the maximum size for structures accessory to rural single detached dwellings.
 - **Section 5**
(Parking Regulations)
See Appendix “E” to Report PED18147.
 - To establish clearer regulations where off-site parking is permitted, to differentiate where parking space/driveway design standards apply to rural areas versus urban areas, to remove tandem parking regulations from Section 3 and add them to Section 5, and to correct typographical errors.
 - **Section 8**
(Institutional Zones)
See Appendix “F” to Report PED18147.
 - To replace reference to the word “property” with the word “lot” because the former is not defined in the Zoning By-law.
 - **Section 9**
(Industrial Zones)
See Appendix “G” to Report PED18147.
 - To add regulations for the expansion of legal non-conforming residential uses in the M7 and M11 Zones;
 - To remove “Children’s Play-gym” and “Gymnastics Studio” from Permitted Uses lists in the parent M2, M3, and M4 Zones and to add them to a new Special Exception to avoid interpretation errors;
 - To increase the maximum setback for the M3 and M4 Zones as a result of increase parking space size and drive aisle width;
 - To delete references to the word “property” and replace them with the word “lot” because the former is not a defined term;
 - To add a Brewery as a permitted use in certain Industrial Zones; and,
 - To update terminology to be consistent with the definitions in Section 3.
 - **Section 11**
(Transit Oriented Corridor Zones)
See Appendix “H” to Report PED18147.
 - To add Duplex, Semi-Detached, Single Detached, and Street Townhouse Dwellings as prohibited uses in the TOC1 and TOC2 Zones because they are currently technically permitted under the definition of “Dwelling Unit”;
 - To correct typographical errors and reference to the TOC3 Zone being considered a Residential Zone; and,
 - To remove reference to the Downtown D6 Zone because this zone will be deleted from the Zoning By-law altogether.

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- **Section 12**
(Rural Zones)
See Appendix “I” to Report PED18147.
 - To add Agriculture as a permitted use in all rural zones, but to prohibit the construction of buildings and structures accessory to agriculture and the raising of livestock/horses within Settlement Areas; and,
 - To correct typographical errors and remove reference to the word “property” and replace it with the word “lot”.

- **Schedule “C”**
(Special Exceptions)
See Appendix “J” to Report PED18147.
 - To correct typographical and structure errors in Special Exceptions Nos. 54 and 253 (Woodburn Rural Settlement Area and Part of 928 Regional Road 97, Flamborough, respectively);
 - To reinstate a permitted use which was removed by mistake from Special Exception No. 125 (967 Highway 5 West and 966 4th Concession Road West, Flamborough);
 - To recognize an existing Part IV heritage designated dwelling in Special Exception No. 225 (159 Carlisle Road, Flamborough);
 - To update the structure of and zone name within Special Exception No. 296 (Parts of Ainslie Wood and Westdale);
 - To add addresses to Special Exception No. 375, to correct the structure, and to add regulations for accessory buildings (various addresses);
 - To remove reference to Zoning By-law No. 6593 from Special Exception No. 456 (121 Augusta Street, Hamilton);
 - To add a new Special Exception for 870 Scenic Drive, Hamilton to implement an OMB decision;
 - To add a new Special Exception No. 676 for 1086 West 5th Street, Hamilton to provide for archaeological conservation;
 - To add a new Special Exception No. 678 where a “Children’s Play-gym” and “Gymnastics Studio” are permitted in the Ancaster Business Park (various addresses); and,
 - To add a new Special Exception No. 681 to recognize an existing licensed Long Term Care Facility which was omitted in error from the Rural Zoning project in 2015 (199 Glover Road, Stoney Creek).

- **Schedule “D”**
(Holding Provisions)
See Appendix “K” to Report PED18147.
 - That Holding Provision No. 27 (for 611 Aberdeen Avenue, Hamilton) be renumbered to Holding Provision No. 29 to avoid duplication in numbering;
 - To amend Holding Provisions No. 37 and 63 (the AEGD and Ainslie Wood / Westdale, respectively) to permit interim residential uses prior to the Holdings being removed; and,
 - To add a new Holding Provision No. 69 for 870 Scenic

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Drive, Hamilton to implement an OMB decision.

- **Schedule “F”**
(Special Figures)
See Appendix “L” to
Report PED18147.
 - To amend Figure 3: Ancaster Business Park in accordance with refined boundaries approved through the Commercial and Mixed Use Zoning project;
 - To correct the format of Figures 5, 5.1, 5.2, 5.3 (Source Water Protection Vulnerability Score), 6 (Lower Stoney Creek Lands) and 7 (Specialty Crop Lands) to be consistent with the other Special Figures in Zoning By-law No. 05-200;
 - To delete Figure 5: Property Details Sketch Related to Special Exemption 445 and replace it with Figure 16: 257, 259, 263, 269, 271, 275 and 279 Bay Street North, Hamilton with correct numbering and formatting; and,
 - To delete Figure 5: Concept Plan and replace it with Figure 17: 108 James Street North, 111 and 115 Hughson Street North with correct numbering and formatting.

- **Mapping**
Amendments
See Appendices “M-1”
and “M-2” to Report
PED18147.
 - To rezone urban properties including 55 Queenston Road, Hamilton, Part of 1086 West 5th Street, Hamilton and 870 Scenic Drive, Hamilton;
 - To add properties to By-law No. 05-200 including 80 Beach Boulevard, Hamilton, Part of 1169 Garner Road East, Ancaster, 122 Longwood Road South, Hamilton, and 15 Emerson Street, Hamilton;
 - To rezoning one rural property (199 Glover Road, Stoney Creek); and,
 - To correct Conservation/Hazard Land – Rural (P6), (P7), and (P8) Zone boundaries for certain rural properties.

The purpose of the amendment to the Town of Dundas Zoning By-law No. 3581-86 is:

- To refine the residential and open space zoning boundaries for the property located at 40 Parkside Avenue, Dundas (see Appendix “B-1” to Report PED18147).

The purpose of the amendment to the Town of Ancaster Zoning By-law No. 87-57 is:

- To modify certain Accessory Structure regulations in the parent Zoning By-law to clarify intent and provide flexibility around the Existing Residential “ER” Zone changes that were approved by Council on April 25, 2018 (see Appendix “B-2” to Report PED18147).

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As discussed above, in addition to the respective Zoning By-law Amendment(s), staff note that there is an Urban Hamilton Official Plan Amendment associated with properties located at:

- 870 Scenic Drive, Hamilton;
- 15 Emerson Street, Hamilton;
- 122 Longwood Road South, Hamilton; and,
- 40 Parkside Avenue, Dundas

Details of this UHOP Amendment are discussed separately in Report PED18148.

Greater detail about the existing regulations and mapping, the proposed amendments, and rationale for the proposed amendments discussed above is contained in Appendices “C”, “D”, “E”, “F”, “G”, “H”, “I”, “J”, “K”, “L”, “M-1” and “M-2” of this Report.

ALTERNATIVES FOR CONSIDERATION

If the proposed By-law amendments are not approved, inconsistencies in the interpretation and application of the Zoning By-law may occur.

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.

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” – Draft City of Hamilton Zoning By-law No. 05-200 Amendment
- Appendix “B-1” – Draft Town of Dundas Zoning By-law No. 3581-86 Amendment
- Appendix “B-2” – Draft Town of Ancaster Zoning By-law No. 87-57 Amendment
- Appendix “C” – Summary of Proposed Modifications to Section 3: Definitions
- Appendix “D” – Summary of Proposed Modifications to Section 4: General Provisions
- Appendix “E” – Summary of Proposed Modifications to Section 5: Parking

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	Regulations
Appendix “F” –	Summary of Proposed Modifications to Section 8: Institutional Zones
Appendix “G” –	Summary of Proposed Modifications to Section 9: Industrial Zones
Appendix “H” –	Summary of Proposed Modifications to Section 11: Transit Oriented Corridor Zones
Appendix “I” –	Summary of Proposed Modifications to Section 12: Rural Zones
Appendix “J” –	Summary of Proposed Modifications to Schedule “C” – Special Exceptions
Appendix “K” –	Summary of Proposed Modifications to Schedule “D” – Holding Provisions
Appendix “L” –	Summary of Proposed Modifications to Schedule “F” – Special Figures
Appendix “M-1” –	Summary of Proposed Site-Specific Mapping Amendments
Appendix “M-2” –	Summary of Proposed Rural Zoning Boundary Adjustments

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Authority: Item ,
 Report (PED18147)
 CM:
 Wards: City Wide

Bill No.

CITY OF HAMILTON

BY-LAW NO. 18-___

To Amend Zoning By-law No. 05-200
 Respecting Modifications and Updates

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to different areas incorporated into the City by virtue of the *City of Hamilton Act, 1999*, S.O. 1999, Chap. 14;

WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

WHEREAS the first stage of the new Zoning By law, being By-law No. 05-200, came into force on the 25th day of May, 2005;

WHEREAS the Council of the City of Hamilton, in adopting Item XX of Report PED18-0XX of the Planning Committee, at its meeting held on the 10th day of July, 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 upon adoption of Official Plan Amendment No.____.

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

1. That Section 3: Definitions of By-law No. 05-200 is amended as follows:

1.1 That the following new definitions be added:

Alcohol Production Facility	Shall mean the use of land, building or structure for the production and distribution of beer and other malt-based beverages, wine, cider and / or spirits. An Alcohol Production Facility may include a tasting room, tours and limited retail sales of products developed on site as permitted by the
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	specific zone, but shall not include the production of energy drinks, sports drinks and / or soft drinks. An Alcohol Production Facility shall not include an Agricultural Brewery / Cidery / Winery, Beverage Making Establishment or Microbrewery.
Greenhouse	Shall mean a building or structure used for the growing of agricultural product that is climatically controlled and made primarily of translucent building material.
Parking Space, Tandem	Shall mean one Parking Space located immediately behind another Parking Space, leaving one Parking Space without direct access to an aisle or driveway.

- 1.2 That the definition of **Commercial Parking Facility** be amended by deleting the words “but shall not include an accessory parking lot to a principal use of the property located on the same lot. Parking spaces may be designed to include the use of stacked parking where a parking attendant is on site or a valet service is provided” and replacing them with “but shall not include any parking spaces provided in the minimum or maximum quantity required by this By-law for a permitted use” so that the definition reads as follows:

“Commercial Parking Facility Shall mean all or part of a parcel of land or building, other than a street or laneway, used for the parking of motor vehicles for compensation, but shall not include any parking spaces provided in the minimum or maximum quantity required by this By-law for a permitted use.”

- 1.3 That the definition of **Dwelling Unit** be amended by deleting the words “but shall not include a Duplex Dwelling, Semi-Detached Dwelling or Single Detached Dwelling” so that the definition reads as follows:

“Dwelling Unit – shall mean a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule or stairway.”

- 1.4 That the definition of **Front Lot Line** be amended by adding the words "except where both lot lines are of equal length, at the option of the owner, either of the lot lines abutting a public street may be considered as the front lot line;" at the end of Clause a), and by adding a new Clause c) with the words "with reference to an interior lot with multiple lot lines abutting a street, shall mean the shorter of the lot lines abutting the street" so that the definition reads as follows:

"Front Lot Line – shall mean any lot line abutting a street, and:

- a) With reference to a corner lot, shall mean the shorter of the lot lines abutting the streets, except where both lot lines are of equal length, at the option of the owner, either of the lot lines abutting a public street may be considered as the front lot line;
- b) With reference to a through lot shall mean, at the option of the owner, either of the lot lines abutting a public street; or,
- c) With reference to an interior lot with multiple lot lines abutting a street, shall mean the shorter of the lot lines abutting the street."

- 1.5 That the definition of **Landscaped Area** be amended by deleting the word "Has" in Clause a) and replacing it with the word "Contains", and by adding the word "and" at the end of Clause b) so that the definition reads as follows:

"Landscaped Area Shall mean any portion of a lot which:

- a) Contains no building thereon;
- b) Is not used for parking, access to parking, driveways or loading space; and,
- c) Is used for the purpose of landscaping."

- 1.6 That the definition of **Manufacturing** be amended by adding the words "or Alcohol Production Facility" so that the definition reads as follows:

"Manufacturing Shall mean the production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw or semi-processed or fully processed goods or materials, and shall include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing

Establishment, Pharmaceutical and Medical Establishment, Printing Establishment and/or a Science and Technology Establishment. Manufacturing may also include a Private Power Generation Facility as an accessory use, but shall not include a Waste Management Facility or Alcohol Production Facility."

- 1.7 That the definition of **Parking Space** be deleted and replaced with the following definition:

"Parking Space Shall mean an unobstructed space that is designed to be used for the temporary parking of a motor vehicle for other than the purpose of sale or display."

- 1.8 That the definition of **Personal Service** be amended by adding the words "or Yoga Studio," after the words "an Alternative Massage Establishment" and before the words "but shall not include" so that the definition reads as follows:

"Personal Service Shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel, and may include, but not be limited to an Alternative Massage Establishment or Yoga Studio, but shall not include a Dry Cleaning plant or a Body Rub Parlour".

- 1.9 That the definition for **Planned Business Centre** be amended by adding the words "within an Industrial Zone" after the words "group of business establishments" and before the words "which is planned", by deleting the words "and where each business establishment has a separate entrance located at grade", and by adding the words "but shall not be considered as a Shopping Centre" so that the definition reads as follows:

"Planned Business Centre Shall mean a group of business establishments within an Industrial Zone which is planned, developed, managed and operated as a unit with shared on-site parking, and containing four or more separated spaces for lease or occupancy, but shall not be considered as a Shopping Centre."

- 1.10 That the definition of **Setback** be amended by deleting the word "minimum" before the word "distance" so that the definition reads as follows:

"Setback Shall mean the distance between a lot line and the nearest part of any building or specified structure exclusive of any permitted yard projections on the lot."

1.11 That the definition of **Warehouse** be amended by adding the words "may include a Mini Storage Facility but" after the words "A Warehouse" and before the words "shall not include", so that the definition reads as follows:

"Warehouse Shall mean the use of building or structure, or part thereof, for the bulk storage or distribution of goods to industrial, commercial or institutional business users or other wholesalers, but shall not include retailing of goods to the general public. A Warehouse may include a Mini Storage Facility but shall not include a Waste Management Facility, Salvage Yard or Towing Establishment."

2. That Section 4: General Provisions of By-law No. 05-200 is amended as follows:

2.1 That Subsection 4.6 be amended as follows:

2.1.1 By adding the words "whichever is the lesser" at the end of Clauses a) and b);

2.1.2 By adding the word "or" after the words "required yard," and before the words "to a maximum" in Clause a);

2.1.3 By adding the word "or" after words "1.5 metres," and before the words "to a maximum" in Clauses b) and d);

2.1.4 By deleting the word "and," at the end of Clause d);

2.1.5 By deleting the words "whichever is less." and replacing them with "whichever is the lesser; and," at the end of Clause e); and,

2.1.6 By adding the word "is" after the word "whichever" and before the words "the lesser" in Clause f),

So that the regulations read as follows:

"4.6 PERMITTED YARD ENCROACHMENTS

No part of any required yard shall be obstructed except as follows:

a) The usual projections of window sills, chimney breasts, belt courses, cornices, eaves, troughs and other similar architectural features, ductwork, venting and other similar appurtenances

may be permitted in any required yard, provided that no such feature shall project more than 0.6 metres into the required yard, or to a maximum of half the distance of the required yard, whichever is the lesser;

- b) A fire escape or exterior staircase may encroach into a required side or rear yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser;
- c) An unenclosed ramp for wheelchair access may encroach into any required yard to no maximum distance;
- d) A porch, deck or canopy may encroach into any required yard to a maximum of 1.5 metres, or to a maximum of half the distance of the required yard, whichever is the lesser;
- e) A balcony may encroach into any required yard to a maximum of 1.0 metre, except into a required side yard of not more than one-third of its width or 1.0 metre, whichever is the lesser; and,
- f) A bay window or alcove, without foundation, may encroach into any required yard to a maximum of 0.6 metres or half the distance of the required yard, whichever is the lesser. No such feature shall have a width greater than 3.0 metres.

2.2 That Subsection 4.8.2 c) be amended by deleting the words "an area of 120" after the words "shall not exceed" and before the words "square metres" and by replacing them with the words "a total 5% lot coverage, to a maximum gross floor area of 200" so that the regulation reads as follows:

- "c) All buildings accessory to a Single Detached Dwelling shall not exceed a total 5% lot coverage, to a maximum gross floor area of 200 square metres, and shall have a maximum building height of 6.0 metres."

2.3 That Subsection 4.12 a) be amended by deleting all references to the words "Downtown D5 or Downtown D6 Zone" and replacing them with the words "Downtown Zones".

3. That Section 5: Parking Regulations of By-law No. 05-200 is amended as follows:

3.1 That Subsection 5.1 a) ii) be amended by deleting the existing regulation and replacing it with the following new regulation:

- "ii) Notwithstanding Subsection 5.1 a) i), where the provision of parking on the same lot as the use requiring the parking is not possible, such off-

site parking may be located on another lot within 300.0 metres of the lot containing the use requiring the parking, provided:

- a) Such off-site parking shall only be permitted within a zone in which the use requiring such parking is permitted;
- b) Such off-site parking shall be subject to Subsection 5.1 a) iii); and,
- c) Subsection 5.1 a) ii) shall not apply to any Residential Zone."

3.2 That Subsection 5.1 b) be amended by deleting the existing regulation and replacing it with the following new regulation:

"b) Single Detached Dwellings, Semi-Detached Dwellings and Duplex Dwellings

On a lot containing a single detached dwelling, semi-detached dwelling or duplex dwelling in all zones:

- i) The required parking spaces for such dwellings shall be located a minimum distance of 5.8 metres from the streetline; and,
- ii) No parking spaces shall be permitted in a required front yard or required flankage yard except as otherwise permitted for single detached, semi-detached or duplex dwellings.

On a lot containing a single detached dwelling, semi-detached dwelling or duplex dwelling in all zones except the Agriculture (A1) and Rural (A2) Zone:

- iii) A driveway shall be located so as to lead directly from a street or laneway to a required parking space, either within a garage or outside, with such driveway having a minimum width of 3.0 metres;
- iv) The width of a driveway shall not exceed the width of an attached garage;
- v) Notwithstanding Subsection 5.1 b) iv), on a lot having an attached garage less than 5.0 metres in width, the driveway may extend beyond the width of the garage toward the side lot line to a maximum width of 5.0 metres and no closer than 0.6 metres to the side lot line, nearest to the garage;
- vi) In the case of a dwelling unit without an attached garage, the driveway width shall not exceed 50% of the lot width or 8.0 metres, whichever is less;

- vii) Where the driveway is provided in the front yard, all other portions of the front yard shall be a landscaped area;
 - viii) A maximum of one driveway shall be permitted for each dwelling unit, except in the case of:
 - 1. A corner lot where a maximum of one driveway may be permitted from each street frontage; or,
 - 2. On a lot having a minimum width of 30.0 metres, a maximum of two driveways may be permitted;
 - ix) On a corner lot, no access driveway shall be permitted through a daylight triangle; and,
 - x) In the case of a duplex dwelling, the required parking may be arranged in tandem."
- 3.3 That Subsection 5.2 c) be amended by adding the words "without the necessity of moving any other motor vehicle" after the words "to and from the street or laneway" and before the words "and shall be arranged" so that the regulation reads as follows:
- "c) All required parking shall be provided with adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle, and shall be arranged so as not to interfere with normal public use of the street or laneway. Any parking lot shall provide for ingress and egress of vehicles to and from a street in a forward motion only."
- 3.4 That Subsection 5.2 e) be amended by deleting the existing regulation and replacing it with the following regulations:
- "e) i) Parking Spaces, Driveways and Widening(s) in All Zones
 - a) Shall be provided and maintained with stable surfaces such as asphalt, concrete or other hard surfaced material, crushed stone or gravel, and shall be maintained in a dust free condition;
 - ii) Parking Lots in All Zones, except the Rural Classification Zones
 - a) Shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material;

iii) Parking Lots in the Rural Classification Zones

- a) Shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard-surfaced material, or crushed stone or gravel; and,
- b) Where crushed stone or gravel is provided in accordance with Subsection 5.2 e) iii) a), the access driveway shall be designed such that a minimum of 10.0 metres extending from the streetline shall be constructed and maintained with asphalt, concrete or other hard surfaced material, and shall be maintained in a dust free condition."

3.5 That Subsection 5.2 g) be deleted and replaced with the following new regulation:

"g) Commercial Parking Facilities and Hotels

Parking spaces may be designed to include the use of tandem or stacked parking where a parking attendant is on site or a valet service is provided."

3.6 That Subsection 5.5 a) be amended by deleting the number "0" in the third row of the first column, and replacing it with the number "1" so that the regulation reads as follows:

Required Parking Spaces	Designated Barrier Free Parking Spaces
0 – 49 spaces	Minimum 1 space;

3.7 That Subsection 5.5 be amended by adding a new Clause b) as follows:

"b) Subsection 5.5 a) shall not apply to Single Detached Dwellings, Semi-Detached Dwellings and Duplex Dwellings."

3.8 That the existing Clause 5.5 b) be renumbered as Clause 5.5 c).

3.9 That Subsection 5.6 c) iii) be amended by:

3.9.1 Adding the words "All Zones except the Transit Oriented Corridor Zones" after the words "Elementary School", "Secondary School", and "University, College";

3.9.2 Adding the words "Transit Oriented Corridor Zones" after the words "Educational Establishment";

3.9.3 Adding a new regulation for “Residential Uses on the same lot as a University or College (All Zones)”;

So that the regulation reads as follows:

iii. Educational Establishments	
Elementary School (All Zones except the Transit Oriented Corridor Zones)	1.25 for each classroom.
Secondary School (All Zones except the Transit Oriented Corridor Zones)	3 for each classroom plus 1 for each 7 seat capacity in an auditorium, theatre or stadium.
University, College (All Zones except the Transit Oriented Corridor Zones)	5 for each classroom plus 1 for every 7 seat capacity in an auditorium, theatre or stadium or 5 spaces for every classroom plus 1 space for each 23.0 square metres of the gross floor area which accommodates the auditorium, theatre or stadium, whichever results in greater requirement.
Residential Use on the same lot as a University or College (All Zones)	No parking shall be required for any residential use on the same lot as a University or College.
Educational Establishment (Transit Oriented Corridor Zones)	3 for each classroom plus 1 for each 7 seat capacity in an auditorium, theatre or stadium. (By-law 16-264, October 12, 2016)

4. That Section 8: Institutional Zones of By-law No. 05-200 is amended as follows:
 - 4.1 That Subsections 8.1.3.2 a), 8.2.3.2 a) and 8.3.2.2 a) be amended by deleting reference to the words “property line” and replacing them with the words “lot line.”
5. That Section 9: Industrial Zones of Zoning By-law No. 05-200 is amended as follows:
 - 5.1 That Subsection 9.1.1 be amended by adding “Alcohol Production Facility” as a permitted use.

- 5.2 That Subsection 9.1.2 be amended by deleting "Beverage Distillation" as a prohibited use.
- 5.3 That Subsection 9.1.3 g) be amended by adding the words "Alcohol Production Facilities" so that the regulation reads as follows:
- | | |
|--|---|
| <p>"g) Location of Alcohol Production Facilities, Manufacturing, Motor Vehicle Service Station, Repair Service, and Warehouse Uses</p> | <p>The following uses shall only be permitted within an existing building:</p> <p>Alcohol Production Facility;
 Manufacturing;
 Motor Vehicle Service Station;
 Repair Service; and,
 Warehouse."</p> |
|--|---|
- 5.4 That a new Subsection 9.1.3 i) be added as follows:
- | | |
|---|-----------------------------|
| <p>i) Maximum Gross Floor Area for an Alcohol Production Facility</p> | <p>5,000 square metres.</p> |
|---|-----------------------------|
- 5.5 That Subsection 9.1.3 i) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area and Subsection 9.1.3 i) Accessory Buildings be renumbered to Subsections 9.1.3 j) and k) respectively.
- 5.6 That Subsection 9.1.3 j) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area be amended by deleting the word "and" between the words "Accessory Retail" and "Showroom Area", and by adding the words "and Tasting Room" after the words "Showroom Area" so that the regulation reads as follows:
- | |
|---|
| <p>"j) Maximum Combined Gross Floor Area for Accessory Retail, Showroom Area and Tasting Room".</p> |
|---|
- 5.7 That Subsection 9.2.1 be amended by adding "Alcohol Production Facility" as a permitted use.
- 5.8 That Subsection 9.2.1 be amended by deleting the words "Contracting Establishment" and replacing them with the words "Contractor's Establishment".

- 5.9 That Subsection 9.2.1 be amended by deleting "Children's Play-gym" and "Gymnastics Studio" as permitted uses.
- 5.10 That Subsection 9.2.2 be amended by deleting "Beverage Distillation" and "Breweries" as prohibited uses.
- 5.11 That a new Subsection 9.2.3 h) be added as follows:
- h) Maximum Gross Floor Area for an Alcohol Production Facility 5,000 square metres.
- 5.12 That the existing Subsection 9.2.3 i) Location Restriction for Children's Play-gym and Gymnastics Studio be deleted and the existing Subsection 9.2.3 h) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area be renumbered as Subsection 9.2.3 i).
- 5.13 That Subsection 9.2.3 i) be amended by deleting the word "and" between the words "Accessory Retail" and "Showroom", and by adding the words "and Tasting Room" after the words "Showroom Area" so that the regulation reads as follows:
- "i) Maximum Combined Gross Floor Area for Accessory Retail, Showroom Area and Tasting Room".
- 5.14 That Subsection 9.3.1 be amended by adding "Alcohol Production Facility" as a permitted use.
- 5.15 That Subsection 9.3.1 be amended by deleting "Children's Play-gym" and "Gymnastics Studio" as permitted uses.
- 5.16 That Subsection 9.3.2 be amended by deleting "Beverage Distillation" and "Breweries" as prohibited uses.
- 5.17 That Subsections 9.3.3 b) ii) be amended to delete the number "25.0" and replace it with "27.0".
- 5.18 That Subsection 9.3.3 e) be amended by adding the words "and Alcohol Production Facilities" after the words "Location Restriction of Manufacturing Uses".
- 5.19 That a new Subsection 9.3.3 m) be added as follows:
- m) Maximum Gross Floor Area for an Alcohol Production Facility 5,000 square metres.

- 5.20 That the existing Subsection 9.3.3 o) Location Restriction for Children's Play-gym and Gymnastics Studio be deleted and the existing Subsection 9.3.3 m) Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area be renumbered as Subsection 9.3.3 o).
- 5.21 That Subsection 9.3.3 o) be amended by deleting the word "and" between the words "Accessory Retail" and "Showroom", and by adding the words "and Tasting Room" after the words "Showroom Area" so that the regulation reads as follows:
- "o) Maximum Combined Gross Floor Area for Accessory Retail, Showroom Area and Tasting Room".
- 5.22 That Subsection 9.4.1 be amended by deleting the words "Contracting Establishment" and replacing them with the words "Contractor's Establishment".
- 5.23 That Subsection 9.4.1 be amended by deleting "Children's Play-gym" and "Gymnastics Studio" as permitted uses.
- 5.24 That Subsections 9.4.3 b) ii) be amended to delete the number "25.0" and replace it with "27.0".
- 5.25 That the existing Subsection 9.4.3 p) Location Restriction for Children's Play-gym and Gymnastics Studio be deleted and the existing Subsections 9.4.3 q) and r) be renumbered to 9.4.3 p) and q).
- 5.26 That Subsection 9.5.1 be amended by adding "Alcohol Production Facility" as a permitted use.
- 5.27 That Subsection 9.5.1 be amended by deleting the words "Contracting Establishment" and replacing them with the words "Contractor's Establishment".
- 5.28 That Subsection 9.5.3 h) be amended by deleting the word "and" between the words "Accessory Retail" and "Showroom", and by adding the words "and Tasting Room" after the words "Showroom Area" so that the regulation reads as follows:
- "h) Maximum Combined Gross Floor Area for Accessory Retail, Showroom Area and Tasting Room".
- 5.29 That Subsection 9.6.1 be amended by adding "Alcohol Production Facility" as a permitted use.

5.30 That Subsection 9.6.2 be amended by deleting "Beverage Distillation" and "Breweries" as prohibited uses.

5.31 That Subsection 9.6.3 f) be amended by adding the words "and Alcohol Production Facilities" after the words "Location Restriction of Manufacturing Uses".

5.32 That Subsection 9.6.3 o) be amended by deleting the word "and" between the words "Accessory Retail" and "Showroom", and by adding the words "and Tasting Room" after the words "Showroom Area" so that the regulation reads as follows:

o) Maximum Combined Gross Floor Area for Accessory Retail, Showroom Area and Tasting Room".

5.33 That a new Subsection 9.6.3 p) be added as follows, and that Subsections 9.6.3 p), q) and r) be renumbered accordingly:

p) Maximum Gross Floor Area for an Alcohol Production Facility 5,000 square metres.

5.34 That Subsection 9.7.3 b) ii) be amended by deleting the word "above", and by deleting the word "property" and replacing it with the word "lot" so that it reads as follows:

"b) Minimum Yard Abutting a Street ii) Notwithstanding i), where a lot abuts Dickenson Road West:

1. Minimum Yard – 6.0 metres
2. Maximum Yard – 25.0 metres"

5.35 That the Airside Industrial (M7) Zone be amended by adding a new Subsection 9.7.4 as follows:

9.7.4 SINGLE DETACHED, SEMI-DETACHED AND DUPLEX DWELLINGS EXISTING AT THE DATE OF PASSING OF THE BY-LAW

In addition to Subsection 4.12 c) and in accordance with Subsection 34(10) of the Planning Act, R.S.O., 1990, c.P.13, an addition or alteration to a single detached, semi-detached or duplex dwelling not permitted by the by-law but existing at the date of passing of the by-law that increases the volume or size of

the interior of the building shall be permitted as follows:

- i) The increase shall not exceed a maximum of 10% of the Gross Floor Area of the building existing at the date of passing of the by-law; and,
- ii) The side yard setbacks of the addition shall not be less than the existing side yard setbacks.

5.36 That Subsection 9.8.3 g) ii) be amended by deleting the word "property" and replacing it with the word "lot" so that the regulation reads as follows:

- "ii) Where a lot line abuts a property lot line within a Residential Zone or an Institutional Zone, a minimum 3.0 metre wide Planting Strip shall be provided and maintained."

5.37 That Subsection 9.9.2 a) ii) be amended by deleting the word "property" and replacing it with the word "lot".

5.38 That Subsection 9.10.1 be amended by adding "Alcohol Production Facility" as a permitted use.

5.39 That Subsection 9.10.2 be amended by deleting "Beverage Distillation" and "Breweries" as prohibited uses.

5.40 That a new Subsection 9.10.3 k) be added as follows:

- k) Maximum Gross Floor Area for an Alcohol Production Facility 5,000 square metres.

5.41 That the existing Subsections 9.10.3 k), l), and m) be renumbered to Subsections 9.10.3 l), m), and n).

5.42 That Subsection 9.10.3 l) be amended by deleting the word "and" between the words "Accessory Retail" and "Showroom Area", and by adding the words "and Tasting Room" after the words "Showroom Area" so that the regulation reads as follows:

- "l) Maximum Combined Gross Floor Area for Accessory Retail, Showroom Area and Tasting Room".

- 5.43 That Subsection 9.11.1 be amended by adding "Alcohol Production Facility" as a permitted use.
- 5.44 That Subsection 9.11.2 be amended by deleting "Beverage Distillation" and "Breweries" as prohibited uses.
- 5.45 That Subsection 9.11.3 g) be amended by adding the words "and Alcohol Production Facilities" after the words "Location Restriction of Manufacturing Uses".
- 5.46 That Subsection 9.11.3 l) be amended by deleting the word "property" and replacing it with the word "lot".
- 5.47 That a new Subsection 9.11.3 n) be added as follows:
- n) Maximum Gross Floor Area for an Alcohol Production Facility 5,000 square metres.
- 5.48 That the existing Subsections 9.11.3 n), o) and p) be renumbered to Subsections 9.11.3 o), p) and q).
- 5.49 That Subsection 9.11.3 o) be amended by deleting the word "and" between the words "Accessory Retail" and "Showroom Area", and by adding the words "and Tasting Room" after the words "Showroom Area" so that the regulation reads as follows:
- "o) Maximum Combined Gross Floor Area for Accessory Retail, Showroom Area and Tasting Room".
- 5.50 That the Airport Prestige Business (M11) Zone be amended by adding a new Subsection 9.11.4 as follows:
- | | |
|--|--|
| <p>9.11.4 SINGLE DETACHED, SEMI-DETACHED AND DUPLEX DWELLINGS EXISTING AT THE DATE OF PASSING OF THE BY-LAW</p> | <p>In addition to Subsection 4.12 c) and in accordance with Subsection 34(10) of the Planning Act, R.S.O., 1990, c.P.13, an addition or alteration to a single detached, semi-detached or duplex dwelling not permitted by the by-law but existing at the date of passing of the by-law that increases the volume or size of the interior of the building shall be permitted as follows:</p> <p style="padding-left: 20px;">i) The increase shall not exceed a maximum of 10% of the Gross Floor</p> |
|--|--|

Area of the building existing at the date of passing of the by-law; and,

- ii) The side yard setbacks of the addition shall not be less than the existing side yard setbacks.

6. That Section 11: Transit Oriented Corridor Zones of Zoning By-law No. 05-200 is amended as follows:

6.1 That Subsection 11.1.2 i) be amended by adding the following prohibited uses alphabetically:

“Duplex Dwelling
Semi-Detached Dwelling
Single Detached Dwelling
Street Townhouse Dwelling”

6.2 That Subsection 11.1.3 d) iii) be amended by deleting the word “above” after the words “Section ii)”, by deleting the word “above” after the words “Section 11.1.3 b) and c)” by deleting the words “with the exception of “TOC3,” between the words “Residential or Institutional Zone” and “to a maximum”, and by deleting all references to the word “Section” and replacing them with “Subsection”, so that the regulation reads as follows:

“In addition to Subsection i) and notwithstanding Subsection ii), the minimum building height may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 11.1.3 b) and c), when abutting a Residential or Institutional Zone, to a maximum of 22.0 metres.”

6.3 That Subsection 11.1.3 i) i) be amended by deleting the words “Downtown D6 Zone,” and by deleting the words “with the exception of TOC3 Zone, property line” so that the regulation reads as follows:

“A visual barrier shall be required along any lot line abutting a Downtown D5 Zone, Institutional Zone or Residential Zone in accordance with the requirements of Section 4.19 of this By-law.”

6.4 That Subsections 11.1.4 iii) and 11.3.4 iii) be amended by deleting the text “The existing side yard setbacks are maintained for the addition” and replacing it with the text “The side yard setbacks of the addition shall not be less than the existing side yard setbacks.”

6.5 That Subsection 11.2.2 i) be amended by adding the following prohibited uses alphabetically:

"Duplex Dwelling
Semi-Detached Dwelling
Single Detached Dwelling
Street Townhouse Dwelling"

- 6.6 That Subsection 11.2.3 h) be amended by deleting the words "or Downtown D6 Zone", and by deleting the words "property line, with the exception of TOC3 Zone," after the words "Residential Zone", so that the regulation reads as follows:

"A visual barrier shall be required along any lot line abutting a Downtown D5 Zone, Institutional Zone or Residential Zone, in accordance with the requirements of Section 4.19 of this By-law."

- 6.7 That Subsection 11.3.1.1 iv) be renumbered as Subsection 11.3.1.1 iii).

- 6.8 That Subsection 11.3.2 a) v) be deleted.

- 6.9 That Subsection 11.3.2 i) i) be amended by deleting the words "or Downtown D6 Zone", and by deleting the words "property line" so that the regulation reads as follows:

"A visual barrier shall be required along any lot line abutting a Downtown D5 Zone, Institutional Zone or Residential Zone in accordance with the requirements of Section 4.19 of this By-law."

7. That Section 12: Rural Zones of Zoning By-law No. 05-200 is amended as follows:

- 7.1 That Subsections 12.3.1, 12.4.1, 12.5.1, 12.6.1 and 12.7.1 be amended by adding "Agriculture" as a permitted use.

- 7.2 That Subsections 12.3.2, 12.4.2 and 12.5.2 be amended by adding the following prohibited uses and renumbering the subsequent subsections accordingly:

- a) Buildings and Structures accessory to an Agriculture use;
- b) Raising of livestock;
- c) Raising, boarding and training of horses;
- d) Raising of other animals for food, fur or fibre;"

- 7.3 That Subsections 12.1.2, 12.2.2, 12.3.2, 12.4.2, 12.5.2, 12.6.2 and 12.7.2 be amended by deleting the words ", as follows" after the words "The following uses are prohibited".

- 7.4 That Subsection 12.4.3 i) be amended by deleting the word "property" and replacing it with the word "lot".

8. That Schedule "C" – Special Exceptions of By-law No. 05-200 is amended as follows:

8.1 That the following Special Exceptions be amended:

a) Special Exception No. 54 shall be amended by deleting the word "Maximum" before the words "lot area" in Clause a) i) and replacing it with "Minimum" so that it reads as follows"

"a) The following regulations shall apply:

i) Minimum Lot Area 0.8 hectares"

b) Special Exception No. 125 shall be amended to add "Casino" as a new permitted use in Clause a) ii), and to subsequently renumber Clauses a) ii) through ix) so that it reads as follows:

"a) The following uses shall also be permitted:

- i) Animal oriented events such as rodeos and exhibitions;
- ii) Casino;
- iii) Commercial Entertainment;
- iv) Flea Markets;
- v) Auctions;
- vi) Horse Racetrack and Racing of Animals;
- vii) Horse Breeding;
- viii) Park;
- ix) Public Assembly events such as meetings, cultural and educational gatherings; and,
- x) Seasonal Campground."

c) Special Exception No. 225 shall be deleted and replaced with the following new Special Exception:

"Within the lands zoned City Wide Park (P3) Zone, identified on Map 26 of Schedule "A" – Zoning Maps, and described as part of 159 – 165 Carlisle Road, the following special provisions shall also apply:

a) Notwithstanding Subsection 7.3.1, only the following uses shall be permitted:

- i. Recreation
- ii. Single Detached Dwelling, existing on the date of passing of this By-law (July 10, 2015)"

- d) Special Exception No. 253 regarding the property identified as Two Parts of Regional Road 97 shall be amended by deleting the number "1.38 Ha" and replacing it with "0.13 Ha", by deleting the number "57" and replacing it with the number "129", by deleting the words "set back" before the words "metres from Regional Road 97", by deleting the number "0.98 Ha" and replacing it with the number "0.04 Ha", and by deleting the number "129" and replacing it with the number "57" so that it reads as follows:

"Two Parts of 928 Regional Road 97"	Map 25	1,298 square metres (0.13 Ha) Part 1 – 931 square metres (0.09 Ha) and set back 129 metres from Regional Road 97 Part 2 – 367 square metres (0.04 Ha) and set back 57 metres from Regional Road 97"
-------------------------------------	--------	---

- e) Special Exception No. 296 shall be amended by:
- i) Deleting the words "In addition to Section 11.1.1, on those lands zoned Mixed Use (TOC1) Zone" and replacing them with the words "Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone" within the preamble;
 - ii) Adding reference to 51 Forsyth Avenue South and deleting reference to 57 Forsyth Avenue South; and,
 - iii) Adding the words "In addition to Subsection 11.1.1" before the words "a Single Detached Dwelling shall also be permitted" in Clause i).
- f) Special Exception No. 310 shall be deleted and replaced with the following new Special Exception:
- "Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, identified on Maps 907 and 949 of Schedule "A" – Zoning Maps and described as 906 Main Street West and 122 Longwood Road South, the following special provisions shall apply:
- a) The Front Lot Line shall be deemed to be the lot line abutting Main Street West; and,

- b) The lands described as 906 Main Street West and 122 Longwood Road South shall be considered one lot for zoning purposes.
- g) Special Exception No. 375 shall be deleted and replaced with the following new Special Exception:

"Within the lands zoned General Industrial (M5) Zone and Light Industrial (M6) Zone, identified on Maps 829, 870, 871, 912, 913, 914, 915, 956, 957, 958, 959, 1147, 1198, 1199 of Schedule "A" – Zoning Maps and described as:

Property Address	Map Number
1-18, 20, 22-37, 39, 41, 43 Albemarle Street	915, 956, 957
362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 385-387, 393, 395, 397, 399 Avondale Street	914, 915, 956, 957
481 Barton Street East	1147, 1198, 1199
31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 55, 57, 59, 61, 63, 65, 67, 69, 73, 75, 77, 79, 81, 83, 89, 91, 93, 104, 105, 107-113, 116-118, 120, 122, 124, 126, 128, 130, 132, 136, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160-164, 166, 167, 169, 172, 173, 175-177, 179-182, 184, 186, 188, 190, 192, 194, 195, 203, 205, 207, 211, 213, 215, 217, 219, 221, 223, 227, 229, 233, 237, 240, 243, 252, 254, 263, 264, 266, 267, 269-275, 526, 528, 530, 532, 534, 544, 548, 554, 560, 568 Beach Road	914, 956, 957, 958, 959
3, 8-10, 12-15, 20, 22 Beatty Avenue	958
2, 4, 8, 16 Birmingham Street	914
450, 517, 520, 539, 553, 555, 561, 563, 569, 571, 573, 577 Burlington Street East	871
29, 43, 110, 112, 114, 116, 118, 120, 122, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166 Burton Street	870, 912
83, 85, 87, 89, 91-105 Cheever Street	912
3, 16, 18, 20, 22, 24, 32, 36	870, 912
5-7, 21, 23, 25, 27, 29-31, 33, 35, 37, 39, 40, 45, 47-49 Depew Street	915, 957
12-22, 24-28, 30, 31, 33 Dickson Street	871
6, 8, 10, 16 Douglas Avenue	912
350, 353, 360, 362, 364, 366, 368, 373, 375, 377, 391, 393, 395 Emerald Street North	870, 912
304, 322, 332, 334, 337, 342, 344, 348, 350, 352, 357 Gage Avenue North	914, 956
3, 17, 20, 22, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43-	914, 915, 957

58, 60, 62, 64, 66, 69, 70, 72-79, 81-84, 86, 87-95, 97, 99, 101-103, 105, 107, 109, 113, 115 Gertrude Street	
5, 59, 61, 63, 65-71, 73-75, 78, 79, 81, 91, 93, 95, 97-99, 101-103, 105, 107, 109, 111, 113, 115-119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141 Hillyard Street	871, 913
1, 3, 5, 7, 9, 11, 13, 15-17, 19-21, 23, 25, 34, 36, 38, 40, 42 Land Street	871
1, 4-12, 14-16, 18, 19, 21-24, 26-28, 30-37 Lyndhurst Street	915, 957
2, 6, 8, 10, 16, 20, 22, 24-27, 30, 31, 35, 36, 38-41, 43, 45 Macallum Street	870, 871
17, 23, 25, 27, 29, 31 McKinstry Street	871
52, 56, 58, 60, 64 Munroe Street	913
66, 67, 69-71, 73-76, 78, 82, 84, 86, 88, 98, 99, 102-104, 106-110, 112-131, 133-135, 137, 139, 141, 143, 152, 163, 167, 171 Niagara Street	829, 871
2, 4, 10, 12, 20, 26, 28, 32 Northcote Street	957
1 Norton Street	914
5 Roadway	871, 914, 915, 956, 957
1, 2, 4, 6, 8 Roosevelt Avenue	958
1, 3, 5-20, 22-25, 27-29, 31, 33, 35-37 Rowanwood Street	957
15, 17, 20-27, 29-36, 38, 40, 48, 50, 52, 56, 58, 60, 64, 65, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 103, 107, 109, 111, 113, 115, 117-119, 170, 175 Shaw Street	912, 913
366, 390, 400 Victoria Avenue North	870, 912
335, 517, 519, 521, 527, 529, 531, 533, 536, 540, 560, 562, 564, 566, 568, 570, 572, 574, 578, 580, 582, 584, 600, 610, 612, 618 Wentworth Street North	829, 871, 912, 913
2, 4, 6, 8, 10-25, 27, 28, 30, 32, 34, 36, 38, 40-44, 46-48, 50 Whitfield Avenue	914

The following special provisions shall apply:

- a) In addition to Subsections 9.5.1 and 9.6.1, and notwithstanding Subsections 9.5.2 and 9.6.2 ii), the legally established residential uses existing on the date of passing of this By-law (May 26, 2010) shall also be permitted.
- b) Notwithstanding Subsections 9.5.3 and 9.6.3, the following regulations shall apply to the use permitted in Clause a):

- i) Minimum Front Yard 6.0 metres
 - ii) Maximum Building Height 14.0 metres
 - iii) Minimum Side Yard 0.6 metres
 - iv) Minimum Rear Yard 7.5 metres
 - v) Accessory buildings shall be subject to Subsection 4.8.1"
- h) Special Exception No. 456 shall be deleted and replaced with the following new Special Exception:
- "Within the lands zoned Community Institutional (I2) Zone, identified on Map 995 of Schedule "A" – Zoning Maps and described as 121 Augusta Street, the following special provisions shall apply:
- a) Notwithstanding Section 3, a Social Services Establishment may include overnight accommodation.
 - b) In addition to Subsection 5.2 b) i), a maximum of three parking spaces may be a minimum 5.2 metres in length.
 - c) Notwithstanding Subsection 5.6 c) a minimum of 15 parking spaces shall be provided.
 - d) In addition to Subsection 8.2.1, an Office shall be permitted within the building existing on May 13, 1995.
 - e) In addition to Subsection 8.2.3.1, the maximum capacity for a Social Services Establishment shall not exceed eight (8) residents.
 - f) In addition to Subsection 8.2.3.1 and notwithstanding Subsection 4.19, a Visual Barrier with a minimum height of 1.0 metre shall be provided and maintained along the easterly lot line adjoining the parking area."
- i) Special Exception No. 461 shall be amended to delete reference the "Downtown Mixed Use (D3) Zone" and replaced with "Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone so that it reads as follows:
- "Within the lands zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone, identified on Map 1091 of Schedule "A" – Zoning

Maps and described as 55 Queenston Road, the following special provisions shall apply:"

- j) Special Exception No. 629 shall be amended by renumbering Clause b) i) Building Height to Clause b) ii), and by renumbering Clause b) iii) Screening to Clause b) v).
- k) Special Exception No. 637 shall be amended by renumbering Clauses a) G) a), b), c) and d) as Clauses a) G) i), ii), iii) and iv).

8.2 That Schedule "C" – Special Exceptions of By-law No. 05-200 is amended by adding the following new Special Exceptions:

"672. Within the lands zoned Conservation / Hazard Land (P5) Zone, identified on Map 1034 of Schedule "A" – Zoning Maps, and described as Part of 870 Scenic Drive, the following special provisions shall apply:

- a) In addition to Subsection 7.5.1, the following uses shall be permitted only within the building existing as of June 22, 2012 (known as the Long and Bisby Building):
 - i) A maximum of 12 dwelling units;
 - ii) Commercial uses limited to:
 - Art Gallery
 - Artist Studio
 - Business or Professional Office
 - Community Centre
 - Craftsperson Shop
 - Day Nursery
 - Lecture Room
 - Library
 - Museum
 - Personal Service
 - Restaurant, to a maximum gross floor area of 200 square metres
 - Retail Store, excluding a Convenience Store, to a maximum gross floor area of 200 square metres
 - iii) Accessory uses limited to:
 - Craftsperson Shop
 - Day Nursery
 - Home Occupation
 - Medical Clinic
 - Office

Personal Services

Studio

Retail Store, to a maximum gross floor area of 200 square metres

676. Within the lands zoned City Wide Park (P3) Zone, identified on Maps 1341, 1342, 1393 and 1394 of Schedule "A" – Zoning Maps, and described as a portion of 1086 West 5th Street, the following special provisions shall apply:

a) In addition to Section 3, the following definition shall apply:

Archaeological Conservation Shall mean the preservation of an archaeological resource or resources in place.

b) Notwithstanding Subsection 7.3.1, only Archaeological Conservation shall be permitted.

678. Within the lands zoned General Business Park (M2) Zone, Prestige Business Park (M3) Zone, Business Park Support (M4) Zone, identified on Maps 1433, 1434, 1435, 1481, 1482, 1483, 1484, 1528, 1529, 1530, 1531, 1573 and 1574 of Schedule "A" – Zoning Maps, and described as the Ancaster Business Park, shown as Figure 3 of Schedule "F" – Special Figures, the following special provision shall also apply:

a) In addition to Subsections 9.2.1, 9.3.1 and 9.4.1, the following uses shall also be permitted:

Children's Play-gym
Gymnastics Studio

681. Within the lands zoned Agriculture (A1) Zone, identified on Map 138 of Schedule "A" – Zoning Maps and described as 199 Glover Road, the following special provisions shall apply:

a) In addition to Subsection 12.1.1, a Long Term Care Facility shall also be permitted.

b) In addition to Subsection 4.12 d), Section 5, and Subsection 12.1.3, any parking spaces and drive aisles existing as of July 10, 2015 shall be deemed to comply with the regulations for any required setbacks, location on the lot, and number of parking spaces."

9. That Schedule "D" – Holding Provisions of By-law No. 05-200 is amended as follows:

9.1 That Holding Provision No. 27 regarding 611 Aberdeen Avenue be amended by renumbering it to Holding Provision No. 29.

9.2 That Holding Provision No. 37 be amended by deleting the preamble and with replacing it with the following text:

"Notwithstanding Subsections 8.2, 8.3, 9.7, 9.8, 9.9, 9.10, 9.11 and 9.12, on those lands zoned Community Institutional (I2) Zone, Major Institutional (I3) Zone, Airside Industrial (M7) Zone, Airport Related Business (M8) Zone, Airport Reserve (M9) Zone, Airport Light Industrial (M10) Zone, Airport Prestige Business (M11) Zone, and Extractive Industrial (M12) Zone, site alteration shall only be permitted in accordance with Subsections 1.11 d) and e) and Subsections 9.7.4 and 9.11.4, until such time as:"

9.3 That Holding Provision No. 63 be amended by:

i) Deleting the words "Mixed Use (TOC1) Zone" in the preamble and replacing them with "Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone";

ii) Deleting the words "No development shall be permitted until such time as" from the end of the preamble and replacing them with "Development shall only be permitted in accordance with the regulations of Special Exception No. 296 until such time as";

iii) Adding the words "for redevelopment" after the words "appropriately sized lots" and before the words "to the satisfaction of" in Clause i); and,

iv) Deleting Clause ii).

9.4 That a new Holding Provision No. 69 be added to Zoning By-law No. 05-200 as follows:

"Notwithstanding the regulations of Special Exception No. 672, within the lands zoned Conservation / Hazard Land (P5) Zone, identified on Map 1034 of Schedule "A" – Zoning Maps, and described as Part of 870 Scenic Drive, no development shall be permitted until such time as:

(i) The applicant submits a Master Site Plan and Precinct Plan for each development phase, as set out in the Urban Hamilton Official Plan, Chedmac Secondary Plan, which includes the required studies, to the satisfaction of the Director of Planning;

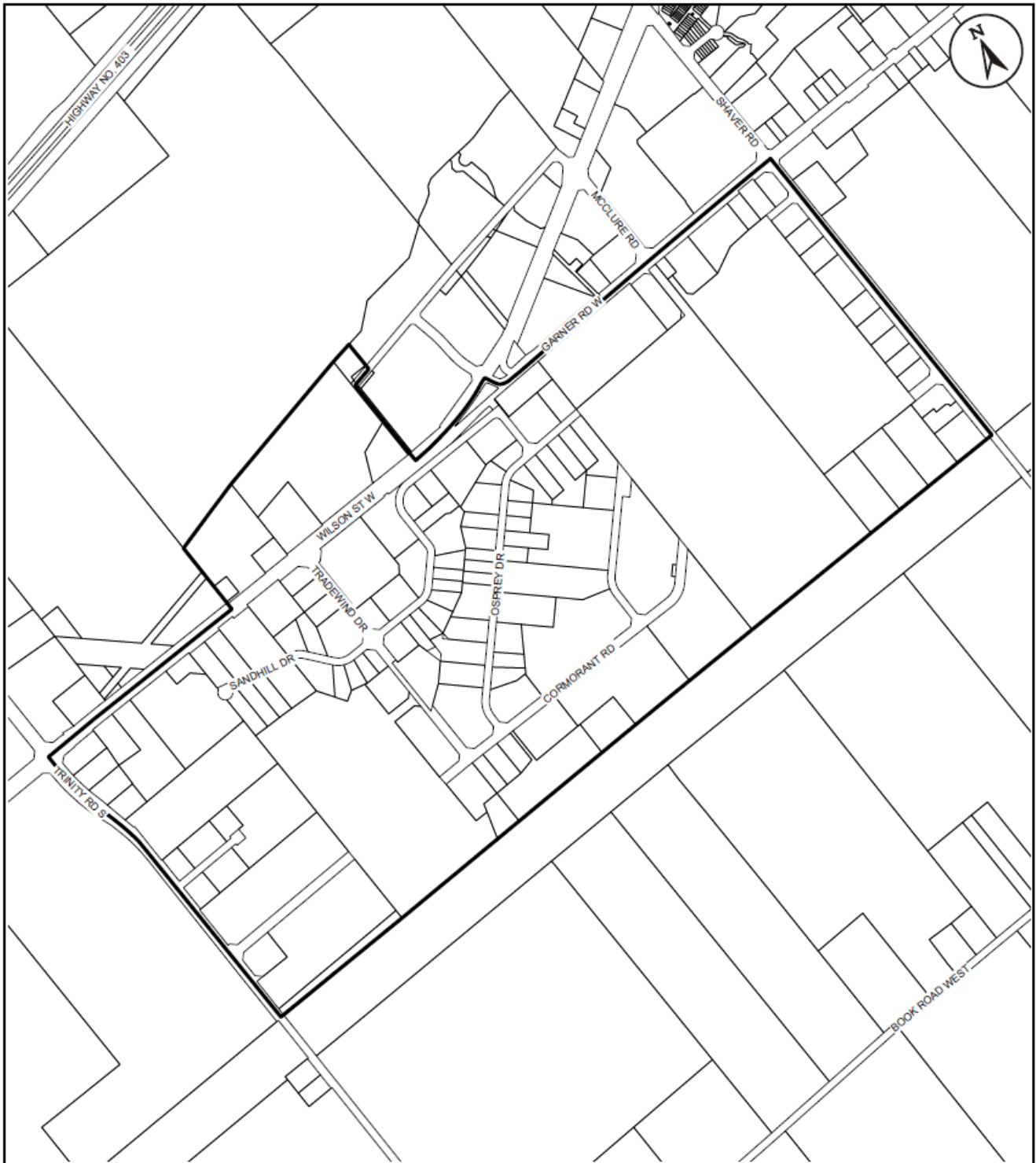
- (ii) The applicant submits urban design guidelines, as set out in the Urban Hamilton Official Plan, Chedmac Secondary Plan, to the satisfaction of the Director of Planning;
 - (iii) The applicant submits architectural control guidelines, as set out in the Urban Hamilton Official Plan, Chedmac Secondary Plan, to the satisfaction of the Director of Planning;
 - (iv) The applicant submits an urban design report, as set out in the Urban Hamilton Official Plan, Chedmac Secondary Plan, to the satisfaction of the Director of Planning;
 - (v) Where the Moreland and Brow Annex buildings are not to be retained, the applicant submits a report which demonstrates that retention and re-use of such buildings is not structurally feasible, to the satisfaction of the Director of Planning."
10. That Maps 54, 55, 63, 67, 75, 101, 112, 113, 114, 128, 138, 141, 163, 164, 196, 204, 212, 219, 877, 907, 948, 949, 1034, 1091, 1286, 1289, 1341, 1342, 1393, 1394, 1433, 1434, 1435, 1481, 1482, 1483, 1484, 1528, 1529, 1530, 1531, 1573, 1574 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 be amended the extent and boundaries of which are shown on a plan hereto annexed as Schedules "A1", "A2", "A3", "A4", "A5", "A6", "A7", "A8", "A9", "B1", "B2", "B3", "B4", "B5", "B6", "B7", "B8", "B9", "B10", "B11" and "B12" to this By-law, as follows:
- 10.1 Change in zoning from the Downtown Mixed Use (D3, 461, H54) Zone, Modified with a Holding to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 461, H54) Zone, Modified with a Holding (55 Queenston Road, Hamilton, Schedule "A1");
 - 10.2 Lands to be added to Zoning By-law No. 05-200 and zoned Neighbourhood Park (P1) Zone (80 Beach Boulevard, Hamilton, Schedule "A2");
 - 10.3 Lands to be added to Zoning By-law No. 05-200 and zoned Conservation / Hazard Land (P5) Zone (Part of 1169 Garner Road East, Ancaster, Schedule "A3");
 - 10.4 Change in zoning from the City Wide (P3) Zone to the City Wide (P3, 676) Zone, Modified (Part of 1086 West 5th Street, Hamilton, Schedule "A4");
 - 10.5 Change in zoning from Agriculture (A1) Zone to Agriculture (A1, 681) Zone, Modified (199 Glover Road, Stoney Creek, Schedule "A5");

- 10.6 Lands to be added to Zoning By-law No. 05-200 and zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 310) Zone, Modified (122 Longwood Road South, Hamilton, Schedule "A6");
- 10.7 Lands to be added to Zoning By-law No. 05-200 and zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone (15 Emerson Street, Hamilton, Schedule "A7");
- 10.8 Change in zoning from Conservation / Hazard Land (P5) Zone to Conservation / Hazard Land (P5, 672, H69) Zone, Modified with a Holding (870 Scenic Drive, Hamilton, Schedule "A8");
- 10.9 Lands to be added to Zoning By-law No. 05-200 and zoned Conservation / Hazard Land – Rural (P6) Zone (340, 342 & 348, and Part of 344 Mountain Brow Road and 2000 Waterdown Road, Flamborough, Schedule "A9");
- 10.10 Change in zoning from Conservation / Hazard Land – Rural (P7) Zone to Agriculture (A1) Zone (168, 182, 190 and 234 Woodhill Road, Flamborough, Schedule "B1");
- 10.11 Change in zoning from Conservation / Hazard Land – Rural (P7) Zone to Agriculture (A1) Zone and change in zoning from Agriculture (A1) Zone to Conservation / Hazard Land – Rural (P7) Zone (767, 831 and 893 Weir Road, Ancaster, Schedule "B2");
- 10.12 Change in zoning from Conservation / Hazard Land – Rural (P7) Zone to Agriculture (A1) Zone and change in zoning from Agriculture (A1) Zone to Conservation / Hazard Land – Rural (P7) Zone (3255, 3261, 3269, 3275 and 3303 Indian Trail, Ancaster, Schedule "B3");
- 10.13 Change in zoning from Conservation / Hazard Land – Rural (P6) Zone to Conservation / Hazard Land – Rural (P7) Zone, change in zoning from Rural (A2) Zone to Conservation / Hazard Land – Rural (P7) Zone, and change in zoning from Conservation / Hazard Land – Rural (P6) Zone to Rural (A2) Zone (Parts of 3065, 3295, 3311, 3323, 3335, 3341, 3349, 3359, 3369, 3379, 3383, 3385, 3395, 3403, 3409 Tisdale Road, Glanbrook, Parts of 5050, 5056, 5084, 5126, 5134, 5144, 5150, 5156, 5164 Chippewa Road East, Glanbrook, Schedule "B4");
- 10.14 Change in zoning from Conservation / Hazard Land – Rural (P7) Zone to Agriculture (A1) Zone (4235 and 4250 Trimble Road, Glanbrook, Schedule "B5");
- 10.15 Change in zoning from the Settlement Residential (S1, 52) Zone, Modified to the Conservation / Hazard Land – Rural (P6) Zone, change in zoning from the Settlement Residential (S1) Zone to the Conservation / Hazard

Land – Rural (P6) Zone, change in zoning from the Rural (A2) Zone to the Conservation / Hazard Land – Rural (P6) Zone, change in zoning from the Rural (A2) Zone to the Conservation / Hazard Land – Rural (P7) Zone, and change in zoning from the Conservation / Hazard Land – Rural (P6) Zone to the Settlement Residential (S1) Zone (Part of 49 Inksetter Road and 56, 64, 68, 70, 86 and 90 Highway 52, Flamborough, Schedule "B6");

- 10.16 Change in zoning from the Agriculture (A1) Zone to the Conservation / Hazard Land – Rural (P7) Zone and change in zoning from the Conservation / Hazard Land (P7) Zone to the Agriculture (A1) Zone (554, 560 and 568 Hunter Road, Flamborough, Schedule "B7");
 - 10.17 Change in zoning from the Conservation / Hazard Land – Rural (P8) Zone to the Conservation / Hazard Land – Rural (P6) Zone, change in zoning from the Conservation / Hazard Land – Rural (P8) Zone to the Rural (A2) Zone, change in zoning from the Rural (A2) Zone to the Conservation / Hazard Land (P7) Zone, change in zoning from the Conservation / Hazard Land (P7) Zone to the Rural (A2) Zone, and change in zoning from the Rural (A2) Zone to the Conservation / Hazard Land – Rural (P6) Zone (2020 & 2036 Safari Road, Flamborough, Schedule "B8");
 - 10.18 Change in zoning from the Rural (A2) Zone to the Conservation / Hazard Land – Rural (P7) Zone, and change in zoning from the Conservation / Hazard Land – Rural (P7) Zone to the Rural (A2) Zone (953, 971, 977, 989 and 1005 Kirkwall Road, Flamborough, Schedule "B9");
 - 10.19 Change in zoning from the Conservation / Hazard Land – Rural (P6) Zone to the Rural (A2) Zone, and change in zoning from the Conservation / Hazard Land – Rural (P7) Zone to the Rural (A2) Zone (1195 Kirkwall Road, Flamborough, Schedule "B10");
 - 10.20 Change in zoning from the Conservation / Hazard Land – Rural (P6) Zone to the Conservation / Hazard Land – Rural (P8) Zone, and change in zoning from the Conservation / Hazard Land – Rural (P6) Zone to the Rural (A2) Zone (6492 & 6344 Twenty Road East, Glanbrook, Schedule "B11"); and,
 - 10.21 Change in zoning from the Conservation / Hazard Land – Rural (P7) Zone to the Agriculture (A1) Zone (1004 Westbrook Road, Part of 1042 Westbrook Road, 35, 45, 55, 65, 81, 91 Golf Club Road and Part of 1101 Golf Club Road, Glanbrook, Schedule "B12").
11. That Schedule "F" – Special Figures of Zoning By-law No. 05-200 is amended as follows:
 - 11.1 That Figure 3: Ancaster Business Park shall be deleted and replaced with Figure 3: Ancaster Business Park attached to this By-law.


- 11.2 That Figure 5: Property Details Sketch Related to Special Exemption 445 be deleted and replaced with Figure 16: 257, 259, 263, 269, 271, 275 and 279 Bay Street North, Hamilton attached to this By-law.
- 11.3 That Figure 5: Concept Plan be deleted and replaced with Figure 17: 108 James Street North, 111 and 115 Hughson Street North attached to this By-law.
- 11.4 That Figure 5.0: Source Water Protection Vulnerability Score: Carlisle be deleted and replaced with Figure 5.0: Source Water Protection Vulnerability Score (Carlisle) attached to this By-law.
- 11.5 That Figure 5.1: Source Water Protection Vulnerability Score: Freelton be deleted and replaced with Figure 5.1: Source Water Protection Vulnerability Score (Freelton) attached to this By-law.
- 11.6 That Figure 5.2: Source Water Protection Vulnerability Score: Greensville be deleted and replaced with Figure 5.2: Source Water Protection Vulnerability Score (Greensville) attached to this By-law.
- 11.7 That Figure 5.3: Source Water Protection Vulnerability Score: Lynden be deleted and replaced with Figure 5.3: Source Water Protection Vulnerability Score (Lynden) attached to this By-law.
- 11.8 That Figure 6.0: Lower Stoney Creek Lands be deleted and replaced with Figure 6.0: Lower Stoney Creek Lands attached to this By-law.
- 11.9 That Figure 7.0: Specialty Crop Lands be deleted and replaced with Figure 7.0: Specialty Crop Lands attached to this By-law.
- 11.10 That Figure 11: 75 Centennial Parkway North (Eastgate Square) be renumbered as Figure 18: 75 Centennial Parkway North (Eastgate Square) attached to this By-law.
- 11.11 That Figure 12: 670, 674, 686, 692, 700 and 706 Queenston Road, Hamilton be renumbered as Figure 19: 670, 674, 686, 692, 700 and 706 Queenston Road, Hamilton attached to this By-law.
12. 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*.
13. That this By-law comes into force in accordance with Section 34 of the *Planning Act*.



Special Figure 3: Ancaster Business Park

Date:
April 2018

Legend

 Ancaster Business Park



Hamilton

PLANNING AND ECONOMIC
DEVELOPMENT DEPARTMENT

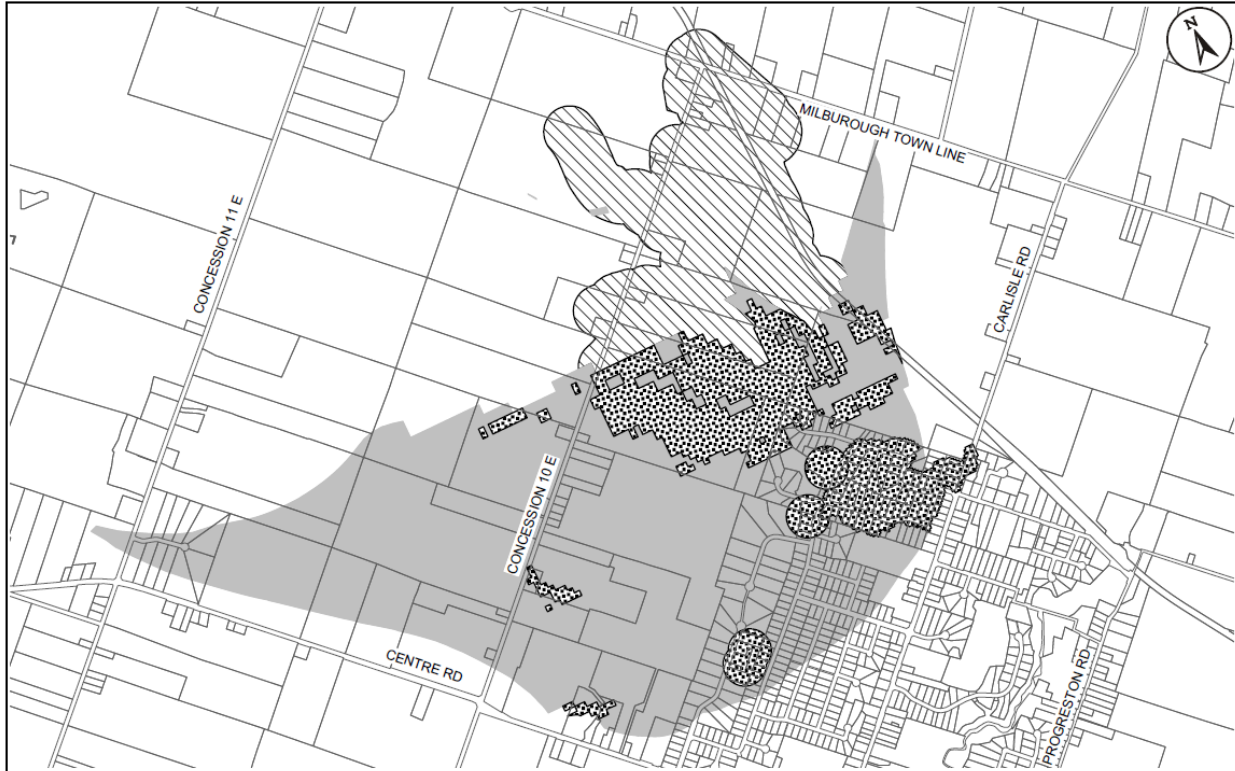






Figure 5: Source Water Protection Vulnerability Score (Carlisle)

Date:
May 24, 2018

Legend

- | | | | |
|---|-------------------|---|-------------------|
|  | Vulnerable Area 1 |  | Vulnerable Area 3 |
|  | Vulnerable Area 2 |  | Property Boundary |



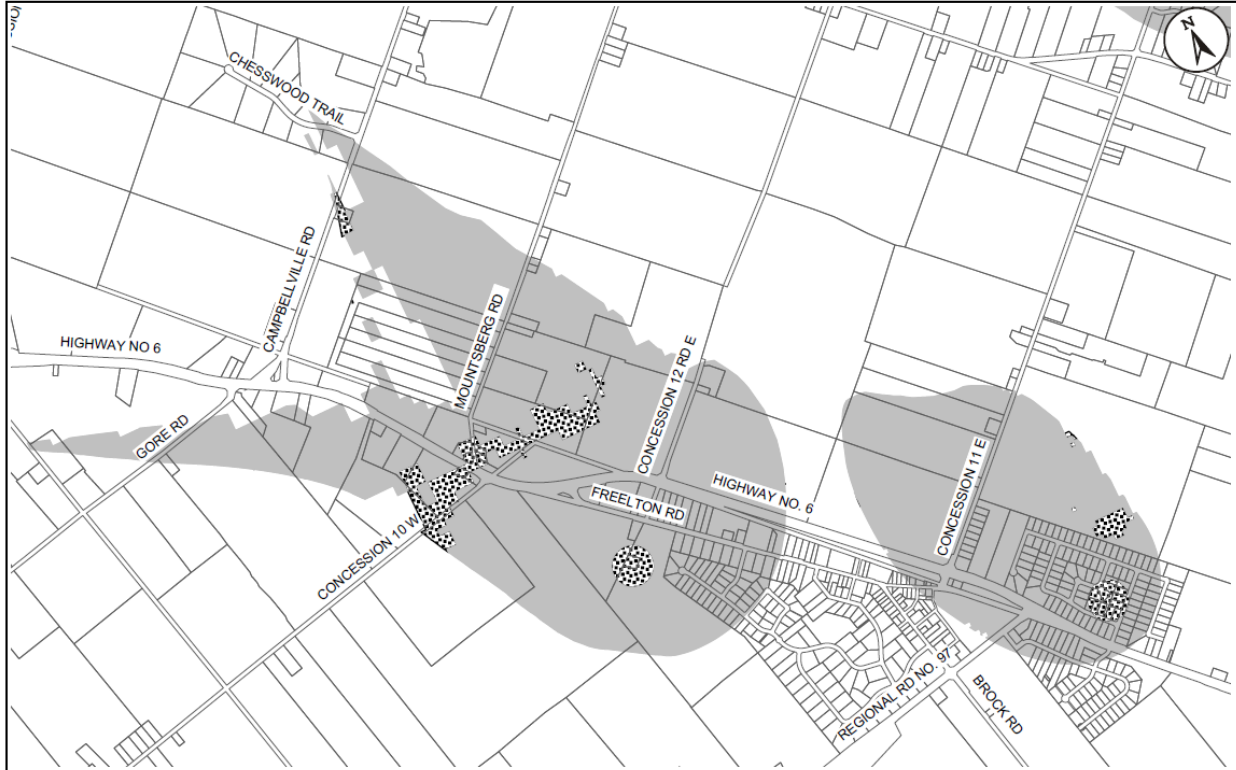





Figure 5.1: Source Water Protection Vulnerability Score (Freelon)

Date:
May 24, 2018

Legend

-  Vulnerable Area 1
-  Vulnerable Area 2
-  Property Boundary



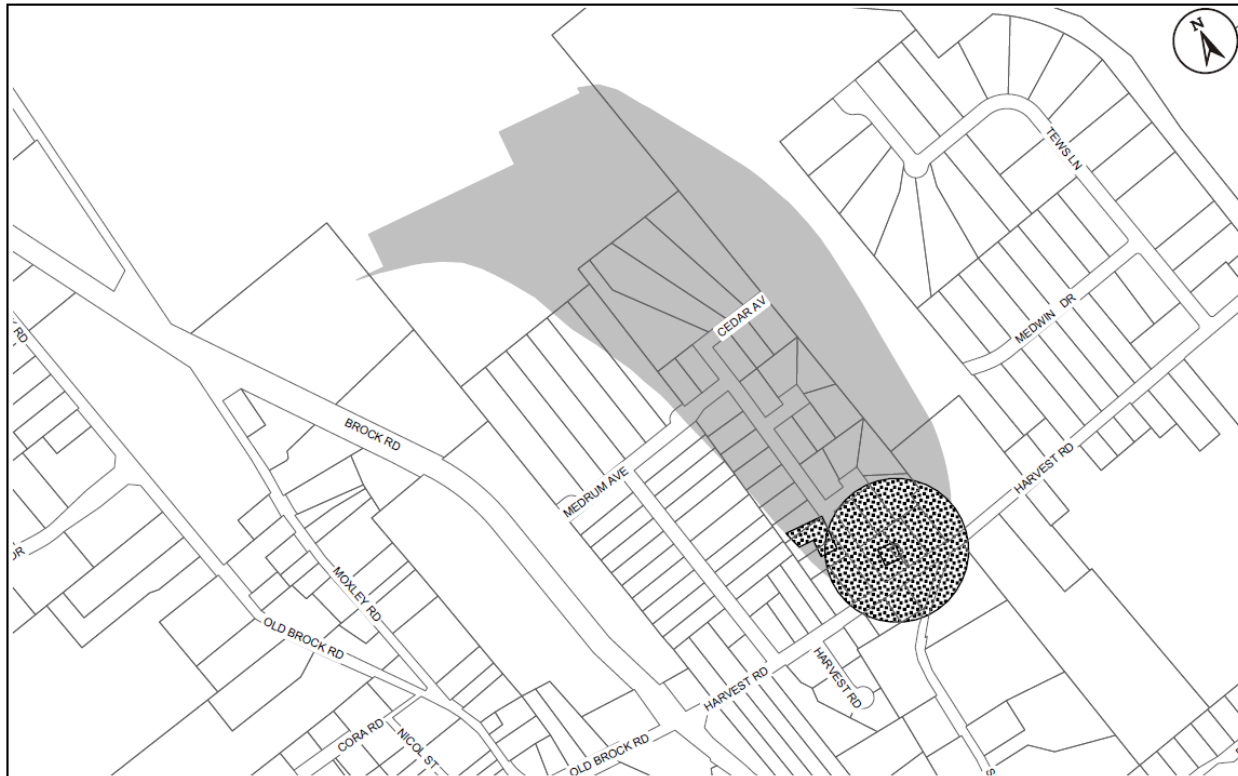





Figure 5.2: Source Water Protection Vulnerability Score (Greenville)

Date:
May 24, 2018

Legend

-  Vulnerable Area 1
-  Vulnerable Area 2
-  Property Boundary



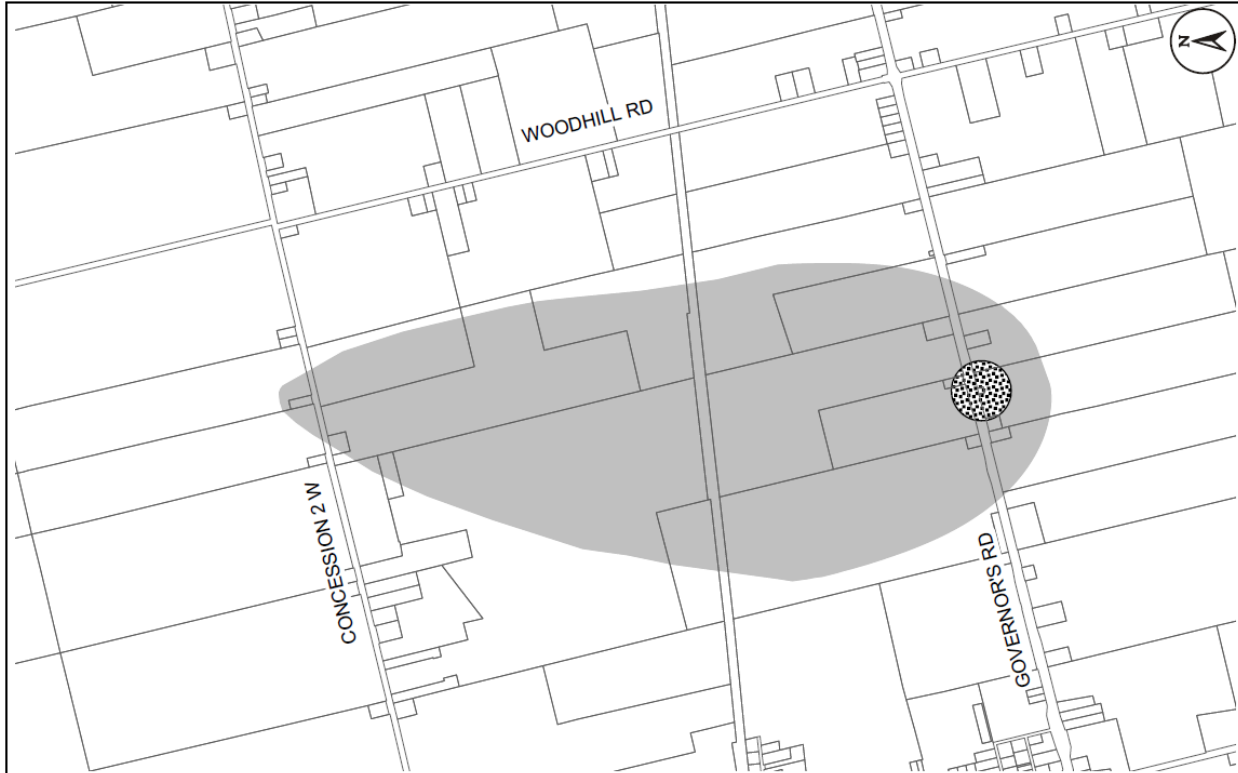





Figure 5.3: Source Water Protection Vulnerability Score (Lynden)

Date:
May 24, 2018

Legend

-  Vulnerable Area 1
-  Vulnerable Area 2
-  Property Boundary



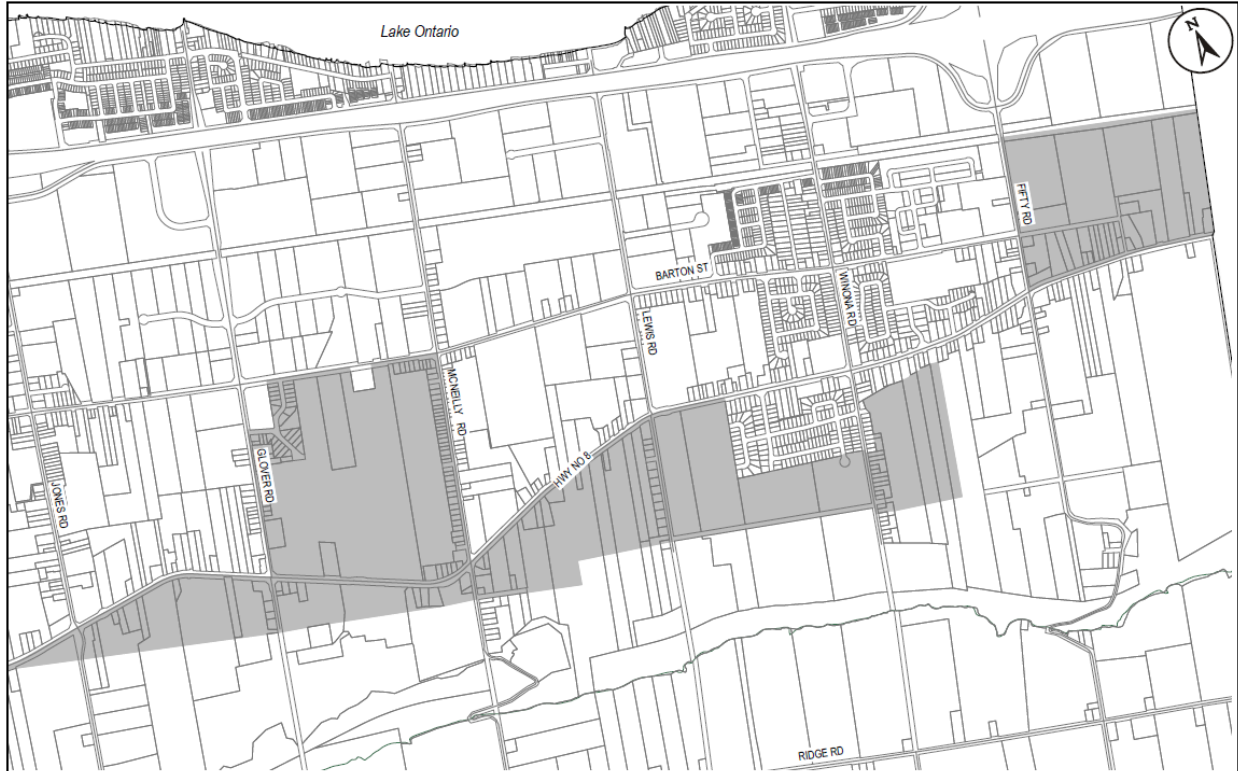




Figure 6: Lower Stoney Creek Lands

Date:
May 24, 2018

Legend

-  Lower Stoney Creek Lands
-  Property Boundary



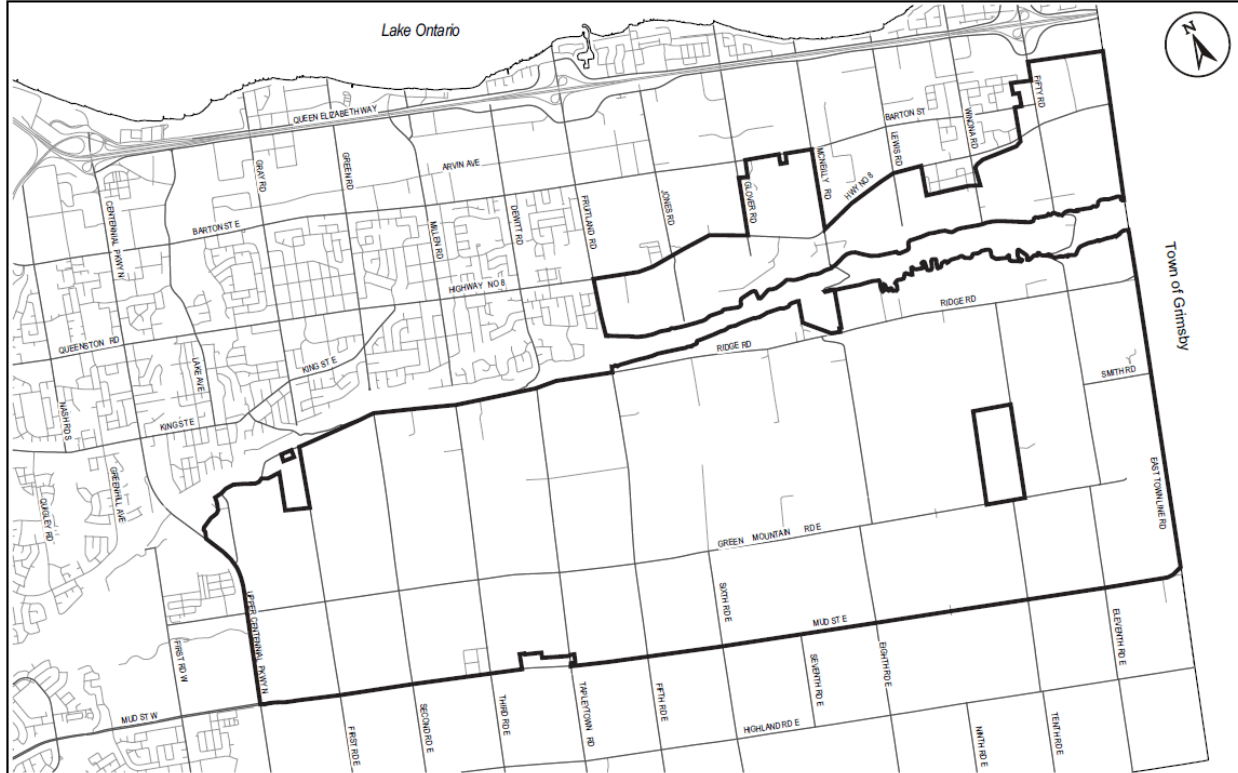




Figure 7: Specialty Crop Lands

Date:
May 24, 2018

Legend

-  Specialty Crop Lands
-  Property Boundary



Hamilton
PLANNING AND ECONOMIC
DEVELOPMENT DEPARTMENT

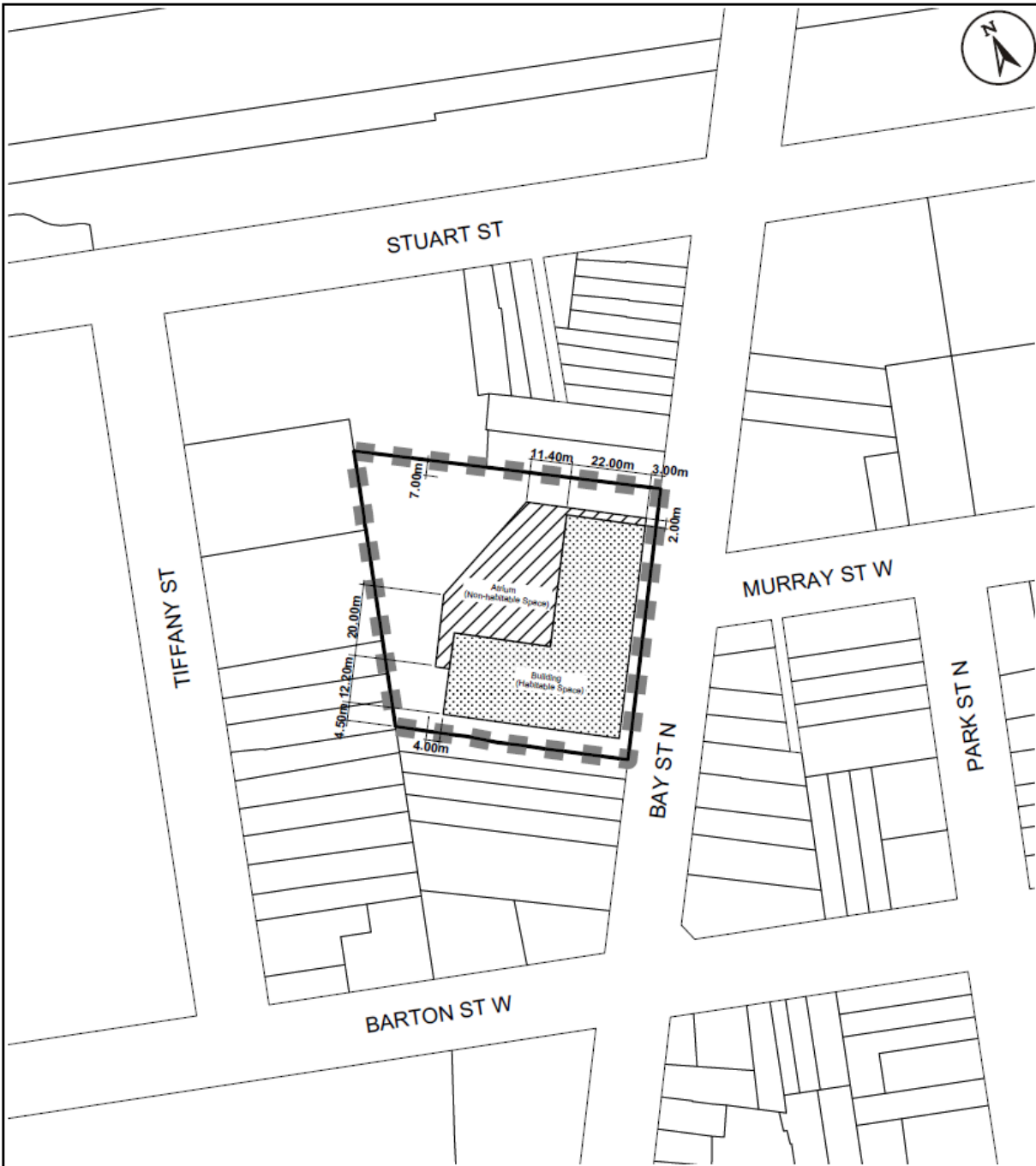


Figure 16: 257, 259, 263, 269, 271, 275 and 279 Bay Street North, Hamilton

Date:
March 1, 2018

Legend

■ ■ ■ Subject Area - Special Exception 445



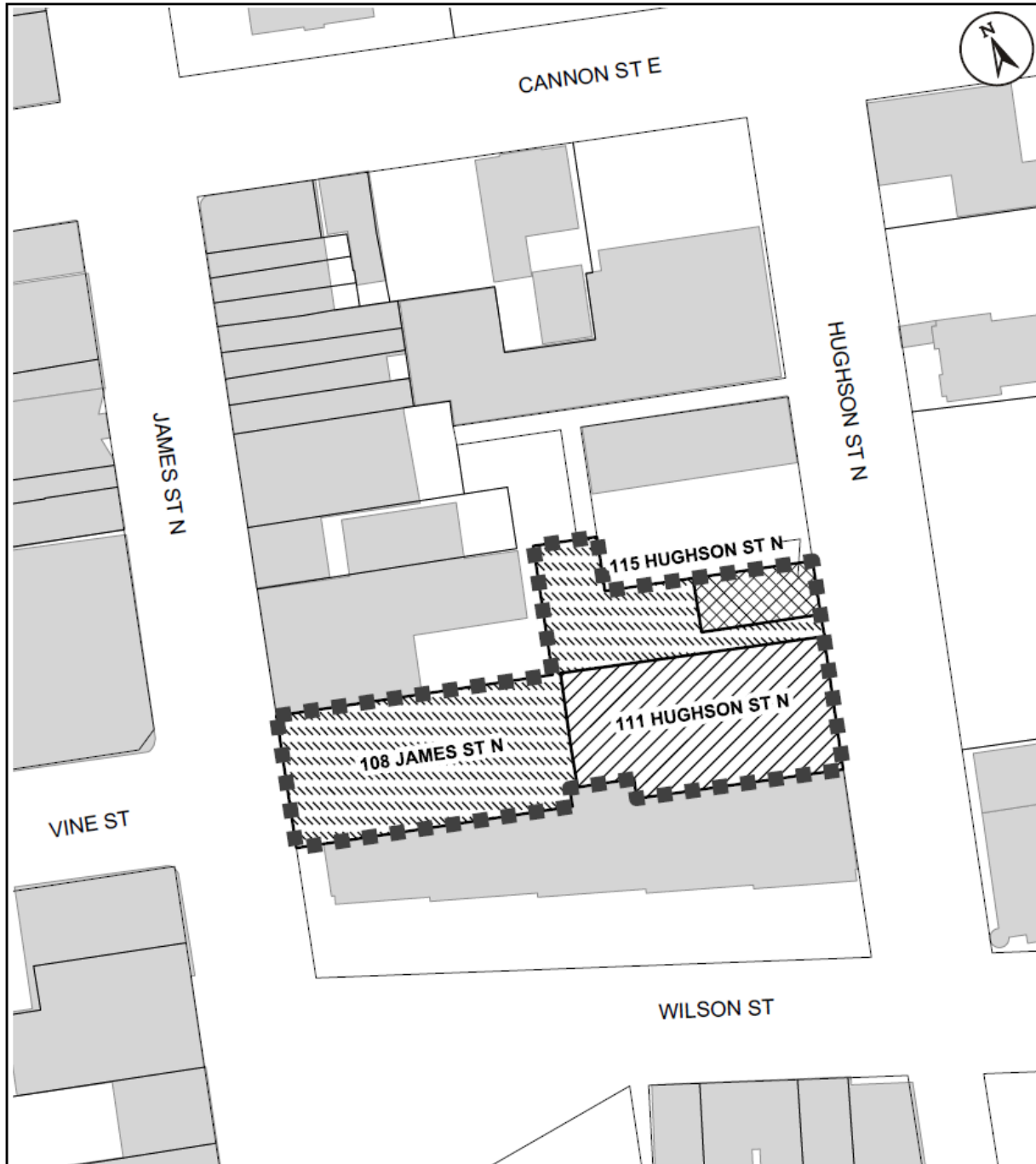


Figure 17: 108 James Street North, 111 and 115 Hughson Street North

Date;
March 1, 2018

Legend

■ ■ ■ ■ Subject Area - Special Exception 451



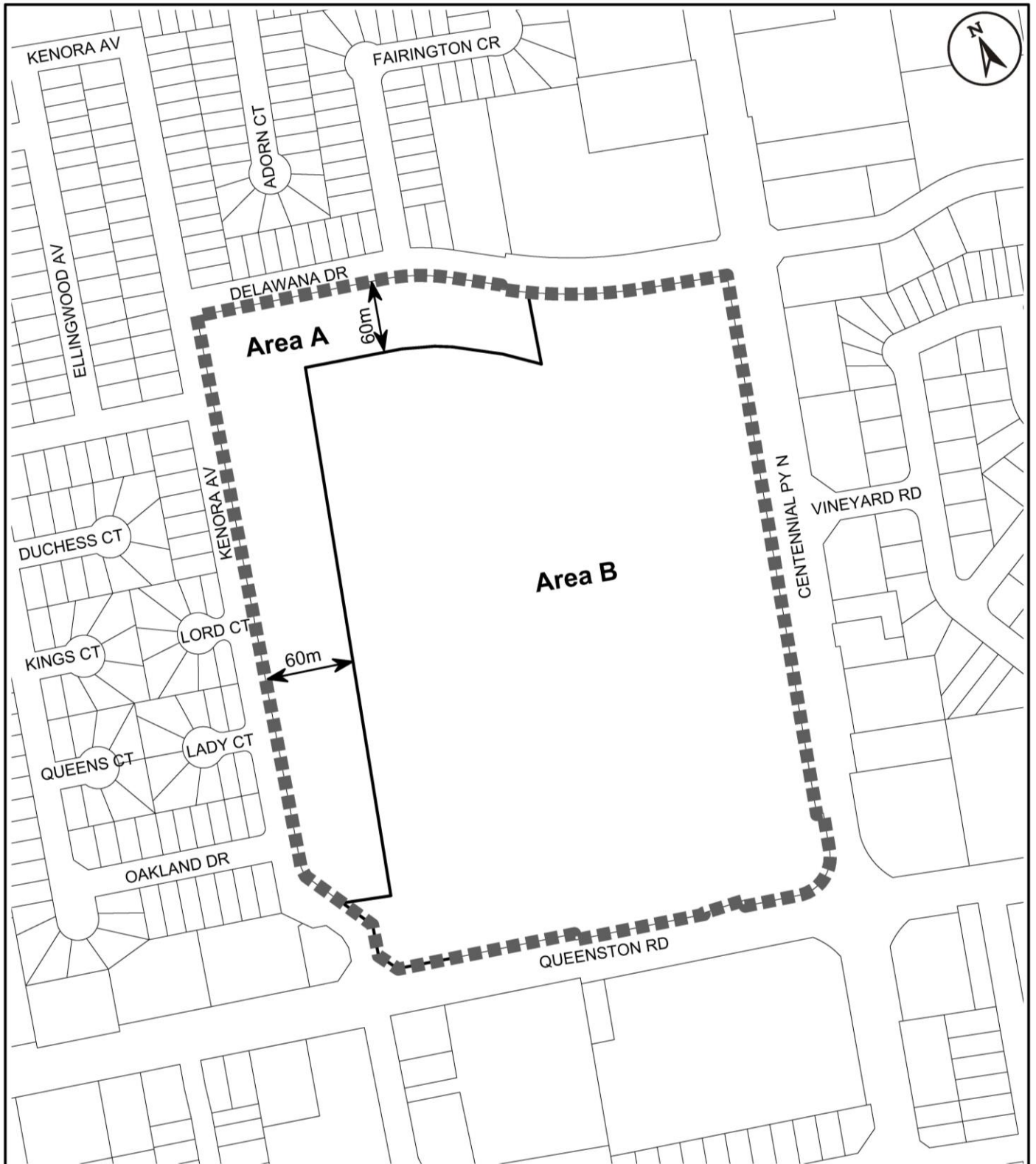


Figure 18: 75 Centennial Parkway North (Eastgate Square)

Date:
January 9, 2018

Legend

■ ■ ■ ■ Subject Area - Special Exception 633



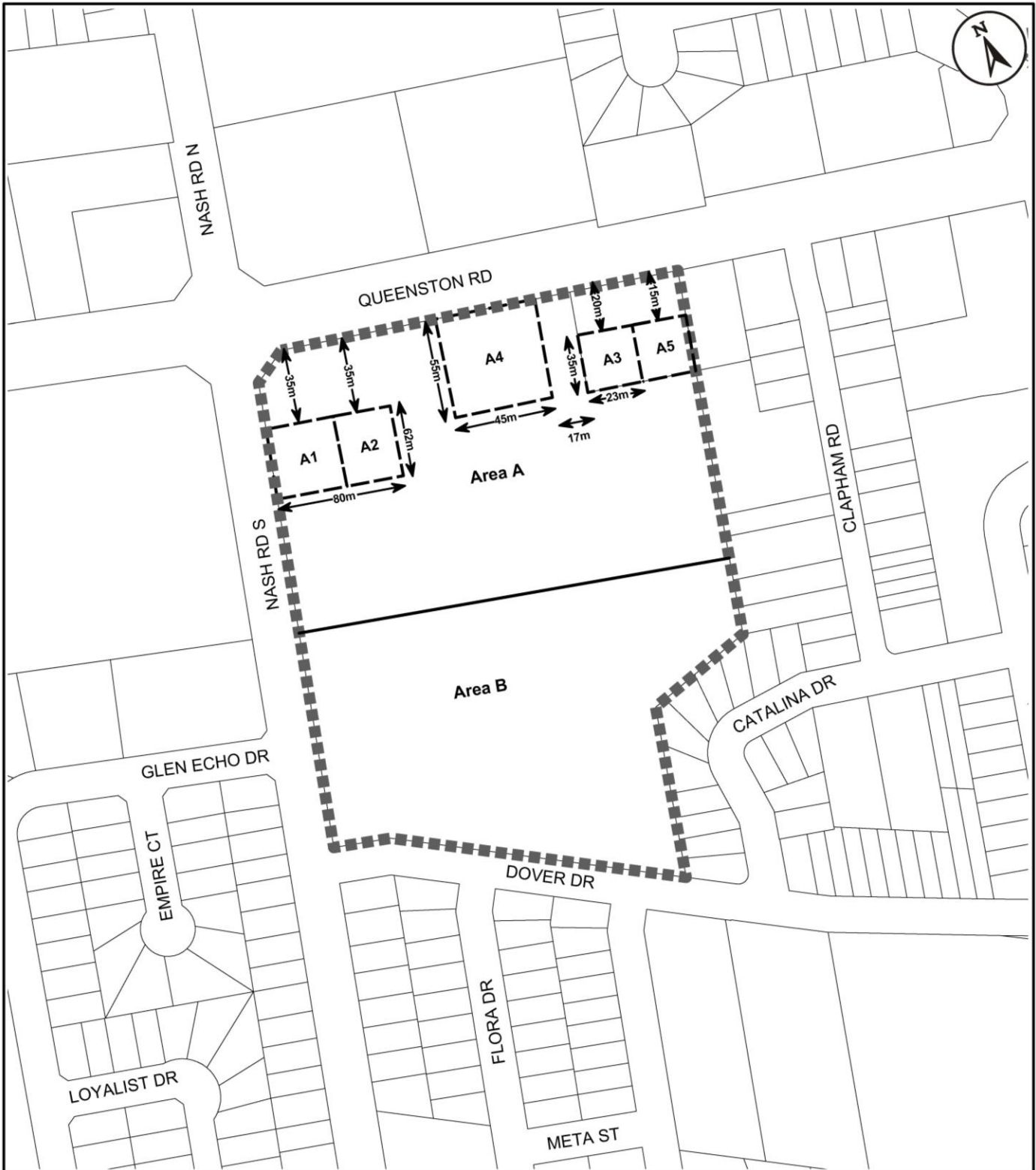


Figure 19: 670, 674, 686, 692, 700 and 706 Queenston Road, Hamilton

Date:
February 7, 2018

Legend

■ ■ ■ ■ Subject Area - Special Exception 637

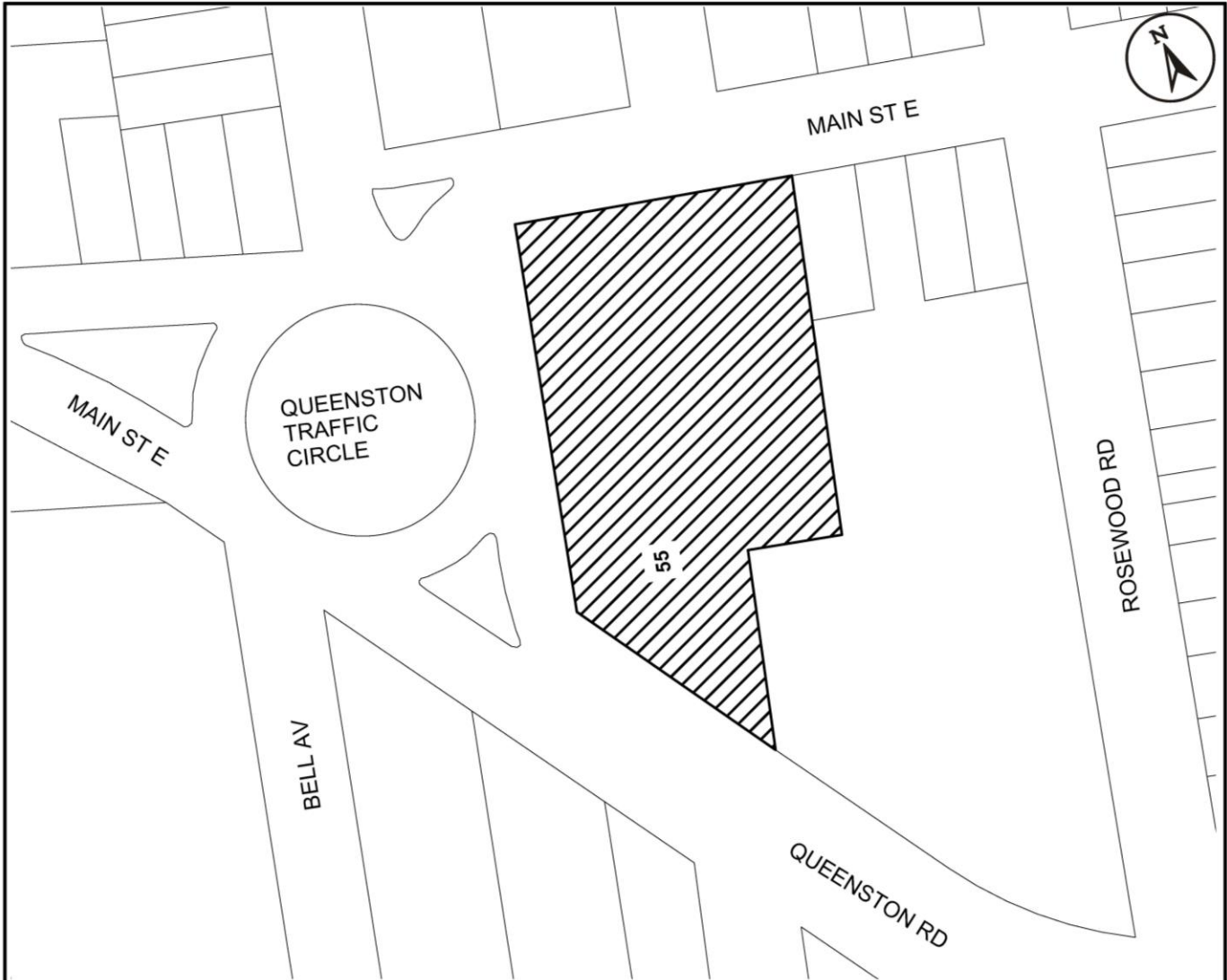


Hamilton
PLANNING AND ECONOMIC
DEVELOPMENT DEPARTMENT

PASSED this XX day of XXX, 2018.

Fred Eisenberger
Mayor

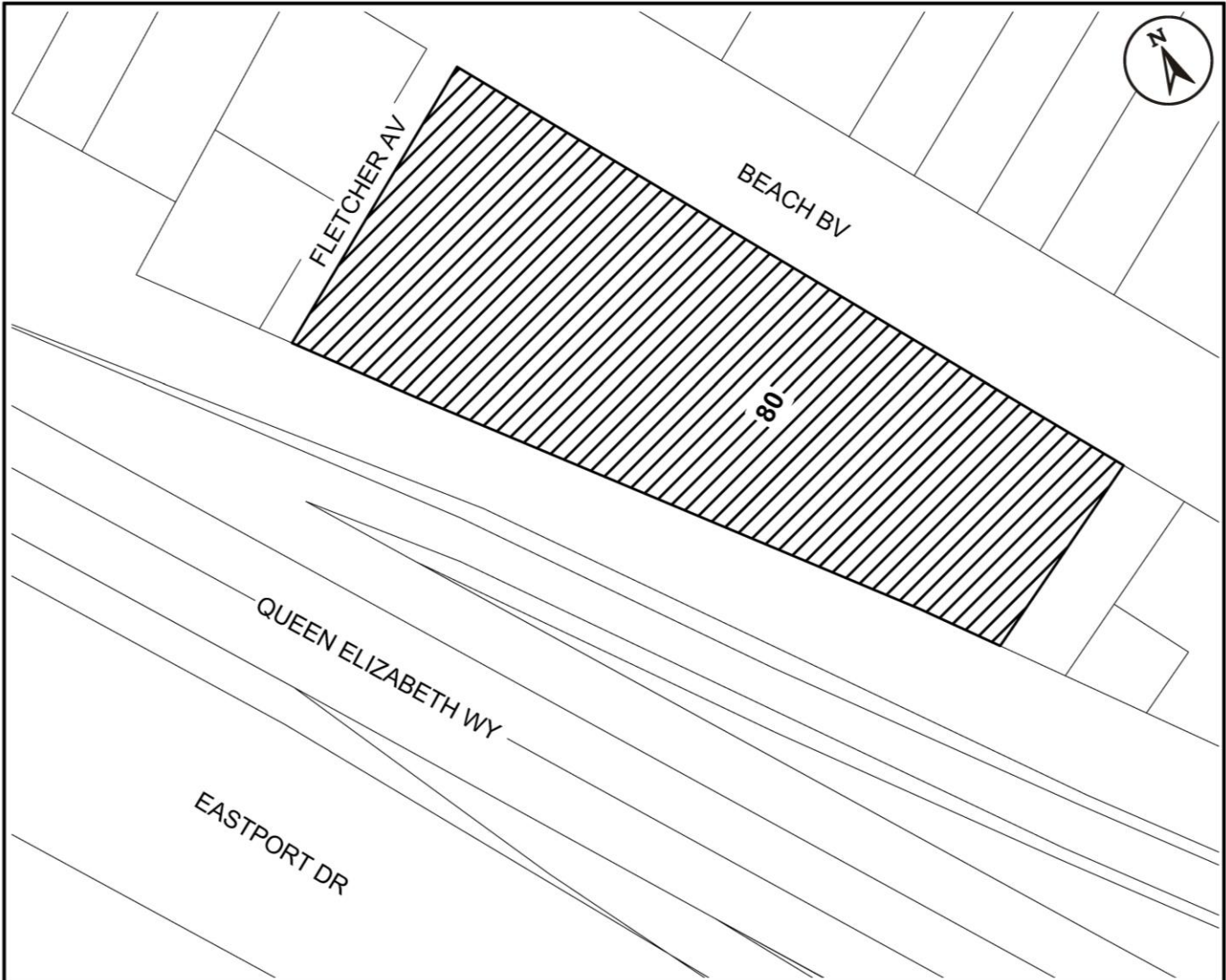
City Clerk



<p>This is Schedule "A1" to By-law No. 18-</p> <p>Passed the day of, 2018</p>	<p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</p>
---	---

<h2>Schedule "A1"</h2> <p>Map Forming Part of By-law No. 18-_____</p> <p>to Amend By-law No. 05-200 Map 1091</p>	<p>Subject Property</p> <p>55 Queenston Road, Hamilton</p> <p> Lands to be rezoned from Downtown Mixed Use (D3, 461, H54) Zone, Modified with a Holding to Transit Oriented Corridor Mixed Use Medium Density (TOC1, 461, H54) Zone, Modified with a Holding</p>
--	---

<p>Scale: N.T.S.</p>	<p>File Name/Number: 55 Queenston Rd</p>	
<p>Date: February 23, 2018</p>	<p>Planner/Technician: MG/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



This is Schedule "A2" to By-law No. 18-

Passed the day of, 2018

Mayor

Clerk

Schedule "A2"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 05-200
Map 877

Subject Property

80 Beach Boulevard, Hamilton



Lands to be added to Zoning By-law No. 05-200
and zoned Neighbourhood Park (P1) Zone

Scale:
N.T.S.

File Name/Number:
80 Beach Blvd

Date:
February 26, 2018

Planner/Technician:
MG/NB



Hamilton




This is Schedule "A3" to By-law No. 18-
 Passed the day of, 2018

 Mayor

 Clerk

Schedule "A3"
 Map Forming Part of
 By-law No. 18-_____
 to Amend By-law No. 05-200
 Map 1286

Subject Property
 1169 Garner Road East, Ancaster
 Lands to be added to Zoning By-law No. 05-200
 and zoned Conservation / Hazard Land (P5) Zone

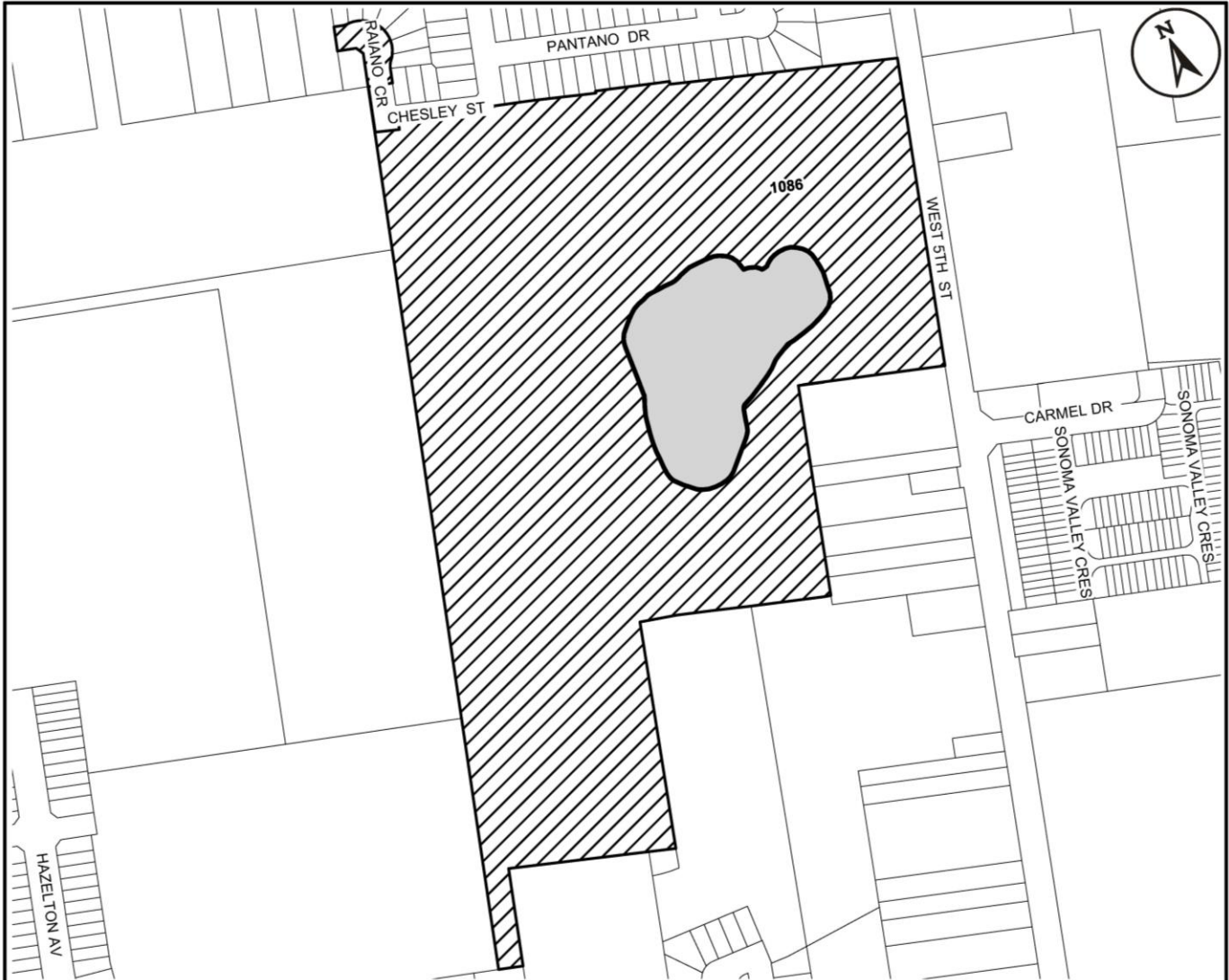
Scale:
 N.T.S.

File Name/Number:
 1169 Garner Rd E

Date:
 April 6, 2018

Planner/Technician:
 MG/AL

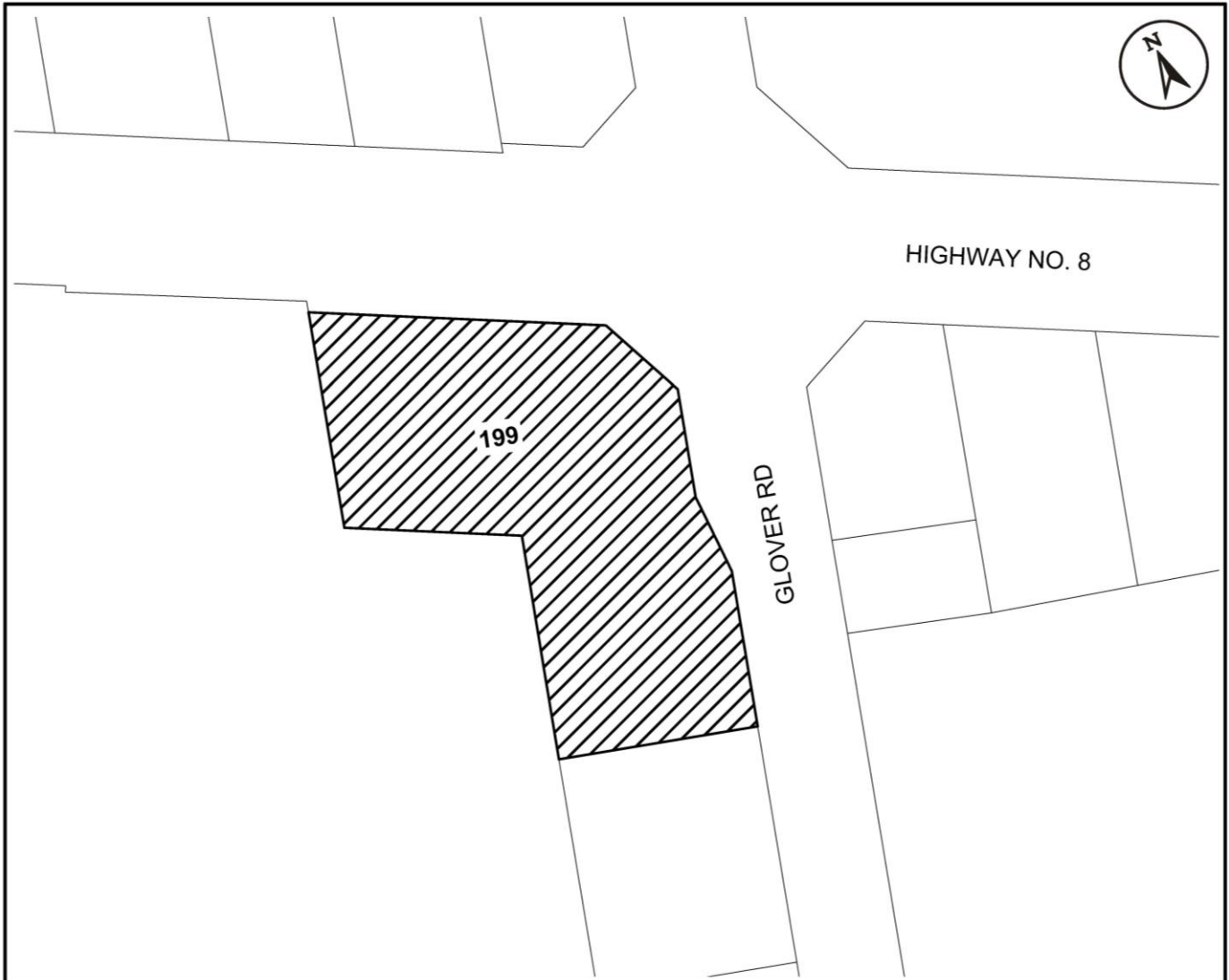




<p>This is Schedule "A4" to By-law No. 18-</p> <p>Passed the day of, 2018</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
---	---

<h2 style="margin: 0;">Schedule "A4"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Maps 1289, 1342, 1393 & 1394</p>	<p>Subject Property</p> <p> 1086 West 5th Street, Hamilton</p> <p> Lands to be rezoned from City Wide (P3) Zone to City Wide (P3, 676) Zone, Modified</p>
---	--

<p>Scale: N.T.S.</p>	<p>File Name/Number: 1086 West 5th St</p>	
<p>Date: April 27, 2018</p>	<p>Planner/Technician: MG/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



This is Schedule "A5" to By-law No. 18-
 Passed the day of, 2018

 Mayor


 Clerk

Schedule "A5"

Map Forming Part of
 By-law No. 18-_____

to Amend By-law No. 05-200
 Map 138

Subject Property
 199 Glover Road, Stoney Creek

 Lands to be rezoned from Agriculture (A1) Zone to
 Agriculture (A1, 681) Zone, Modified

Scale:
 N.T.S.

File Name/Number:
 199 Glover Rd

Date:
 February 28, 2018

Planner/Technician:
 MG/NB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

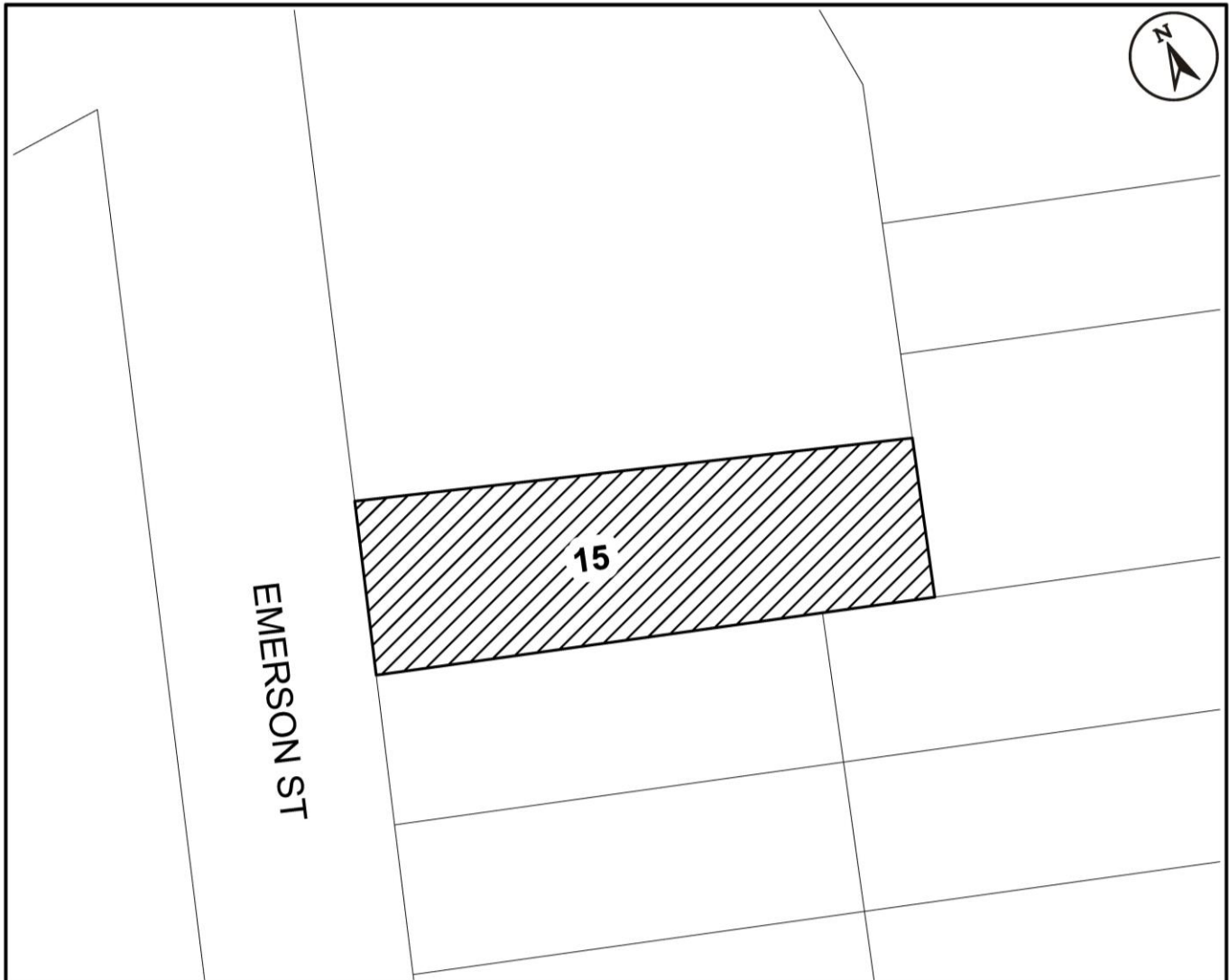




<p>This is Schedule "A6" to By-law No. 18-</p> <p>Passed the day of, 2018</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
---	---

<h2 style="margin: 0;">Schedule "A6"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Maps 907 & 949</p>	<p>Subject Property</p> <p>122 Longwood Road South, Hamilton</p> <p> Lands to be added to Zoning By-law No. 05-200 and zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1, 310) Zone, Modified</p>
---	---

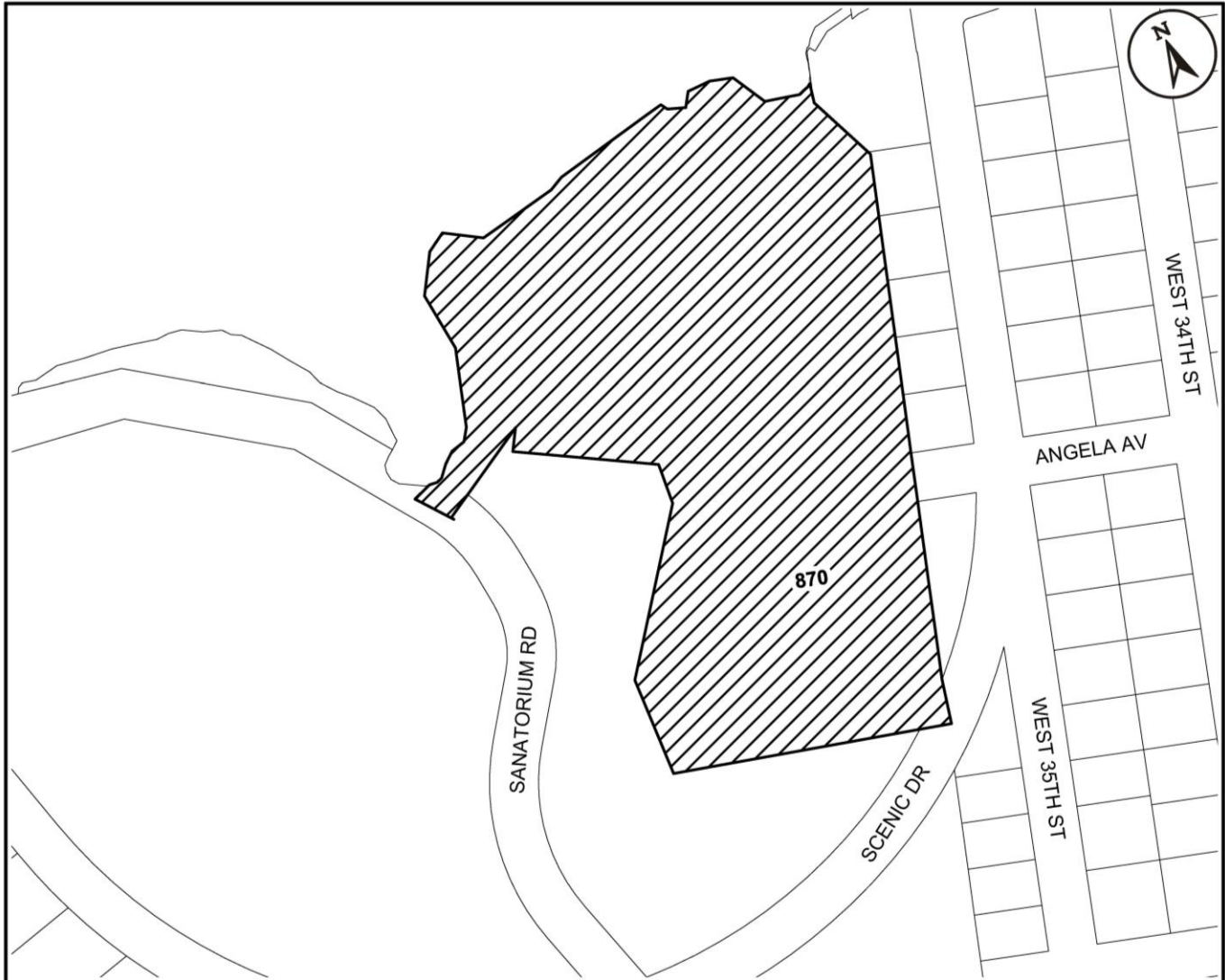
<p>Scale: N.T.S.</p>	<p>File Name/Number: 122 Longwood Rd S</p>	
<p>Date: May 10, 2018</p>	<p>Planner/Technician: MG/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



<p>This is Schedule "A7" to By-law No. 18-</p> <p>Passed the day of, 2018</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
---	---

<p>Schedule "A7"</p> <p>Map Forming Part of By-law No. 18-_____</p> <p>to Amend By-law No. 05-200 Map 948</p>	<p>Subject Property 15 Emerson Street, Hamilton</p> <p> Lands to be added to Zoning By-law No. 05-200 and zoned Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone</p>
--	---

<p>Scale: N.T.S.</p>	<p>File Name/Number: 15 Emerson St</p>	
<p>Date: May 22, 2018</p>	<p>Planner/Technician: MG/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



This is Schedule "A8" to By-law No. 18-
 Passed the day of, 2018

 Mayor

 Clerk

Schedule "A8"

Map Forming Part of
 By-law No. 18-_____

to Amend By-law No. 05-200
 Map 1034

Subject Property

870 Scenic Drive, Hamilton



Lands to be rezoned from
 Conservation / Hazard Land (P5) Zone to
 Conservation / Hazard Land (P5, 672, H69)
 Zone, Modified with a Holding

Scale:
 N.T.S.

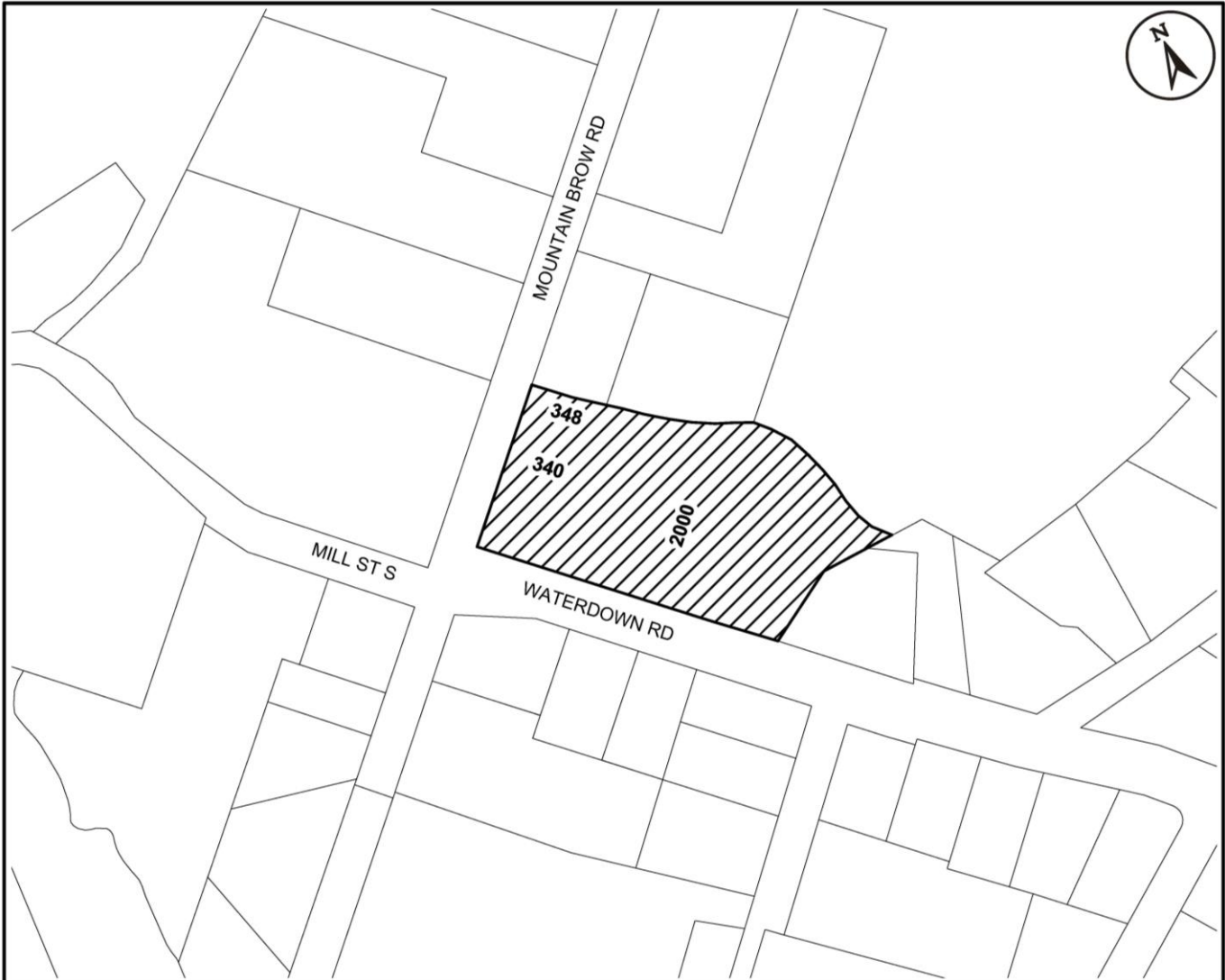
File Name/Number:
 870 Scenic Dr

Date:
 May 22, 2018

Planner/Technician:
 MG/AL



Hamilton



This is Schedule "A9" to By-law No. 18-
 Passed the day of, 2018

 Mayor

 Clerk

Schedule "A9"

Map Forming Part of
 By-law No. 18-_____

to Amend By-law No. 05-200
 Maps 63 & 75

Subject Property

340 & 348 Mountain Brow Road &
 2000 Waterdown Road, Flamborough



Lands to be added to Zoning By-law 05-200 as
 Conservation / Hazard Land - Rural (P6) Zone

Scale:
 N.T.S.

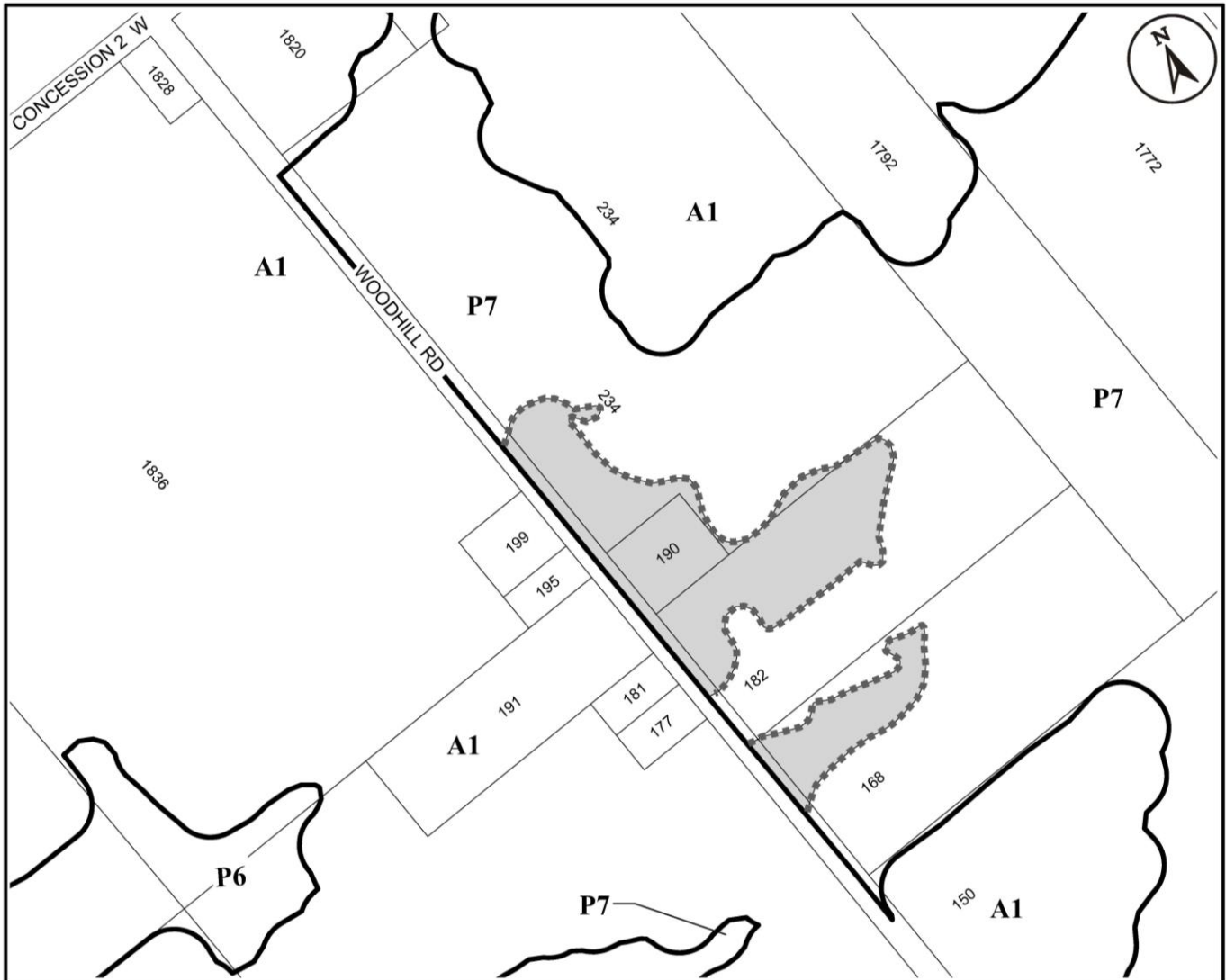
File Name/Number:
 304, 348 Mountain Rd

Date:
 May 29, 2018

Planner/Technician:
 MG/AL



Hamilton



This is Schedule "B1" to By-law No. 18-

Passed the day of, 2018

Mayor

Clerk


Schedule "B1"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 05-200
Map 112

Subject Property

168, 182, 190 and 234 Woodhill Road, Flamborough

 Lands to be rezoned from Conservation/Hazard Land Rural (P7) Zone to Agriculture (A1) Zone

 Proposed Zoning Boundary Adjustment

 Existing Zoning Boundary

Scale:
N.T.S.

File Name/Number:
168, 182, 190 & 234 Woodhill Rd

Date:
August 11, 2017

Planner/Technician:
MG/NB



Hamilton



This is Schedule "B2" to By-law No. 18-

Passed the day of, 2018

Mayor

Clerk

Schedule "B2"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 05-200
Map 128

Subject Property

767, 831 and 893 Weir Road, Ancaster



Lands to be rezoned from Conservation/Hazard Land Rural (P7) Zone to Agriculture (A1) Zone



Lands to be rezoned from Agriculture (A1) Zone to Conservation/Hazard Land Rural (P7) Zone



Proposed Zoning Boundary Adjustment



Existing Zoning Boundary

Scale:
N.T.S.

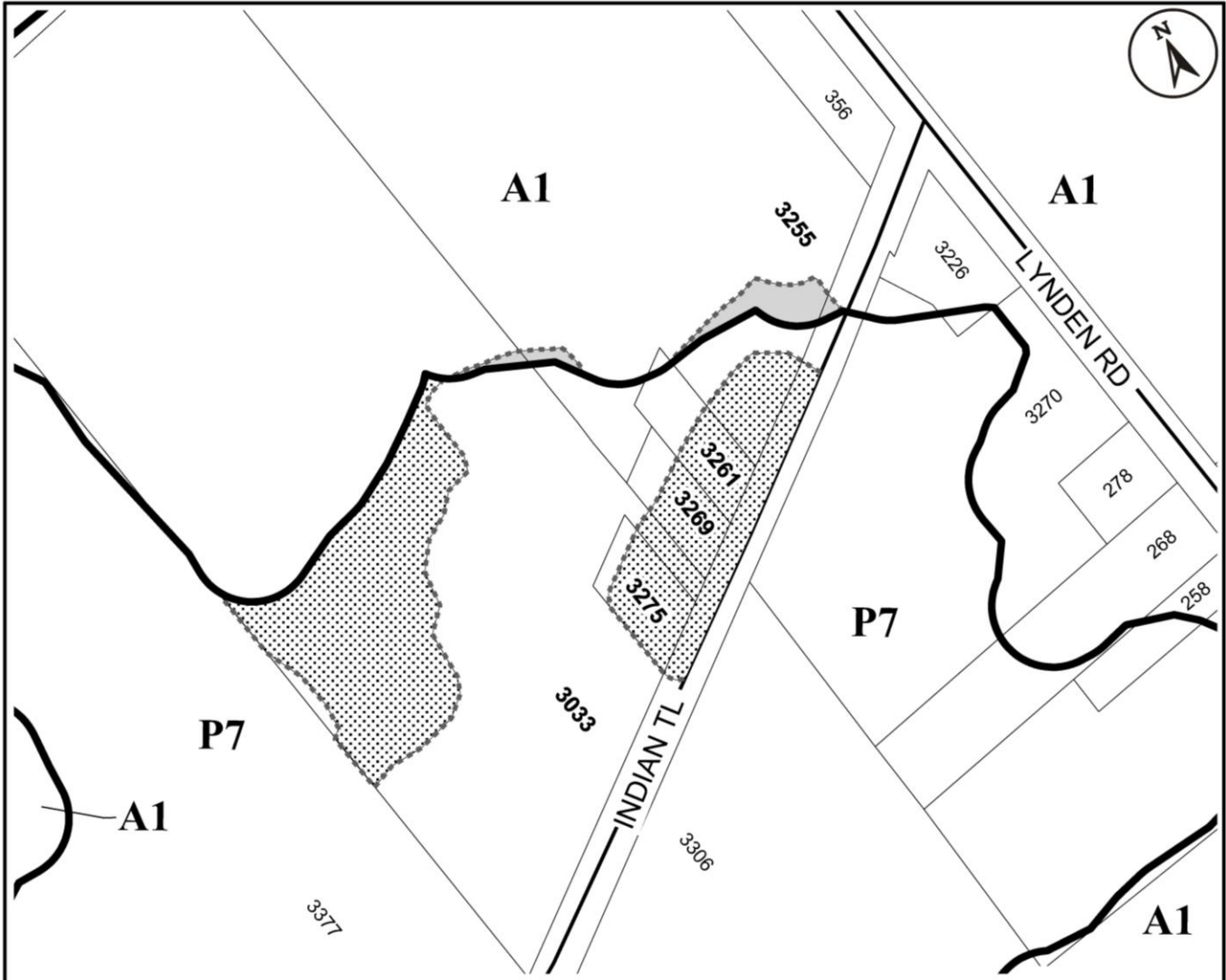
File Name/Number:
767, 831 and 893 Weir Rd.

Date:
April 24, 2018

Planner/Technician:
MG/AL



Hamilton



This is Schedule "B3" to By-law No. 18-
 Passed the day of, 2018

 Mayor

 Clerk





Schedule "B3"

Map Forming Part of
 By-law No. 18-_____

to Amend By-law No. 05-200
 Map 141

Subject Property

3255, 3261, 3269, 3275 & 3303 Indian Trail, Ancaster

-  Lands to be rezoned from Conservation/Hazard Land Rural (P7) Zone to Agriculture (A1) Zone
-  Lands to be rezoned from Agriculture (A1) Zone to Conservation/Hazard Land Rural (P7) Zone
-  Proposed Zoning Boundary Adjustment
-  Existing Zoning Boundary

Scale:
 N.T.S.

File Name/Number:
 3303, 3275, 3269, 3261 & 3255 Indian Trail

Date:
 March 1, 2018

Planner/Technician:
 MG/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



This is Schedule "B4" to By-law No. 18-

Passed the day of, 2018

Mayor

Clerk

Schedule "B4"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 05-200
Map 204, 212

Subject Property

3065, 3295, 3311, 3323, 3335, 3341, 3349, 3359, 3369, 3379, 3383, 3385, 3395, 3403, 3409 Tisdale Road & 5050, 5056, 5084, 5126, 5134, 5144, 5150, 5156, 5164 Chippewa Road East, Glanbrook



Lands to be rezoned from Conservation/Hazard Land Rural (P6) Zone to Conservation/Hazard Land Rural (P7) Zone



Lands to be rezoned from Rural (A2) Zone to Conservation/Hazard Land Rural (P7) Zone



Lands to be rezoned from Conservation/Hazard Land Rural (P6) Zone to Rural (A2) Zone



Proposed Zoning Boundary Adjustment



Existing Zoning Boundary

Scale:
N.T.S.

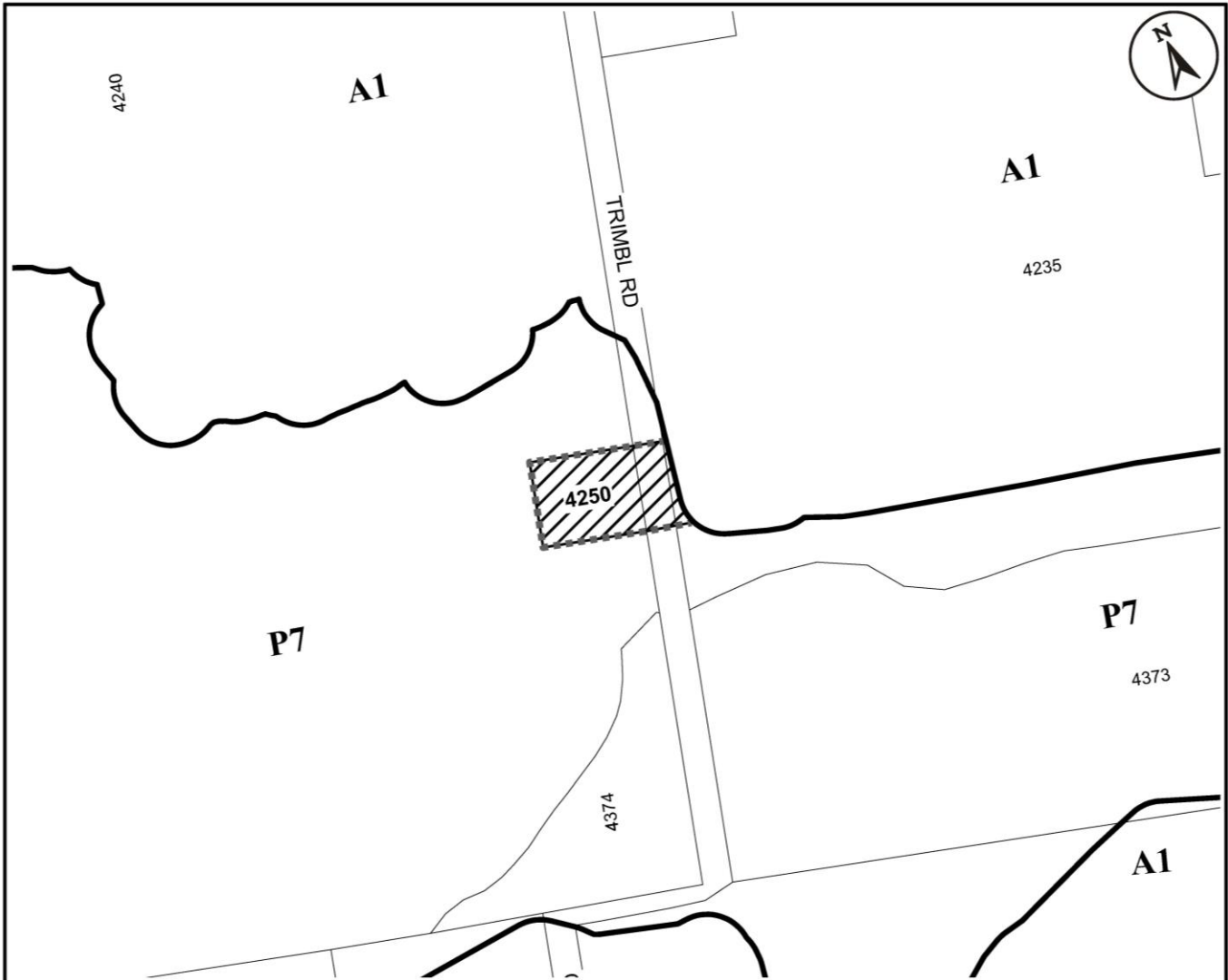
File Name/Number:
3065 Tisdale Rd.

Date:
April 24, 2018

Planner/Technician:
MG/AL



Hamilton



This is Schedule "B5" to By-law No. 18-

Passed the day of, 2018

Mayor

Clerk

Schedule "B5"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 05-200
Map 219

Subject Property

4235 & 4250 Trimble Road, Glanbrook



Lands to be rezoned from
Conservation/Hazard Land Rural (P7) Zone to
Agriculture (A1) Zone



Proposed Zoning Boundary Adjustmant



Existing Zoning Boundary

Scale:
N.T.S.

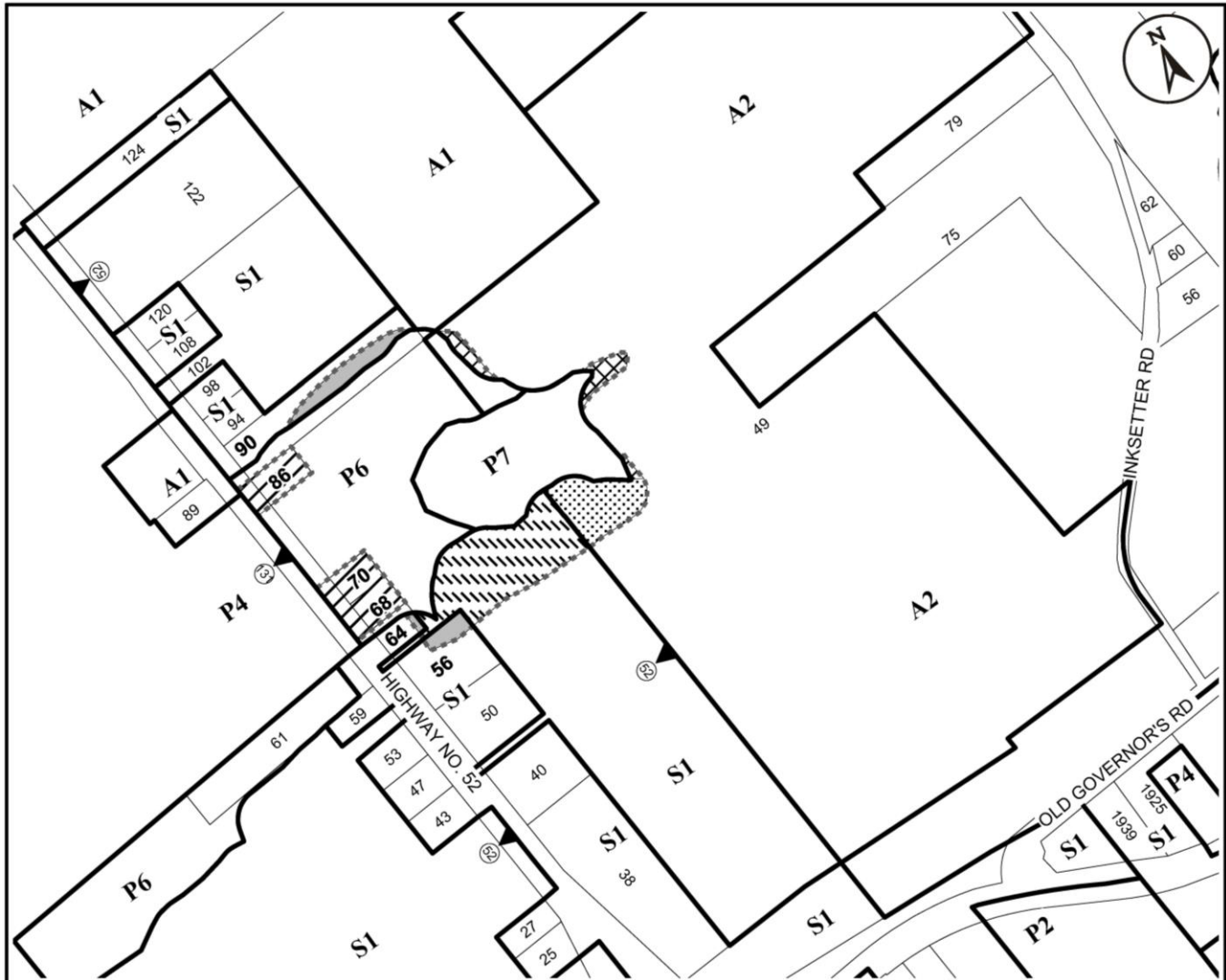
File Name/Number:
4250 Trimble Rd

Date:
August 14, 2017

Planner/Technician:
MG/NB



Hamilton



This is Schedule "B6" to By-law No. 18-

Passed the day of, 2018

Mayor

Clerk








Schedule "B6"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 05-200
Map 113, 114

Subject Property

Part of 49 Inksetter Road &
56, 64, 68, 70, 86 & 90 Highway 52, Flamborough

-  Lands to be rezoned from Settlement Residential (S1, 52) Zone Modified to Conservation/Hazard Land Rural (P6) Zone
-  Lands to be rezoned from Settlement Residential (S1) Zone to Conservation/Hazard Land Rural (P6) Zone
-  Lands to be rezoned from Rural (A2) Zone to Conservation/Hazard Land Rural (P6) Zone
-  Lands to be rezoned from Rural (A2) Zone to Conservation/Hazard Land Rural (P7) Zone
-  Lands to be rezoned from Conservation/Hazard Land Rural (P6) Zone to Settlement Residential (S1) Zone
-  Proposed Zoning Boundary Adjustmant
-  Existing Zoning Boundary

Scale:
N.T.S.

File Name/Number:
Part of 49 Inksetter Rd.

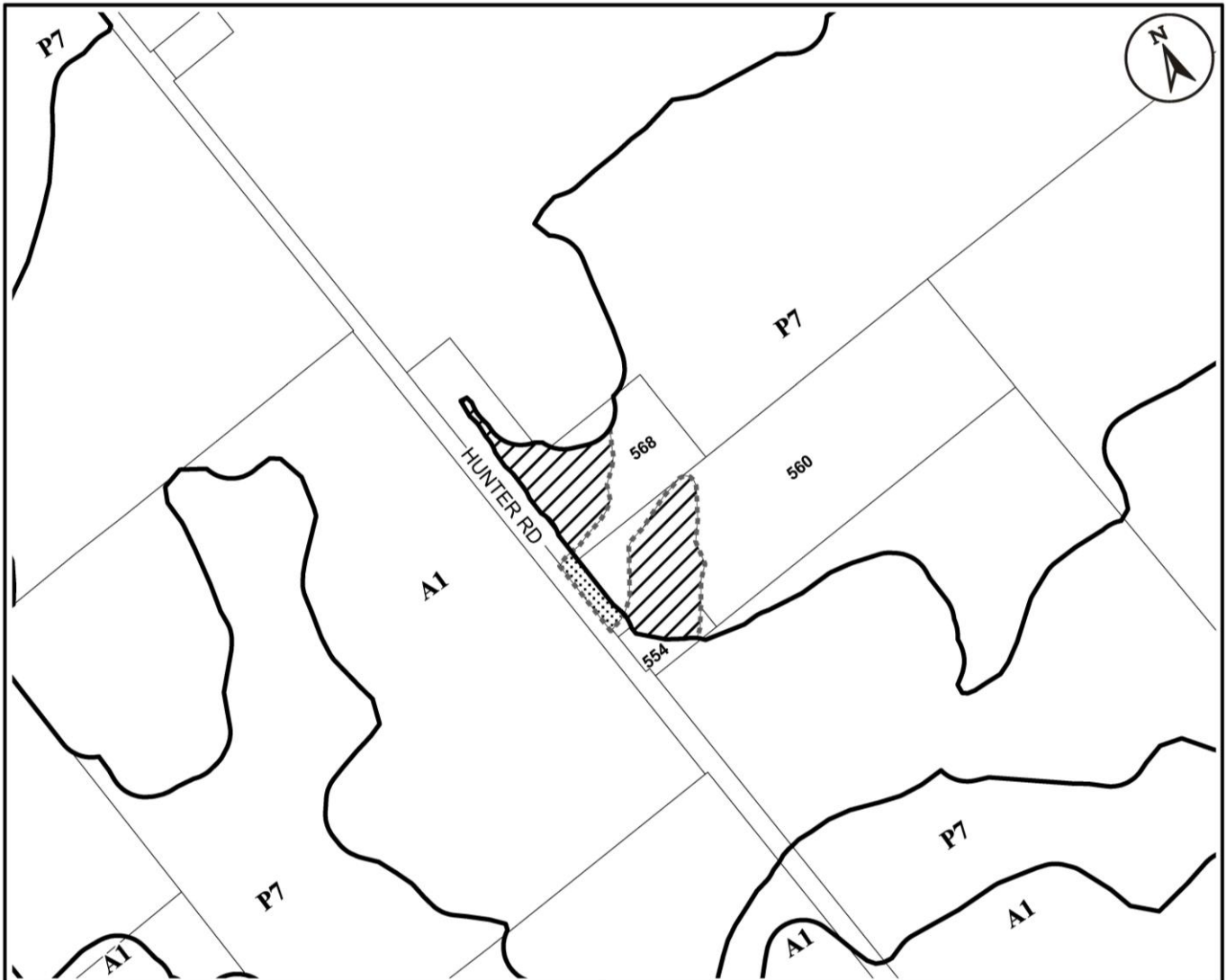
Date:
August 3, 2017

Planner/Technician:
MG/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



This is Schedule "B7" to By-law No. 18-

Passed the day of, 2018

Mayor

Clerk

Schedule "B7"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 05-200
Map 101

Subject Property

554, 560 & 568 Hunter Road, Flamborough



Lands to be rezoned from Agriculture (A1) Zone to Conservation/Hazard Land Rural (P7) Zone



Lands to be rezoned from Conservation/Hazard Land Rural (P7) Zone to Agriculture (A1) Zone



Proposed Zoning Boundary Adjustment



Existing Zoning Boundary

Scale:
N.T.S.

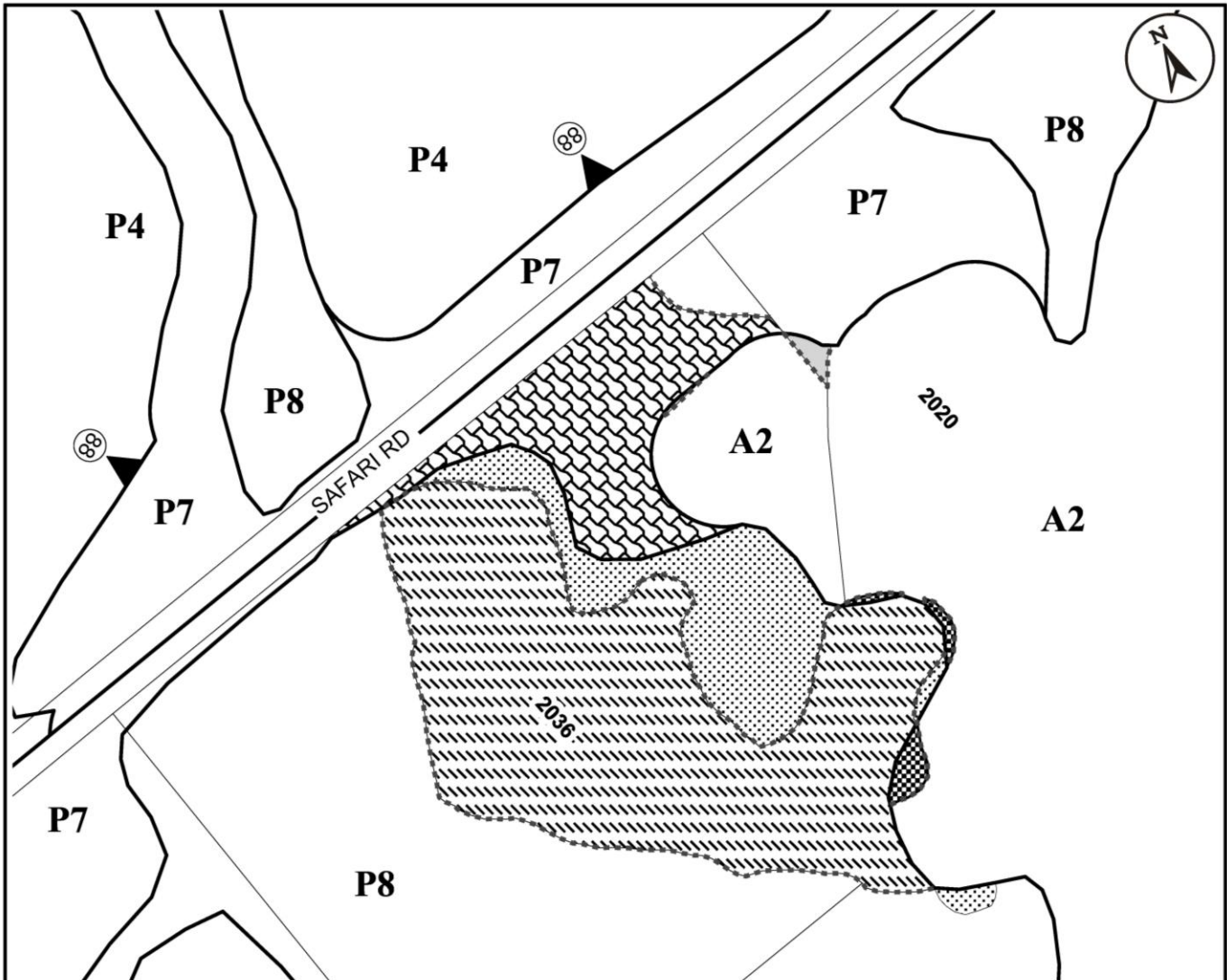
File Name/Number:
554, 560 & 568 Hunter Rd.

Date:
February 27, 2018

Planner/Technician:
MG/NB



Hamilton



This is Schedule "B8" to By-law No. 18-
Passed the day of, 2018

Mayor

Clerk








Schedule "B8"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 05-200
Map 54

Subject Property

2020 & 2036 Safari Road, Flamborough

-  Lands to be rezoned from Conservation/Hazard Land Rural (P8) Zone to Conservation/Hazard Land Rural (P6) Zone
-  Lands to be rezoned from Conservation/Hazard Land Rural (P8) Zone to Rural (A2) Zone
-  Lands to be rezoned from Rural (A2) Zone to Conservation/Hazard Land Rural (P7) Zone
-  Lands to be rezoned from Conservation/Hazard Land Rural (P7) Zone to Rural (A2) Zone
-  Lands to be rezoned from Rural (A2) Zone to Conservation/Hazard Land Rural (P6) Zone
-  Proposed Zoning Boundary Adjustment
-  Existing Zoning Boundary

Scale:
N.T.S.

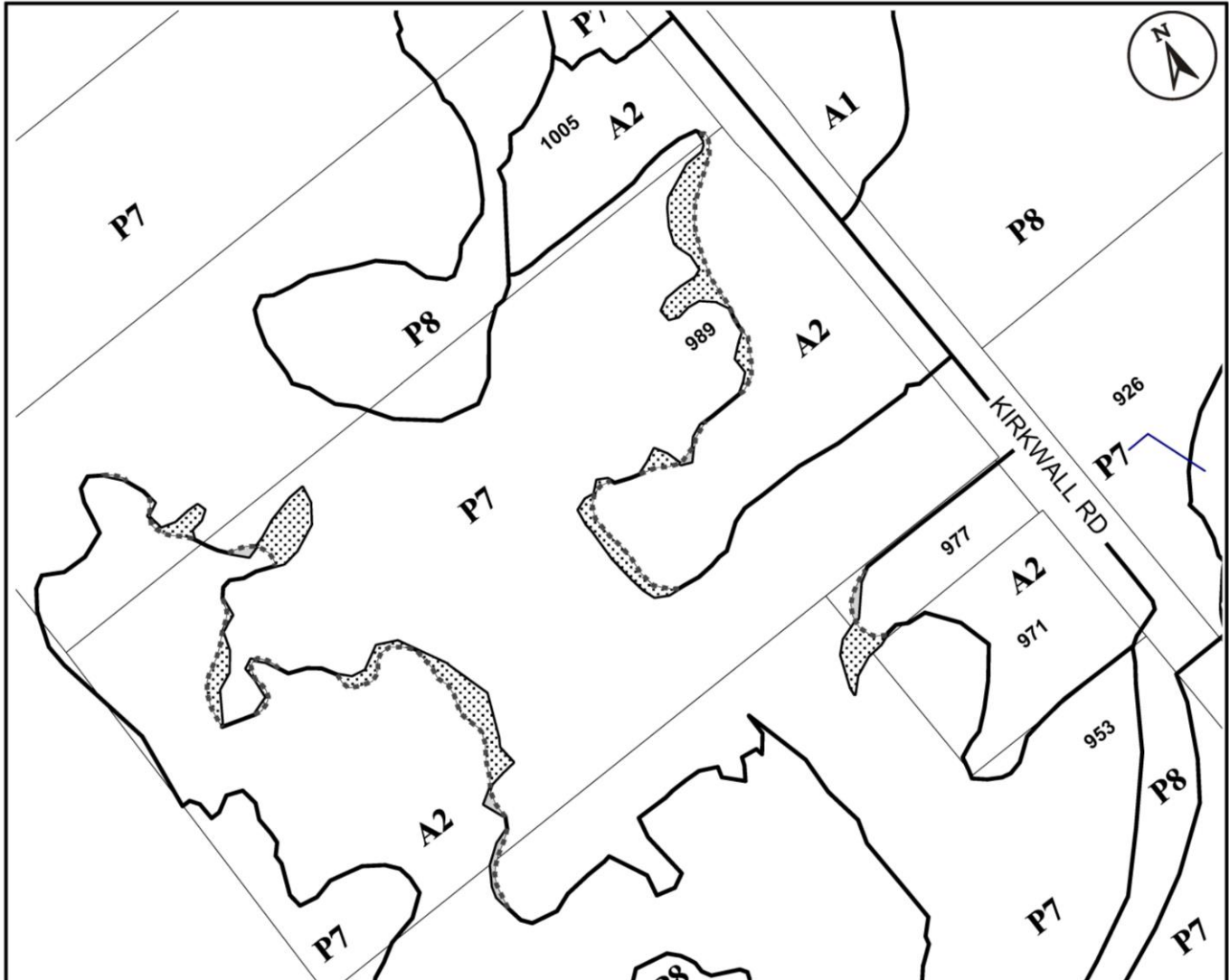
File Name/Number:
2020 & 2036 Safari Rd

Date:
April 18, 2018

Planner/Technician:
MG/AL



Hamilton







This is Schedule "B9" to By-law No. 18-
 Passed the day of, 2018

 Mayor

 Clerk

Schedule "B9"
 Map Forming Part of
 By-law No. 18-_____
 to Amend By-law No. 05-200
 Map 67

Subject Property
 953, 971, 977, 989 and 1005 Kirkwall Road, Flamborough

-  Lands to be rezoned from Rural (A2) Zone to Conservation/Hazard Lands Rural (P7) Zone
-  Lands to be rezoned from Conservation/Hazard Lands Rural (P7) Zone to Rural (A2) Zone
-  Proposed Zoning Boundary Adjustment
-  Existing Zoning Boundary

Scale:
 N.T.S.

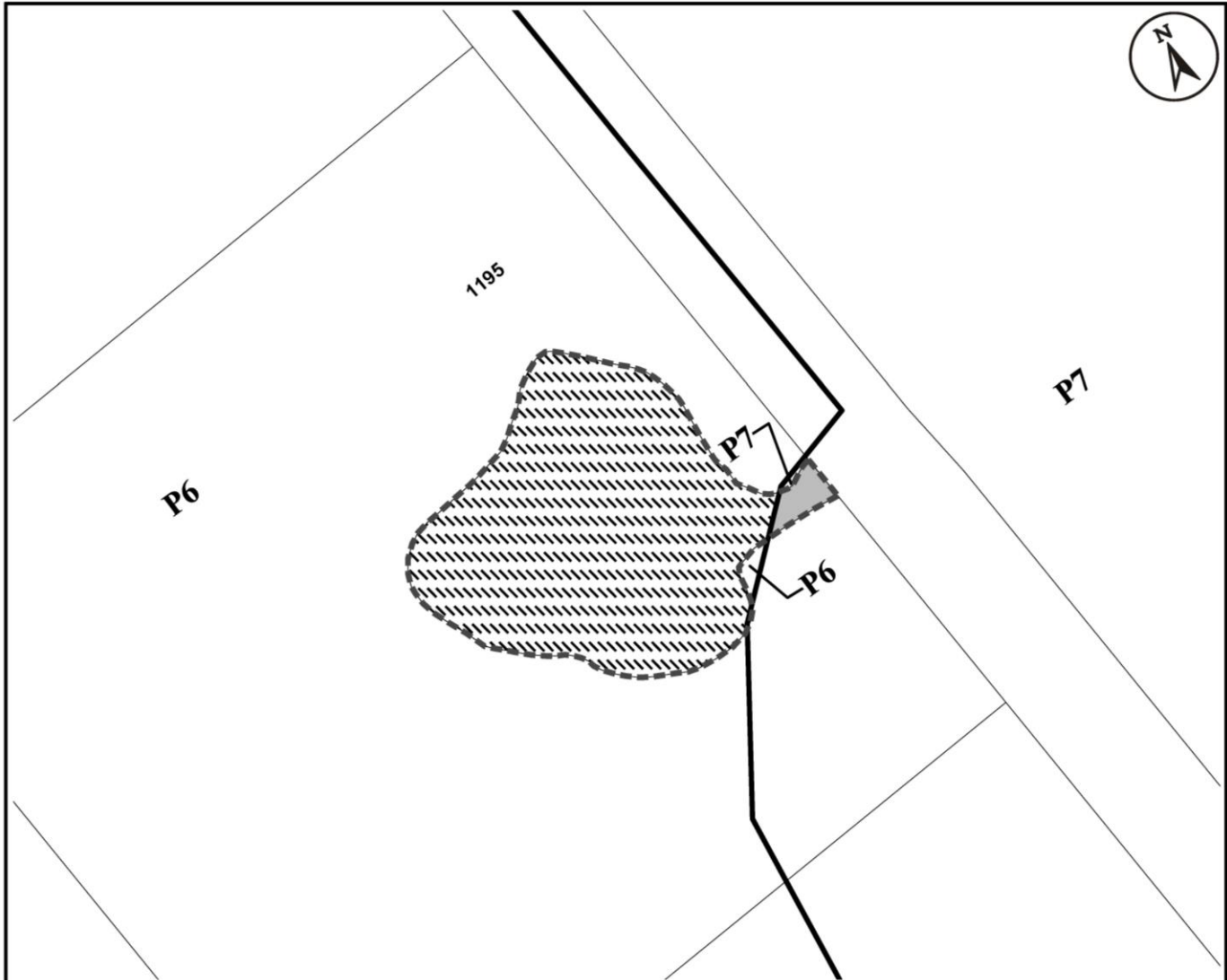
File Name/Number:
 953, 971, 977, 989 and 1005 Kirkwall Rd

Date:
 March 1, 2018

Planner/Technician:
 MG/NB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

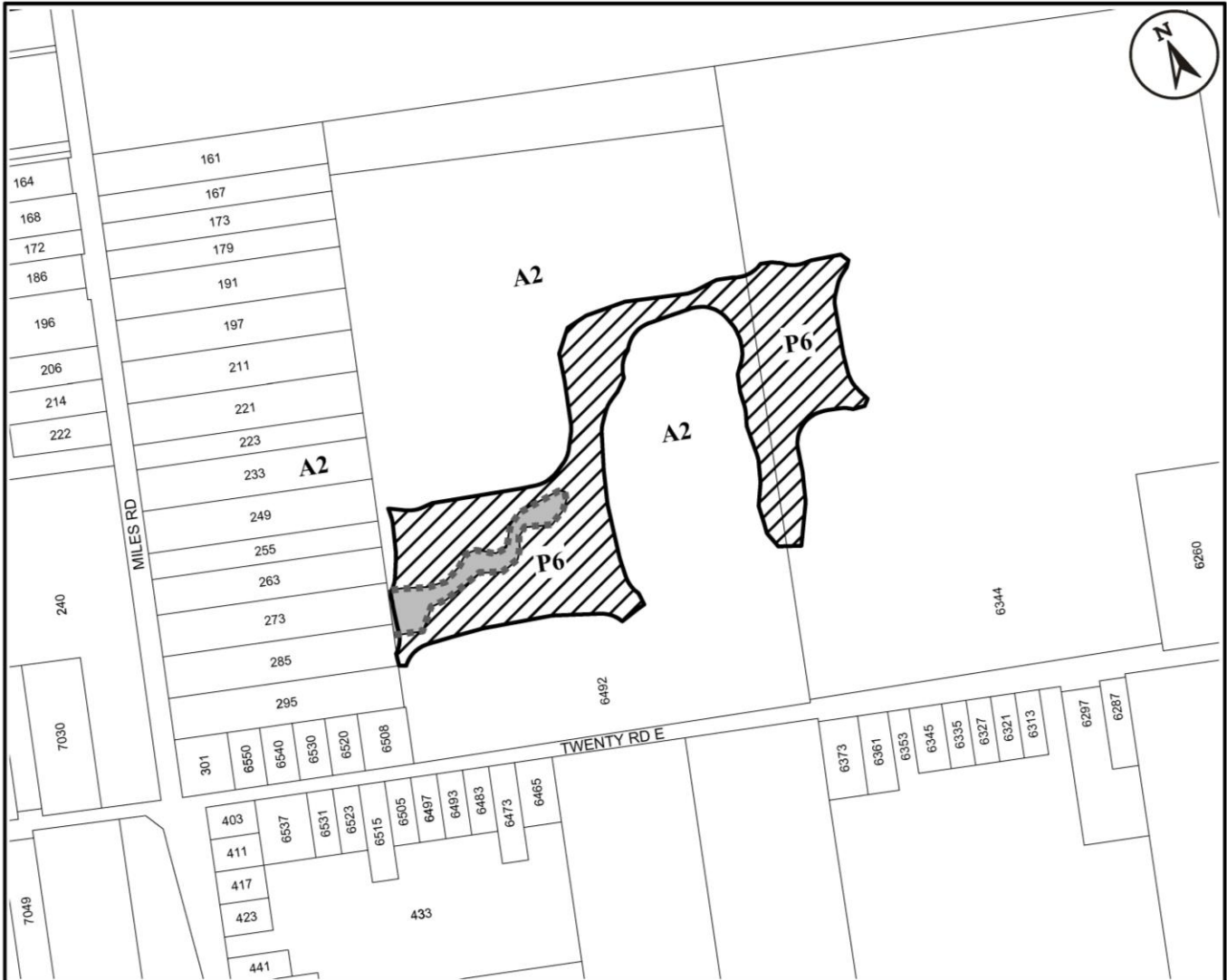




<p>This is Schedule "B10" to By-law No. 18-</p> <p>Passed the day of, 2018</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
--	---

<h2 style="margin: 0;">Schedule "B10"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Maps 55 & 67</p>	<p>Subject Property 1195 Kirkwall Road, Flamborough</p> <ul style="list-style-type: none"> Lands to be rezoned from Conservation/Hazard Land Rural (P6) Zone to Rural (A2) Zone Lands to be rezoned from Conservation/Hazard Land Rural (P7) Zone to Rural (A2) Zone Proposed Zoning Boundary Adjustment Existing Zoning Boundary
--	--

<p>Scale: N.T.S.</p>	<p>File Name/Number: 1195 Kirkwall Rd</p>	
<p>Date: March 2, 2018</p>	<p>Planner/Technician: MG/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		



This is Schedule "B11" to By-law No. 18-

Passed the day of, 2018

Mayor

Clerk





Schedule "B11"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 05-200
Map 163 & 164

Subject Property

6344 & 6492 Twenty Road East, Glanbrook

-  Lands to be rezoned from Conservation/Hazard Lands Rural (P6) Zone to Conservation/Hazard Lands Rural (P8) Zone
-  Lands to be rezoned from Conservation/Hazard Lands Rural (P6) Zone to Rural (A2) Zone
-  Proposed Zoning Boundary Adjustment
-  Existing Zoning Boundary

Scale:
N.T.S.

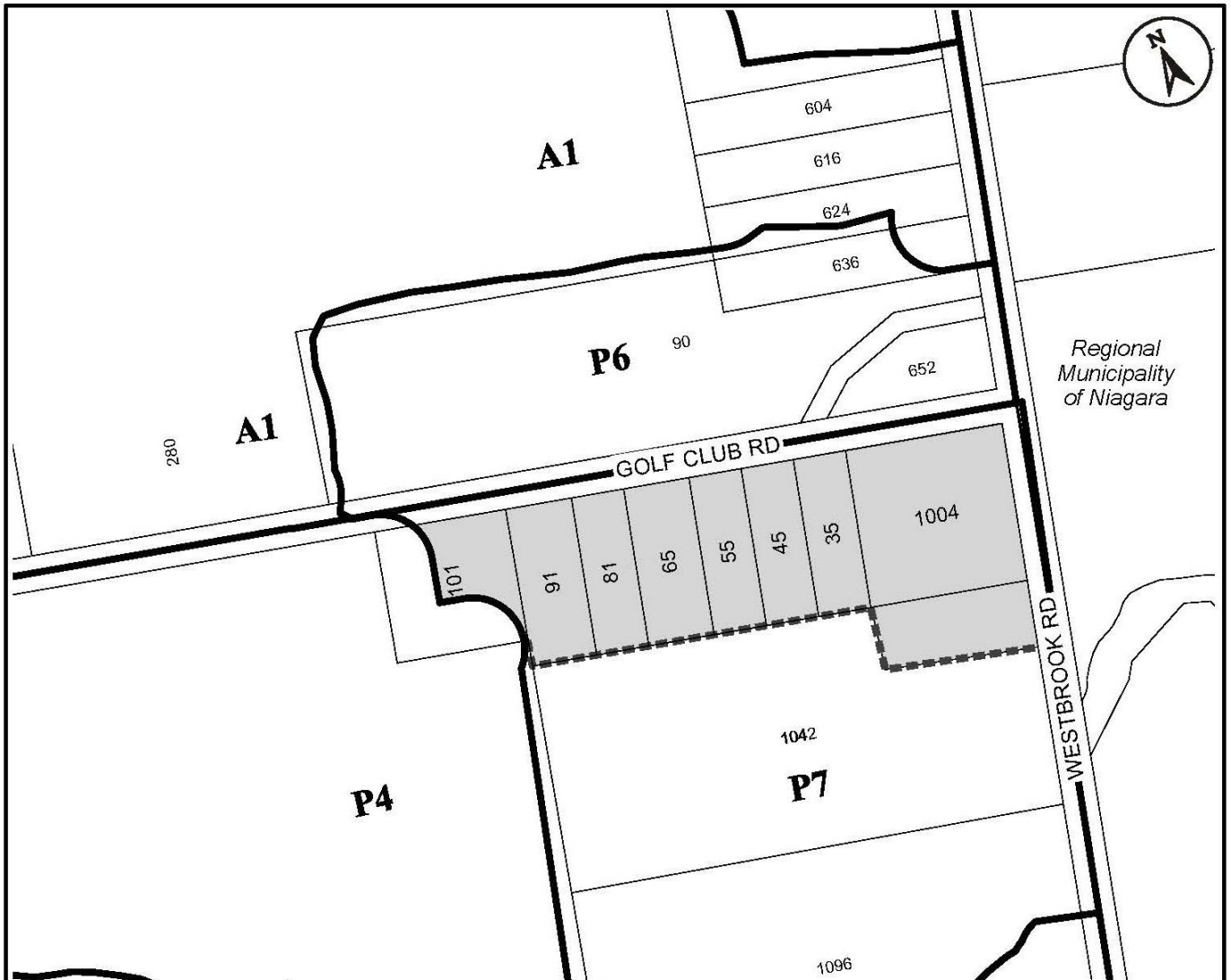
File Name/Number:
6492 Twenty Rd E

Date:
April 24, 2018

Planner/Technician:
MG/NB



Hamilton



Regional Municipality of Niagara

This is Schedule "B12" to By-law No. 18-

Passed the day of, 2018

Mayor

Clerk

Schedule "B12"

Map Forming Part of
By-law No. 18-_____

to Amend By-law No. 05-200
Map RU196

Subject Property

1004 Westbrook Road, Part of 1042 Westbrook Road,
35, 45, 55, 65, 81, 91 Golf Club Road and Part of 1101 Golf Club Road

- Lands to be rezoned from Conservation/Hazard Land Rural (P7) Zone to Agriculture (A1) Zone
- Proposed Zoning Boundary Adjustment
- Existing Zoning Boundary

Scale:
N.T.S.

File Name/Number:
Housekeeping Amendment

Date:
May 31, 2018

Planner/Technician:
MG/NB



Hamilton

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: Chair and Members	Report No.: PED18147	Date: 07/10/2018
Ward(s) or City Wide: City Wide		(MM/DD/YYYY)

Prepared by: Madeleine Giroux	Phone No: 905-546-2424, ext. 2664
<i>For Office Use Only, this doesn't appear in the by-law</i>	

Authority: Item
Report (PED18147)
CM:
Ward: 13

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend By-law No. 3581-86
Respecting Lands Located at 40 Parkside Avenue, Dundas

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as the "The Corporation of the Town of Dundas" and is the successor to the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

WHEREAS the *City of Hamilton Act, 1999*, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

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

WHEREAS the Council of the City of Hamilton, in adopting Item ___ of Report _____ of the Planning Committee, at its meeting held on the ___ day of ___, 2018, recommended that Zoning By-law No. 3581-86 (Dundas) be amended as hereinafter provided; and,

WHEREAS this By-law is in conformity 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 Schedule "A" appended to and forming part of Zoning By-law No. 3581-86 (Dundas) as amended, is hereby further amended by changing the zoning of part of 40 Parkside Avenue from Single-Detached Residential "R2" Zone to Open Space – Conservation "OS" Zone and from Open Space – Conservation "OS" Zone to Single-Detached Residential "R2" Zone, the extent and boundaries of which are shown on Schedule "A", annexed hereto and forming part of this By-law.

5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this ____ day of _____, 2018.

Fred Eisenberger
Mayor

City Clerk



<p>This is Schedule "A" to By-law No. 18-</p> <p>Passed the day of, 2018</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 18-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 3581-86</p>	<p>Subject Property</p> <ul style="list-style-type: none"> <li style="margin-bottom: 5px;"> 40 Parkside Avenue <li style="margin-bottom: 5px;"> Change in zoning from Single-Detached Residential "R2" Zone to Open Space - Conservation "OS" Zone <li style="margin-bottom: 5px;"> Change in zoning from Open Space - Conservation "OS" Zone to Single - Detached Residential "R2" Zone
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<p>Scale: N.T.S.</p>	<p>File Name/Number: 40 Parkside Av</p>	<p>Hamilton</p>
<p>Date: May 1, 2018</p>	<p>Planner/Technician: MG/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

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: Chair and Members Report No.: PED18147 Date: 07/10/2018

Ward(s) or City Wide: Ward: 13 (MM/DD/YYYY)

Prepared by: Madeleine Giroux

Phone No: 905-546-2323 ext. 2664

For Office Use Only, this doesn't appear in the by-law

Authority: Item ,
Report (PED18147)
CM:
Ward: 12

Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 87-57
Respecting Section 7.18 Accessory Buildings

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the Town of Ancaster" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item _____ of Report 18-_____ of the Planning Committee at its meeting held on the _____ day of _____, 2018, recommended that Zoning By-law No. 87-57 (Ancaster), 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 SECTION 7: GENERAL PROVISIONS of Zoning By-law No. 87-57 is amended as follows:

1.1 That Section 7.18 (a) (ii) be amended by adding a new Clause (A) follows:

"(A) Notwithstanding Subsection 7.18 (a) (ii), accessory buildings excluding totally inground swimming pools shall not be located less than 1.5 metres from any side lot line and less than 6.0 metres from any flankage lot line for any lot located in an Existing Residential "ER" Zone."

1.2 That Section 7.18 (a) (vi) be amended by adding a new Clause (A) as follows:

"(A) Notwithstanding Subsection 7.18 (a) (vi), accessory buildings in excess of 12 square metres ground floor area shall not be less than 7.5 metres from the rear lot line for any lot located in an Existing Residential "ER" Zone."

2. 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 this ____ day of _____, 2018.

Fred Eisenberger
Mayor

City Clerk

CI-18-G

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: Chair and Members Report No.: PED18147 Date: 07/10/2018
Ward(s) or City Wide: Ward: 12 (MM/DD/YYYY)

Prepared by: Madeleine Giroux Phone No: 905-546-2424, ext. 2664
For Office Use Only, this doesn't appear in the by-law

Section 3: Definitions			
	Current Definition	Proposed Amendment	Rationale
Alcohol Production Facility	No existing definition.	<p>Alcohol Production Facility <i>Shall mean the use of land, building or structure for the production and distribution of beer and other malt-based beverages, wine, cider and / or spirits. An Alcohol Production Facility may include a tasting room, tours and limited retail sales of products developed on site as permitted by the specific zone, but shall not include the production of energy drinks, sports drinks and / or soft drinks. An Alcohol Production Facility shall not include an Agricultural Brewery / Cidery / Winery, Beverage Making Establishment or Microbrewery.</i></p>	<p>Microbreweries have recently been introduced into the Transit Oriented Corridor (TOC), Commercial and Mixed Use (CMU) Zones, and Downtown Zones. Creating a new definition for Alcohol Production Facility (to permit a brewery/cidery/winery) will help distinguish between the scale and locational intent behind both uses. This new definition accounts for those moderate-sized breweries which do not fall into either the large-scale brewery or microbrewery classification. The definition encompasses a range of alcohol production to broaden permissions within each zone (i.e. it includes breweries, cideries, wineries, and distilleries, and is not just limited to breweries). It is not the intent that an Alcohol Production Facility must contain all four types of alcohol production, but rather one or a combination of types.</p> <p>The proposed definition does not explicitly include a warehouse component because a warehouse is already permitted in Industrial Zones and would be considered an accessory use to meet the needs of an APF. The intent of not including a warehouse component is to avoid an APF from establishing as solely a warehouse with no manufacturing component. The proposed definition also excludes “Agricultural Brewery/Cidery/Winery”, “Beverage Making Establishment” and “Microbrewery”. An APF is distinguished from these uses as follows:</p> <ul style="list-style-type: none"> ● Alcohol Production Facility is an industrial use restricted to certain Industrial Classification Zones, does not require the on-site growing of alcohol production materials, is not commercial in nature, and provides for medium-scale alcohol production in the industrial context. This use is not intended to be in conjunction with a restaurant as the primary use is the manufacturing component, not the retail / service / commercial component. ● Agricultural Brewery/Cidery/Winery is a use restricted to certain Rural Classification Zones. This use requires the growing / processing of grapes, fruit, honey, hops or other materials for the production of beers, ciders or wines on the same lot as the Brewery/Cidery/Winery. ● Beverage Making Establishment is a retail / commercial use restricted to Downtown, CMU and TOC Classification Zones, and does not permit the on-site growing of materials, manufacturing, warehousing and distribution. This is definition captures a brew-your-own establishment. ● Microbrewery is a commercial use restricted to Downtown, CMU and TOC Classification Zones. The primary function is manufacturing, but it may also include a restaurant and retail component, but not wholesaling. This use provides for small-scale alcohol production in the commercial context.

Section 3: Definitions			
	Current Definition	Proposed Amendment	Rationale
Commercial Parking Facility	<p>Commercial Parking Facility Shall mean all or part of a parcel of land or building, other than a street or laneway, used for the parking of motor vehicles for compensation, but shall not include an accessory parking lot to a principal use of the property located on the same lot. Parking spaces may be designed to include the use of stacked parking where a parking attendant is on site or a valet service is provided.</p>	<p>Commercial Parking Facility Shall mean all or part of a parcel of land or building, other than a street or laneway, used for the parking of motor vehicles for compensation, <i>but shall not include any parking spaces provided in the minimum or maximum quantity required by this By-law for a permitted use.</i></p>	<p>Subsection 5.1 a) ii) and iii) permit accessory parking to be located on another lot within 300 metres of the lot containing the use requiring the parking. The definition of CPF, however, deems any parking arrangement that is not located on the same lot as the principal use to be a CPF. This causes problems when a given zone does not specifically permit a CPF.</p> <p>An example is the I1, I2 and I3 Zones where no zone permits a CPF, but where hospitals or universities/colleges often provide parking on a separate lot which they also own, for compensation. This arrangement would not be permitted because a CPF is not permitted in these zones, even though it could still comply with Subsection 5.1 a) ii) and iii).</p> <p>The design standard for stacked parking is proposed to be removed from the definition because it is more appropriately located within the general Parking Regulations.</p>
Dwelling Unit	<p>Dwelling Unit – shall mean a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule or stairway but shall not include a Duplex Dwelling, Semi-Detached Dwelling or Single Detached Dwelling.</p>	<p>Dwelling Unit – shall mean a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule or stairway.</p>	<p>The intent behind excluding a Duplex Dwelling, Semi-Detached Dwelling and Single Detached Dwelling from the definition of “Dwelling Unit” was to ensure that where a “Dwelling Unit” is permitted in a zone, it would be constructed in the form of an apartment in a commercial / mixed use building or in a multiple dwelling.</p> <p>However, Duplex Dwellings, Semi-Detached Dwellings, and Single-Detached Dwellings are inherently also dwelling units. Since the definitions of each of these residential uses rely on the definition of “Dwelling Unit” in terms of being a room or suite of rooms used or intended to be used by one or more persons living together, etc., it is incorrect to exclude them altogether from the definition.</p> <p>Instead, duplexes, semis and single detached dwellings should be prohibited directly in the zone where Dwelling Units are envisioned to take the form of apartments in commercial/mixed use buildings or multiple dwellings.</p>

Section 3: Definitions			
	Current Definition	Proposed Amendment	Rationale
Front Lot Line	<p>Front Lot Line – shall mean any lot line of the lot abutting a street, and:</p> <p>a) With reference to a corner lot, shall mean the shorter of the lot lines abutting the streets; or,</p> <p>b) With reference to a through lot shall mean, at the option of the owner, either of the lot lines abutting a public street.</p>	<p>Front Lot Line – shall mean any lot line abutting a street, and:</p> <p>a) With reference to a corner lot, shall mean the shorter of the lot lines abutting the streets, <i>except where both lot lines are of equal length, at the option of the owner, either of the lot lines abutting a public street may be considered as the front lot line;</i></p> <p>b) With reference to a through lot shall mean, at the option of the owner, either of the lot lines abutting a public street; or,</p> <p>c) <i>With reference to an interior lot with multiple lot lines abutting a street, shall mean the shorter of the lot lines abutting the street.</i></p>	<p>The existing definition of Front Lot Line does not specify what is to happen when a corner lot has equal-length lot lines abutting the street(s). It also does not specify what is to happen when an interior lot has more than one lot line abutting a street.</p> <p>This amendment addresses these situations and is similar in structure to the definition of a “Through Lot”. It provides clarification and easier interpretation.</p>
Greenhouse	No existing definition.	<p>Greenhouse <i>Shall mean a building or structure used for the growing of agricultural product that is climatically controlled and made primarily of translucent building material.</i></p>	<p>Greenhouses which are not used for growing medical marijuana are permitted to have a maximum of 70% lot coverage. However, there is currently no definition of greenhouse, so there is a risk that large, industrial looking buildings could populate the rural landscape.</p> <p>The intent is to ensure that any large greenhouse structures contribute to the rural character. The intent for the rural area is not to have large buildings which are more characteristic of industrial lands.</p>

Section 3: Definitions			
	Current Definition	Proposed Amendment	Rationale
Landscaped Area	<p>Landscaped Area Shall mean any portion of a lot which:</p> <p>a) Has no building thereon;</p> <p>b) Is not used for parking, access to parking, driveways or loading space;</p> <p>c) Is used for the purpose of landscaping.</p>	<p>Landscaped Area Shall mean any portion of a lot which:</p> <p>a) <i>Contains</i> no building thereon;</p> <p>b) Is not used for parking, access to parking, driveways or loading space; <i>and</i>,</p> <p>c) Is used for the purpose of landscaping.</p>	<p>The word “has” is proposed to be replaced with “contains” to be more in keeping with the language of the Zoning By-law.</p> <p>Adding the word “and” after Clause b) removes ambiguity because all items in the list are required (not optional).</p>
Manufacturing	<p>Manufacturing Shall mean the production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw or semi-processed or fully processed goods or materials, and shall include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing Establishment, Pharmaceutical and Medical Establishment, Printing Establishment and/or a Science and Technology Establishment. Manufacturing may also include a Private Power Generation Facility as an accessory use, but shall not include a Waste Management Facility.</p>	<p>Manufacturing Shall mean the production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw or semi-processed or fully processed goods or materials, and shall include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing Establishment, Pharmaceutical and Medical Establishment, Printing Establishment and/or a Science and Technology Establishment. Manufacturing may also include a Private Power Generation Facility as an accessory use, but shall not include a Waste Management Facility <i>or Alcohol Production Facility</i>.</p>	<p>The purpose of adding language to exclude an Alcohol Production Facility is to separate breweries, cideries, wineries, and distilleries from the normal manufacturing use. The intent is to introduce “Alcohol Production Facility” into specific zones as a permitted use, and to not rely on “Manufacturing” to provide the permission.</p>

Section 3: Definitions			
	Current Definition	Proposed Amendment	Rationale
Parking Space	Parking Space Shall mean an area on which a motor vehicle may be parked and which has access directly or by way of an aisle or ramp, to a laneway or to a street without the necessity of moving any other motor vehicle.	Parking Space <i>Shall mean an unobstructed space that is designed to be used for the temporary parking of a motor vehicle for other than the purpose of sale or display.</i>	The current definition contains performance standards that require direct access to a laneway or street. This performance standard should be included in Section 5 instead of within a definition. This amendment also facilitates a new definition for “Parking Space, Tandem” because it prevents circular language: one definition cannot notwithstanding another definition (i.e. Parking Space, Tandem would need to notwithstanding the definition of Parking Space in terms of providing direct access to a laneway or street without the necessity of moving any other motor vehicle).
Parking Space, Tandem	No existing definition.	Parking Space, Tandem <i>Shall mean one Parking Space located immediately behind another Parking Space, leaving one Parking Space without direct access to an aisle or driveway.</i>	The new definition provides flexibility in parking arrangements, especially for low-density residential forms (i.e. parking spaces both within a private garage and on the associated driveway). This definition will reduce the need for future Special Exceptions.
Personal Service	Personal Service Shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel, may include, but not be limited to an Alternative Massage Establishment but shall not include a Dry Cleaning Plant or a Body Rub Parlour.	Personal Service Shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel, and may include, but not be limited to an Alternative Massage Establishment <i>or Yoga Studio</i> , but shall not include a Dry Cleaning Plant or a Body Rub Parlour.	The added reference to a yoga studio provides clarity in interpretation.

Section 3: Definitions			
	Current Definition	Proposed Amendment	Rationale
Planned Business Centre	Planned Business Centre shall mean a group of business establishments which is planned, developed, managed and operated as a unit with shared on-site parking, and containing four or more separated spaces for lease or occupancy, and where each business establishment has a separate entrance located at grade.	Planned Business Centre Shall mean a group of business establishments <i>within an Industrial Zone</i> which is planned, developed, managed and operated as a unit with shared on-site parking, and containing four or more separated spaces for lease or occupancy.”	The purpose of a Planned Business Centre is to establish uniform parking requirements for an industrial development with multiple uses and/or units. A Planned Business Centre is not a stand-alone use permitted in any zone, but rather, a grouping of uses permitted in a zone. Removing the access requirements for each individual unit permits fluidity within a building containing multiple uses. Clarifying the Planned Business Centres’ location within an Industrial Zone also differentiates this use from the Office and Shopping Centre definitions.
Setback	Setback Shall mean the minimum distance between a lot line and the nearest part of any building or specified structure exclusive of any permitted yard projections on the lot.	Setback Shall mean the distance between a lot line and the nearest part of any building or specified structure exclusive of any permitted yard projections on the lot.	The word “minimum” is a quantifier that is not appropriate to include in the definition. Each zone dictates whether a “minimum” or “maximum” applies, and the word “minimum” in the definition contradicts where certain zones require “maximums”.
Warehouse	Warehouse Shall mean the use of building or structure, or part thereof, for the bulk storage or distribution of goods to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. A Warehouse shall not include a Waste Management Facility, Salvage Yard or Towing Establishment.	Warehouse Shall mean the use of building or structure, or part thereof, for the bulk storage or distribution of goods to industrial, commercial or institutional business users or other wholesalers, but shall not include the retailing of goods to the general public. <i>A Warehouse may include a Mini Storage Facility</i> but shall not include a Waste Management Facility, Salvage Yard or Towing Establishment.	An interpretation has been made that the definition of Warehouse includes a Mini Storage facility. Accordingly, this amendment is provided for clarity.

*The proposed changes are italicized.

Section 4: General Provisions			
	Current Regulations	Proposed Amendment	Rationale
Subsection 4.6	Inconsistent use of the language “whichever is the lesser” and inconsistent use of semi-colons.	Correct the language “whichever is the lesser” in Subsections 4.6 a), b), and e), and correct the use of semi-colons in Subsections 4.6 d) and e).	This amendment corrects wording and format and ensures that the subsection is consistent and coherent.
Subsection 4.8.2 c)	All buildings accessory to a Single Detached Dwelling shall not exceed an area of 120 square metres and shall have a maximum building height of 6.0 metres.	All buildings accessory to a Single Detached Dwelling shall not exceed a total 5% lot coverage, to a maximum of 200 square metres, and shall have a maximum building height of 6.0 metres.	<p>The current GFA requirement triggers a high number of Minor Variance applications. An increase to the maximum size requirement will reduce the need for further approvals.</p> <p>The proposed increase is based on a review of recent Minor Variance applications that were supported by staff and approved by the Committee of Adjustment. A lot coverage threshold of 5% was added to ensure that if an existing lot is less than 0.4 ha in size, it will not be overbuilt by an accessory structure that is 200 sq m. Staff note that a 200 sq m accessory building constitutes 5% lot coverage of a 0.4 ha lot (which is the minimum lot size that the Zoning By-law requires for a single detached dwelling). Additionally, the regulation should more accurately reference “Gross Floor Area” rather than “area”.</p> <p>The maximum height requirement will remain the same.</p>
Subsection 4.12 a)	The Vacuum Clause for the Downtown Zones only includes the D5 and D6 Zones.	Delete references to the D5 and D6 Zones and replace them with a general reference to “Downtown Zones”.	This amendment is to facilitate the Downtown Secondary Plan and Downtown Zoning update in 2018. The intent is for the Vacuum Clause to recognize all Downtown Zones instead of only the D5 and D6 Zones (it is unclear why the 2005 version of the Downtown Zones only included certain zones). This amendment makes this section of the Vacuum Clause consistent with those sections approved for the Industrial, Rural, Transit Oriented Corridor, and Commercial and Mixed Use Zones which were all-encompassing and included all respective zones within the classification.

Section 5: Parking Regulations			
	Current Regulations	Proposed Amendment	Rationale
Subsection 5.1 a) ii)	<p>Notwithstanding Subsection i) above, where the provision of parking on the same lot as the use requiring the parking is not possible, or not practical, such parking facilities may be located on another lot within 300.0 metres of the lot containing the use requiring the parking. Such alternate parking shall only be situated in a Commercial and Mixed Use, Industrial or Downtown Zone or within the same zone as the use requiring such parking, and shall be subject to Subsection iii) herein.</p>	<p>Notwithstanding Subsection 5.1 a) i), where the provision of parking on the same lot as the use requiring the parking is not possible, such parking facilities may be located on another lot within 300.0 metres of the lot containing the use requiring the parking provided:</p> <ul style="list-style-type: none"> a) Such <i>off-site</i> parking shall only be <i>permitted within a zone in which the use requiring such parking is permitted</i>; b) <i>Such off-site parking</i> shall be subject to Subsection 5.1 a) iii); and, c) <i>Subsection 5.1 a) ii) shall not apply to any Residential Zone.</i> 	<p>This regulation requires an amendment in conjunction with the definition of Commercial Parking Facility. The structure of this regulation will be changed to facilitate ease of interpretation, and the intent is for off-site parking not to be located in any residential zone in the future. Off-site parking will be required to be located in a zone which permits the use requiring the parking, meaning that if a manufacturing use in an M5 Zone requires off-site parking, then such off-site parking is permitted in any other zone within 300 metres as long as the other zone also permits manufacturing.</p>

Section 5: Parking Regulations			
	Current Regulations	Proposed Amendment	Rationale
Subsection 5.1 b)	<p>This section currently requires for all single detached dwellings, semi-detached dwellings and duplex dwellings that:</p> <ul style="list-style-type: none"> • Parking spaces shall be located a min 5.8 m from streetline; • Driveway shall lead directly from street to parking space; • Width of a driveway may not exceed the width of an attached garage; • Where no attached garage, the driveway shall not be more than 50% of the width of the lot; • All area not occupied by driveway shall be landscaped; • There shall be a max one driveway; • No parking shall be permitted in front/flankage yard; and, • Duplexes may have tandem parking. 	<p>b) Single Detached Dwellings, Semi-Detached Dwellings and Duplex Dwellings</p> <p>On a lot containing a single detached dwelling, semi-detached dwelling or duplex dwelling <i>in all zones</i>:</p> <ul style="list-style-type: none"> i) The required parking spaces for such dwellings shall be located a minimum distance of 5.8 metres from the streetline; and, ii) No parking spaces shall be permitted in a required front yard or required flankage yard except as otherwise permitted for single detached, semi-detached and duplex dwellings. <p><i>On a lot containing a single detached dwelling, semi-detached dwelling or duplex dwelling in all zones except Agriculture (A1) and Rural (A2) Zones:</i></p> <ul style="list-style-type: none"> iii) A driveway shall be located so as to lead directly from a street or laneway to a required parking space, either within a garage or outside, with such driveway having a minimum width of 3.0 metres; iv) The width of a driveway may not exceed the width of an attached garage; v) Notwithstanding Subsection 5.1 b) iv), on a lot having an attached garage less than 5.0 metres in width, the driveway may extend beyond the width of the garage toward the side lot line to a maximum width of 5.0 metres and no closer than 0.6 metres to the side lot line, nearest to the garage; vi) In the case of a dwelling unit without an attached garage, the driveway width shall not exceed 50% of the lot width or 8.0 metres, whichever is less; vii) Where the driveway is provided in the front yard, all other portions of the front yard shall be a landscaped area; viii) A max of one driveway shall be permitted for each dwelling unit, except in the case of: <ol style="list-style-type: none"> 1. A corner lot where a max of one driveway may be permitted from each street frontage; or, 2. On a lot having a min lot width of 30.0 m, where a max of two driveways may be permitted; ix) On a corner lot, no access driveway shall be permitted through a daylight triangle. x) In the case of a duplex dwelling, the required parking may be arranged in tandem. 	<p>For the purpose of the rural zones, this amendment recognizes the large lot fabric in the rural area, the use of undisturbed space for agriculture rather than landscaping, and the fact that often there are additional laneways leading to other portions of the property which may cause the principal driveway to exceed the width of an attached garage.</p> <p>The regulations of Subsection 5.1 b) were initially developed for dwellings in an urban context, so this amendment separates where the regulations should apply to all scenarios versus only the urban ones.</p> <p>The minimum driveway width will also be increased from 2.7 metres to 3.0 metres to align with the new parking space width requirements.</p>

Section 5: Parking Regulations			
	Current Regulations	Proposed Amendment	Rationale
Subsection 5.2 c)	Tandem parking is currently regulated through the definition of "Parking Space", which requires that the parking space be provided without the necessity of moving any other motor vehicle.	Amend Subsection 5.2 c) to add language "without the necessity of moving any other motor vehicle" so that the regulation reads as follows: "c) All required parking shall be provided with adequate means of ingress and egress to and from the street or laneway without the necessity of moving any other motor vehicle, and shall be arranged so as not to interfere with normal public use of the street or laneway. Any parking lot shall provide for ingress and egress of vehicles to and from a street in a forward motion only."	The definition of "Parking Space" is proposed to be amended, and a new definition of "Parking Space, Tandem" will be introduced. The current definition prohibits tandem parking, but this is a regulation that should be included in Section 5 and not the definition. Accordingly, the regulation will be removed from the definition of "Parking Space" and Subsection 5.2 c) will be amended to include a prohibition on tandem parking.
Subsection 5.2 e)	Parking lots for all zones shall be designed and maintained with stable surfaces such as asphalt, concrete or other hard surfaced material.	Change this requirement for Rural Classification Zones to permit gravel to be used as a parking lot surface material, with exception to the driveway access within the first 10 metres from the streetline.	The intent behind requiring paved parking lots is to mitigate air quality issues. However, air quality is a lesser concern in the rural area because there is not the same concentration of surface parking lots. The change in surface material will also assist in drainage. Requiring the access driveway for the first 10 metres from the streetline to be paved will help mitigate any dust being tracked from private property onto the public right of way.

Section 5: Parking Regulations			
	Current Regulations	Proposed Amendment	Rationale
Subsection 5.2 g)	g) Notwithstanding the definition of “parking space: within Section 3 of this By-law, in the case of Hotels, required parking provided in accordance with Section 5.6 may be arranged as tandem or stacked parking, provided there is the continued use of a valet service.	g) Commercial Parking Facilities and Hotels Parking spaces may be designed to include the use of tandem or stacked parking where a parking attendant is on site or a valet service is provided.	Permissions for tandem and stacked parking already exist for Hotels. The same permission also already exists for Commercial Parking Facilities, but it is inappropriately located in the definition of Commercial Parking Facility instead of the regulations of Section 5. Adding language to Subsection 5.2 g) for a Commercial Parking Facility provides consistency in the By-law.
Subsection 5.5 a)	Where 0 – 49 spaces are provided, then a minimum of 1 barrier free parking space shall be provided.	Where 1 – 49 spaces are provided, then a minimum of 1 barrier free parking space shall be provided	The regulation as written requires a barrier free parking space even when no parking spaces are being provided in total.
Subsection 5.5	The current regulation applies to all built form that requires 0 or more parking spaces.	Add a new Subsection b) to state that Subsection a) shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, and Duplexes. Rename the existing Subsection b) to Subsection c).	As it is currently written, the regulation states that any lot requiring 0 or more spaces, including Single Detached Dwellings, Semi-Detached Dwellings, Duplexes, etc. would require one barrier-free parking space.

Section 5: Parking Regulations			
	Current Regulations	Proposed Amendment	Rationale
5.6 c) iii.	<p>The Parking Schedule for All Zones except Downtown Zones (Subsection 5.6 c)) currently contain separate regulations for:</p> <ul style="list-style-type: none"> Elementary School Secondary School University, College Educational Establishment 	<p>The parking regulations for “Educational Establishment” should specify that they only apply within the TOC Zones.</p> <p>Additionally, regulations have been included for residential uses that are constructed on the same lot as a university or college.</p>	<p>The Parking Schedule within Section 5.6 c) of the By-law provides duplication for educational establishments regulations. This is because regulations for Elementary Schools, Secondary Schools, and Universities/Colleges were approved through the Institutional Zoning. Through By-law No. 16-264 (original TOC Zones), additional parking regulations were established in Section 5.6 e) for the Educational Establishments along the TOC Corridor.</p> <p>However, By-law No. 17-240 (CMU Zones) combined Sections 5.6 c) and e) into one Schedule. Accordingly, an amendment is required to clarify that the existing regulations for Elementary/Secondary Schools and Colleges/Universities apply city-wide, and the regulations for Educational Establishments only apply to the TOC Corridor. This amendment does not change the intent of the parking regulations; it clarifies the intent of By-law Nos. 16-264 and 17-240.</p> <p>Regulations for residential uses located on the same lot as a post-secondary uses are consistent with other sections of the By-law.</p>

Section 8: Institutional Zones			
	Current Regulations	Proposed Amendment	Rationale
Subsection 8.1.3.2 a) Subsection 8.2.3.2 a) Subsection 8.3.2.2 a)	a) Minimum Side and Rear Yard 6.0 metres where a property line abuts a Residential Zone property line.	a) Minimum Side and Rear Yard 6.0 metres where a property lot line abuts a Residential Zone property lot line.	"Property Line" is not a defined term in Zoning By-law No. 05-200, and should be changed to "Lot Line"

Section 9: Industrial Zones			
	Current Regulations	Proposed Amendment	Rationale
Subsections 9.7.4 and 9.11.4	The existing Airside Industrial (M7) and Airport Prestige Business (M11) Zones do not contain regulations for expansions to legal non-conforming single detached, semi-detached and duplex dwellings.	Add new Subsections 9.7.4 and 9.11.4 to permit expansions of legal non-conforming single detached, semi-detached and duplex dwellings provided that the increase shall not exceed 10% of the existing GFA and that the side yard setbacks are not exceeded.	There is a large number of legal non-conforming dwellings that currently have no regulations for expansion; accordingly, there have been a high number Section 45(2) Minor Variance applications. The proposed wording is similar to the regulations which were also approved for the CMU and TOC Zones.
Subsections 9.2.1, 9.2.3 i), 9.3.1, 9.3.3 o), 9.4.1, and 9.4.3 p)	Currently permits the following uses in the parent zone with location restrictions embedded in the body of the zone: <ul style="list-style-type: none"> Children’s Play-gym Gymnastics Studio 	Remove these uses from the parent zone and create a new Special Exception No. 678 for the Ancaster Business Park	The current format provides confusion and uncertainty for interpretation, as many people read the permitted uses list on the first page of the zone without realizing that there are location restrictions to certain uses. This amendment will avoid misinformation being disseminated to the public and will provide consistency throughout the By-law.
Subsection 9.3.3 b) ii) and 9.4.3 b) ii)	Yard Abutting a Street – Maximum 25.0 metres	Yard Abutting a Street – Maximum 27.0 metres	Increased parking stall sizes introduced in By-law No. 17-240 make it unfeasible to construct a double row of parking plus a 6.0 m wide drive aisle between a front lot line and the building.
Subsection 9.7.3 b) ii)	ii) Notwithstanding i) above, where a property abuts Dickenson Road West: <ol style="list-style-type: none"> Minimum Yard – 6.0 metres Maximum Yard – 25.0 metres 	ii) Notwithstanding i) above, where a lot abuts Dickenson Road West: <ol style="list-style-type: none"> Minimum Yard – 6.0 metres Maximum Yard – 25.0 metres 	“Property” is not a defined term in Zoning By-law No. 05-200, and should be changed to “Lot”
Subsections 9.8.3 g) ii), 9.9.2 a) ii) and 9.11.3 l)	Zone text currently refers to “property line”.	Change text to “lot line”.	“Property Line” is not a defined term in Zoning By-law No. 05-200, and should be changed to “Lot Line”

Section 9: Industrial Zones			
	Current Regulations	Proposed Amendment	Rationale
Subsections 9.1.1, 9.2.1, 9.3.1, 9.5.1, 9.6.1, 9.10.1 and 9.11.1	No Industrial Zone currently permits “Breweries”, “Beverage Distillation”, or “Microbrewery”.	Add “Alcohol Production Facility” as a permitted use to: <ul style="list-style-type: none"> • Research and Development (M1) Zone • General Business Park (M2) Zone • Prestige Business Park (M3) Zone • General Industrial (M5) Zone • Light Industrial (M6) Zone • Airport Light Industrial (M10) Zone • Airport Prestige Industrial (M11) Zone 	<p>Microbreweries have recently been introduced into the Transit Oriented Corridor (TOC), Commercial and Mixed Use (CMU) Zones, and Downtown Zones. Creating a new definition for Alcohol Production Facility (to permit a brewery/cidery/winery) will help distinguish between the scale and locational intent behind both uses. This new definition accounts for those moderate-sized breweries (i.e. Craft Breweries) which do not fall into either the large-scale brewery or microbrewery classification. The definition encompasses a range of alcohol production to broaden permissions within each zone (i.e. it includes breweries, cideries, wineries, and distilleries, and is not just limited to breweries). It is not the intent that an Alcohol Production Facility must contain all four types of alcohol production, but rather one or a combination of types.</p> <p>The proposed definition does not explicitly include a warehouse component because a warehouse is already permitted in Industrial Zones and would be considered an accessory use to meet the needs of an APF. The intent of not including a warehouse component is to avoid an APF from establishing as solely a warehouse with no manufacturing component. The proposed definition also excludes “Agricultural Brewery/Cidery/Winery”, “Beverage Making Establishment” and “Microbrewery”. An APF is distinguished from these uses as follows:</p> <ul style="list-style-type: none"> • Alcohol Production Facility is an industrial use restricted to certain Industrial Classification Zones, does not require the on-site growing of alcohol production materials, is not commercial in nature, and provides for medium-scale alcohol production in the industrial context. This use is not intended to be in conjunction with a restaurant as the primary use is the manufacturing component, not the retail / service / commercial component. • Agricultural Brewery/Cidery/Winery is a use restricted to certain Rural Classification Zones. This use requires the growing / processing of grapes, fruit, honey, hops or other materials for the production of beers, ciders or wines on the same lot as the Brewery/Cidery/Winery. • Beverage Making Establishment is a retail / commercial use restricted to Downtown, CMU and TOC Classification Zones, and does not permit the on-site growing of materials, manufacturing, warehousing and distribution. This is definition captures a brew-your-own establishment. <p>Microbrewery is a commercial use restricted to Downtown, CMU and TOC Classification Zones. The primary function is manufacturing, but it may also include a restaurant and retail component, but not wholesaling. This use provides for small-scale alcohol production in the commercial context.</p>
Subsections 9.1.2, 9.2.2, 9.3.2, 9.6.2, 9.10.2, 9.11.2	<ul style="list-style-type: none"> • Research and Development (M1) Zone currently prohibits “Beverage Distillation” • General Business Park (M2) Zone currently prohibits “Beverage Distillation” and Breweries” • Prestige Business Park (M3) Zone currently prohibits “Beverage Distillation” and Breweries” • Airport Light Industrial (M10) Zone currently prohibits “Beverage Distillation” and Breweries” • Airport Prestige Industrial (M11) Zone currently prohibits “Beverage Distillation” and Breweries” 	Remove these prohibited uses from the respective Prohibited Uses list.	
Subsection 9.1.3 g), 9.3.3 e), 9.6.3 f), 9.11.3 g)	Existing location restriction on Manufacturing Uses.	Add locational restrictions “Alcohol Production Facility”.	
Subsection 9.1.3 i), 9.2.3 h), 9.3.3 m), 9.6.3 p), 9.10.3 k), 9.11.3 n)	No existing regulation.	Add a maximum Gross Floor Area of 5,000 square metres for an Alcohol Production Facility.	
Subsection 9.1.3 j), 9.2.3 i), 9.3.3 o), 9.5.3 h), 9.6.3 o), 9.10.3 l), 9.11.3 o)	Maximum Combined Gross Floor Area for Accessory Retail and Showroom Area	Add reference to this clause for a “Tasting Room” and renumber the respective clause accordingly.	

Section 9: Industrial Zones			
	Current Regulations	Proposed Amendment	Rationale
Subsections 9.2.1, 9.4.1, 9.5.1	Reference to "Contracting Establishment"	Reference to "Contractor's Establishment"	<p>"Contractor's Establishment" is a defined term in Section 3 and has a parking requirement in Section 5. Therefore, where Zones permit a "Contracting Establishment", it should be changed to reflect "Contractor's Establishment".</p> <p>The updated language in the M2, M4 and M5 Zones provides consistency between the definition and applicable zones.</p>

Section 11: Transit Oriented Corridor Zones

	Current Regulations	Proposed Amendment	Rationale
Subsection 11.1.2 i)	<p>i) Notwithstanding Section 11.1.1 above, the following uses are prohibited, even as an accessory use:</p> <p>Drive-Through Facility Motor Vehicle Dealership Motor Vehicle Gas Bar Motor Vehicle Rental Establishment Motor Vehicle Service Station Motor Vehicle Washing Establishment</p>	<p>i) Notwithstanding Section 11.1.1 above, the following uses are prohibited, even as an accessory use:</p> <p><i>Block Townhouse Dwelling</i> <i>Drive-Through Facility</i> <i>Duplex Dwelling</i> <i>Maisonette Dwelling</i> Motor Vehicle Dealership Motor Vehicle Gas Bar Motor Vehicle Rental Establishment Motor Vehicle Service Station Motor Vehicle Washing Establishment <i>Semi-Detached Dwelling</i> <i>Single Detached Dwelling</i> <i>Stacked Townhouse Dwelling</i> <i>Street Townhouse Dwelling</i></p>	<p>This amendment is to facilitate an amendment to the definition of “Dwelling Unit”. It is to ensure that where a Dwelling Unit is permitted in the TOC1 Zone, it is constructed in the form of an apartment in a commercial / mixed use building or multiple dwelling (as originally intended).</p>
Subsection 11.1.3 d) iii)	<p>iii) In addition to Section i) and notwithstanding Section ii) above, the minimum building height may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 11.1.3 b) and c) above, when abutting a Residential or Institutional Zone, with the exception of TOC3, to a maximum of 22.0 metres.</p>	<p>iii) In addition to Subsection i) and notwithstanding Subsection ii), the minimum building height may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 11.1.3 b) and c), when abutting a Residential or Institutional Zone, to a maximum of 22.0 metres.</p>	<p>This amendment is to remove reference to the TOC3 Zone. The TOC3 Zone is classified as a Transit Oriented Corridor Zone, not as a Residential Zone, so the reference is inaccurate. This amendment also removes reference to the word “above” and replaces reference to the word “Section” with “Subsection” to make the By-law language more concise and consistent.</p>

Section 11: Transit Oriented Corridor Zones

	Current Regulations	Proposed Amendment	Rationale
Subsection 11.1.3 i) i)	i) A visual barrier shall be required along any lot line abutting a Downtown D5 Zone, Downtown D6 Zone, Institutional Zone or Residential Zone, with the exception of TOC3 Zone, property line in accordance with the requirements of Section 4.19 of this By-law.	i) A visual barrier shall be required along any lot line abutting a Downtown D5 Zone, Institutional Zone or Residential Zone <i>lot line</i> in accordance with the requirements of Section 4.19 of this By-law.	<p>“Property Line” is not a defined term in Zoning By-law No. 05-200, and should be changed to “Lot Line”.</p> <p>Additionally, “with the exception of TOC3 Zone” is removed because TOC3 is considered a Transit Oriented Corridor Zone, not a Residential Zone.</p> <p>Lastly, reference to the D6 Zone should be removed as this zone will be removed through the Downtown Zoning project.</p>
Subsection 11.1.4 iii)	<p>In addition to Subsection 4.12 f) and in accordance with Subsection 34 (10) of the Planning Act, R.S.O., 1990, c.P.13, an addition or alteration to a single detached or duplex dwelling not permitted by the by-law but existing at the date of passing of the by-law that increases the volume or size of the interior of the building shall be permitted as follows:</p> <p>iii) The existing side yard setbacks are maintained for the addition.</p>	<p>In addition to Subsection 4.12 f) and in accordance with Subsection 34 (10) of the Planning Act, R.S.O., 1990, c.P.13, an addition or alteration to a single detached or duplex dwelling not permitted by the by-law but existing at the date of passing of the by-law that increases the volume or size of the interior of the building shall be permitted as follows:</p> <p>iii) The side yard setbacks of the addition shall not be less than the existing side yard setbacks.</p>	<p>The current wording of this regulation requires the side yard of the addition to exactly match the side yard for the existing dwelling, without providing flexibility for an increased setback. The revised wording provides the flexibility in establishing a minimum requirement.</p>

Section 11: Transit Oriented Corridor Zones

	Current Regulations	Proposed Amendment	Rationale
Subsection 11.2.2 i)	<p>i) Notwithstanding Section 11.2.1 above, the following uses are prohibited, even as an accessory use:</p> <p>Commercial Driving School Drive-Through Facility Motor Vehicle Dealership Motor Vehicle Gas Bar Motor Vehicle Rental Establishment Motor Vehicle Service Station Motor Vehicle Washing Establishment</p>	<p>i) Notwithstanding Section 11.2.1 above, the following uses are prohibited, even as an accessory use:</p> <p><i>Block Townhouse Dwelling</i> Commercial Driving School Drive-Through Facility <i>Duplex Dwelling</i> <i>Maisonette Dwelling</i> Motor Vehicle Dealership Motor Vehicle Gas Bar Motor Vehicle Rental Establishment Motor Vehicle Service Station Motor Vehicle Washing Establishment <i>Semi-Detached Dwelling</i> <i>Single Detached Dwelling</i> <i>Stacked Townhouse Dwelling</i> <i>Street Townhouse Dwelling</i></p>	<p>This amendment is to facilitate an amendment to the definition of “Dwelling Unit”. It is to ensure that where a Dwelling Unit is permitted in the TOC2 Zone, it is constructed in the form of an apartment in a commercial / mixed use building or multiple dwelling, as originally intended.</p>
Subsection 11.2.3 h)	<p>h) A visual barrier shall be required along any lot line abutting a Downtown D5 Zone, Downtown D6 Zone, Institutional Zone or Residential Zone, with the exception of TOC3 Zone, property line in accordance with the requirements of Section 4.19 of this By-law.</p>	<p>h) A visual barrier shall be required along any lot line abutting a Downtown D5 Zone, Institutional Zone or Residential Zone in accordance with the requirements of Section 4.19 of this By-law.</p>	<p>“Property Line” is not a defined term in Zoning By-law No. 05-200, and should be removed.</p> <p>Additionally, “with the exception of TOC3 Zone” is removed because TOC3 is considered a Transit Oriented Corridor Zone, not a Residential Zone.</p> <p>Lastly, reference to the D6 Zone should be removed as this zone will be removed through the Downtown Zoning project.</p>
Subsection 11.3.1.1 iv)	<p>This Subsection is numbered 11.3.1.1 iv)</p>	<p>This Subsection should be renumbered as 11.3.1.1 iii)</p>	<p>This Subsection was incorrectly numbered and this amendment corrects the typographical error.</p>

Section 11: Transit Oriented Corridor Zones

	Current Regulations	Proposed Amendment	Rationale
Subsection 11.3.2 a) v)	Where a building(s) exists and complies with Section 11.3.2 f) ii) and iii) below, additional building(s) constructed on the subject property shall not be subject to Section i) above as it relates to the setback from a lot line.	Delete in its entirety.	This regulation states the same requirement as Subsection 11.3.2 a) iv).
Subsection 11.3.2 i) i)	i) A visual barrier shall be required along any lot line abutting a Downtown D5 Zone, Downtown D6 Zone, Institutional Zone or Residential Zone, with the exception of TOC3 Zone, property line in accordance with the requirements of Section 4.19 of this By-law.	i) A visual barrier shall be required along any lot line abutting a Downtown D5 Zone, Institutional Zone or Residential Zone in accordance with the requirements of Section 4.19 of this By-law.	“Property Line” is not a defined term in Zoning By-law No. 05-200, and should be removed. Additionally, “with the exception of TOC3 Zone” is removed because TOC3 is considered a Transit Oriented Corridor Zone, not a Residential Zone. Lastly, reference to the D6 Zone should be removed as this zone will be removed through the Downtown Zoning project.
Subsection 11.3.4 iii)	In addition to Subsection 4.12 f) and in accordance with Subsection 34 (10) of the Planning Act, R.S.O., 1990, c.P.13, an addition or alteration to a single detached or duplex dwelling not permitted by the by-law but existing at the date of passing of the by-law that increases the volume or size of the interior of the building shall be permitted as follows: iii) The existing side yard setbacks are maintained for the addition.	In addition to Subsection 4.12 f) and in accordance with Subsection 34 (10) of the Planning Act, R.S.O., 1990, c.P.13, an addition or alteration to a single detached or duplex dwelling not permitted by the by-law but existing at the date of passing of the by-law that increases the volume or size of the interior of the building shall be permitted as follows: iii) The side yard setbacks of the addition shall not be less than the existing side yard setbacks.	The current wording of this regulation requires the side yard of the addition to exactly match the side yard for the existing dwelling, without providing flexibility for an increased setback. The revised wording provides the flexibility in establishing a minimum requirement.

Section 12: Rural Zones			
	Current Regulations	Proposed Amendment	Rationale
Subsections 12.1.2, 12.2.2, 12.3.2, 12.4.2, 12.5.2, 12.6.2 and 12.7.2	The Prohibited Uses Section of each zone states that "the following uses are prohibited, as follows:"	The language should be amended to "the following uses are prohibited:"	This amendment removes the redundant language of "as follows".
Subsections 12.3.1, 12.4.1, 12.5.1, 12.6.1 and 12.7.1	Permitted Uses in Settlement Zones do not include "Agriculture"	Add "Agriculture" as a permitted use and prohibit the keeping of livestock, buildings or structures associated with agriculture	The intent has always been that agriculture be permitted throughout the rural area, including within Rural Settlement Areas. However, the keeping of livestock and the construction of agricultural buildings have been prohibited to protect the adjacent sensitive land uses
Subsections 12.3.2, 12.4.2 and 12.5.1	Prohibited uses currently only relate to sensitive uses in relation to the Vulnerable Areas shown on Figures 5 – 5.3.	Prohibit: <ul style="list-style-type: none"> a) Buildings and Structures accessory to an Agriculture Use; b) Raising of Livestock; c) Raising, boarding and training of horses; d) Raising of other animals for food, fur or fibre. 	<p>The amendment above permits "Agriculture" within all zones in the rural area, but the purpose of prohibiting buildings / structures accessory to agriculture, raising of livestock / training of horses, and raising of other food for animals, fur or fibre is to ensure that agricultural land uses are sympathetic to adjacent sensitive residential uses if they are located within Settlement Zones.</p> <p>The amendment above permits agriculture in all Settlement Zones as well as the Existing Rural Commercial (E1) and Existing Rural Industrial (E2) Zones. These proposed prohibited uses will not apply to the E1 and E2 Zones because should they ever merge with the adjacent Agriculture (A1) or Rural (A2) Zone parcels, then farm-related accessory structures the keeping of animals should be permitted.</p>

Section 12: Rural Zones			
	Current Regulations	Proposed Amendment	Rationale
Subsection 12.4.3 i)	A visual barrier shall be provided and maintained along any lot line abutting a Settlement Residential (S1) Zone or a Settlement Institutional (S3) Zone property line, in accordance with the requirements of Section 4.19 of this By-law.	A visual barrier shall be provided and maintained along any lot line abutting a Settlement Residential (S1) Zone or a Settlement Institutional Zone (S3) <i>lot line</i> , in accordance with the requirements of Section 4.19 of this By-law.	"Property Line" is not a defined term in Zoning By-law No. 05-200, and should be changed to "Lot Line"

Schedule C – Special Exceptions			
	Current Regulations	Proposed Amendment	Rationale
Part of Woodburn Rural Settlement	Maximum Lot Area 0.8 hectares	Minimum Lot Area 0.8 hectares	Correction to language to capture original intent.
SE 125 967 Highway 5 West & 966 4th Concession Road West	Property contains Flamboro Downs. The existing Special Exception currently contains a range of permitted uses (including “Commercial Entertainment”) in addition to the uses permitted in the Agriculture (A1) Zone.	Add “Casino” as an additional permitted use.	A casino was previously permitted under the definition “Commercial Entertainment”. However, “Commercial Entertainment” was amended through By-law No. 17-240 to exclude “Casino”. This current amendment is reinstating the previous permission in accordance with the Minister’s Zoning Order (Ontario Regulation 680/98).
SE 225 159 Carlisle Road, Flamborough	The subject property is currently zoned City Wide Park (P3, 225) Zone, Modified. The Special Exception limits permitted uses to Recreation.	The Special Exception should be revised to also permit the existing Single Detached Dwelling.	The subject property is approximately 1.0 acre in size and contains a single detached dwelling (the Abrey-Zimmerman House which is designated under Part IV of the <i>Ontario Heritage Act</i>). The existing dwelling is not permitted in the City Wide Park (P3) Zone, nor the Special Exception. Accordingly, to avoid sterilizing the Heritage dwelling, it is proposed to be recognized through the existing Special Exception. Should the dwelling ever cease to exist, the park zoning would facilitate the lands merging with the adjacent Courtcliffe Park.

Schedule C – Special Exceptions			
	Current Regulations	Proposed Amendment	Rationale
SE 253 Part of 928 Regional Road 97	1,298 square metres (1.38 Ha) Part 1 – 931 square metres (0.09 Ha) and set back 57 set back metres from Regional Road 97 Part 2 – 367 square metres (0.98 Ha) and set back 129 metres from Regional Road 97	1,298 square metres (0.13 Ha) Part 1 – 931 square metres (0.09 Ha) and set back 129 metres from Regional Road 97 Part 2 – 367 square metres (0.04 Ha) and set back 57 metres from Regional Road 97	Correction to measurements and language
SE 296 Parts of Westdale	Some addresses are incorrect in the Special Exception preamble.	Add 51 Forsyth Avenue South, remove 57 Forsyth Avenue South.	Update for accuracy.
SE 310 906 Main Street West	The existing Special Exception addresses 906 Main Street West, Hamilton and establishes the Front Lot Line to be abutting Main Street West.	Add reference to 122 Longwood Road South and add a regulation to state that both 122 Longwood Road South and 906 Main Street West shall be considered one lot for zoning purposes.	The amendment to this Special Exception facilitates the rezoning of 122 Longwood Road South from Zoning By-law No. 6593 to a TOC1 Zone in Zoning By-law No. 05-200.
SE 375 Various Single Detached Dwellings in Industrial Zones	Special Exception permits existing dwelling units and establishes regulations for minimum front, side, and rear yards and maximum height.	Add reference to the specific addresses to which this Special Exception applies. Fix the existing structure of the Special Exception. Also add a regulation to address accessory buildings for existing single detached dwellings.	Addresses need to be added and the structure of the Special Exception needs to be corrected for accuracy and consistency with the other Special Exceptions in the By-law. Further, accessory buildings are currently unregulated for existing dwelling units. These structures should be regulated consistently with other accessory buildings (under Subsection 4.8.1).
SE 456 121 Augusta Street, Hamilton	Special Exception currently refers to regulations contained in Zoning By-law No. 6593.	Delete current Special Exception and replace it with a new comprehensive one which refers only to Zoning By-law No. 05-200.	This amendment provides a correction to the format and ensures that the Special Exception is still applicable even when Zoning By-law No. 6593 has been repealed in its entirety.

Schedule C – Special Exceptions			
	Current Regulations	Proposed Amendment	Rationale
SE 461 55 Queenston Road, Hamilton	Special Exception preamble currently refers to Downtown Mixed Use (D3) Zone.	Special Exception preamble should refer to Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone.	The property is located along the proposed LRT Corridor and is designated Mixed Use – Medium Density on Schedule E-1 of the UHOP. The property was originally zoned a D3 Zone to bring it into Zoning By-law No. 05-200, but since the TOC Zones have been established, a TOC1 Zone is more appropriate. Therefore, the lands will be rezoned from the Downtown Mixed Use (D3, 461, H54) Zone, Modified with a Holding, to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 461, H54) Zone, Modified with a Holding. This amendment will reflect the existing site-specific planning permissions.
SE 329 Various properties located on Queenston Road and Clapham Road	Special Exception currently contains a numbering error.	Correct Clause b) i) to read as Clause b) ii), and correct Clause b) iii) to read as Clause b) v).	This amendment provides correction to a typographical / numbering error.
SE 637 670, 674, 686, 692, 700 and 706 Queenston Road, Hamilton	Special Exception currently contains a numbering error.	Correct Clause a) G) a), b), c) and d) to read as Clause a) G) i), ii, iii) and iv).	This amendment provides correction to a numbering error, to provide consistency in numbering scheme throughout the By-law.

Schedule C – Special Exceptions			
	Current Regulations	Proposed Amendment	Rationale
SE 672 870 Scenic Drive, Hamilton	No existing Special Exception	A new Special Exception is required to permit certain uses within the existing building, in accordance with the OMB decision dated June 22, 2012.	The Board-ordered zone boundary between the "E-H/S-1600" (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified in Zoning By-law No. 6593 and the Conservation / Hazard Land (P5) Zone cuts through the existing building. As Site Specific Modification S-1600 permits uses within the existing building, these uses should be added as a Special Exception to the P5 Zone.
SE 676 1086 West 5th Street, Hamilton	No Special Exception currently exists.	New Special Exception to prohibit any use of the land except for archaeological conservation.	This Special Exception establishes protective zoning for a registered archaeological site. The text of this Special Exception will allow other archaeological sites to be added in the future as they are identified.
SE 678 Ancaster Business Park	Currently permits the following uses in the parent zone with location restrictions embedded in the body of the zone: <ul style="list-style-type: none"> Children's Play-gym Gymnastics Studio 	Remove these uses from the parent General Business Park (M2) Zone, Prestige Business Park (M3) Zone, and Business Park (M4) Zone and create a new Special Exception No. 678 for the Ancaster Business Park	The current format provides confusion and uncertainty for interpretation, as many people read the permitted uses list on the first page of the zone without realizing that there are location restrictions to certain uses. This amendment will avoid misinformation being disseminated to the public and shows clearly that these uses are only permitted in the Ancaster Business Park, not city-wide.
SE 681 199 Glover Road, Stoney Creek	No Special Exception currently exists.	New Special Exception to recognize existing Long Term Care Facility.	This Long Term Care Facility pre-dated Zoning By-law No. 05-200's Rural Zones and should have been identified through the Rural Zoning process. This facility is licensed under the <i>Long Term Care Facilities Act</i> .

Schedule D – Holding Provisions			
	Current Regulations	Proposed Amendment	Rationale
H27 Lands Located at the northeast corner of Meadowlands Blvd and Stonehenge Drive	<p>There are currently two Holding Provisions assigned the number 27:</p> <ul style="list-style-type: none"> • 611 Aberdeen Avenue; and, • Stonehenge Drive between Meadowlands Boulevard and Raymond Road, in the former Town of Ancaster 	<p>Re-number the Holding Provision for 611 Aberdeen Avenue.</p>	<p>Provides clarity and correct numbering.</p>
H37 Lands Located in the AEGD	<p>Site alteration shall be conditional upon the following special requirements:</p> <ol style="list-style-type: none"> That the lands have access to servicing, the provision of adequate municipal water, municipal wastewater, and transportation infrastructure in accordance with the respective master plans for the Airport Employment Growth District to the satisfaction of the Director of Development Engineering. 	<p>Site alteration shall only be permitted in accordance with Subsections 1.11 d) and e) and Subsections 9.7.4 and 9.11.4, until such time as:</p> <ol style="list-style-type: none"> The lands have access to servicing, the provision of adequate municipal water, municipal wastewater, and transportation infrastructure in accordance with the respective master plans for the Airport Employment Growth District to the satisfaction of the Director of Development Engineering. 	<p>The preamble which states “Site alteration shall be conditional upon...” precludes legal non-conforming lands from expanding in accordance with the expansion permissions built into the By-law. Accordingly, the preamble has been amended to reflect these as-of-right permissions.</p> <p>This has effectively sterilized the legal non-conforming single detached dwellings with respect to Section 45(2) of the <i>Planning Act</i>.</p>

Schedule D – Holding Provisions			
	Current Regulations	Proposed Amendment	Rationale
H63 Part of Westdale and Ainslie Wood	<p>No development shall be permitted until such time as:</p> <ul style="list-style-type: none"> (i) Land assembly has occurred in order to establish appropriately sized lots, to the satisfaction of the Director of Planning. (ii) The Holding Provision may be removed from one or more properties and remain in effect for any lands that maintain Holding Provision 63 as identified on Schedule “A” – Zoning Maps of this By-law. 	<p>Development shall only be permitted in accordance with the regulations of Special Exception No. 293, Modified until such time as:</p> <ul style="list-style-type: none"> (i) Land assembly has occurred to establish appropriately sized lots for redevelopment, to the satisfaction of the Director of Planning. 	<p>The preamble which states “No Development” precludes expansion/maintenance of those single detached dwellings which have been expressly permitted by Special Exception 296. The intent of the TOC1 Zone is to facilitate development at a higher density along the LRT Corridor. The intent of the Holding Provision 63 is to ensure that adequate land assembly has occurred for the higher density envisioned in the zone. Based on Special Exception 296, it appears to have been the intent to recognize these dwellings and permit them to expand in the interim; therefore, the current Holding Provision is contradictory.</p> <p>Additionally, Clause (ii) is not required and it is recommended it be removed.</p>

Schedule D – Holding Provisions			
	Current Regulations	Proposed Amendment	Rationale
H69 870 Scenic Drive, Hamilton	No current Holding Provision.	<p>The ‘H’ symbol shall be removed for all, or a portion of the lands affected by this By-law, by a further amendment to this By-law, at such time as:</p> <ul style="list-style-type: none"> (a) The applicant submits a Master Site Plan and Precinct Plan for each development phase, as set out in Official Plan Amendment No. ___, which includes the required studies, to the satisfaction of the Director of Planning; (b) The applicant submits urban design guidelines, as set out in Official Plan Amendment No. ___, to the satisfaction of the Director of Planning; (c) The applicant submits architectural control guidelines, as set out in Official Plan Amendment No. ___, to the satisfaction of the Director of Planning; (d) The applicant submits an urban design report, as set out in Official Plan Amendment No. ___, to the satisfaction of the Director of Planning; <p>Where the Moreland and Brow Annex buildings are not to be retained, the applicant submits a report which demonstrates that retention and re-use of such buildings is not structurally feasible, to the satisfaction of the Director of Planning.</p>	<p>The Board-ordered zone boundary between the “E-H/S-1600” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified in Zoning By-law No. 6593 and the Conservation / Hazard Land (P5) Zone cuts through the existing building.</p> <p>A Site Specific Modification is proposed to the P5 Zone (see Report PED18147) to permit certain uses only within the existing building. A Holding Provision was also associated with the OMB decision, and is therefore required to be implemented through this process.</p>

Schedule F – Special Figures			
	Current Regulations	Proposed Amendment	Rationale
Figure 3	Ancaster Business Park Special Figure currently contains lands that were removed through the Commercial and Mixed Use Zoning project.	Update the Special Figure to reflect changes during the Commercial and Mixed Use Zoning project.	The boundary of the business park has changed; therefore, the Special Figure must reflect the new boundaries.
Figure 5.0, 5.1, 5.2, 5.3, 6.0, 7.0	These Source Water Protection Vulnerability Score figures are inconsistent in format compared to the other Special Figures in Schedule F.	Update these Special Figures to reflect the format of the other existing Special Figures in Schedule F.	This amendment provides consistency and accuracy within Schedule F.
Figure 16	Currently labelled as Figure 5 – 257, 259, 263, 269, 271, 275 and 279 Bay Street North, Hamilton	Renumbered to Figure 16 – 257, 259, 263, 269, 271, 275 and 279 Bay Street North, Hamilton	Figures 5, 5.1, 5.2 and 5.3 – Source Water Protection Vulnerability Score already exist in Schedule F – Special Figures, so this Special Figure should be reassigned the next available new number to avoid duplication.
Figure 17	Currently labelled as Figure 5 – 108 James Street North, 111 and 115 Hughson Street North	Renumbered to Figure 17 – 108 James Street North, 111 and 115 Hughson Street North	Figures 5, 5.1, 5.2 and 5.3 – Source Water Protection Vulnerability Score already exist in Schedule F – Special Figures, so this Special Figure should be reassigned the next available new number to avoid duplication.
Figure 18	Currently labelled as Figure 11: 75 Centennial Parkway North (Eastgate Square)	Renumbered to Figure 18: 75 Centennial Parkway North (Eastgate Square)	This Special Figure was assigned number 11 in error, as Figure 11 already exists in Schedule F – Special Figures (but is currently under appeal). Figure 18 is the next available number.
Figure 19	Currently labelled as Figure 12: 670, 674, 686, 692, 700 and 706 Queenston Road, Hamilton	Renumbered to Figure 19: 670, 674, 686, 692, 700 and 706 Queenston Road, Hamilton	This Special Figure was assigned number 12 in error, as Figure 12 already exists in Schedule F – Special Figures (but is currently under appeal). Figure 19 is the next available number.

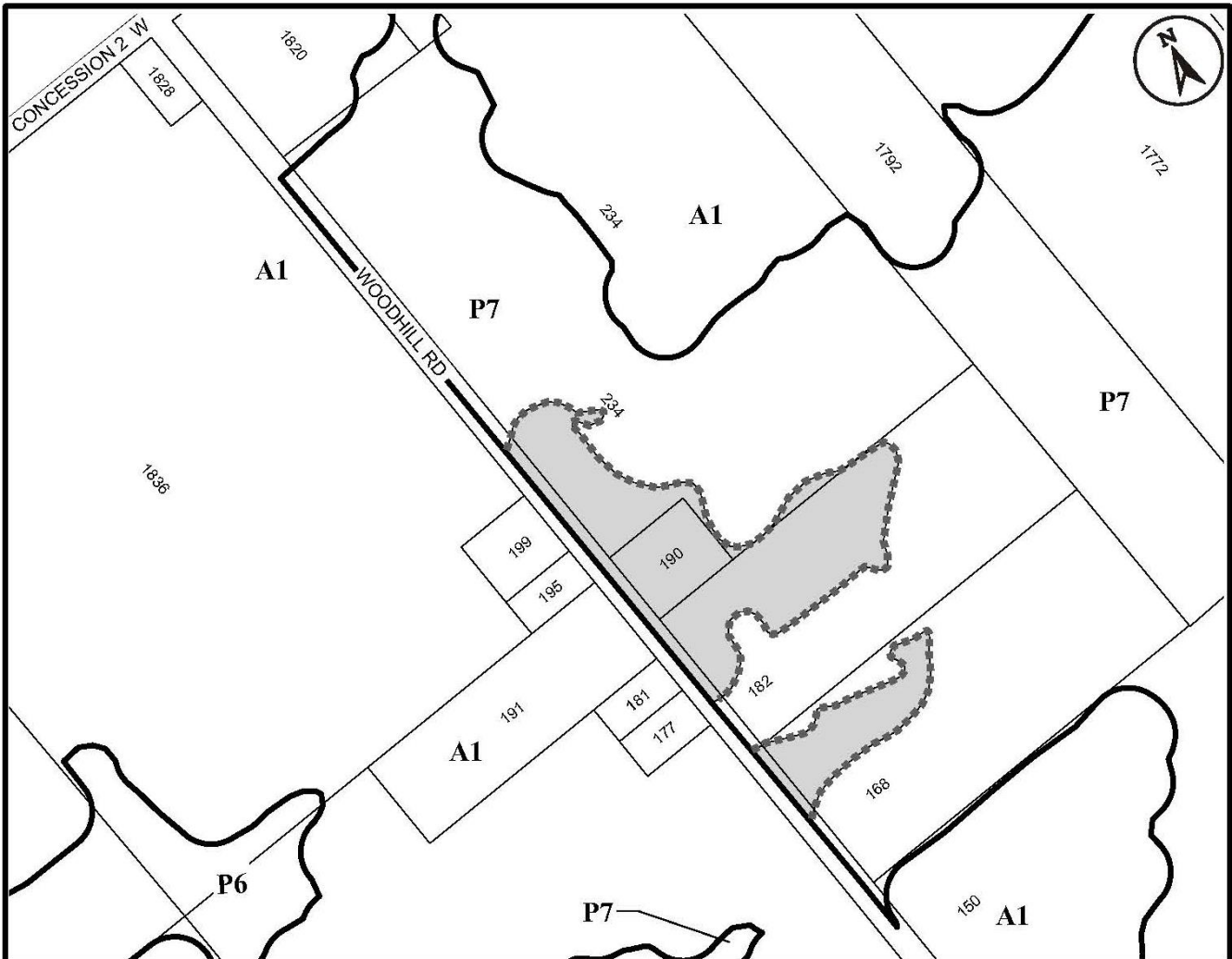
Mapping Amendments			
	Current Mapping	Proposed Amendment	Rationale
55 Queenston Road, Hamilton	Property is currently zoned Downtown Mixed Use (D3, 461, H54) Zone, Modified with a Holding in Zoning By-law No. 05-200.	Proposed rezoning to Transit Oriented Corridor Mixed Use Medium Density (TOC1, 461, H54) Zone, Modified with a Holding in Zoning By-law No. 05-200.	Property is located along the proposed LRT Corridor and is designated Mixed Use – Medium Density on Schedule E-1 of the UHOP. The property was originally zoned a D3 Zone to bring it into Zoning By-law No. 05-200, but since the TOC Zones have been established, a TOC1 Zone is more appropriate.
80 Beach Boulevard, Hamilton	Property is currently zoned “C/S-1436” (Urban Protected Residential, Etc.) District in Zoning By-law No. 6593.	Proposed rezoning to Neighbourhood Park (P1) Zone in Zoning By-law No. 05-200.	Park is identified as a Neighbourhood Park on Appendix A – Parks Classification Map of the UHOP. Accordingly, the property should be updated with the correct Zone.
Part of 1169 Garner Road East (25T-200518), Ancaster	Portion of lands were zoned Residential “R4-612” Zone, Modified in Zoning By-law No. 87-57.	Portion of lands should be rezoned Conservation / Hazard Land (P5) Zone in Zoning By-law No. 05-200.	Portion of lands owned by Hamilton Conservation Authority form a buffer between natural feature and residential building lots. A portion of the HCA lands were inadvertently zoned for residential instead of conservation.
Part of 1086 West 5 th Street, Hamilton	The lands are currently zoned City Wide Park (P3) Zone.	Create a Special Exception for a portion of the property (SE 676).	A registered archaeological site has been identified on the property, and this new Special Exception will prohibit any land use other than archaeological conservation.
199 Glover Road, Stoney Creek	The subject property is currently zoned Agriculture (A1) Zone.	Proposed new Special Exception 681 to permit a Long Term Care Facility.	The subject property is approximately 1.0 acre in size and contains an existing Orchard Terrace Care Centre (licenced under the <i>Long Term Care Homes Act, 2007</i>). It was the intent to capture this property with a Special Exception to permit the use.

Mapping Amendments			
	Current Mapping	Proposed Amendment	Rationale
122 Longwood Road South, Hamilton	This property is currently zoned “C/S-1361” (Urban Protected Residential, Etc.) District, Modified in the City of Hamilton Zoning By-law No. 6593.	Proposed rezoning to the Transit Oriented Corridor Mixed Use Medium Density (TOC1, 310) Zone, Modified.	This property is intended to be merged with the property located at 906 Main Street West to become a comprehensive development site on the TOC Corridor. Accordingly, it should also be rezoned to a TOC Zone. There is an associated UHOP Amendment, as discussed in greater detail in Report PED18148.
15 Emerson Street, Hamilton	This property is currently zoned “G-3/S-1653” (Public Parking Lots) District, Modified in the City of Hamilton Zoning By-law No. 6593.	Proposed rezoning to the Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone.	This property has been merged with the property located at 1341 Main Street West and is now a comprehensive development site on the TOC Corridor. Accordingly, it should also be rezoned to a TOC Zone. There is an associated UHOP Amendment, as discussed in greater detail in Report PED18148.
Part of 870 Scenic Drive, Hamilton	Portion of the lands are currently zoned Conservation / Hazard Lands (P5) Zone.	Create a Special Exception for a portion of the property (SE 672).	The Board-ordered zone boundary between the “E-H/S-1600” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified in Zoning By-law No. 6593 and the Conservation / Hazard Land (P5) Zone cuts through the existing building. As Site Specific Modification S-1600 permits uses within the existing building, these uses should be added as a Special Exception to the P5 Zone.
340, 342, Part of 344 & 348 Mountain Brow Road 2000 Waterdown Road, Flamborough	These properties currently contain no Official Plan designation or zoning.	Apply a Conservation / Hazard Land – Rural (P6) Zone to the properties.	These properties currently contain no Official Plan designation or zoning but are located within the boundary of the City of Hamilton. Staff are proposing to incorporate these lands into the Conservation / Hazard Land – Rural (P6) Zone which applies to the surrounding properties. This property is also subject to the associated Housekeeping Official Plan Amendment (See Report PED18148).

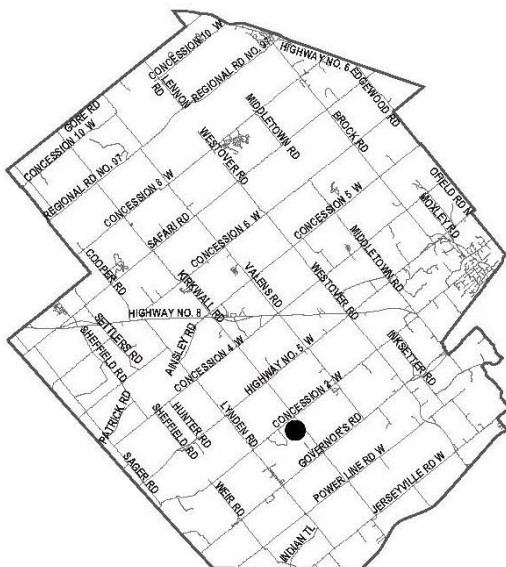
Mapping Amendments			
	Current Mapping	Proposed Amendment	Rationale
40 Parkside Avenue, Dundas	Incorrect zone boundary locations.	Correction to mapping (former Town of Dundas Zoning By-law No. 3581-86).	<p>This property was identified as having incorrect Open Space – Conservation (OS) Zoning boundaries. It was brought to staff's attention through the ongoing Site Plan Control application. The proposed zone boundary realignment is in accordance with the recommendations of the Environmental Impact Statement (EIS) and a staked boundary established through a site visit.</p> <p>Staff note that Parks and Open Space Zones in Zoning By-law No. 05-200 were not applied to this area. A future review of Parkside Avenue will be required to update the zoning and bring the lands into Zoning By-law No. 05-200.</p>

Rural Mapping Amendments

The following properties were identified as having incorrect Conservation / Hazard Land Rural (P6), (P7) and / or (P8) Zone boundaries. They were brought to staff's attention through various means, including Site Plan Control applications, Minor Variance applications, and general inquiries. Staff reviewed Environmental Impact Statements (EIS), Conservation Authority regulated areas, Provincial mapping, and municipal aerial photos to determine the correct zone boundary locations. In some cases, only certain zone boundaries were amended for each property; in other cases, the entire zone was amended. See also Schedules "B1", "B2", "B3", "B4", "B5", "B6", "B7", "B8", "B9", "B10", "B11" and "B12" to Appendix "A".



● Site Location



Key Map - Ward 14

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
168, 182, 190 & 234 Woodhill Rd

Date:
August 11, 2017

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
MG/NB

Subject Property

168, 182, 190 and 234 Woodhill Road, Flamborough

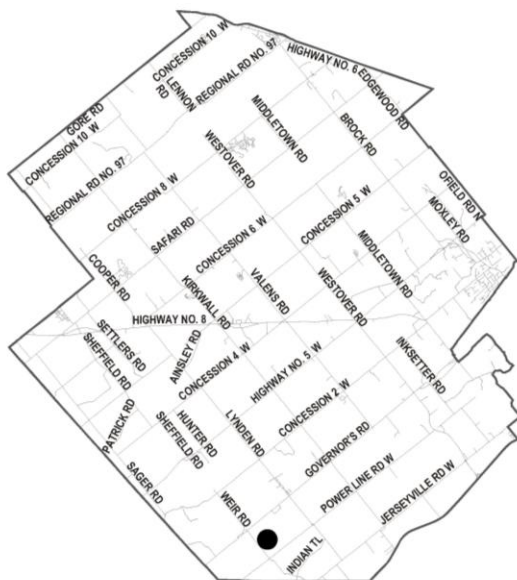
Change in Zoning from Conservation/Hazard Land (P7) to Agriculture (A1) Zone

Proposed Zoning Boundary Adjustment

Existing Zoning Boundary



● Site Location



Key Map - Ward 14

N.T.S.



Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
767, 831 and 893 Weir Rd.

Date:
April 24, 2018





Appendix "A"

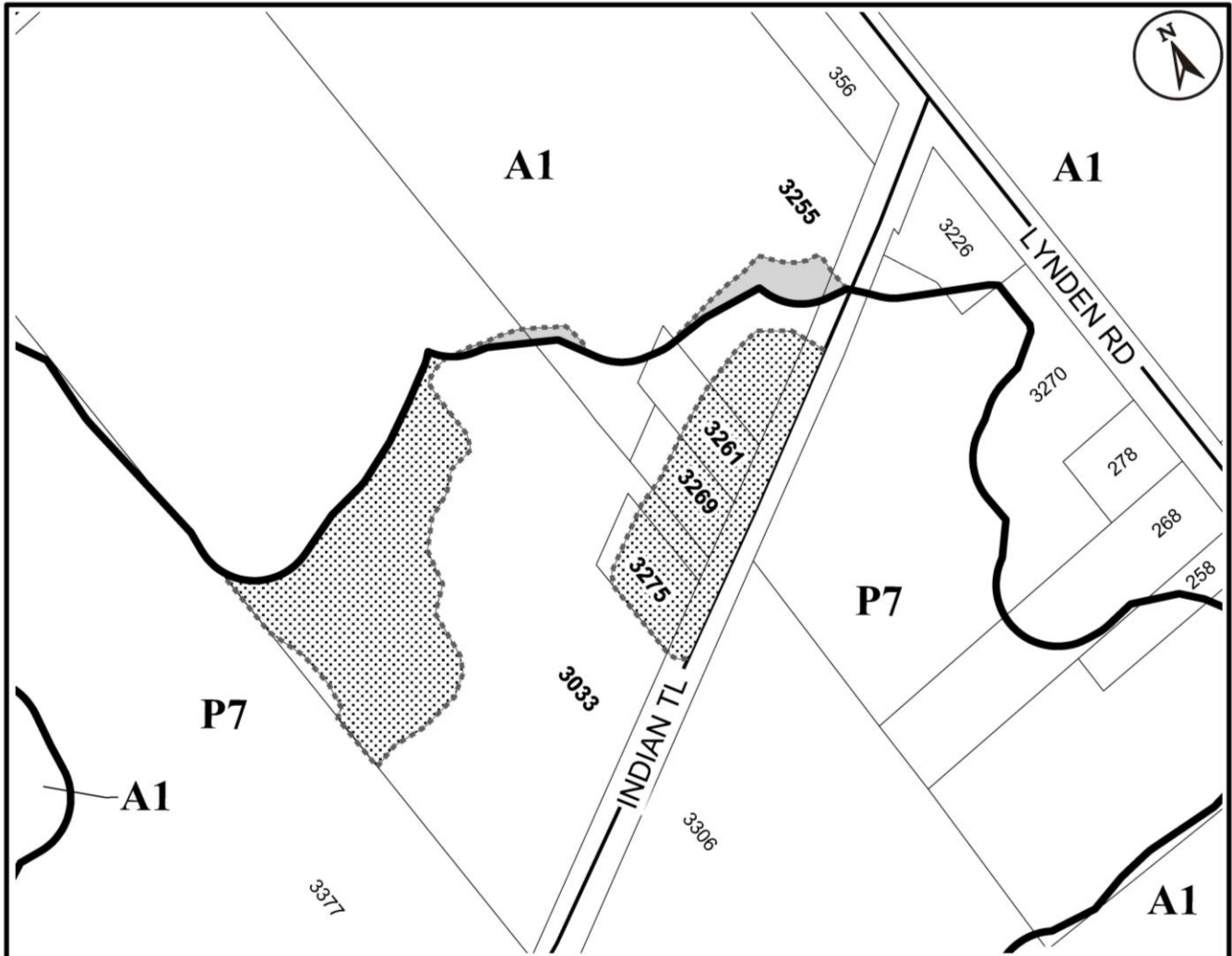
Scale:
N.T.S.

Planner/Technician:
MG/AL

Subject Property

767, 831 and 893 Weir Road, Ancaster

-  Change in Zoning from Conservation/Hazard Land (P7) Zone to Agriculture (A1) Zone
-  Change in Zoning from Agriculture (A1) Zone to Conservation/Hazard Land (P7) Zone
-  Proposed Zoning Boundary Adjustment
-  Existing Zoning Boundary



● Site Location



Key Map - Ward 14

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:

3303, 3275, 3269, 3261 & 3255 Indian Trail

Date:

March 1, 2018


Appendix "A"

Scale:
N.T.S.

Planner/Technician:
MG/NB

Subject Property

3255, 3261, 3269, 3275 & 3303 Indian Trail, Ancaster

 Change in Zoning from Conservation/Hazard Land (P7) Zone to Agriculture (A1) Zone

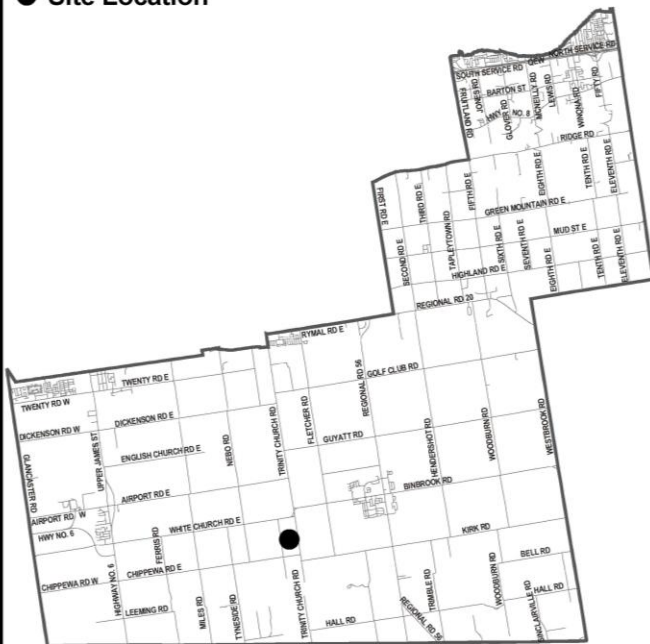
 Change in Zoning from Agriculture (A1) Zone to Conservation/Hazard Land (P7) Zone

 Proposed Zoning Boundary Adjustment

 Existing Zoning Boundary



● Site Location



Key Map - Ward 11

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
3065 Tisdale Rd

Date:
May 31, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
MG/AL

Subject Property

3065, 3295, 3311, 3323, 3335, 3341, 3349, 3359, 3369, 3379, 3383, 3385, 3395, 3403, 3409 Tisdale Road & 5050, 5056, 5084, 5126, 5134, 5144, 5150, 5156, 5164 Chippewa Road East, Glanbrook

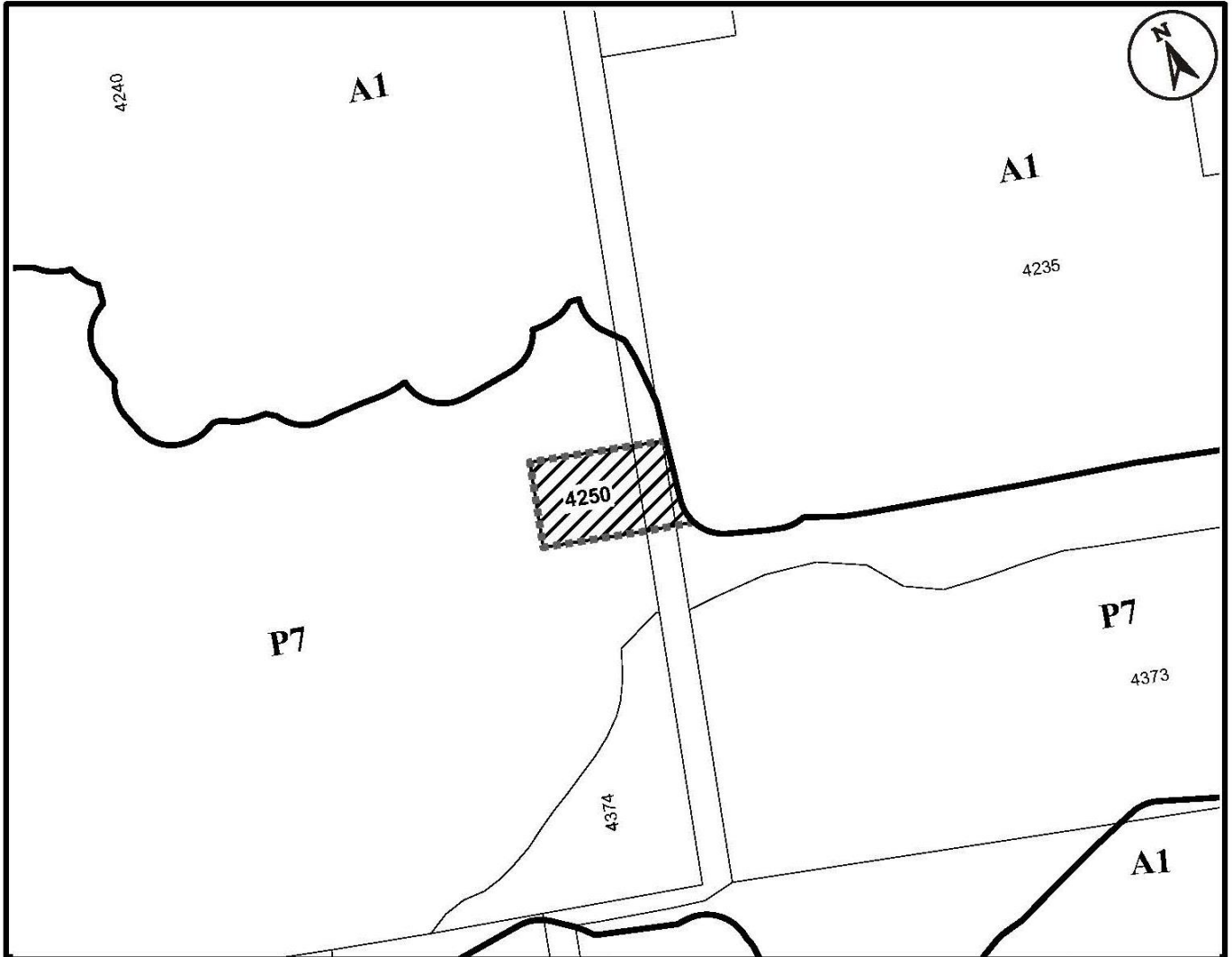
Lands to be rezoned from Conservation/Hazard Land - Rural (P6) Zone to Conservation/Hazard Land - Rural (P7) Zone

Lands to be rezoned from Rural (A2) Zone to Conservation/Hazard Land - Rural (P7) Zone

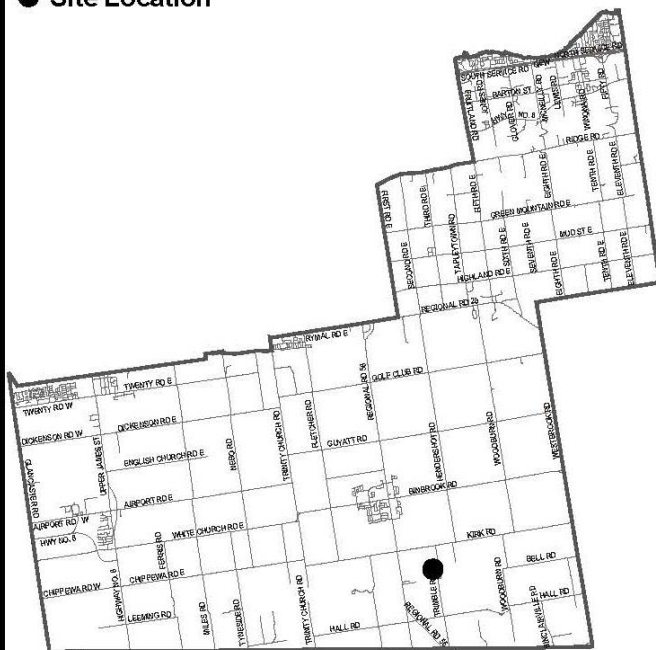
Lands to be rezoned from Conservation/Hazard Land Rural - (P6) Zone to Rural (A2) Zone

Proposed Zoning Boundary Adjustment

Existing Zoning Boundary



● Site Location



Key Map - Ward 11

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
4250 Trimble Rd

Date:
August 14, 2017

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
MG/NB

Subject Property

4250 Trimble Road, Glanbrook



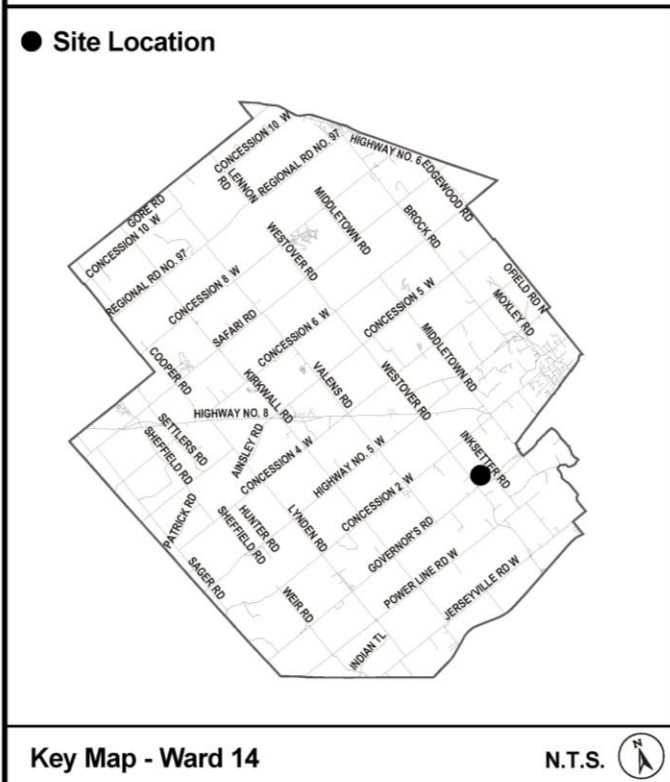
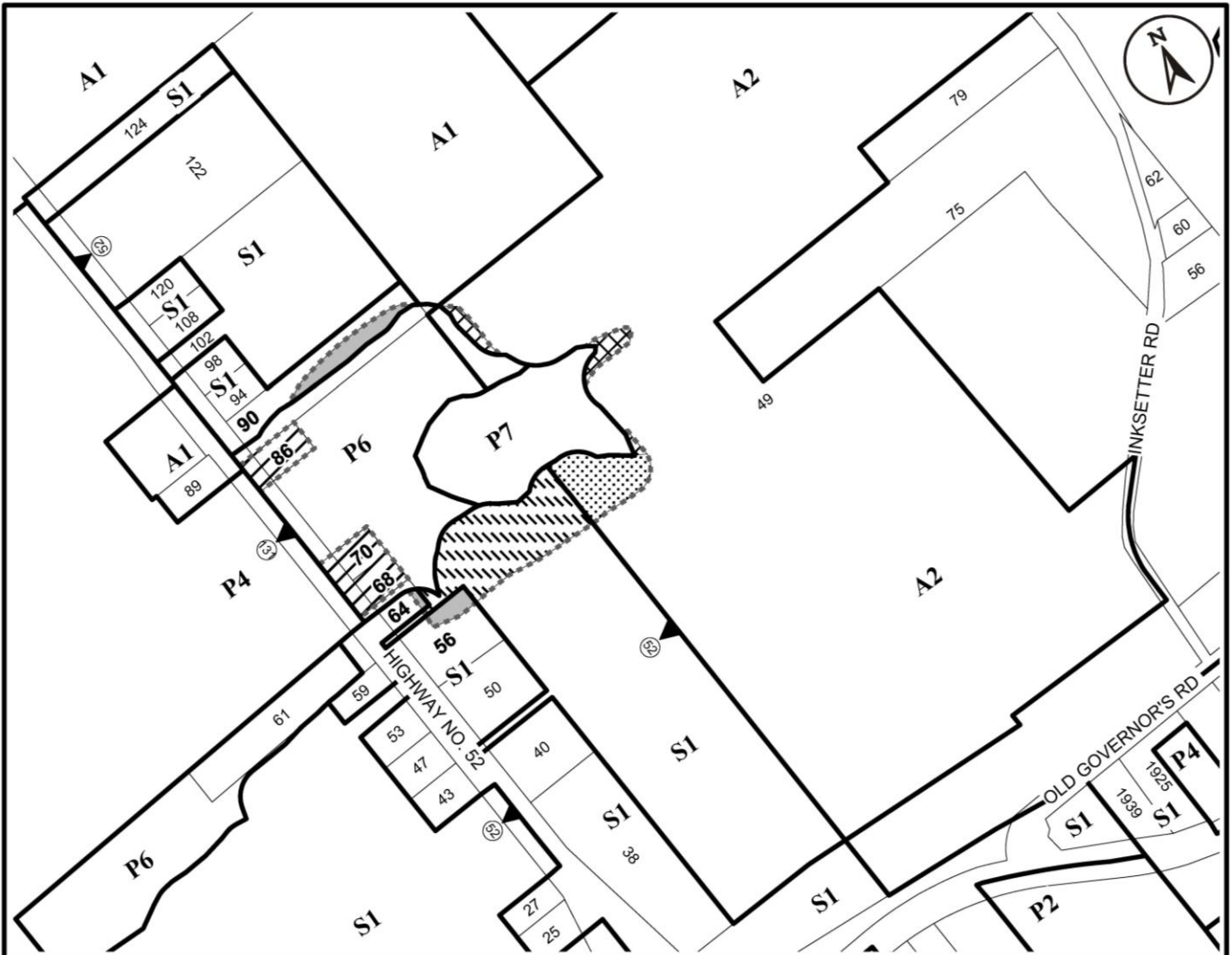
Change in Zoning from Conservation/Hazard Land (P7) Zone to Agriculture (A1) Zone



Proposed Zoning Boundary Adjustment



Existing Zoning Boundary



Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: Part of 49 Inksetter Rd.	Date: April 24, 2018
Appendix "A"	Scale: N.T.S.
Planner/Technician: MG/NB	

Subject Property
Part of 49 Inksetter Road &
56, 64, 68, 70, 86 & 90 Highway 52, Flamborough

- Change in Zoning from Settlement Residential (S1, 52) to Conservation/Hazard Land (P6)
- Change in Zoning from Settlement Residential (S1) to Conservation/Hazard Land (P6)
- Change in Zoning from Rural (A2) to Conservation/Hazard Land (P6)
- Change in Zoning from Rural (A2) to Conservation/Hazard Land (P7)
- Change in Zoning from Conservation/Hazard Land (P6) to Settlement Residential (S1)
- Proposed Zoning Boundary Adjustmant
- Existing Zoning Boundary



● Site Location



Key Map - Ward 14

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
554, 560 & Hunter Rd.

Date:
March 1, 2018

Appendix "A"

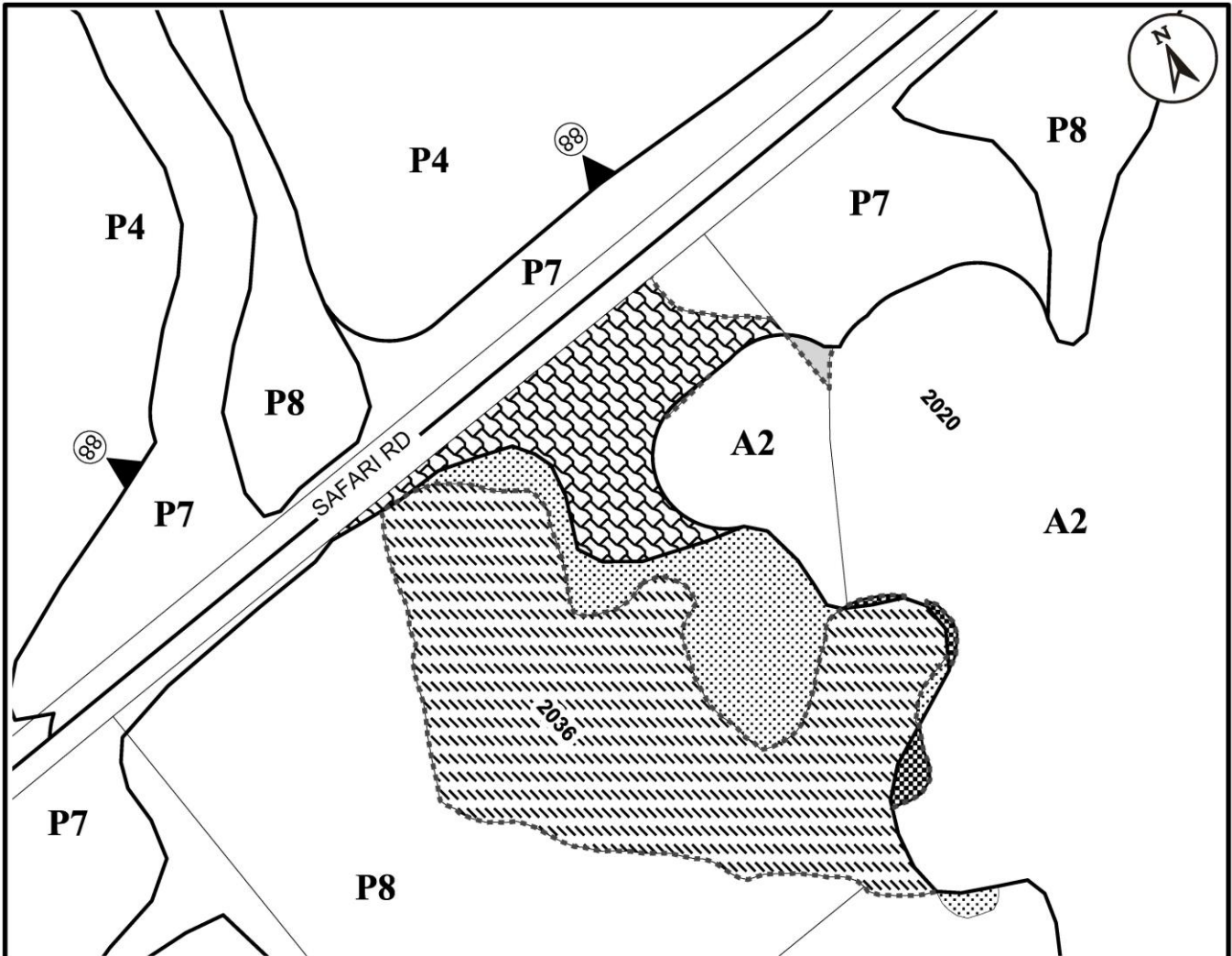
Scale:
N.T.S.

Planner/Technician:
MG/NB

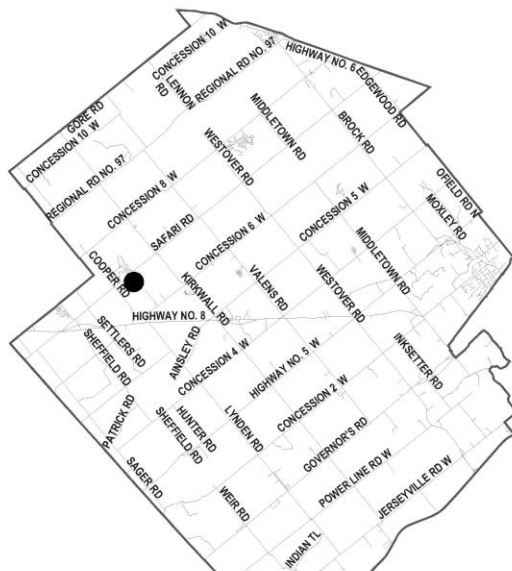
Subject Property

554, 560 & 568 Hunter Road, Flamborough

- Change in Zoning from Agriculture (A1) Zone to Conservation/Hazard Land (P7) Zone
- Change in Zoning from Conservation/Hazard Land (P7) Zone to Agriculture (A1) Zone
- Proposed Zoning Boundary Adjustmant
- Existing Zoning Boundary



● Site Location



Key Map - Ward 14

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
2020 & 2036 Safari Rd

Date:
May 22, 2018








Appendix "A"

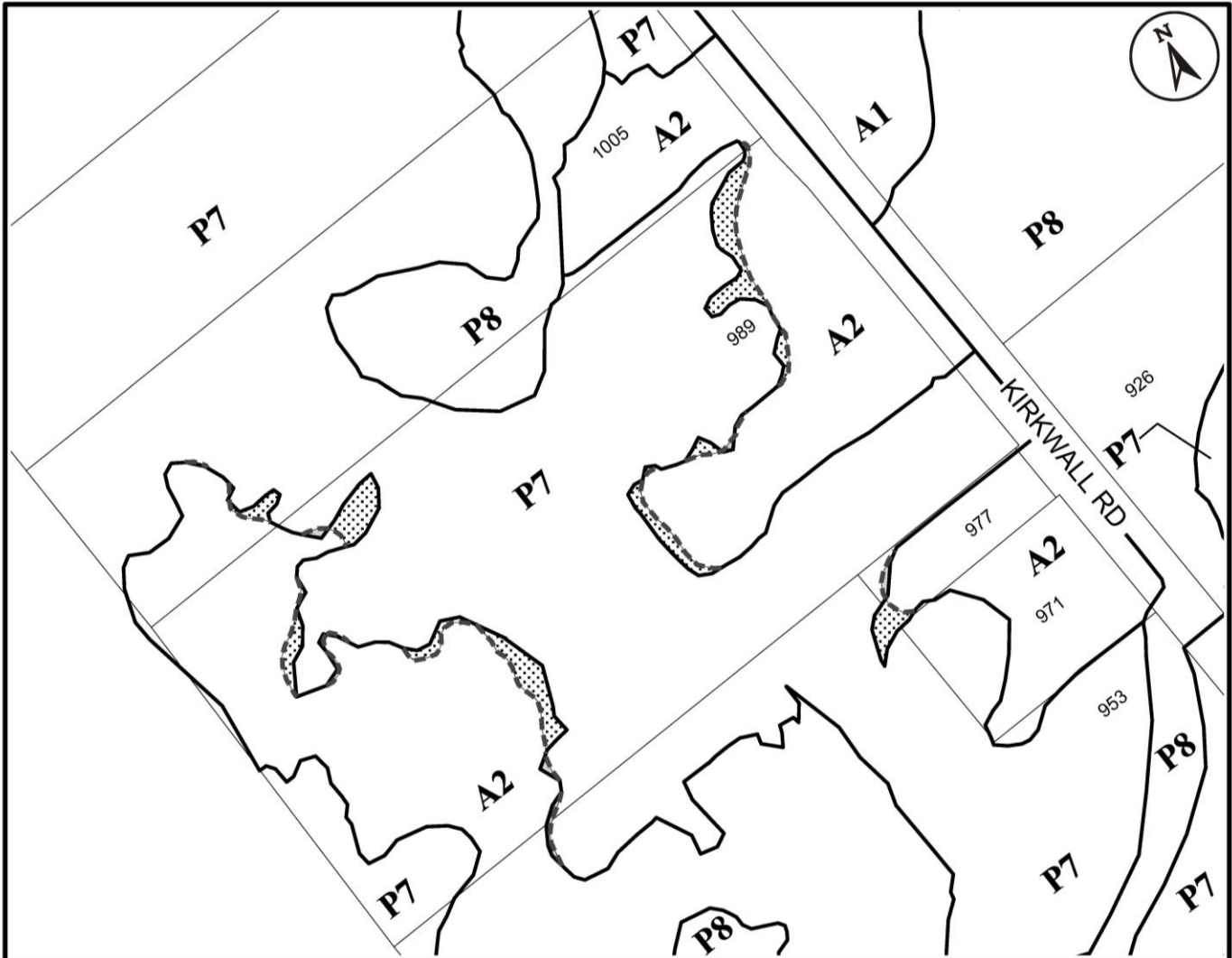
Scale:
N.T.S.

Planner/Technician:
MG/NB

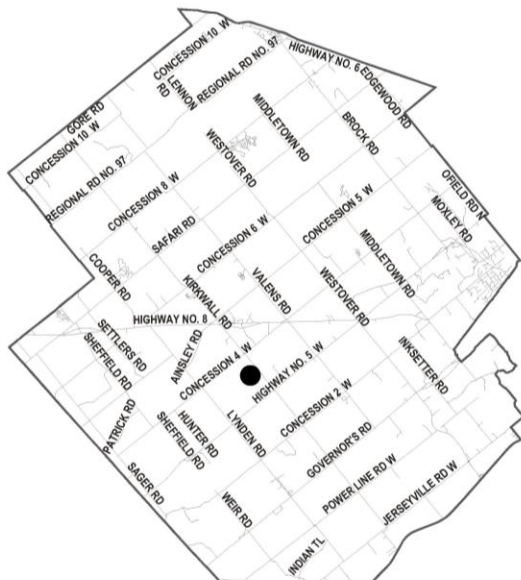
Subject Property

2020 & 2036 Safari Road

-  Change in Zoning from Conservation/Hazard Land (P8) to Conservation/Hazard Land (P6)
-  Change in Zoning from Conservation/Hazard Land (P8) to Rural (A2)
-  Change in Zoning from Rural (A2) to Conservation/Hazard Land (P7)
-  Change in Zoning from Conservation/Hazard Land (P7) to Rural (A2)
-  Change in Zoning from Rural (A2) to Conservation/Hazard Land (P6)
-  Proposed Zoning Boundary Adjustment
-  Existing Zoning Boundary



● Site Location



Key Map - Ward 14

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:

953, 971, 977, 989 and 1005 Kirkwall Rd

Date:

March 1, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:

MG/NB

Subject Property

953, 971, 977, 989 and 1005 Kirkwall Road, Flamborough



Change in Zoning from Rural (A2) Zone to Conservation/Hazard Lands (P7) Zone



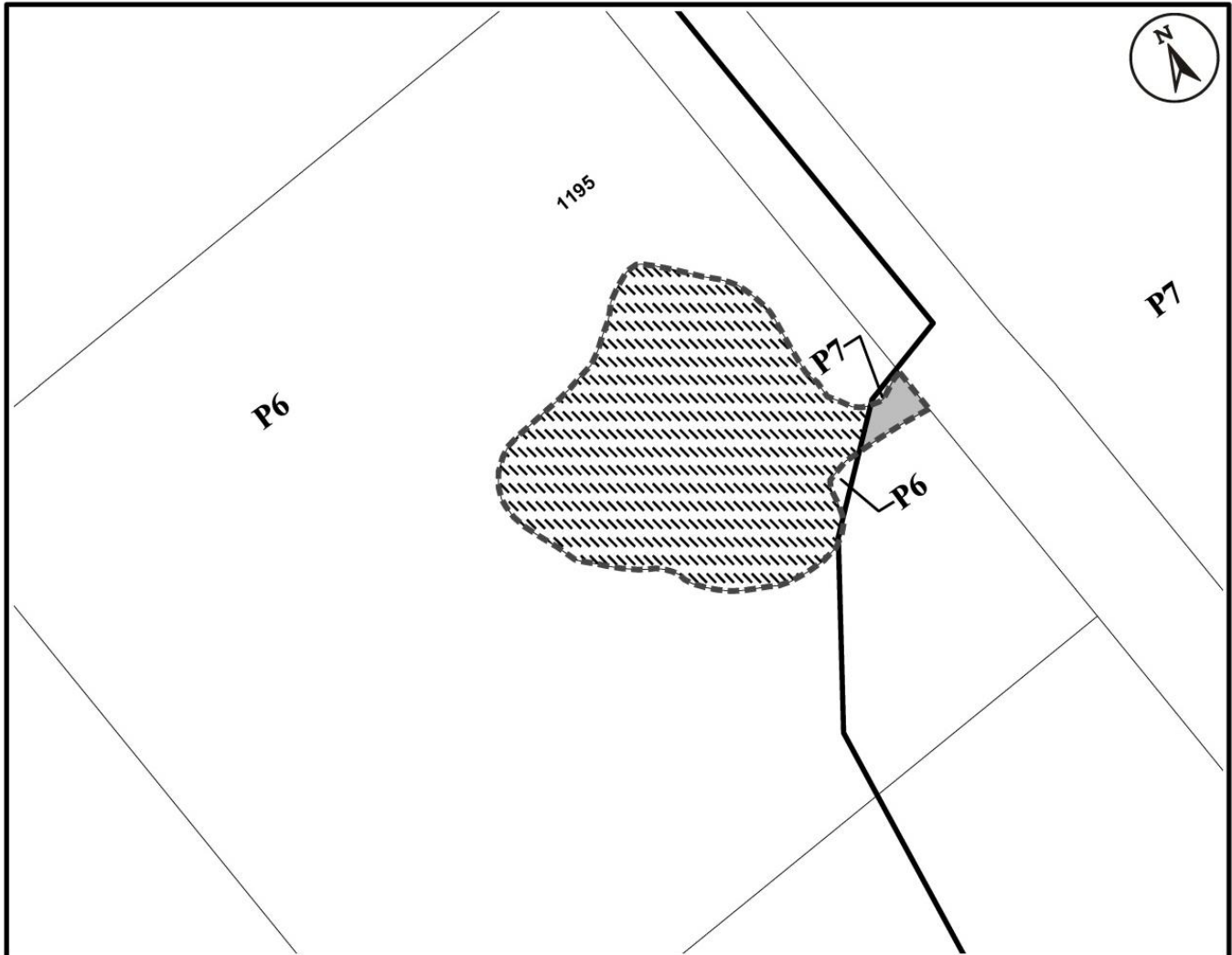
Change in Zoning from Conservation/Hazard Lands (P7) Zone to Rural (A2) Zone



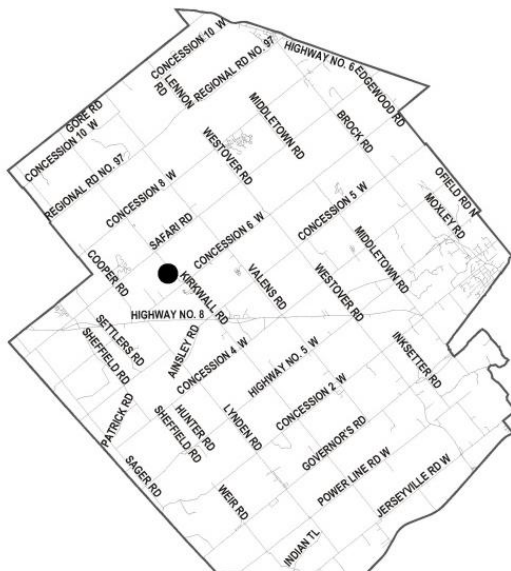
Proposed Zoning Boundary Adjustmant



Existing Zoning Boundary



● Site Location



Key Map - Ward 14

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
1195 Kirkwall Rd

Date:
March 2, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
MG/AL

Subject Property

1195 Kirkwall Road



Change in Zoning from Conservation/Hazard Land (P6) to Rural (A2)



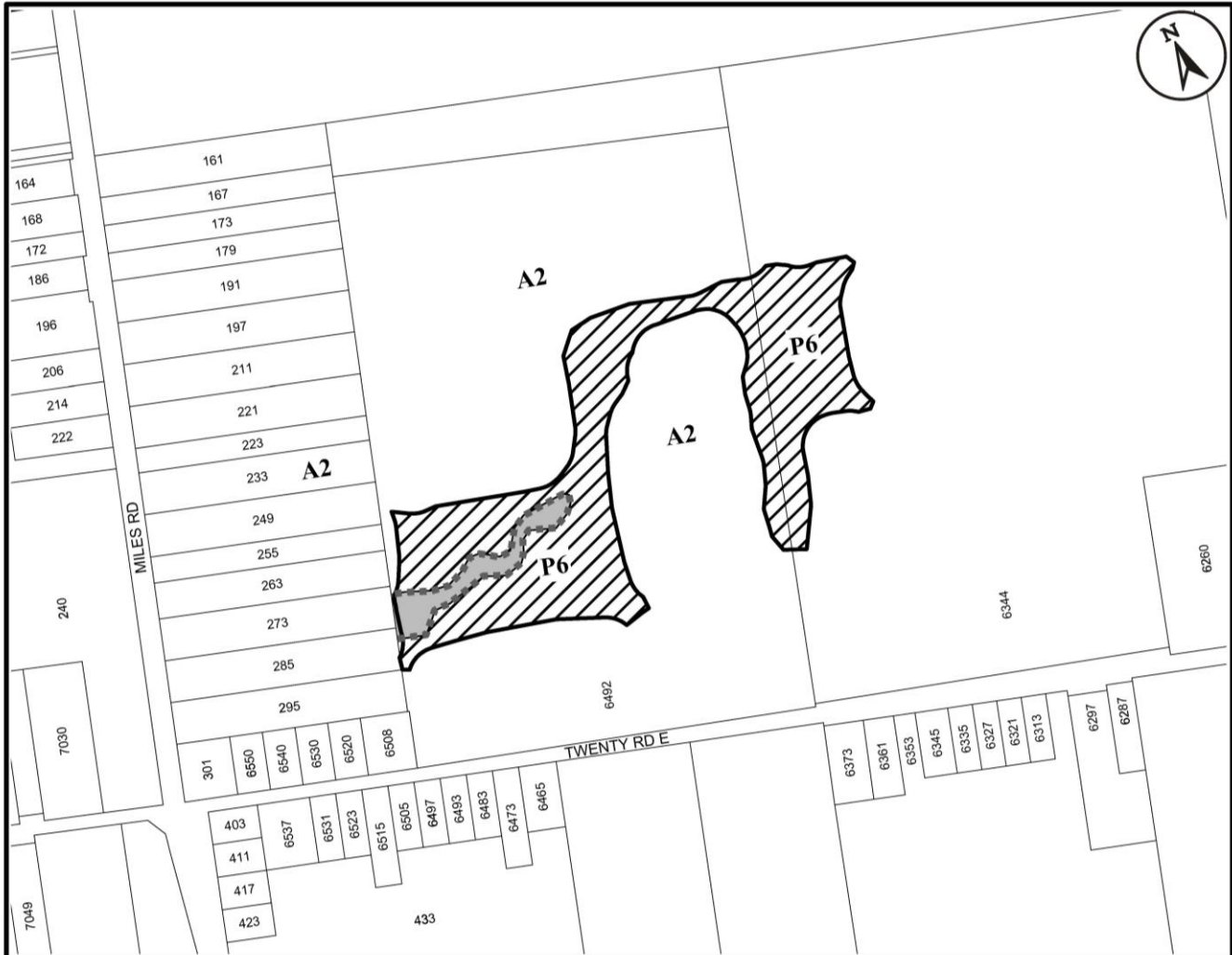
Change in Zoning from Conservation/Hazard Land (P7) to Rural (A2)



Proposed Zoning Boundary Adjustment



Existing Zoning Boundary



● Site Location



Key Map - Ward 11

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
6492 Twenty Rd E

Date:
April 24, 2018

Appendix "A"

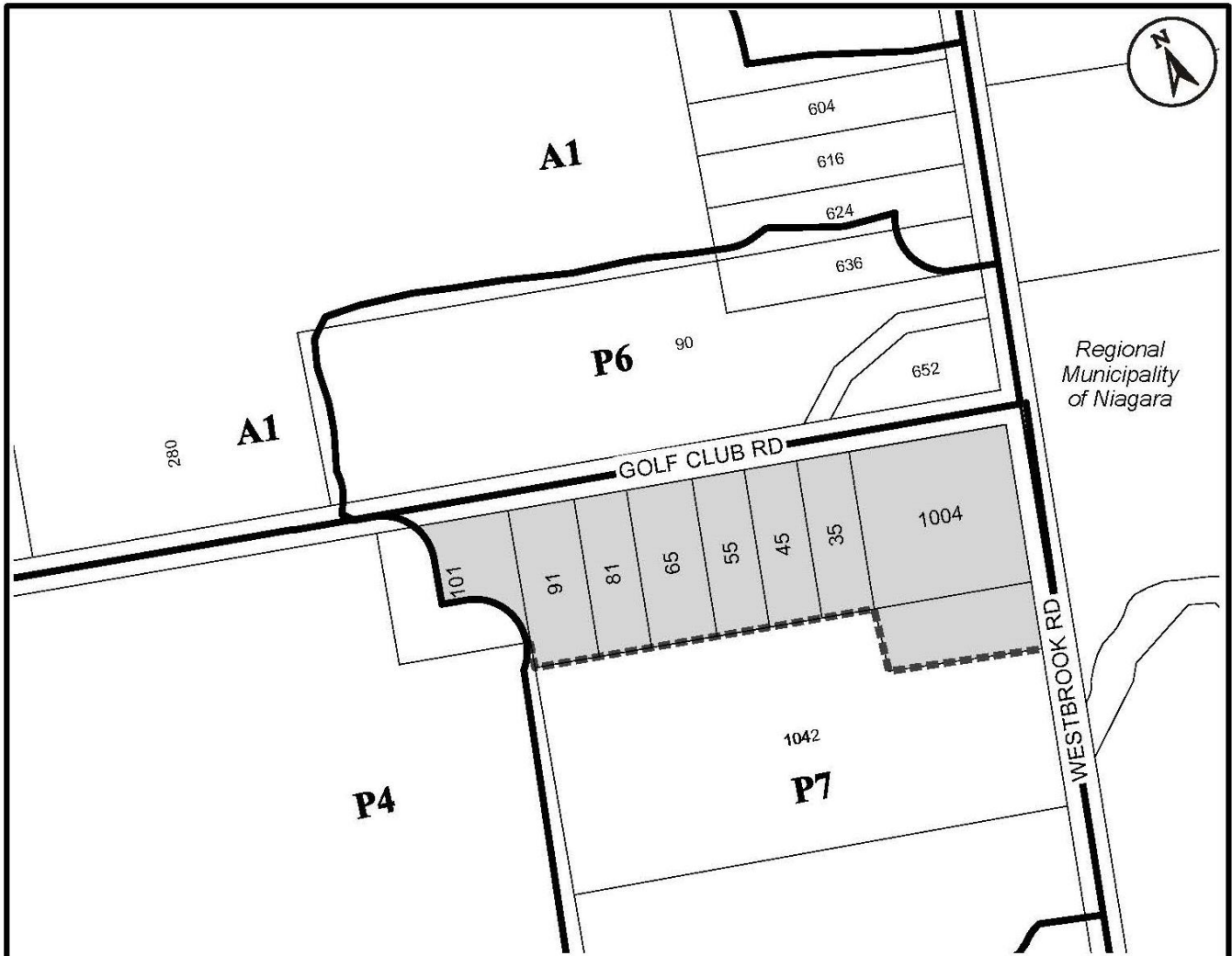
Scale:
N.T.S.

Planner/Technician:
MG/NB

Subject Property

6492 & 6344 Twenty Road East

- Change in Zoning from Conservation/Hazard Lands (P6) Zone to Conservation/Hazard Lands (P8) Zone
- Change in Zoning from Conservation/Hazard Lands (P6) Zone to Rural (A2) Zone
- Proposed Zoning Boundary Adjustment
- Existing Zoning Boundary



Regional Municipality of Niagara

● Site Location



Key Map - Ward 11

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
Housekeeping Amendment

Date:
May 31, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
MG/NB

Subject Property

1004 Westbrook Road, Part of 1042 Westbrook Road,
35, 45, 55, 65, 81, 91 Golf Club Road and Part of 1101 Golf Club Road

- Lands to be rezoned from Conservation/Hazard Land Rural (P7) Zone to Agriculture (A1) Zone
- Proposed Zoning Boundary Adjustment
- Existing Zoning Boundary



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 1, 2018
SUBJECT/REPORT NO:	Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Elyse Meneray (905) 546-2424 Ext. 6360
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Rural Hamilton Official Plan Amendment Application RHOPA-17-039, by Willow Valley Holdings Inc. (Owner)**, for an amendment to the Rural Hamilton Official Plan Schedule D - Rural Land Use Designations to re-designate the lands from Open Space to Rural to permit the creation of two new residential lots, for the lands located at 8475 English Church Road East, Glanbrook, as shown on Appendix "A" to Report PED18077, be **DENIED** on the following basis:
- (i) The proposed Application is not consistent with the Provincial Policy Statement (2014) and does not comply with the Provincial Policy Statement airport regulation, agriculture and lot creation policies;
 - (ii) The proposed Application does not comply with the Rural Area and Goods Movement policies of the Growth Plan for the Greater Golden Horseshoe (2017);
 - (iii) The proposed Application does not comply with the policies and intent of the Rural Hamilton Official Plan airport development regulation policies and lot creation policies;
 - (iv) The proposed development does not represent good planning as it is proposing a sensitive land use within the 35-40 NEF contour and the

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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: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) - Page 2 of 19

creation of two new lots for non-agricultural purposes in the Rural Hamilton Area.

- (b) That **Zoning By-law Amendment Application ZAC-17-082, by Willow Valley Holdings Inc. (Owner)**, for a change in zoning from the Open Space (P4) Zone to the Rural (A2) Zone in order to permit the development of two new residential lots, for lands known as 8475 English Church Road East (Glanbrook), as shown on Appendix “A” to Report PED18077 be **DENIED** on the following basis:
- (i) The proposed Application is not consistent with the Provincial Policy Statement (2014);
 - (ii) The proposed Application does not comply with the Rural Area and Goods Movement policies of the Growth Plan for the Greater Golden Horseshoe (2017);
 - (iii) The proposed Application does not comply with the policies and intent of the Rural Hamilton Official Plan airport regulation policies, lot creation policies and is not an appropriate use for the area;
 - (iv) The proposal does not meet the general intent of the City of Hamilton Zoning By-law No 05-200.

EXECUTIVE SUMMARY

The applicant has applied for a Rural Hamilton Official Plan (RHOP) Amendment and a Zoning By-law Amendment for a portion of the lands at the Willow Valley Golf Course located at 8475 English Church Road East. The purpose of the applications is to permit the creation of two new residential lots, with the intention of constructing a single detached dwelling on each lot. The applicant, as noted in the Planning Justification Report submitted with the applications, proposes to consolidate two vacant properties zoned Rural (A2) Zone located at 3005 (2.01 ha) and 3065 Upper James Street (2.5 ha) with an abutting 30.1 ha property, zoned Rural (A2) Zone at 2907 Upper James Street which is used as a sod farming operation and is also owned by the applicant. There are no provisions in the Provincial Policy documents or the City’s Official Plans to allow for the applicant’s proposal and as such an Official Plan Amendment Application was submitted to reverse the City’s Consent / Lot Creation policies to give effect to the development course of action proposed by the applicant.

The applications do not have merit and cannot be supported as they are not consistent with the Provincial Policy Statement (2014), the Places to Grow Plan (2017) and do not conform to the intent of the Rural Hamilton Official Plan (RHOP) specifically the, airport development and lot creation policies.

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

SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) - Page 3 of 19

Alternatives for Consideration – See Page 18

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold as least one Public Meeting to consider an application for Amendment to the Rural Hamilton Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

The subject lands at 8475 English Church Road East are part of the Willow Valley Golf Course and located at the south east corner of the intersection at English Church Road, East and Upper James Street. They are also located to the west of the Airport Employment Growth District Secondary Plan and to the southwest of the Mount Hope Secondary Plan. The subject lands are located in the Airport Influence Area, Primary Airport Zoning Regulation Area and between the 35-40 Noise Exposure Forecast Contours.

The subject lands are located within the “White Belt”, (the rural area outside of the Greenbelt Plan area), in the Rural Hamilton Official Plan. Therefore, Greenbelt policies do not apply. Although, the subject lands are not regulated by Greenbelt Plan policies, there are Rural Area policies in the Growth Plan for the Greater Golden Horseshoe that provide guidance on what should be permitted on rural lands outside of the rural settlement area and as such, the application must conform to the Growth Plan (2017).

Proposal

The applicant is proposing to create two new residential lots fronting onto English Church Road from the subject lands at the Willow Valley Golf Course, as shown on Appendix “B” to Report PED18077. They are proposed to be created through Consent for Severance Applications GL/B-15:65 and GL/B-15:66 which were tabled at the September 17, 2017 Committee of Adjustment meeting. It should be noted that staff did not support the applications, and the Committee determined that the merits of the application should best be first considered by City Council through an Official Plan and Zoning By-law Amendment with respect to the principle of land use and lot creation. The first residential lot (shown as Part 1 on Appendix “B” to Report PED18077) is proposed to have a frontage of 62.267 m and an area of .0405 ha and the second proposed residential lot (shown as Part 2 on Appendix “B” to Report PED18077) is an irregular shaped lot with a proposed frontage of 169.8 m and an area of .782 ha.

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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.

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SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) - Page 4 of 19

As stated in the Planning Justification Report submitted with the application, the applicant proposes that, as a condition of creating the two lots, two vacant properties zoned Rural (A2) Zone located at 3005 and 3065 Upper James Street (2.01 ha and 2.5 ha in size) would be consolidated with an abutting 30.1 ha property, zoned Rural (A2) Zone at 2907 Upper James Street. The larger property is used as a sod farming operation, and all of the above mentioned properties are owned by the applicant. This proposal is shown on Appendix "C" to Report PED18077.

The purpose and effect of the proposed Official Plan Amendment to the Rural Hamilton Official Plan is to re-designate the subject lands from "Open Space" to "Rural" to permit the creation of two new residential lots. The purpose and effect of the proposed Zoning By-law Amendment to Zoning By-law No. 05-200 is to change the zoning from the Open Space (P4) Zone to the Rural (A2) Zone in order to permit the development of two new residential lots.

Previous (2005) Consent for Severance Application

In 2005, the applicant submitted a Regional (ROPA-05-02) and Local Official Plan (OPA-05-08) Amendment and Zoning By-law (ZAC-05-58) Amendment Applications to allow for the severance and creation of three lots for single detached dwellings on the Willow Valley Golf Course. Two of the proposed lots (8271 English Church Road East and 8321 English Church Road East) had existing dwellings on the property which were being used as a clubhouse and a residence for the groundskeeper. The third proposed lot was vacant. The applications were heard at Planning Committee on May 16, 2006.

Planning Committee agreed to approve the severances for Lot 1 (8271 English Church Road) and Lot 2 (8321 English Church Road) conditional upon the owner agreeing to replace the additional dwelling use with the clubhouse. Planning Committee amended the original application to remove the third lot to be created, as there was no existing dwelling on the lot.

On June 28, 2006, Hamilton City Council approved Official Plan Amendment No. 27 to the former Region of Hamilton-Wentworth Official Plan and Official Plan Amendment No. 55 to the former Township of Glanbrook Official Plan and amended Zoning By-law No. 464 (Glanbrook), for lands located at 8271 and 8321 English Church Road East, which permitted the creation of the two lots for the existing single detached dwellings. In 2006, the two lots were severed (GL/B-06:117 & GL/B-06:118) from the Willow Valley Golf Course. See Appendix "D" and Appendix "E" to Report PED18077 for Committee of Adjustment applications GL/B-06:117 & GL/B-06:118 meeting minutes and staff comments.

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Chronology:

- September 17, 2017: Committee of Adjustment meeting to consider Consent for Severance Applications GL/B-15:65 and GL/B-15:66. Applications were tabled.
- November 10, 2017: Applications for a Rural Hamilton Official Plan Amendment (RHOPA-17-039) and Zoning By-law Amendment (ZAC-17-082) received.
- November 17, 2017: Applications for a Rural Hamilton Official Plan Amendment (RHOPA-17-039) and Zoning By-law Amendment (ZAC-17-082) deemed complete.
- November 24, 2017: Notice of Complete Application was sent to 93 property owners within 120 m of the subject lands.
- December 4, 2017: Public Notice Sign posted on site.
- April 13, 2018: Statutory Public Notice published in the Hamilton Spectator.
- April 13, 2018: Circulation of the Notice of Public Meeting mailed to 93 property owners within 120 m of the subject property.

Details of Submitted Application:

- Owner/Applicant:** Willow Valley Holdings Inc. (c/o Steve Schiedel)
- Agent:** Fothergill Planning & Development Inc. (c/o Ed Fothergill)
- Location:** 8475 English Church Road East (see Appendix "A" to Report PED18077)
- Property Description:**
- | | |
|----------------------|------------------------------------|
| <u>Lot Frontage:</u> | 680.9 m (English Church Road East) |
| <u>Lot Depth:</u> | 477 m (irregular) |
| <u>Lot Area:</u> | 61.2 ha |
| <u>Servicing:</u> | No municipal services |

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EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Open Space (Willow Valley Golf Course)	Open Space (P4) Zone, Special Exception 164 and 3T (not final and binding)

Surrounding Land Uses:

North	Residential, Agriculture and Open Space (Cameron Speedway and Amusements)	Rural (A2) Zone Open Space (P4) Zone, Special Exception 160
South	Willow Valley Golf Course	Open Space (P4) Zone, Special Exception 164 and 3T (not final and binding)
East	Agriculture	Agriculture (A1) Zone
West	Residential and Willow Valley Golf Course	Rural (A2) Zone Open Space (P4) Zone, Special Exception 164 and 3T (not final and binding)

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The proposed Rural Hamilton Official Plan Amendment (RHOPA-17-039) and Zoning By-law Amendment (ZAC-17-082) were reviewed against the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017) and the Rural Hamilton Official Plan.

Two of the most relevant policies in all documents are: land use compatibility of sensitive land uses in proximity to an airport and the residential development in the rural area.

The subject property is located in the rural area in close proximity to the John C. Munro International Airport. The purpose of the application is to create two new residential lots for single-detached dwellings.

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Provincial Policy Statement (2014)

The Provincial 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 applications have been reviewed against the policies of the Provincial Policy Statement (PPS, 2014).

Land Use Compatibility

The subject property was identified as being located within the Airport Influence Area, Primary Airport Zoning Regulation Area and the 35-40 Noise Exposure Forecast Contour, as such, the following policies, amongst other, apply to the proposal:

- “1.2.6.1 *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*.
- 1.6.9.1 Planning for land uses in the *vicinity of airports, rail facilities and marine facilities* shall be undertaken so that:
- a) their long term operation and economic role is protected; and,
 - b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.
- 1.6.9.2 *Airports* shall be protected from incompatible land uses and development by:
- a) prohibiting new residential *development* and other sensitive land uses in areas near *airports* above 30 NEF/NEP;
 - b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in area above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long term function of the *airport*; and,
 - c) discouraging land uses which may cause a potential aviation safety hazard.”

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The proposal is not consistent with the Airport, Rail and Marine policies of the Provincial Policy Statement. The PPS protects airports from incompatible land uses and development by prohibiting new residential development and other sensitive land uses in areas near airports above the 30 NEF contour. This proposal is to create two new residential lots within the 35-40 NEF contour. John C. Munro International Airport staff have advised that any residential development permitted in the area (i.e. within the 35-40 NEF Contour) will be significantly impacted by aircraft noise. This can result in complaints against routine airport operations and the intent of the NEF contour land use policies is to ensure the long term viability of the airport for 24/7 operations. It is better to avoid a potential land use conflict, rather than to try and mitigate it. Therefore, the proposal does not meet the intent of the PPS as the proposed development is not an appropriate distance from the airport to prevent or mitigate adverse effects from noise.

In addition, by allowing for residential development within this area the long-term operation and economic role of the Airport is not being protected.

Residential Development

1.1.4.2 In *rural areas*, rural *settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

1.1.5.2 On *rural lands* located in municipalities, permitted uses are:

- a) the management or use of resources;
- b) resource-based recreational uses (including recreation dwellings);
- c) limited residential development;
- d) home occupations and home industries;
- e) cemeteries; and,
- f) other rural land uses.”

The proposed use is not consistent with Policy 1.1.4.2 which focuses of growth within Rural Settlement Areas. However, Policy 1.1.5.2 does allow for some limited residential development. It is the intent of the PPS to allow municipalities to determine the extent of residential development in the rural area.

Agriculture and Lot Creation

The subject property has been identified as a prime agricultural area as such, the following policies, amongst others, apply to the proposal:

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- “2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.
- 2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses, agriculture-related uses and on-farm diversified uses*.
- 2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:
- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
 - b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
 - c) a residence surplus to a farming operation as a result of farm consolidation, provided that:
 - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
 - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
 - d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- 2.3.4.3 The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c).”

The proposed use is not consistent with Policy 2.3.1 and 2.3.3.1, which protects prime agricultural areas for long-term use for agriculture and permits only agricultural uses, agriculture-related uses and on-farm diversified uses. Furthermore, the proposed development is not consistent with Policy 2.3.4.3, which does not permit the creation of new residential lots in prime agricultural areas except for a residence surplus to a

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farming operating as a result of a farm consolidation in accordance with policy 2.3.4.1 (c).

Growth Plan for the Greater Golden Horseshoe (2017)

The following applicable policies, amongst others, apply as it relates to the airport:

- “3.2.4.2 The Province and municipalities will work with agencies and transportation service providers to:
- a) co-ordinate, optimise, and ensure the long-term viability of major goods movement facilities and corridors.
- 3.2.5.1 In planning for development, optimization, or expansion of existing and *planned corridors* and supporting facilities, the Province, other public agencies and upper- and single-tier municipalities will:
- b) ensure that existing and *planned corridors* are protected to meet current and projected needs in accordance with the transportation and *infrastructure* corridor protection policies in the PPS;
- 3.2.5.2 The planning, location, and design of *planned corridors* and the land use designations along these corridors will support the policies of this Plan, in particular that development is directed to *settlement areas*.”

The development is not consistent with the Airport policies of the Growth Plan (2017). Therefore, this development conflicts with Policies 3.2.5.1 b) and 3.2.5.2 of the Growth Plan (2017).

Rural Hamilton Official Plan (RHOP)

The two most important RHOP policies are the Noise policies and the severance policies. The policies, not above, apply to any residential development in the rural area, regardless of land use designation.

Airport Influence Area Policies

The subject lands are identified as Airport Influence Area on Schedule “F” Airport Influence Area, Primary Airport Zoning Regulation Area and between the 35-40 Noise Exposure Forecast Contours on Appendix “D” – Noise Exposure Forecast Contours and Primary Zoning Regulation Area. The following policies, amongst others, apply to the proposed development:

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- “B.3.6.3.2 Development of noise *sensitive land uses*, in the vicinity of provincial highways, parkways, 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 standards.
- B.3.6.3.8 *Development* within the vicinity of John C. Munro International Airport shall be in accordance with Section C.4.8 – Airport.
- C.4.8.5 The City shall minimize the future conflicts between operation of the Airport and surrounding land uses to ensure:
- a) There shall be no negative impact on the long-term operations of the Airport;
 - b) The opportunities for expansion of airport operations shall not be limited; and,
 - c) There are no land uses in the vicinity which may cause a potential aviation hazard; and,
 - d) Development that is noise or land use sensitive to airport operations or will limit the opportunities for expansion of airport operations shall be restricted.
- C.4.8.7 All *development* and *redevelopment* shall comply with all provincial and municipal standards, criteria and guidelines regarding noise and vibration from air traffic sources, including section B.3.6.3 – Noise, Vibration and Other Emissions.
- C.4.8.8 Proposals for *development*, infill development and *redevelopment* of residential or other *sensitive land use* shall comply with the following requirements in Table C.4.8.1 – Requirement for Development in the Vicinity of John C. Munro International Airport, based on all applicable location criteria. Proposals may meet more than one locational criteria and thereby be subject to more than one set of requirements.”

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Table C.4.8.1: Requirements for Development in the Vicinity of John C. Munro International Airport

	Locational Criteria	Requirements
1	35 NEF and greater, and/or within the Airport Influence Area	<p>a) All new <i>development</i> of residential and other <i>sensitive land uses</i>, including infill <i>development</i> and <i>redevelopment</i>, shall be prohibited.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p>

The proposal conflicts with Policy B3.6.3.2 and C.4.8.4 since it is contrary to the PPS and Growth Plan. In addition, it is also contrary to Policies C.4.8.5 and C.4.8.8. The proposed residential use is located between the 35-40 NEF contours and the Airport Influence Area. As per policy C.4.8.8, all proposals for development, infill development and redevelopment of residential or other sensitive land uses shall comply with Table C.4.8.1 – Requirements for Development in the Vicinity of John C. Munro International Airport, based on all applicable location criteria.

The locational criteria applicable for the proposal is 35 NEF or greater and / or within the Airport Influence Area. Therefore, all new development of residential and other sensitive land uses, including infill development and redevelopment shall be prohibited. Furthermore, policy C.3.3.2 (d) states that development that is noise or land use sensitive to airport operations or will limit the opportunities for expansion of airport operations shall be restricted. The proposal is for a sensitive land use and therefore shall be restricted so that there is no adverse effect on the airport or surrounding land uses.

Residential Development — Severance Policies

The following lot creation policies, amongst others apply to the proposed development:

F.1.14.2.1 The following policies apply to all severances and lot additions, including minor lot line adjustments and boundary adjustments in the Agricultural, Rural, Speciality Crop, and Open Space designations, and designated Rural Settlement Areas, as shown on Schedule D – Rural Land Use Designations:

- a) Severances that create a new lot for the following purposes shall be prohibited:
 - i) Residential uses except in accordance with:

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- 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
- 2) Policies F.1.14.2.1 b) iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.

Based on Policy F.1.14.2.1 the creation of non-surplus dwelling farm lots is prohibited.

Land Use Designation

The subject lands are currently designated “Open Space” on Schedule “D” – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP). The following policies, amongst others, apply to the proposed development:

- “C.3.3.1 Lands designated as Open Space on Schedule D – Rural Land Use Designations are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses. These include, but are not limited to parks for both active and passive recreational activities including *resource-based* recreational and tourism uses, recreation/community centres, pedestrian pathways, trails, bikeways and walkways, seasonal campgrounds, marinas, woodlots, forestry and wildlife management areas, fishing reserves, *hazard lands* and cemeteries. Ancillary commercial uses may be permitted as defined by section B.3.5.1, Parkland Policies and section C.2, Natural Heritage System policies of this Plan.
- C.3.3.2 Open Space designations shall be further refined in Secondary Plans and Rural Settlement Area Plans or identified in an Appendix to this Plan in accordance with Section B.3.5.1 Parkland Policies of this Plan.

The following ancillary uses shall be permitted subject to the following:

- a) Ancillary commercial uses such as but not limited to food concessions, recreational equipment rentals and water oriented recreational uses that are complimentary to supporting and in conjunction with a *resource-based* recreational and tourism use, or recreational/community centre, may be permitted provided they do not interfere with or have any negative impacts on the open space nature of the land; and

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- b) One ancillary residential dwelling may be permitted in conjunction with a *resource-based* recreational and tourism use provided it does not interfere with or have any negative impacts on the open space nature of the land.

C.3.3.3 Where land is designated as Open Space and is under private ownership, it is not intended that this land shall necessarily remain so indefinitely, nor shall the Plan be construed as implying these areas are free and open to the general public or shall be purchased by the City.”

The intent of the Open Space designation is to permit Open Space uses. The Open Space designation does not permit residential uses except for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use provided that it does not interfere with or have any negative impacts on the open space nature of the land. As the proposal is not for an ancillary residential dwelling in conjunction with a *resource-based* recreational and tourism use, the proposal does not meet the intent of the Open Space policies of the Rural Hamilton Official Plan.

Notwithstanding the designation of the subject lands, residential development is contrary to the Noise and Airport Influence policies. These policies directly implement the provincial policy. Furthermore, the RHOP does not allow severances for residential dwelling lots unless they are related to a farming operation.

City of Hamilton Zoning By-law 05-200

The subject lands are zoned Open Space (P4) Zone – Special Exception 164 in Zoning By-law No. 05-200. The lands are also subject to Special Exception 3T, a pilot project for entertainment on outdoor commercial patios for areas of Downtown Hamilton and for certain lands zoned Open Space (P4) and Settlement Commercial (S2) Zone in the Rural Area. As of writing this Report, Special Exception 3T is under appeal and therefore, not final and binding. Special Exception 164 applies only to 8475 English Church Road and permits the following additional provisions:

- a) A clubhouse shall be set back a minimum of 200.0 m from English Church Road East and Upper James Street, and a minimum of 900.0 m from the adjacent livestock building and manure facility on the lands to the east described as 8149 English Church Road East;
- b) Minimum yards for all golf tees, fairways, greens and practice areas shall be 30.0 m from any lot line that abuts a public street or a lot used for residential or institutional purposes;

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- c) A landscaped area with a minimum width of 10.0 m shall be provided adjacent to any lot line that abuts a public street or a lot used for residential or institutional purposes.

The P4 Zone permits Botanical Gardens, Cemetery, Community garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, Seasonal Campground and Urban Farms, subject to a set of performance standards. Residential uses are not permitted, and a Zoning By-law Amendment is required to permit the residential use on the subject lands.

RELEVANT CONSULTATION

The following Departments and external Agencies provided comments with respect to the proposed applications:

Niagara Peninsula Conservation Authority (NPCA) advised that current regulations do not permit development (including but not limited to: structures, septic systems, ponds and fill) within floodplain areas. The lands to be severed, shown as Part 1 on the *Sketch for Land Severance prepared by A.T.McLaren limited (dated May 1, 2015)* is located outside of any features of interest. NPCA Staff conducted a site visit in November 2014 to assess Three Mile Creek where the lands shown as Part 2 is to be severed.

Based on NPCA staff assessment, it was determined that a 3.0 m setback from the bank of the watercourse to the rear lot line of Part 2 was required. The 3.0 m buffer should be naturally vegetated to protect the watercourse from future development proposals on Part 2. Further, the NPCA will require a topographic survey showing the floodplain elevation of 218.81 m GSC and a building envelope for Part 2 that is located outside the regulatory floodplain.

The NPCA has no objection to the applications subject to the circulated sketch being revised to meet the requirements outlined in this letter. NPCA Staff recommend that the revisions be made prior to the applications being approved in order to ensure that the appropriate lands are amended.

Should any development and/or site alterations (i.e. grading / fill) be proposed in an NPCA regulated area a work permit will be required from our office in accordance with the "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).

The circulated sketch does not contain the above noted information and should be revised accordingly in order to meet NPCA's "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).

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John C. Munro International Airport advised that as per the City of Hamilton By-law #05-196 no sensitive land uses are permitted to be developed within areas exposed to noise disturbance levels greater than the 28 NEF, except where the lands are currently designated Urban. The proposed residential severances falls under Noise Exposure Forecast (NEF) contour 40 and the Airport Influence Area therefore; any residential development permitted in the area will be significantly impacted by aircraft noise and will conflict with the Hamilton Airport Zoning Regulations and the City of Hamilton By-law.

Ministry of Transportation advised that the property is not within the ministry's permit control area, and therefore permits are not required. In addition, the ministry has no concerns with the Official Plan Amendment or Zoning By-law Amendment.

Transportation Planning (Public Works Department) has identified a future Right-of-Way width for Upper James Street at 45 m from Rymal Road to 150 m north of new Highway No. 6 and a future Right-of-Way width for English Church Road –Collector Roads of 36 m.

Chapter C - City Wide Systems and Designations 4.5 Road Network Functional Classification; Daylighting Triangles 4.5.7 has identified the need for a 15 m by 15 m daylighting triangle for Arterial to Collector or Arterial roads. The BLAST Line corridors need to be protected for future rapid transit.

Recycling and Waste Disposal (Environmental Services Division, Public Works Department) advised that residential developments are eligible for municipal waste collection service and that the following note be added to any future site plan:

“This property is eligible for weekly collection of Garbage, Recycling, Organics, and Leaf and Yard Waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067, as amended.”

PUBLIC CONSULTATION

In accordance with the *Planning Act* and Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 93 property owners within 120 m of the subject lands on November 24, 2017. A public notice sign was posted on the property December 4, 2017. The statutory notice of this Public Meeting was given by publishing of notice in the Hamilton Spectator and additional notice was given by mail that was circulated to 93 property owners within 120 m of the subject lands on April 12, 2018. At the time of writing this Report, no correspondence has been received; however, staff received one phone call from a resident to the north of the subject lands in opposition to the proposal. The caller indicated that the proposal for creating two new residential lots did not comply with the RHOP policies and that a precedent would be set for the area.

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Public Consultation Strategy

The applicant held an Open House for area neighbours on May 6, 2015. Notice of the Open House was distributed to 41 properties along English Church Road. Seven neighbours and the local Councillor attended the Open House. The applicant's Planning Justification Report indicated that there were no major concerns with the proposal.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal does not have merit and cannot be supported for the following reasons:
 - (i) The proposal is not consistent with the Provincial Policy Statement (2014);
 - (ii) The proposal does not comply with the policies and intent of the Rural Hamilton Official Plan (RHOP) in regards to airport development and lot creation policies;
 - (iii) The proposal does not meet the general intent of Hamilton Zoning By-law No. 05-200; and,
 - (iv) The proposed development does not represent good planning as it is recommending the development of a sensitive land use (residential) within the 35-40 NEF noise contours and the creation of two new lots for residential purposes in the Hamilton rural area.

2. The applicant proposes to consolidate two vacant properties zoned Rural (A2) Zone located at 3005 (2.01 ha) and 3065 Upper James Street (2.5 ha) with an abutting 30.1 ha property, zoned Rural (A2) Zone at 2907 Upper James Street. There are no policies in either the PPS or Growth Plan to permit the development scheme proposed. The proposed lot severances on English Church Road East do not comply with the airport development and lot creation policies of the Rural Hamilton Official Plan.

3. The applicant has requested a change in zoning from the Open Space (P4) Zone to the Rural (A2) Zone. Since staff do not support the Official Plan Amendment application and the proposal, staff do not support the associated Zoning By-law Amendment, which would implement the proposed zoning change. Staff are not supportive of a change in zoning because the applicant is recommending the development of a sensitive land use (residential) within the 35-40 NEF noise contours and the creation of two new lots for residential purposes in the Hamilton rural area.

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: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) - Page 18 of 19

4. City staff advise that should development occur, and based on the topography and site conditions, no development or site alteration should occur within a minimum Vegetation Protection Zone (VPZ) of 15 m, measured from the stable top of bank of the stream. The rear lot line should be revised to pull it outside of the recommended Vegetation Protection Zone. This would create a longer, narrower lot, but there will be sufficient space for a home, septic, driveway and accessory structure.
5. Should development proceed, the applicant shall ensure all future work aligns with the peer review comments and the City's Hydrogeological Guidelines and Technical Standards for Private Services. As per the City's Hydrogeological Guidelines, the applicant shall complete hydrogeologic cross sections to demonstrate isolation between surface activities and bedrock aquifer wells within 500 m. The applicant is also encouraged to review MOECC Guideline D-5-4 to ensure that future work conforms with conditions stated in this Guideline.

ALTERNATIVES FOR CONSIDERATION

1. If the proposed Official Plan Amendment and Zoning By-law Amendments are approved, staff should be directed to prepare a draft Official Plan and draft Zoning By-law Amendments that implement the proposed Concept Plan attached as Appendix "B" to Report PED18077.
2. Alternatively, if the Official Plan Amendment and Zoning By-law Amendments are denied, the subject lands could be developed in accordance with the Open Space (P4) Zone, which permits such uses as a botanical garden, cemetery, community garden, conservation, golf course (excluding mini-golf), nature centres, recreation, seasonal campground and urban farm.

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.

Our People and Performance

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

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

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SUBJECT: Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 8475 English Church Road, Glanbrook (Ward 11) (PED18077) - Page 19 of 19

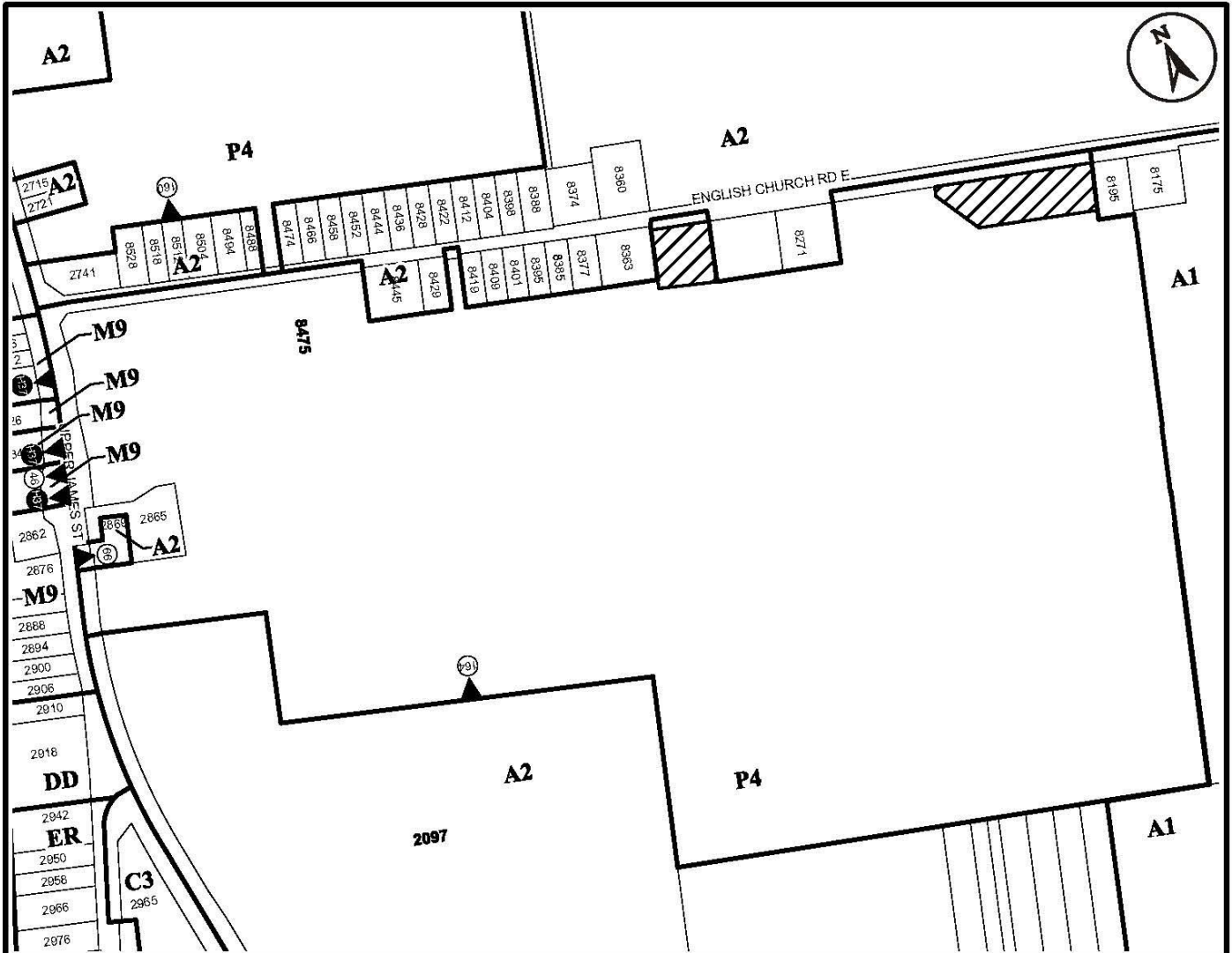
APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Concept Plan
- Appendix "C": Lot Consolidation Plan
- Appendix "D": September 17, 2015 Committee of Adjustment Meeting Minutes
- Appendix "E": September 17, 2015 Committee of Adjustment Staff Comments

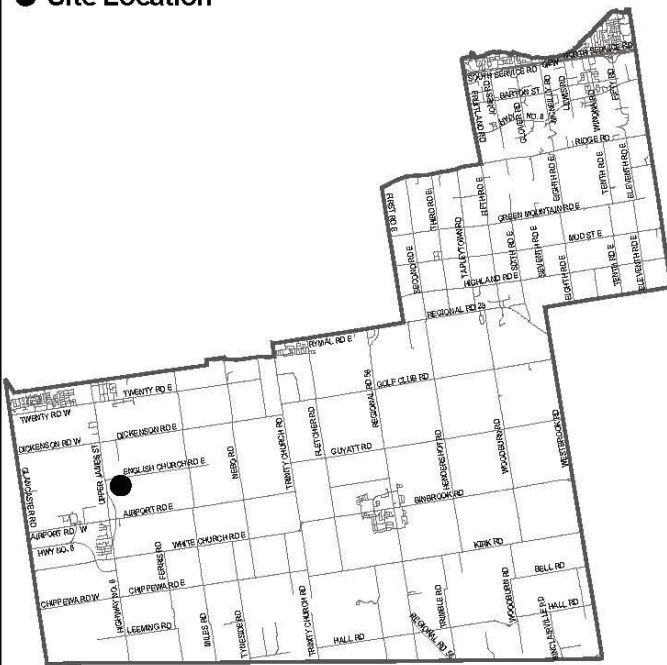
OUR Vision: To be the best place to raise a child and age successfully.

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

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● Site Location



Key Map - Ward 11

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
 ZAC-17-082/RHOPA-17-39

Date:
 March 12, 2018

Appendix "A"

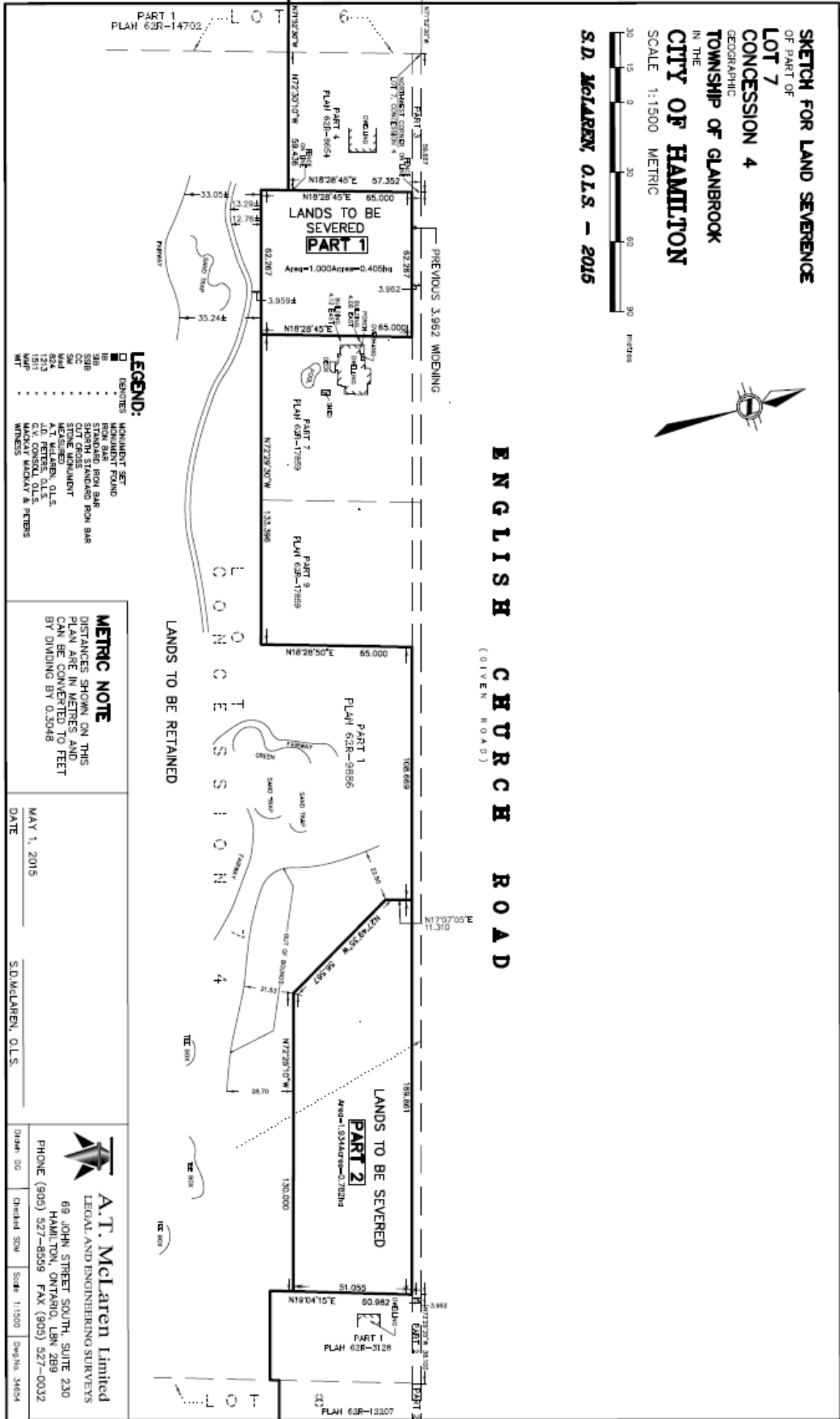
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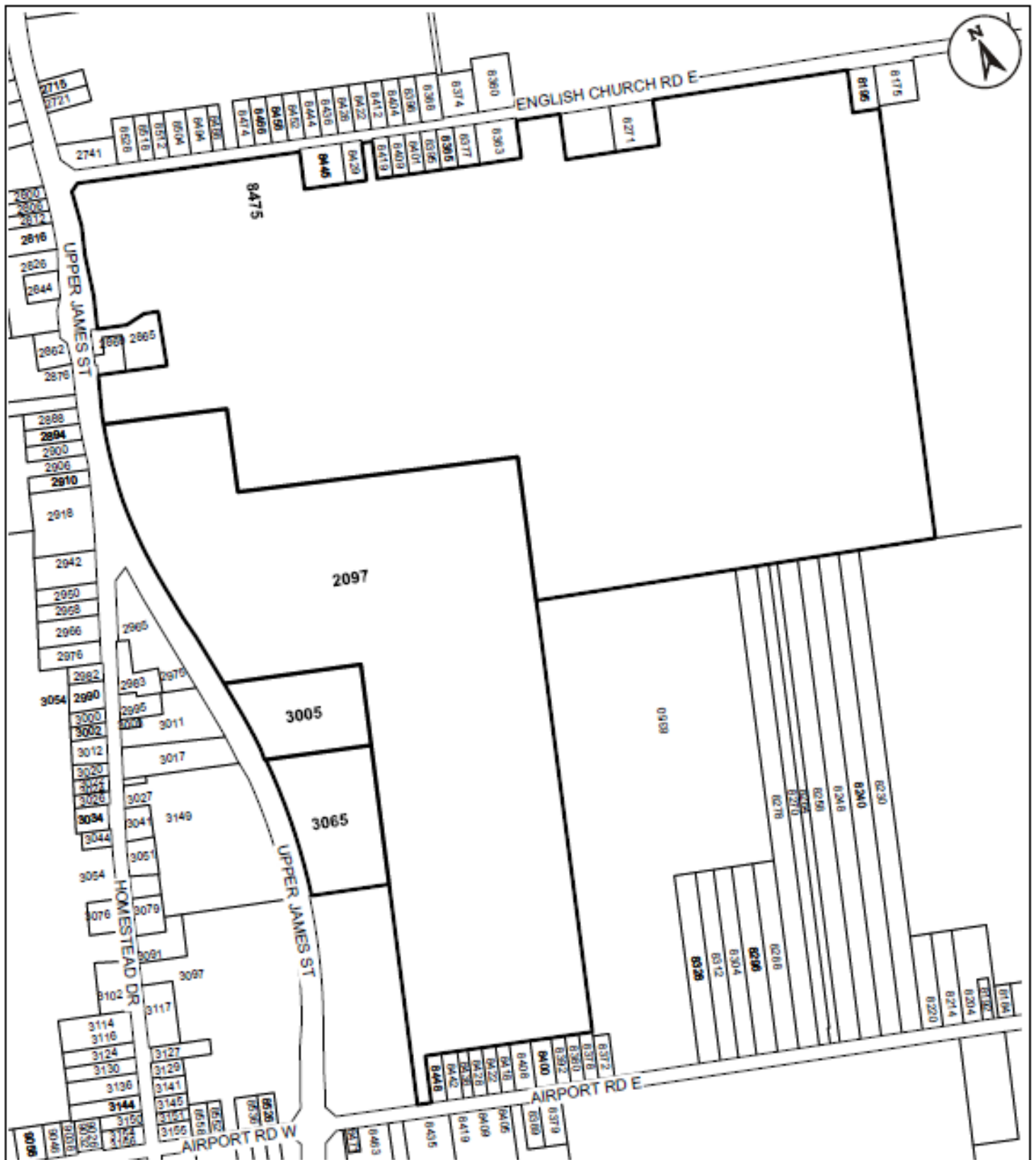
Planner/Technician:
 EM/NB

Subject Property




8475 English Church Road East





Legend

 2097, 3005 & 3065 Upper James Street

Appendix "C"

Date:
March 7, 2018



Hamilton

September 17th, 2015

GL/B-15:65
GL/B-15:66

Willow Valley Holdings
8475 English Church Rd. E., Glanbrook

Appearances were:

Steve Schiedel, owner. Interested parties were: nil

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

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

S. Schiedel

- read from a prepared statement and submitted it for the record

L. Gaddy
(Committee member)

- staff's comments do not explain the background information only talking about a severance

W. Pearce
(Committee member)

- does not know about the creative tradeoffs, but has staff reviewed this prior to this application

M. Fiorino
(Staff)

- property was subject to a pre-consultation review in 2014 which outlined all concerns and policies

S. Schiedel

- lesser of the two evils thought it would be more beneficial to live off of English Church Road rather than Upper James
- thought that this Committee could deal with these types of decisions
- what would the ramifications be to Committee to deal with the application; thought that realistically it would be more appropriate if the lots were off of English Church Road rather than Upper James

W. Pearce
(Committee member)

- Committee can deal with the applications but proper process needs to be followed; Official Plan and rezoning needs to be done first
- Committee is bound by policies
- minor variance can be reviewed but severance difficult to inesse if it does not comply with any policies

GL/B-15:65 & GL/B-15:66

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P. Mallard

(Committee member)

- creative approach, but reality is no grey area with the PPS or City's Official Plan
- policies do not allow for lot creation at all
- can go seek approvals from Council

L. Gaddy

(Committee member)

- maintaining the character of the neighbourhood
- plenty of space to accommodate septic systems
- infill situation and cleaning up the area
- everything is being done to eliminate access from Upper James
- looked at other properties on English Church Road and they are smaller than what is being proposed
- did speak with the Councillor of the Ward and she was not opposed but could not support the application

Following discussion it was moved by Mr. Pearce and seconded by Mr. Mallard that the application be **TABLED** Sine Die.

CARRIED.

September 17th, 2015

GL/B-15:65 & GL/B-15:66 (8475 English Church Road East, Glanbrook)**PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT****Development Planning – Rural:****GL/B-15:65**

The purpose of this application is to permit the conveyance of an irregular-shaped vacant parcel of land (having a frontage of approximately 169 metres and an area of approximately 0.78 hectares) for residential purposes, and to retain an irregular-shaped parcel of land (having a frontage 273 metres and an area of approximately 59 hectares) containing an existing golf course, club house, and service buildings.

This application is scheduled to be heard in conjunction with Consent application GL/B-15:66.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff note that there are no policies which speak to lot creation within Open Space designations; however, the following policy relating to lot creation applies:

- 1.1.4.2 In *rural* areas, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

Given that this proposal is to create a new parcel for residential purposes in the rural area, and given that the creation of the proposed lot is not directed to a rural settlement area, the subject proposal is not consistent with the policies of the PPS.

Additionally, Staff note Policy 1.2.6.1 and 1.6.9.2 of the Provincial Policy Statement (PPS), as the proposed lot (Part 2 on the attached survey) is intended to be developed for residential purposes and is located within the Noise Exposure Forecast (NEF) of the John C. Munro Hamilton International Airport. Specifically, Part 2 on the attached survey is within the 35-39 NEF. Staff note that Policy 1.6.9.1 a) states that "airports shall be protected from incompatible land uses and development by prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP." Accordingly, staff advise that the proposed severance is not consistent with the PPS.

Greenbelt Plan

The subject property is located outside of the Protected Countryside of the Greenbelt Plan. As such, there are no lot creation policies that pertain to this area.

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Rural Hamilton Official Plan

The subject property is located within the "Open Space" designation on Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP).

Chapter C, Policy 3.3 outlines that Planning policies ensure sufficient and viable open spaces are retained, enhanced, expanded, and appropriately acquired. Lands designated as "Open Space" are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management, and other open space uses.

Staff note that residential dwellings are not permitted within this designation, except where one ancillary residential dwelling may be permitted in conjunction with a resource-based recreational and tourism use, provided that it does not interfere with or have any negative impacts on the open space nature of the land (as per Policy C.3.3.2 b)). Staff also note that any proposed dwellings would not be ancillary to the existing open space uses.

The following policies apply with respect to lot creation in the "Open Space" designation:

F.1.14.2.1 a) Severances that create a new lot for the following purposes shall be prohibited:

i) Residential uses except in accordance with:

1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,

2) Policies F.1.14.2.1.b iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.

As this proposal is to create a parcel for a new residential dwelling, it does not meet the intent of the Rural Hamilton Official Plan.

Staff also note that given that the "Open Space" designation does not permit the construction of a residential dwelling, a successful Official Plan Amendment would be required in order to proceed.

The Rural Hamilton Official Plan's archaeology Policy B.3.4.4.3 states that "in areas of *archaeological potential* identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment:

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a) May be required and submitted prior to or at the time of application submission for the following planning matters under the *Planning Act* when they involve *soil disturbance* or *site alteration*:

i) site plan applications; and,

ii) plans of condominium.

b) May be required for the following planning matters under the *Planning Act* when they involve soil disturbance or site alteration:

i) minor variances; and,

ii) consents / severances.

c) Shall only be required for the lands on which soil will be disturbed or *site alteration* will be conducted as a direct result of the proposal.

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,

2) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, the City does not require an archaeological assessment, but the proponent must be advised in writing by the Committee of Adjustment of Caution #1.

Township of Glanbrook Zoning By-law No. 464

The New Rural Zoning By-law was passed by Council on July 10, 2015, but is not yet final and binding. Until such time that it is final and binding, both the Township of Glanbrook Zoning By-law 464 and the rural zones of the City of Hamilton Zoning By-law 05-200 are in force and effect, with the most restrictive provisions of the two By-laws applying to the property.

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The subject property is split-zoned Private Open Space "OS1-131" Zone, Modified and Open Space Conservation "OS3-132" Zone, Modified in the Township of Glanbrook. These zones restrict uses to the following:

OS1-131 Zone: a golf course, practice range, clubhouse including one (1) accessory dwelling unit for a manager/greenskeeper, parking area, and accessory uses, buildings and structures.

OS3-132 Zone: a golf course and accessory uses. No buildings or structures shall be permitted on the lands zoned OS3-132.

The portion of the property labelled as Part 2 on the attached survey appears to be located within the OS3-132 Zone. As such, a successful Zoning By-law Amendment would be required to permit structures on the property, residential uses, and any site-specific performance standards.

City of Hamilton Zoning By-law 05-200

The subject property is zoned Open Space "P4-164" Zone, Modified in the new Rural Zoning By-law, as part of City of Hamilton Zoning By-law 05-200.

The zone permits the following uses: Botanical Gardens, Cemetery, Community Garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, and Urban Farms, subject to a set of performance standards. Staff note that residential uses are not permitted.

Special Exception 164 has the effect of regulating the location of golf course-related structures on the property.

Staff note that a successful Zoning By-law Amendment would be required to implement residential uses and any site-specific performance standards.

Recommendation

It is the opinion of Staff that the proposed severance is not consistent with the Provincial Policy Statement, does not comply with the Rural Hamilton Official Plan, and does not conform to the Township of Glanbrook Zoning By-law 464 and City of Hamilton Zoning By-law 05-200. As such, Staff recommend that this application be denied.

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CAUTION:

1. Notwithstanding current surface conditions, the property has been determined to be an area of archaeological potential. Although an archaeological assessment is not required by the City of Hamilton, the proponent is cautioned that during development activities, should deeply buried archaeological materials be found on the property 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).

CONDITIONS (If Approved):

1. That the proponent successfully obtain an Official Plan Amendment to permit the proposed use.
2. That the proponent successfully obtain a Zoning By-law Amendment to permit the proposed use and performance standards.

GL/B-15:66

The purpose of this application is to permit the conveyance of an irregular-shaped vacant parcel of land (measuring approximately 62 metres by 65 metres, and having an area of 0.4 hectares) for residential purposes, and to retain an irregular-shaped parcel of land (having a frontage 380 metres and an area of approximately 59 hectares) containing an existing golf course, club house, and service buildings.

This application is scheduled to be heard in conjunction with Consent application GL/B-15:65.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff note that there are no policies which speak to lot creation within Open Space designations; however, the following policy relating to lot creation applies:

- 1.1.4.2 In *rural* areas, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

Given that this proposal is to create a new parcel for residential purposes in the rural

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area, and given that the creation of the proposed lot is not directed to a rural settlement area, the subject proposal is not consistent with the policies of the PPS.

Additionally, Staff note Policy 1.2.6.1 and 1.6.9.2 of the Provincial Policy Statement (PPS), as the proposed lot (Part 1 on the attached survey) is intended to be developed for residential purposes and is located within the Noise Exposure Forecast (NEF) of the John C. Munro Hamilton International Airport. Specifically, Part 1 on the attached survey is within the 40+ NEF. Staff note that Policy 1.6.9.1 a) states that "airports shall be protected from incompatible land uses and development by prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP." Accordingly, staff advise that the proposed severance is not consistent with the PPS.

Greenbelt Plan

The subject property is located outside of the Protected Countryside of the Greenbelt Plan. As such, there are no lot creation policies that pertain to this area.

Rural Hamilton Official Plan

The subject property is located within the "Open Space" designation on Schedule D – Rural Land Use Designations of the Rural Hamilton Official Plan (RHOP).

Chapter C, Policy 3.3 outlines that Planning policies ensure sufficient and viable open spaces are retained, enhanced, expanded, and appropriately acquired. Lands designated as "Open Space" are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management, and other open space uses.

Staff note that residential dwellings are not permitted within this designation, except where one ancillary residential dwelling may be permitted in conjunction with a resource-based recreational and tourism use, provided that it does not interfere with or have any negative impacts on the open space nature of the land (as per Policy C.3.3.2 b)). Staff also note that any proposed dwellings would not be ancillary to the existing open space uses.

The following policies apply with respect to lot creation in the "Open Space" designation:

F.1.14.2.1 a) Severances that create a new lot for the following purposes shall be prohibited:

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- i) Residential uses except in accordance with:
 - 1) Policies F.1.14.2.1 b) iii) and F.1.14.2.8, where a dwelling may be severed as a result of a farm consolidation; and,
 - 2) Policies F.1.14.2.1.b iv) and F.1.14.2.4, where a dwelling within a designated Rural Settlement Area may be severed.

As this proposal is to create a parcel for a new residential dwelling, it does not meet the intent of the Rural Hamilton Official Plan.

Staff also note that given that the "Open Space" designation does not permit the construction of a residential dwelling, a successful Official Plan Amendment would be required in order to proceed.

The Rural Hamilton Official Plan's archaeology Policy B.3.4.4.3 states that "in *areas of archaeological potential* identified on Appendix F-2 – Rural Archaeological Potential, an archaeological assessment:

a) May be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act when they involve *soil disturbance* or *site alteration*:

- i) site plan applications; and,
- ii) plans of condominium.

b) May be required for the following planning matters under the *Planning Act* when they involve *soil disturbance* or *site alteration*:

- i) minor variances; and,
- ii) consents / severances.

c) Shall only be required for the lands on which soil will be disturbed or *site alteration* will be conducted as a direct result of the proposal.

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

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- 1) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody; and,
- 2) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, Staff require that the Committee of Adjustment attach Condition #1 to the application.

Township of Glanbrook Zoning By-law No.464

The New Rural Zoning By-law was passed by Council on July 10, 2015, but is not yet final and binding. Until such time that it is final and binding, both the Township of Glanbrook Zoning By-law 464 and the rural zones of the City of Hamilton Zoning By-law 05-200 are in force and effect, with the most restrictive provisions of the two By-laws applying to the property.

The subject property is split-zoned Private Open Space "OS1-131" Zone, Modified and Open Space Conservation "OS3-132" Zone, Modified in the Township of Glanbrook. These zones restrict uses to the following:

OS1-131 Zone: a golf course, practice range, clubhouse including one (1) accessory dwelling unit for a manager/greenskeeper, parking area, and accessory uses, buildings and structures.

OS3-132 Zone: a golf course and accessory uses. No buildings or structures shall be permitted on the lands zoned OS3-132.

The portion of the property labelled as Part 1 on the attached survey appears to be located within the OS1-131 Zone. As such, a successful Zoning By-law Amendment would be required to permit residential uses and any site-specific performance standards.

City of Hamilton Zoning By-law 05-200

The subject property is zoned Open Space "P4-164" Zone, Modified in the new Rural Zoning By-law, as part of City of Hamilton Zoning By-law 05-200.

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The zone permits the following uses: Botanical Gardens, Cemetery, Community Garden, Conservation, Golf Course (excluding mini-golf), Nature Centres, Marina, Recreation, and Urban Farms, subject to a set of performance standards. Staff note that residential uses are not permitted.

Special Exception 164 has the effect of regulating the location of golf course-related structures on the property.

Staff note that a successful Zoning By-law Amendment would be required to implement residential uses and any site-specific performance standards.

Recommendation

It is the opinion of Staff that the proposed severance is not consistent with the Provincial Policy Statement, does not comply with the Rural Hamilton Official Plan, and does not conform to the Township of Glanbrook Zoning By-law 464 and City of Hamilton Zoning By-law 05-200. As such, Staff recommend that this application be denied.

CONDITIONS (If Approved):

1. That the proponent successfully obtain an Official Plan Amendment to permit the proposed use.
2. That the proponent successfully obtain a Zoning By-law Amendment to permit the proposed use and performance standards.
3. That the proponent shall carry out an archaeological assessment of the portion of the property to be conveyed (shown as **Part 1** on the submitted plans) and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

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

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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).

Growth Management:

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be Retained will remain as 8475 English Church Road East, and the lands to be conveyed (Part 1) will be assigned the municipal address of 8345 English Church Road East; and the lands to be conveyed (Part 2) will be assigned the municipal address of 8211 English Church Road East .

Building Division:

1. The subject lands are presently zoned "OS3-131" and "OS3-132" according to Glanbrook Zoning By-law 464. Be advised that By-law 15-173 was passed on July 10, 2015 which changed the zoning of this property from the "OS3-131" and "OS3-132" zones to the "P4, Special Exception 164" zone under Hamilton Zoning By-law 05-200. However, By-law 15-173 has been appealed to the Ontario Municipal Board and is therefore not yet final. At present, all proposed development is reviewed under both the existing and the proposed Zoning By-laws with the more restrictive zoning regulations of both Zoning By-laws being applied. If By-law 15-173 is approved at the Ontario Municipal Board, the zoning under this By-law will be applicable.
2. Both the "OS3-131 and OS3-132" and the "P4, Special Exception 164" do not permit the proposed use of single detached dwellings. As such, as a condition of approval, final approval of a zoning amendment shall be required.
3. The applicant should obtain an appropriate municipal address for the proposed parcels from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
4. In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

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5. In order to clear conditions, the applicant will be required to make application for a Zoning Compliance review and pay the relevant fees.
6. The applicant, as a condition of approval, shall be required to provide evidence from a qualified professional that the existing septic system will be in compliance with the Ontario Building Code with respect to its location to the new property lines. The septic system shall be located entirely within the lands to be retained or the lot lines shall be reconfigured to accommodate the existing septic system. A septic system is not permitted to be located on adjacent lands.
7. Details regarding the proposed single detached dwellings have not been provided. As such zoning compliance cannot be determined for the proposed future residential buildings.

CONDITIONS:

1. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).
2. The applicant shall apply for and receive final approval of a Zoning By-law Amendment as determined necessary by the Planning and Economic Development Department (Building Division - Zoning Section).
3. The owner shall submit survey evidence that the lands to be retained, including any existing structures, conform to the requirements of the Zoning By-law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
4. The owner shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Building Engineering Section).

Source Water Protection:

For the proposed applications to permit the conveyance of 2 parcels of land with 0.78ha (Part2) and 0.4ha (Part 1) for residential purposes and to retain a parcel of land with an area of 59ha containing an existing golf course, club house and service buildings,

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Source Protection Planning (SPP) offers the following comments:

- The proposed severances will rely on private water and sewage services; the preliminary soil characterization indicates the presence of clayey soils in this area;
- SPP will require a Site Plan with location of the new septic systems and wells for both severed lots and existing well and septic system for retained lot including distances from neighbouring wells and septic systems to demonstrate compliance with clearance requirements of Part 8 of the Ontario Building Code; the septic systems shall be located downgradient of the proposed wells on site and the wells on the adjoining properties;
- SPP will require a Design Brief and a complete Hydrogeological Study, prepared by a qualified professional. The Design Brief shall identify the expected water source, expected water usage/flows and any treatment required in consideration of raw water quality and intended water use for the severed lots. The Design brief should also describe the expected wastewater flows, identify any unusual effluent contaminants outside of typical sanitary flows and the intended location, nature and general design of the proposed wastewater treatment system and tile bed.
- A complete Hydrogeological Study shall identify from a water source perspective:
 - o the preferred water source for the severed lots including location of the new wells and reference the design brief with respect to their ability to provide the capacities and quality of water required to service the proposed development;
 - o the proponent shall provide a copy of the well record(s) for the new wells servicing the lots to be severed;
 - o in order to assess the raw groundwater quality of the proposed new wells, the proponent shall provide water quality data from the new wells to be installed on the lots to be severed; the Groundwater Quality Parameters to be tested shall follow the parameters stated in the Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines (MOECC 2003) including Tables 1, 2 and 4, the Radiological Parameters to be tested shall be only Gross Alpha and Gross Beta;
 - o if the sampling results demonstrate that there are exceedances the report shall include recommendations for water treatment, SPP and Public Health will review the recommendations;
 - o pump testing is advised to demonstrate that adequate supply is available without unreasonably interfering with the well supplies of existing users in the area; in this case, a selection of area wells should be monitored during the pump testing, the investigation should follow MOE Guideline D-5-5 Technical Guideline for Private wells: Water Supply Assessment.

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- A complete Hydrogeological Study shall identify from sewage treatment perspective:
 - o clarify the suitability of soils on-site for septic and tile (Class 4 system) treatment and disposal, in reference to the flows and expected quality as identified by the Design Brief;
 - o the study should include a nitrate boundary calculation (MOE Guideline D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment) to ensure that the effluent flowing off-site meets Reasonable Use Guidelines (MOE Guideline B-7) and that the lot sizes are adequate to ensure natural infiltration is sufficient to attenuate contaminant concentrations at the lot boundaries.

A copy of the *Guidelines for Hydrogeological Studies and Technical Standards for Private Services (Final, Nov 2013)* can be made available to the proponent to ensure that the Hydrogeological Study contains appropriate investigation and calculations.

Development Engineering – East:

The subject properties are located on the south side of English Church Road lying east of Upper James Street.

The applicants are requesting consents for the purpose of conveying the two vacant parcels of land (Parts 1 and 2) for future single detached residential development both fronting on English Church Road. A 59.64 ha. +/- parcel of land is to be retained for continued golf course use (Willow Landing).

There are no municipal services along this section of English Church Road. The proposed new lots are to be serviced by privately owned and operated wells and individual septic systems.

Schedule "C" – Rural Functional Road Classification of the City of Hamilton Rural Official Plan designates English Church Road as a collector road and is to have an ultimate road allowance width of 36.58m (120 feet). A previous road widening was taken in 2008 along the frontage of the lands [Part 5 and 10, 62R-17859] in order to widen the roadway to 20.1m [66 feet]. English Church Road was previously identified in Schedule "E" of the former Township of Glanbrook Official Plan and classified only as a local road. A further road widening dedication will be required as a condition of consent

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approval. The proposed remnant lands also fronts on to the east limit of Upper James Street. This roadway is to have an ultimate roadway width of 45.0m (150 feet). A road widening dedication will also be required from the original centreline of this roadway as a condition of consent approval.

The Owner/applicant will be required to enter into a Consent Agreement with the City in order to ensure that the future residential development on the new lots proceeds in a proper and orderly manner. This Agreement is required to ensure that drainage from this parcel will be contained and directed to the appropriate outlet without affecting adjacent properties. Please note that the Owner will be responsible for the relocation of any street furniture (i.e. fire hydrant, utility poles etc.) that may be required as a result of this development.

Should this application be approved we recommend that it be subject to the following conditions:

1. That the Owner enters into with the City of Hamilton and registers a Consent Agreement to deal with and address issues including, but not limited to: grading and drainage; cash payment requirements for items such as trees, inspection of grading and services to be installed; and securities for items such as: lot grading, driveway approaches, and any damages to the existing City infrastructure or public property during construction.
2. That sufficient land is dedicated to the City along English Church Road along the entire frontage of the new lots to be created and the remnant lands in order to establish the property line 18.28 metres (60 feet) from the centreline of the original English Church Road allowance and 22.86m (75 feet) from the original centreline of Upper James Street.

Hamilton Municipal Parking System (Parking Services):

No Comment

PUBLIC WORKS DEPARTMENT

Traffic, Engineering and Operations Division:

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The Applicant, or future builder, will be responsible for confirming that appropriate sightlines will be provided at any proposed driveway in a future development proposal.

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Any new or change in access requires an Access Permit from the Municipal Parking Office. Details on the permit process can be obtained from Dave Lavalley at ext. 4578.

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 5, 2018
SUBJECT/REPORT NO:	Applications for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	Brynn Nheiley (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Rural Hamilton Official Plan Amendment Application RHOPA-17-037 by The Green Organic Dutchman Holdings Limited (Owner)**, to establish a Site Specific Policy to permit a medical marihuana growing and harvesting facility within a new greenhouse with a maximum area of 13,000 sq m, and medical marihuana growing and harvesting facilities within new buildings with a maximum area of 2,000 sq m per building for portions of the lands located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster, as shown on Appendix "A" to Report PED18118, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18118, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Greenbelt Plan (2017).
- (b) That **Amended Zoning By-law Amendment Application ZAC-17-080 by The Green Organic Dutchman Holdings Limited (Owner)**, for a modification to the Agriculture (A1) Zone to permit a medical marihuana growing and harvesting facility within one new greenhouse with a maximum area of 13,000 sq m and medical marihuana growing and harvesting facilities within new buildings with a maximum area of 2,000 sq m per building, to a maximum lot coverage of 20%

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including all buildings and structures on the combined lots, for portions of the lands located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster, as shown on Appendix “A” to Report PED18118, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18118, 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 Greenbelt Plan (2017), and will comply with the Rural Hamilton Official Plan upon approval of Official Plan Amendment No. ___.

EXECUTIVE SUMMARY

The applicant has applied for an Amendment to the Rural Hamilton Official Plan (RHOP) and City of Hamilton Zoning By-law No. 05-200 for lands located at 1915, 1995 and 1997 Jerseyville Road West, Ancaster, to permit the development of a commercial greenhouse and the use of multiple agriculture buildings for growing and harvesting medical marihuana.

The purpose of the RHOP Amendment Application, as amended, is to permit the growing and harvesting of medical marihuana in the Agriculture Designation within a greenhouse having a maximum gross floor area of 13,000 sq m, and to permit new buildings for medical marihuana having a maximum gross floor area of 2,000 sq m per building, on a portion of the subject lands, as shown on Appendix “A” to Report PED18118.

The purpose of the Zoning By-law Amendment, as amended, is to rezone a portion of the subject lands to a modified Agriculture (A1) Zone. The specific provisions will permit a maximum of one greenhouse having a maximum gross floor area of 13,000 sq m, and to allow additional new buildings for the growing and harvesting of medical marihuana having a maximum gross floor area of 2,000 sq m per building, to a maximum lot coverage of 20% for all buildings and structures on portions of the combined subject lands, as shown on Appendix “A” to Report PED18118.

The applications, as amended, have merit and can be supported as they are consistent with the Provincial Policy Statement (2014) and conform to the Greenbelt Plan (2017). The proposal is considered to be compatible with existing and planned agricultural uses/development in the area and represents good planning by preserving the

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Protected Countryside for agricultural use while providing for diversified agricultural economic opportunities.

Alternatives for Consideration – Page 24

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 applications for an Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

The subject lands are located on the north side of Jerseyville Road West, at the intersection of Jerseyville Road West and Alberton Road. Combined, the subject lands are rectangular in shape, bisected by a hydro corridor, and are approximately 26.92 ha in size. The properties are municipally known as 1915, 1995, and 1997 Jerseyville Road West.

1915 and 1997 Jerseyville Road West, the northern property of the subject lands, have become merged on title, and are currently in agricultural use by the owner, who is a federally licensed medical marihuana producer. Additionally, these lands contain the following:

- Single detached dwelling;
- Medical marihuana growing and harvesting facility established in 2015, having a gross floor area of 575 sq m;
- Agricultural accessory structure, having a gross floor area of 191 sq m;
- Access from paved private road to the east and from Jerseyville Road West via crossing of the hydro corridor and 1995 Jerseyville Road West; and,
- Agricultural field crops.

1995 Jerseyville Road West – southern property, triangular in shape, contains the following:

- Single detached dwelling to remain;
- Access from Jerseyville Road West; and,

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- Agricultural field crops.

These properties are surrounded to the east by the Mystic Golf Club, and to the north, south and west by agricultural uses.

Proposal

The purpose of the RHOP Amendment Application, as submitted, was to permit:

- the growing and harvesting of medical marihuana in the Agriculture Designation within a greenhouse having a maximum lot coverage of 70%;
- new buildings for medical marihuana having a maximum gross floor area of 2,000 sq m per building; and,
- processing of cannabis oil in conjunction with growing and harvesting medical marihuana.

The purpose of the Zoning By-law Amendment Application, as submitted, was to rezone the subject lands to a modified Agriculture (A1) Zone to permit:

- the growing and harvesting of medical marihuana in the Agriculture Designation within a greenhouse having a maximum lot coverage of 70%;
- new buildings for medical marihuana having a maximum gross floor area of 2,000 sq m per building; and,
- processing of cannabis oil in conjunction with growing and harvesting medical marihuana.

The applications indicate that all new structures are targeting achievement of Leadership of Energy and Environmental Design – Silver rating. The Applicant proposes that this development will lead to the employment of 70 individuals. The facilities are proposed to be accessed via the public road access of 1995 Jerseyville Road West, with an easement to cross the hydro corridor that bisects the properties, and to contain 67 parking spaces.

In the original applications, the Applicant submitted a request that the definitions within the Urban and Rural Official Plans and the City of Hamilton Zoning By-law 05-200, related to Marihuana, be amended such that the growing, harvesting and processing of marihuana be “as permitted by the Government of Canada”, within a greenhouse in accordance with Section 12.1.3.1 (e) ii) of the Zoning By-law. This section allows for a greenhouse with a maximum lot coverage of 70%, whereas these Applications are for a greenhouse having a lot coverage of approximately 3.6% of the subject lands, to be located to the south of areas which are regulated by the Grand River Conservation Authority. The Applicant has indicated that they do not agree with the proposed Official

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Plan Amendment and Zoning By-law Amendment as recommended by Planning staff. Specifically, the applicant does not concur with retention of the reference to specific federal regulation, currently identified in the Urban and Rural Official Plans and the City of Hamilton Zoning By-law 05-200 as Marihuana for Medical Purposes regulations (MMPR) SOR/2013-119 in the proposed Official Plan Amendment.

Staff have amended the applications by limiting the amendment to a portion of the subject lands and reducing the maximum lot coverage. The applicant has indicated that they do not support the regulations recommended by staff with respect to limiting the maximum gross floor area of a greenhouse for growing and harvesting medical marihuana to 13,000 sq m.

The original application also requested to have processing into cannabis oil added as a permitted use. Staff did not carry through this item of the application because the use is currently permitted by both the Official Plan and Zoning By-law and therefore, additional permissions are not required.

The Applicant has also submitted a Site Plan Amendment Application (DA-17-082) to construct a 1,955 sq m building, and a 12,400 sq m greenhouse. Agricultural processing into cannabis oil as a secondary use is proposed to have a gross floor area of 32.79 sq m.

Chronology

- November 4, 2017: Rural Hamilton Official Plan Amendment RHOPA-17-037 and Zoning By-law Amendment ZAC-17-080 Applications received.
- November 20, 2017: Rural Hamilton Official Plan Amendment RHOPA-17-037 and Zoning By-law Amendment ZAC-17-080 Applications deemed complete.
- November 28, 2017: Notice of Complete Application and Preliminary Circulation sent to 24 property owners within 120 m of the subject lands.
- December 19, 2017: Public Notice sign installed on subject lands.
- May 9, 2018: Public Notice Sign updated with Public Meeting date.
- May 18, 2018: Notice of Public Meeting sent to 24 property owners within 120 m of the subject lands.

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Details of Submitted Applications

Agent: IBI Group (c/o John Ariens)

Owner / Applicant: The Green Organic Dutchman Holdings Limited

Location: 1915, 1995, and 1997 Jerseyville Road West

Property Size:

Frontage: +/- 842.73 m, combined

Depth: +/- 988.61 m

Area: +/- 269,200 sq m (26.92 ha)

Services: Private Services

EXISTING LAND USE AND ZONING

<u>Subject Lands:</u>	<u>Existing Land use</u>	<u>Existing Zoning</u>
1915 and 1997 Jerseyville Road West	Agriculture	Agriculture (A1) Zone; Conservation / Hazard Land – Rural (P7) Zone; Agriculture (A1, 116) Zone;
1995 Jerseyville Road West	Agriculture	Agriculture (A1) Zone.
<u>Surrounding Lands:</u>		
North	Agriculture	Agriculture (A1) Zone; Conservation / Hazard Land – Rural (P7) Zone; Conservation / Hazard Land – Rural (P8) Zone.
East	Commercial Golf Course	Open Space (P4) Zone; Open Space (P4, 253) Zone; Open Space (P4, 285) Zone; Conservation / Hazard Land –

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		Rural (P7) Zone; Conservation / Hazard Land – Rural (P8) Zone.
South	Agriculture	Agriculture (A1) Zone.
West	Agriculture	Agriculture (A1) Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development.

The following policies, among others, are applicable to the proposal.

- “1.1.4.1 Healthy, integrated and viable rural areas should be supported by:
- f. promoting diversification of the economic base and employment opportunities through goods and services, including value added products and the sustainable management of resources; and,
 - i. providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.
- 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
- 1.1.5.8 *Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices* should be promoted and protected in accordance with provincial standards.
- 2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.
- Prime agricultural areas* are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands,

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and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses, agriculture-related uses and on-farm diversified uses*.

2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses and normal farm practices* shall be promoted and protected in accordance with provincial standards.

6.0 Definitions

On-farm diversified uses:

means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.”

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has identified medical marihuana as an agricultural crop (see Appendix “F” to Report PED18118). These applications propose to grow medical marihuana primarily within a greenhouse. Therefore, the applications are consistent with policies that promote and protect areas for agricultural use.

These applications are consistent with the policies that focus on diversifying the activity of on-farm uses as processing medical marihuana into cannabis oils is a value-added agricultural product. These applications propose that the area for the processing of medical marihuana into cannabis oil will be 32.79 sq m, and can therefore be considered secondary, and related to the primary agricultural use of growing and harvesting medical marihuana. Secondary agricultural related processing uses are permitted as-of-right in the RHOP and the Agricultural Zone in Zoning By-law 05-200.

“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.”

City staff identified that the subject lands meet five of the 10 criteria for determining archaeological potential:

- Within 250 m of known archaeological sites;

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- Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- Local knowledge associates areas with historic events / activities / occupations;
- In an area of elevated topography; and,
- Along historic transportation routes.

In addition, the subject lands are adjacent to 2042 Jerseyville Road West, which is designated as “protected heritage property” under the Provincial Policy Statement, and 1911 Jerseyville Road West and 1868 Jerseyville Road West, which are included in the City’s Inventory of Buildings of Architectural and/or Historical Interest. The Applicant has completed a Stage 1 and 2 Archaeological Assessment and submitted a report on the results. The Ministry of Tourism, Culture and Sport have reviewed the Stage 1 and 2 Archaeological Assessment and consider the site to be sufficiently documented. They recommend no further archaeological assessment, have deemed these applications compliant and have entered the assessment report into the Ontario Public Register of Archaeological Reports. They instruct that any deeply buried archaeological resources that are identified during ground disturbance activity be reported to the Ministry.

Based on the Stage 1 and 2 Archaeological Assessment, staff are of the opinion that the heritage value of the area will be conserved.

Therefore, the proposal is consistent with the Provincial Policy Statement (2014).

Greenbelt Plan (2017)

The Greenbelt Plan designates the subject lands as “Protected Countryside” and they are within the “Natural Heritage” system.

The following policies, among others, are applicable to the proposal.

- “3.1.2.1. All types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected and a full range of *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses* are permitted based on the provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with and shall not hinder surrounding agricultural operations.

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7. Definitions

Agriculture-related Uses

Farm-related commercial and farm-related industrial uses that are directly related to the farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

On-farm Diversified Uses

Uses that are secondary to the principal *agricultural use* of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.”

OMAFRA has recognized the growing and harvesting of medical marihuana as an agricultural use which is permitted and promoted in the Greenbelt Plan. The processing of cannabis oil is considered to be a value-added agricultural product, diversifying the on-farm use of the subject lands. The processing into cannabis oil is conducted within a gross floor area of 32.79 sq m contained entirely within the proposed development and is secondary to the principal agricultural use. Therefore, the use is compatible with and will not hinder the surrounding agricultural uses.

“3.2.2.1. For lands within the Natural Heritage System of the Protected Countryside, the full range of existing and new *agricultural, agriculture-related* and *on-farm diversified uses* and *normal farm practices* are permitted subject to the policies of section 3.2.2.2.

3.2.2 For lands within the Natural Heritage System of the Protected Countryside, the following policies shall apply:

2. New buildings or structures for *agriculture, agriculture-related* and *on-farm diversified uses* are not subject to the policies of section 3.2.2.3, but are subject to the policies of section 3.2.5.

3.2.5 *Key natural heritage features* include:

- *Significant woodlands;*

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3.2.5 *Key hydrologic features* include:

- Permanent *and* intermittent streams;
- Wetlands.

3.2.5 For lands within a *key natural heritage feature* or a *key hydrologic feature* in the Protected Countryside, the following policies shall apply:

2. Beyond the Natural Heritage System within the Protected Countryside, *key hydrologic features* are defined by and subject to the policies of section 3.2.5.
3. Beyond the Natural Heritage System within the Protected Countryside, *key natural heritage features* are not subject to the policies of section 3.2.5, but are to be defined pursuant to, and subject to the policies of, the PPS.
4. In the case of wetlands, seepage areas and springs, fish habitat, permanent and *intermittent streams*, *lakes* and *significant woodlands*, the minimum *vegetation protection zone* shall be a minimum of 30 metres measured from the outside boundary of the *key natural heritage feature* or *key hydrologic feature*.”

Significant woodlands and provincially significant wetlands exist along the property boundary and on properties to the north and east of the subject lands. Together with the Grand River Conservation Authority, the City of Hamilton undertook a refinement of boundaries related to unevaluated wetlands. This work informed the Environmental Impact Statement (EIS), submitted with the applications entitled Environmental Impact Study, Jerseyville Road Agricultural Greenhouse Development (October 2017), which also provided evaluation of permanent and intermittent streams and significant woodlands.

The proposed development is located south of, and does not encroach into Key Natural Heritage and Hydrologic features, and protective fencing is proposed to ensure that vegetation outside of the planned construction area is not disturbed. Further, the applications comply with policies related to key natural heritage and hydrologic features by supporting the 30 m vegetation protection zone, providing adequate, self-sustaining vegetated buffers to protect these features within the subject lands such that there are no anticipated negative impacts on the ecological functions of these features. The proposal includes ongoing monitoring of any potential impacts to ground water sources.

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These applications conform to the vision and goals of the Greenbelt Plan by continuing to utilize agricultural lands for the growing of crops while adding to the diversity of rural economic activity. The applications propose best management practices for protecting the Natural Heritage Systems on the subject lands, and as they have been proposed, the structures will be resilient to and mitigate climate change.

These applications conform with the policies of protecting the Natural Heritage System of the Protected Countryside, while introducing a greater on-farm diversity of agriculture and agriculture-related uses to rural City of Hamilton.

Therefore, the proposal conforms to the Greenbelt Plan (2017).

Rural Hamilton Official Plan (RHOP)

These lands are designated as “Agriculture” on Schedule ‘D’ – Rural Land Use Designations of the RHOP. Portions of the subject lands contain areas that have been identified as “Core Areas” and “Greenbelt Protected Countryside” on Schedule ‘B’ – Natural Heritage System.

The following policies, among others, are applicable to the proposal.

Energy and Environmental Design

“B.3.7.1 The city shall support energy efficient, low impact, and environmental designed *development* through:

- 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;
- j) water and storm water conservation/management practices such as green roofs, water recycling systems, etc.;

The applications support Chapter B - Community policies focused on preserving the environment in that the applicants are intending to achieve a LEED Silver rating and by proposing to recycle water in the operation of the proposed facility.

Natural Heritage System

“C.2.2.3 The boundaries of *Core Areas* are shown on Schedule B - Natural Heritage System and *key natural heritage features, key hydrologic features* and any associated *vegetation protection zones*, provincially significant and *local*

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natural areas are shown on Schedules B-1 to B-8 - Detailed Natural Heritage Features. Minor refinements to such boundaries may occur through Environmental Impact Statements, *watershed* studies or other appropriate studies accepted by the City without an amendment to this Plan. Major changes to boundaries, the removal or addition of Core Areas identified on Schedule B - Natural Heritage System, and Schedules B-1 to B-8 – Detailed Natural Heritage Features require an amendment to this Plan.

- C.2.3.3 Any *development* or *site alteration* within or adjacent to *Core Areas* shall not negatively impact their environmental features or *ecological functions*.
- C.2.4.8 Beyond the Greenbelt Natural Heritage System within the Protected Countryside new development and site alteration shall not be permitted within or adjacent to *key natural heritage* features in the Greenbelt Protected Countryside unless it has been evaluated through an Environmental Impact Statement and has been demonstrated that there shall be no *negative impacts* on the natural features or their *ecological functions*.
- C.2.4.10 An Environmental Impact Statement shall also propose a *vegetation protection zone* which:
- a) Has sufficient width to protect the Core Area and its *ecological functions* from impacts of the proposed land use or *site alteration* occurring during and after construction, and where possible, restores or enhances the *Core Area* and/or its *ecological functions*; and
 - b) Is established to achieve, and be maintained as *natural self-sustaining vegetation*.
- C.2.4.13 Within the Protected Countryside of the Greenbelt Plan area, new *development* and *site alteration* adjacent to *wetlands, seepage areas, springs, fish habitat, lakes, permanent and intermittent streams* and *significant woodlands* shall maintain a minimum 30-metre *vegetation protection zone* as measured from the outside boundary of the feature. Such a *vegetation protection zone* shall be established with natural, self-sustaining vegetation where the land within the *vegetation protection zone* is not used for agricultural purposes. New agricultural buildings and structures for *agricultural uses* are required to provide a 30-metre *vegetation protection zone* from a *key natural heritage feature* within the Greenbelt Natural Heritage System or a *key hydrologic feature* anywhere in the Protected Countryside but may not be required to establish a condition of *natural self-*

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sustaining vegetation, if the land is, and will continue to be, used for agricultural purposes.

- C.2.4.14 Permitted uses in a *vegetation protection zone* shall be limited to low impact uses, such as *passive recreation*, trails, boardwalks, landscaping, vegetation restoration, and resource management and open space. Within the Protected Countryside of the Greenbelt Plan Area permitted uses within *vegetation protection zones* are specified in Section C.2.4.1. New *development* or *site alteration areas* shall be located outside of the vegetation protection zone. Private sewage disposal systems and new impervious surfaces associated with the *development* shall not be permitted within the *vegetation protection zone*.”

The subject lands are identified as “Greenbelt Protected Countryside” on Schedule B – Natural Heritage System. Portions of the site and on properties to the north and east of the subject lands contain Greenbelt Natural Heritage System, and some Core Areas, including significant woodlands and provincially significant wetlands. The proposed development will be limited to portions of the subject lands which are located south of the stream which runs through the subject lands, and includes a 30 m vegetation protection zone and ongoing monitoring of any potential impacts to ground water sources.

During construction, the EIS indicates that timing of activities will avoid removal of vegetation unless a nesting survey has been conducted, and also avoids major noise and vibration levels during the sensitive breeding seasons. A mitigation plan has been developed for the removal and compensation of Barn Swallow habitat, including timing of the removal of a structure to avoid breeding season, and a planned compensation habitat to be constructed within 200 m of the previous location. Construction materials will not be stored near significant woodlands. These measures will be implemented through conditions of Site Plan Approval.

The proposed lighting of the site will be directed so as to avoid glare into adjacent natural features, and sensors will be implemented to limit the use of exterior lighting.

Chapter D – Rural Systems, Designations and Resources of the RHOP speaks of the right-to-farm principle to provide a secure land base for agricultural activities.

Goals

- “D.1.1 Reinforce and support the significant contribution agriculture makes to the lifestyle, environment and economy of the City.

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D.1.6 Recognize the diverse and innovative nature of agriculture by providing opportunities for on-farm diversification.

Agriculture Designation

D.2.1.1.3 Farm greenhouses are greenhouses used primarily for the growing of crops for off-site wholesale. Farm greenhouses may be permitted provided the following conditions are met:

- b) The gross floor area for a new medical marihuana growing and harvesting facility shall not exceed 2,000 sq m;
- e) The establishment of a new medical marihuana growing and harvesting facility or the expansion of an existing facility shall be subject to Site Plan approval to address the appropriate building size and location, set-backs, drainage and any other matters.

D.2.1.1.4 Medical marihuana growing and harvesting facilities are permitted in accordance with the regulations set out in the Zoning By-law and provided that the following conditions are met:

- a) A medical marihuana growing and harvesting facility is permitted in buildings existing at the date of the passing of the Zoning By-law;
- b) The gross floor area for a new medical marihuana growing and harvesting facility shall not exceed 2,000 sq m;
- c) No retail sales are permitted;
- d) No outdoor storage is permitted; and,
- e) The establishment of a new medical marihuana growing and harvesting facility or the expansion of an existing facility shall be subject to Site Plan approval to address the appropriate building size and location, set-backs, drainage and any other matters.”

OMAFRA has recognized medical marihuana as an agricultural product, and staff consider it appropriate to give consideration to a limited increase of the maximum gross floor area for medical marihuana growing and harvesting on portions of the subject lands. This will be discussed in greater detail in the Analysis and Rationale section of the Report.

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“D.2.1.2 *Agricultural-related uses* are farm-related commercial and farm-related industrial uses that are *small scale*, producing products and services, wholly and directly related to a farming operation and which are required in close proximity to an *agricultural use*. They are uses necessary to support *agricultural uses* and are permitted provided the following conditions are met:

- a) The use must produce products or services directly related to a *farming operation*, and requires a location in close proximity to a *farm operation*. Permitted uses shall be limited to grain dryers, feed mills, grain and seed storage facilities, primary farm produce bulk storage and agricultural processing facilities, farm product supply dealers, livestock assembly points, agricultural research operations, and veterinary services for farm animals;
- b) The use shall be located to minimize the amount of land removed from agricultural production; and,
- d) The use shall not negatively affect environmental features in accordance with section C.2.0, Natural Heritage System of this Plan.

D.2.1.3 To encourage on-farm economic diversification as a means of reinforcing the agricultural economy, limited secondary uses are permitted. On-farm secondary uses are secondary to the primary agricultural use and are limited to agri-tourism uses, farm vacation homes, home industries, kennels, and small scale retailing of agricultural products. On-farm secondary uses shall be permitted provided the following conditions are met in all cases:

- a) The use shall be clearly secondary to the primary agricultural use maintained on the lot;
- b) Any buildings or structures associated with an on-farm secondary use shall allow for ease of conversion to a future agricultural use and be located to form an integral part of the primary farm cluster;
- c) Appropriate development standards shall be established in the Zoning By-law regarding the maximum floor area for such uses, access, parking, outside storage, and any other requirements; and
- d) Site Plan approval may be required.”

As discussed in the Greenbelt Plan analysis, the processing into cannabis oil is related to the farm operation of growing and harvesting medical marihuana. The area for the

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processing of cannabis oil will be 32.79 sq m and will be integrated within the new and existing buildings and structures, minimizing land removed from agricultural production. As previously discussed, the Applicant has conducted an EIS that proposes measures to further avoid negatively affecting environmental features of the subject lands, and which staff are satisfied with.

The proposed 1,955 sq m structure which is adjoined to the greenhouse is in addition to the existing medical marihuana facility that is 575 sq m. The building or structure for growing and harvesting medical marihuana located closest to the public right of way is at a distance of 160 m. The proposed development is consistent with multiple farm structures and the range of uses on other agricultural properties in the region. The processing of medical marihuana into cannabis oil is permitted as an on-farm secondary use as described in the RHOP. The proposed development can therefore be supported by staff in that it is supportive of the character of the agricultural landscape in its limited size, in that it is consistent in use and is discretely located from the public right of way.

City of Hamilton Zoning By-law No. 05-200

The subject lands are currently zoned Agriculture (A1) and (A1, 116) Zones. Portions of the subject lands are also zoned Conservation/Hazard Land – Rural (P7) Zone, however, these areas are not impacted by the proposed development. The (A1) Zone permits, among other things:

- Maximum lot coverage of 20% for all agricultural buildings and structures;
- Notwithstanding the maximum lot coverage, Agriculture uses including medical marihuana in new buildings with a total gross floor area not to exceed 2,000 sq m, and in existing buildings;
- Notwithstanding the maximum lot coverage, Greenhouses not used for medical marihuana growing and harvesting to the maximum lot coverage of 70%;
- No outdoor storage of medical marihuana;
- No retail sales;
- A single detached dwelling on a lot;
- Agricultural Research Operation secondary to agriculture; and,

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- Agricultural Processing Establishment - Secondary to agriculture and limited to 500 sq m.

The current zoning (A1, 116) recognizes a lot which has no frontage on a public right of way. However, this modification has become obsolete as 1915 and 1997 Jerseyville Road West have become merged on title. Therefore, the subject lands will be removed from the list of properties subject to this site specific By-law.

Both 1915 and 1997 Jerseyville Road West did have single detached dwellings. As a result of the merger on title these subject lands became a single lot containing two single detached dwellings as legal non-conforming. However, applications to develop on the site have required that a minimum of one of the dwellings be demolished. Demolition has occurred since the date that these applications were submitted.

The subject applications require the Agriculture (A1) Zone be modified on portions of the subject lands in order to permit a medical marijuana growing and harvesting facility in a greenhouse with a maximum gross floor area of 13,000 sq m, new buildings with a gross floor area that do not exceed 2,000 sq m per building, a maximum combined lot coverage of 20% for all buildings and structures on the lot. Further, these applications require that the term greenhouse be defined so as to avoid the use taking place in large buildings which are more characteristic of industrial areas.

The modifications to the Zoning By-law are discussed further in the Analysis and Rationale section.

RELEVANT CONSULTATION

The following Internal Departments and Agencies had no comments or objections to the applications:

- Corridor Management, Public Works Department;
- Hamilton Police Service;
- Public Health Services, Healthy Environments Division;
- Recycling & Waste Disposal, Environmental Services Division; and,
- Transportation Management, Public Works Department.

The following Departments and Agencies submitted the following comments:

Transportation Planning (Planning and Economic Development) has advised that Jerseyville Road West is subject to be widened to 26.213 m. They advise that daylight triangles, 1.5 m internal sidewalks and trees within the public boulevard are requirements to be addressed through the Site Plan Application.

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Hamilton Water (Public Works Department) has approved the water and wastewater report that has been submitted, with the condition that an ongoing monitoring and reporting agreement is to be established through the Site Plan Application.

Forestry and Horticulture Section (Public Works Department) has approved the Environmental Impact Statement in relation to municipal tree assets on site, and does not require a Landscape Plan nor a Street Tree Planting Plan.

Grand River Conservation Authority (GRCA) require permits for the development due to the slope of the land, and proximity to nearby watercourse, floodplain, wetlands and adjacent allowances. The Conservation Authority has no objections to the proposed RHOPA and Zoning By-law Amendments as these issues are being addressed through the Site Plan Application.

The Ministry of Environment and Climate Change (MOECC) provides instruction related to stormwater management and rainwater reserve systems, including greenhouses. They indicate the necessity to seek permits if water taking is to exceed 50,000 L/day. These matters are being addressed through the Site Plan Application.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 24 property owners within 120 m of the subject lands on November 28, 2017. A Public Notice sign was posted on the subject lands on December 19, 2017 and updated on May 9, 2018 with the Public Meeting date. Finally, Notice of the Public Meeting was circulated to 24 property owners on May 18, 2018 in accordance with the requirements of the *Planning Act*. To date, no comments or concerns have been received by staff from the public regarding the proposal.

Public Consultation Strategy

The Applicant submitted a Public Consultation Strategy which noted that a meeting was to take place with the Ward Councillor to determine whether a Neighbourhood Information Meeting would be required, and if so, the implementation and follow-up strategy that would be taken. It was determined at a meeting on March 21, 2018 that a special open house was not warranted.

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The Applicant has undertaken other efforts to consult with the public. These include the following:

- An information meeting for local neighbours took place in August, 2017 to discuss local wells and water concerns;
- Tours were held in November and December, 2017, attended by City staff;
- Hamilton Wentworth Federation of Agriculture and the Ontario Federation of Agriculture Board attended a tour in January, 2018;
- The Applicant presented to the Agricultural and Rural Affairs Advisory Committee on January 29, 2018;
- Members of the Agriculture and Rural Affairs Advisory Committee attended a tour in February, 2018; and,
- The Applicant maintained an open invitation for additional tours and ongoing liaison with local community members, and has continued with meetings occurring as recently as February, 2018.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Rural Hamilton Official Plan Amendment and Zoning By-law Amendment, as amended by staff, have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and conform to the Greenbelt Plan (2017);
 - (ii) They comply with the general intent of the RHOP in that they preserve Agriculture Designated lands for agricultural use, while protecting natural heritage features; and,
 - (iii) The proposed development maintains the subject lands in agricultural use within a greenhouse and in small scale structures, and includes small scale processing, all of which is representative features of the agricultural landscape.
2. The Ministry of Municipal Affairs (MMA) and OMAFRA have concluded that the growing of medical cannabis crops qualifies as an agricultural use as per the Greenbelt Plan (see Appendix “F” to Report PED18118). These applications are

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consistent with the PPS and Greenbelt Plan because they propose to protect the continued use of the lands for agriculture and produce value-added agricultural product, diversifying the on-farm use of the subject lands. They propose best management practices for protecting the Natural Heritage Systems and for preservation of resources that have archaeological and heritage value.

The growing and harvesting of medical marihuana is a recognized agricultural use, permitted on the subject lands, as identified on Schedule 'D'. As discussed in the policy section of this Report, a Rural Hamilton Official Plan Amendment is required to permit, on portions of the subject lands, one greenhouse having a maximum gross floor area of 13,000 sq m, to permit new buildings for the growing and harvesting of medical marihuana to a maximum gross floor area of 2,000 sq m and a combined maximum lot coverage of 20% for all buildings and structures on the lot.

The processing of medical marihuana into cannabis oil is a secondary process to the agricultural use of Growing and Harvesting Medical Marihuana and is permitted by the RHOP. Additionally, processing medical marihuana into cannabis oil as a secondary use aligns with the processing as described in Health Canada's *Access to Cannabis for Medical Purposes Regulations (ACMPR)*, which licenses producers of medical marihuana.

Staff are supportive of the Official Plan Amendment as the amended proposal complies with policies of Chapter D – Rural Systems, Designations and Resources. Further, the proposal complies with policies of Chapter B – Communities of the RHOP, in that they propose to construct buildings that are targeting Silver under the Leadership in Energy and Environmental Development (LEED) rating system, and are proposing innovative systems for recycling water used within the facilities. The proposal satisfies the Natural Heritage policies of the RHOP in that they include measures to preserve and protect natural heritage features of the site, avoiding Core Areas on the subject lands, timing work that might cause noise and vibration so as to avoid sensitive breeding seasons, compensating Barn Swallow habitat, establishing 30 m vegetated protection zones, erecting protective fencing to ensure the vegetation outside the planned construction area is not disturbed and storing construction materials away from natural heritage features.

For these reasons staff support the requested RHOPA Amendment, as amended.

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3. Zoning By-law Amendment

The current zoning does not permit multiple new buildings for medical marihuana, or buildings greater than 2,000 sq m. The current zoning does permit a Secondary Agricultural Processing Establishment to a maximum gross floor area of 500 sq m. The application, as amended, is to further modify the Agricultural (A1) Zone to facilitate one new greenhouse having a maximum gross floor area of 13,000 sq m and multiple new buildings having a maximum gross floor area of 2,000 sq m to a maximum combined lot coverage of 20% including all buildings and structures on the combined lot. The rezoning will include defining the term 'Greenhouse', so as to ensure that the proposed larger structure is consistent with other commercial greenhouses that contribute to the rural character, and so as to avoid large buildings which are more characteristic of industrial lands negatively impacting the rural landscape.

The following site specific modifications to the City of Hamilton Zoning By-law No. 05-200 are required to implement the proposal (see Appendix "C" to Report PED18118).

Definition of 'Greenhouse'

Existing regulation for growing and harvesting medical marihuana in rural areas includes a cap of 2,000 sq m for all new buildings. The rationale for the cap is to avoid new structures which are an industrial building type and scale, and are not consistent with the rural area. The greenhouse structure that is proposed with these applications is consistent with the rural area in that it propose the use within a greenhouse. However, where this building type is not currently defined in the Zoning By-law, including a definition in the amendment will provide clarity and certainty in the outcome of the proposed development. It will ensure that a greenhouse structure will be climatically controlled and constructed primarily of translucent material. On this basis, the modification can be supported.

Maximum Gross Floor Area for New Buildings

The Agriculture (A1) Zone permits a maximum total gross floor area of 2,000 sq m for new medical marihuana buildings and structures. The Zoning By-law currently permits greenhouses not used for medical marihuana to have a lot coverage of 70%, without otherwise limiting the total gross floor area.

The proposed site specific amendment is to permit one new medical marihuana greenhouse with a maximum gross floor area of 13,000 sq m, and new buildings and structures with a maximum gross floor area of 2,000 sq m per building to a

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maximum lot coverage of 20% for all buildings and structures on the lot for a portion of the combined subject lands.

Large greenhouses for the use of growing, harvesting and processing other agricultural crops have become typical. Additionally, multiple small-scale buildings for agricultural processing establishments on the same rural lot, each having a gross floor area of 2,000 sq m or less, is a common feature of the agricultural landscape.

Unlike other agricultural products grown in greenhouses and agriculture buildings, medical marihuana continues to be a controlled substance under Health Canada's *ACMPR*, with regulations including separation distances, handling, and security provisions. Further, Health Canada is in the process of amending regulations pertaining to marihuana. Therefore, to permit on portions of the subject lands a medical marihuana facility which has a gross floor area that does not exceed 13,000 sq m meets the objectives of the proposal, while preserving the intent of the City's policies. It is consistent with other larger greenhouses in the region, while maintaining the limitation of a maximum size that does not conflict with the existing *ACMPR*, nor presuppose the evolving federal, provincial and City of Hamilton regulation. Therefore, staff support the modification.

4. Development Engineering and Transportation Planning have provided detailed comments with respect to matters such as the public right of way, and access onto the site. Infrastructure Planning requires more detailed information regarding stormwater management on the site. Hamilton Water requires more detailed information on water taking and discharge of the private systems that have been proposed, and the MOECC will require permits if water taking is to exceed 50,000 L/day.

Staff require that greater diversity in the species be planted, revising of the location of the proposed access driveway to retain a number of mature trees, and that proposed measures of the EIS be implemented through the Site Plan and during construction. The Grand River Conservation Authority is seeking permits due to the slope of the lands and proximity to nearby watercourse, floodplain, wetland and adjacent allowances.

In addition, adjustments to the Site Plan are required, including relocating the parking and loading areas to have a greater visual buffer from public views. Additional detail regarding building materials and a landscape plan will be necessary at the Site Plan Application stage.

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The Applicant has submitted a Site Plan Amendment Application (DA-17-082) to construct a 1,955 sq m building, and a 12,400 sq m greenhouse. These matters will be reviewed in accordance with that application.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the subject lands would remain as the current Agriculture (A1), (A1, 116) Zones and Conservation/Hazard Land – Rural (P7), (P7, 116) Zones in the City of Hamilton Zoning By-law 05-200, which permits, among other things:

- Maximum lot coverage of 20%;
- Agriculture uses including medical marijuana in buildings with a gross floor area not to exceed 2,000 sq m, and in existing buildings;
- Greenhouses not used for medical marijuana growing and harvesting to the maximum lot coverage of 70%;
- A single detached dwelling on a lot;
- Agricultural Research Operation secondary to agriculture; and,
- Agricultural Processing Establishment - Secondary to agriculture and limited to 500 sq m.

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.

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.

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Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

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

Appendix “B” – Draft Official Plan Amendment

Appendix “C” – Draft Zoning By-law Amendment

Appendix “D” – Proposed Site Plan

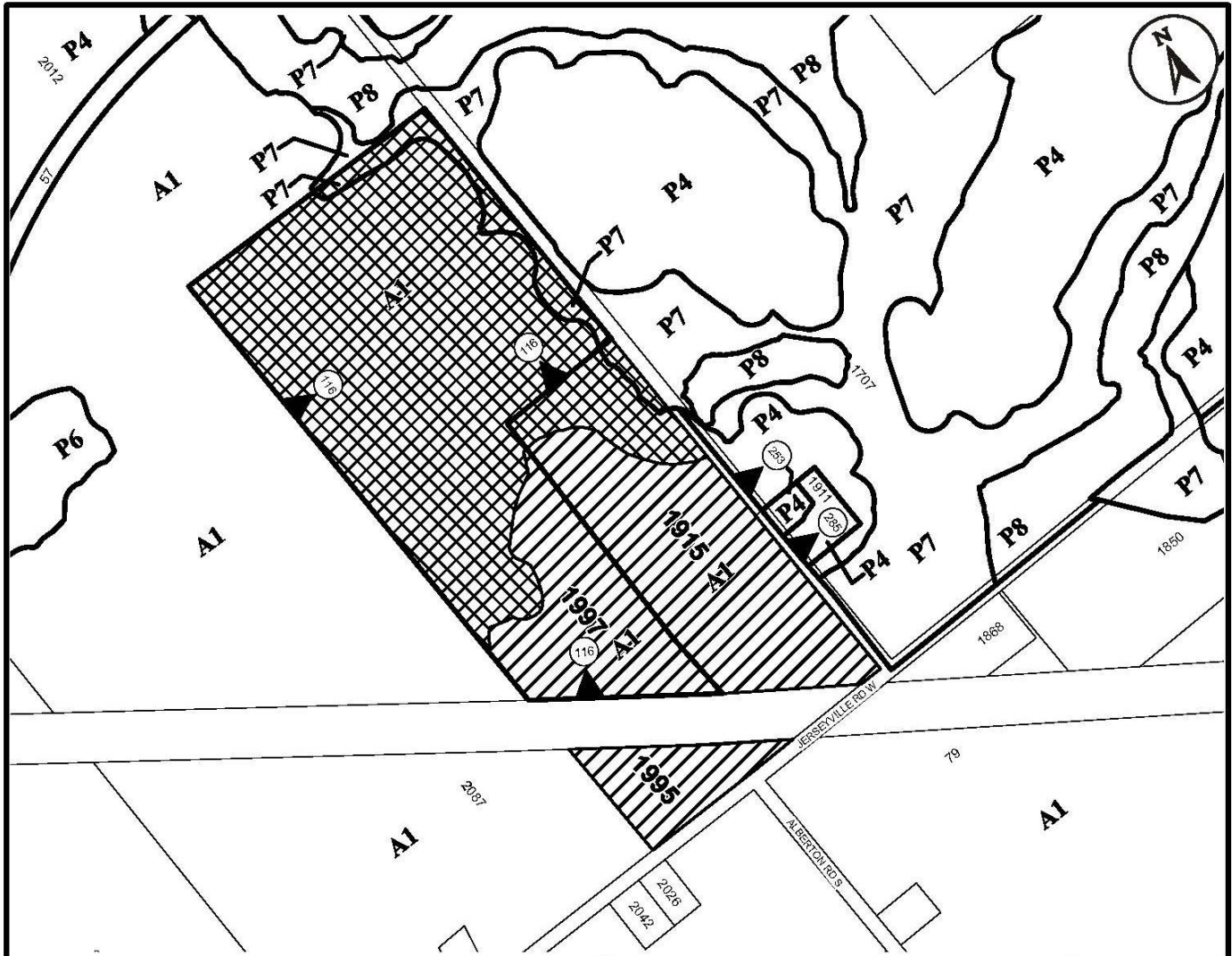
Appendix “E” – Proposed Building Elevations

Appendix “F” – Interpretation of Medical Marihuana Facilities in the Greenbelt Plan

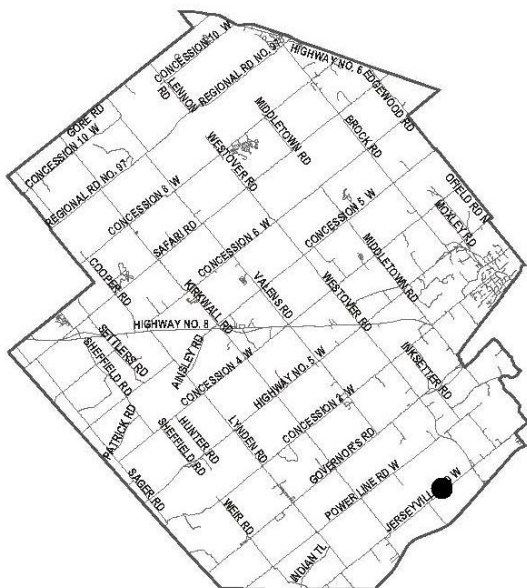
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● Site Location



Key Map - Ward 14

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:

ZAC-17-080 & RHOPA-17-037

Date:

May 2, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
BN/V/S

Subject Property

1915, 1995 & 1997 Jerseyville Road, Flamborough



Change in Zoning from Agriculture (A1), (A1, 116) Zone to Agriculture (A1, 689) Zone



Other Land Owned by Applicant

DRAFT Rural Hamilton Official Plan Amendment No. X

The following text, together with Appendix "A" – Volume 3: Appendix A - Site Specific Key Map, attached hereto, constitutes Official Plan Amendment No. XX to the Rural Hamilton Official Plan.

1.0 Purpose:

The purpose and effect of this Amendment is to establish a Rural Site Specific Policy to permit the growing and harvesting of medical marihuana in facilities having a maximum gross floor area for a single greenhouse which shall not exceed 13,000 square metres, a maximum gross floor area shall not exceed 2,000 square metres for each new medical marihuana building, and all buildings and structures shall not exceed 20% lot coverage.

2.0 Location:

The lands affected by this Amendment are known municipally as 1915, 1995 and 1997 Jerseyville Road West within the City of Hamilton (former Town of Ancaster).

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment is consistent in that it is an agricultural use and that it recognizes innovative on-farm diversification.
- The proposed Amendment is compatible with existing agricultural and commercial uses in the immediate area.
- The proposed Amendment is compatible with planned agricultural use in the immediate area.
- 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 Rural Hamilton Official Plan Special Policy and Site Specific Areas

Text

4.1.1 Chapter B – Rural Site Specific Areas

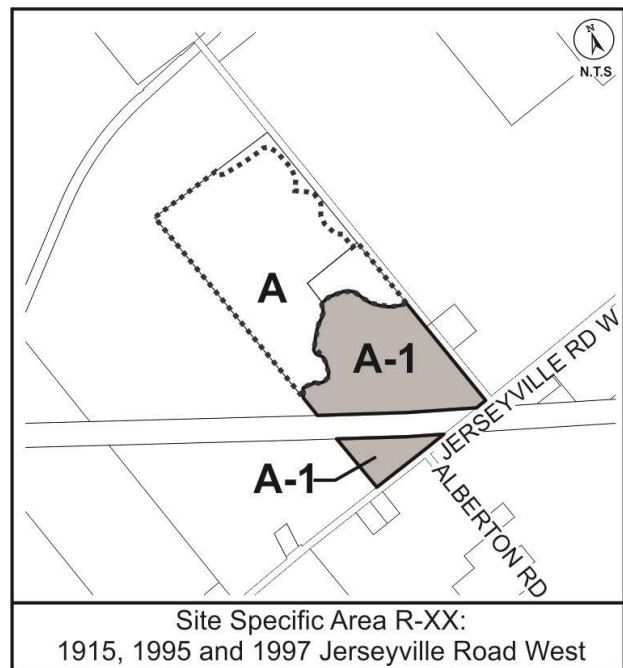
- a. That Volume 3: Chapter B – Rural Site Specific Areas be amended by adding a new Site Specific Policy – R-XX as follows:

“R-XX – Lands known municipally as 1915, 1995 and 1997 Jerseyville Road West former Town of Ancaster.

- 1.0 For the lands known municipally as 1915, 1995 and 1997 Jerseyville Road West, designated Agriculture and identified as Areas A and A-1 in Site Specific Area R-XX, notwithstanding Policy D.2.1.1.4. b) of Volume 1, the following policies shall apply:

- 1.1 For lands in Area A-1:

- a) the gross floor area for any new facility for medical marihuana growing and harvesting shall not exceed 2,000 square metres per building; and,
- b) notwithstanding 1.1 a), the maximum gross floor area for one greenhouse containing medical marihuana growing and harvesting shall not exceed 13,000 square metres In Area.



- 1.2 For lands in Area A:

- a) the maximum gross floor area for all new buildings and structures devoted to a Medical Marihuana Growing and Harvesting

Facility shall not exceed 2,000.0 square metres.

1.3 For lands in Area A and Area A-1:

- a) all buildings and structures used for medical marihuana growing and harvesting shall not exceed a combined lot coverage of 20%.

Schedules and Appendices

4.1.2 Volume 3: Appendix A – Site Specific Key Map

- a. Volume 3: Appendix A – Site Specific Key Map be amended by identifying the subject lands as Site Specific Policy R-XX, as shown on Appendix "A" attached to this Amendment.

5.0 Implementation:

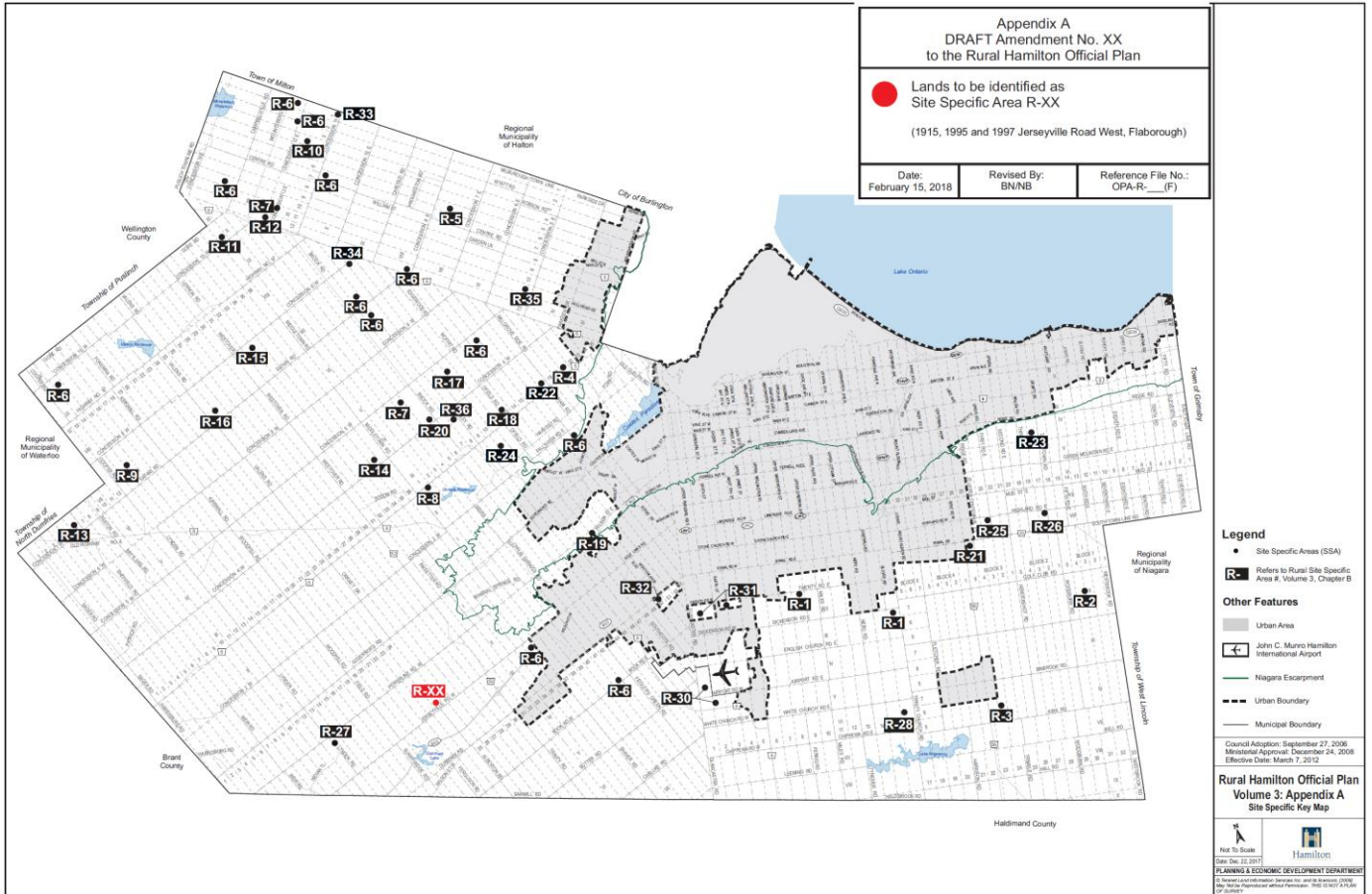
An implementing Zoning By-Law Amendment and Site Plan Control Application will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ____ of _____, 2018.

The City of Hamilton

Fred Eisenberger
MAYOR

CITY CLERK



Authority:
Ward: 14
Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law 05-200 Respecting Lands Located at 1915, 1995 and 1997 Jerseyville Road West, Ancaster

WHEREAS Council approved Item ___ of Report PED18XXX of the Planning Committee, at its meeting held on May 15, 2018;

WHEREAS this By-law will be in conformity with the Rural Hamilton Official Plan upon approval of Official Plan No. .

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

1. That Map No. RU131 and RU143 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 be amended as follows:
 - a) by changing the zoning from the Agriculture (A1) and (A1, 116) Zones to the Agriculture (A1, 689) Zone, to the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law.
2. That Schedule "C" Special Exceptions, Subsection 116 of By-law No. 05-200 is amended by deleting the following:

1997 Jerseyville Road West	Maps 131 and 143
----------------------------	------------------

3. That Schedule "C" – Special Exceptions, of By-law No. 05-200 is hereby amended by adding a special exception as follows:

689. Within those lands zoned Agriculture (A1) Zone, identified on Maps RU131 and RU143, of Schedule "A" – Zoning Maps and described as:

Property address	Map number
1915, 1995 and 1997 Jerseyville Rd W.	RU131 and RU143

The following special provisions shall apply:

- a) In addition to Section 3: Definitions, for the purposes of this By-law, the definition of Greenhouse shall mean a building or structure used for

To Amend Zoning By-law 05-200 Respecting Lands Located at
1915, 1995 and 1997 Jerseyville Road West, Ancaster

Agriculture that is climatically controlled and made primarily of translucent building material.

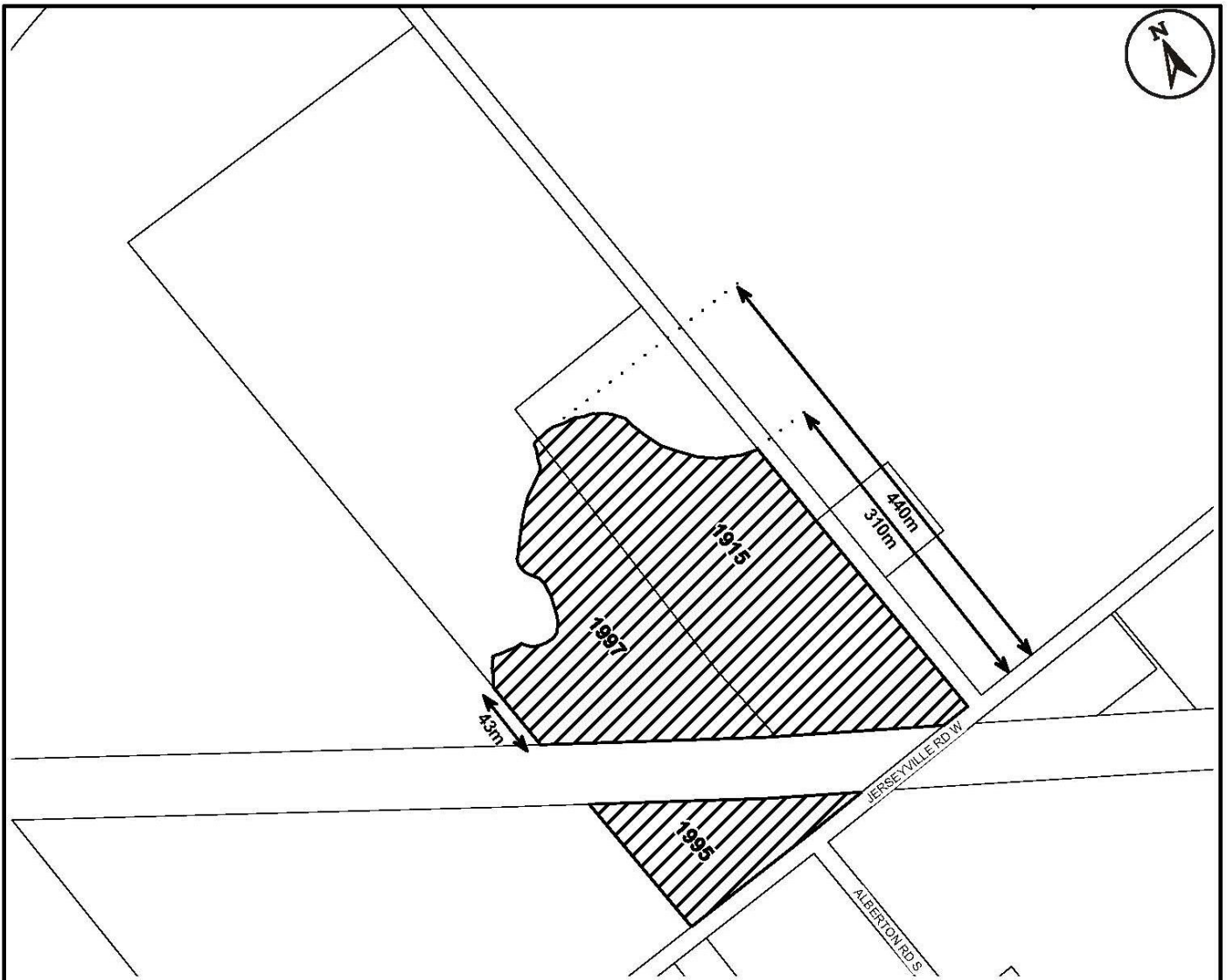
- b) Notwithstanding Subsection 12.1.3.1 m) i), the following applies to the subject lands:
- i) The lands subject to the Agricultural (A1, 689) Zone shall be deemed to be one lot for the purposes of this Site Specific By-law.
 - ii) One greenhouse for a Medical Marihuana Growing and Harvesting Facility shall be permitted and shall not exceed 13,000 square metres of gross floor area.
 - iii) In addition to ii) above, the maximum gross floor area for all new buildings and structures, including greenhouses, devoted to a Medical Marihuana Growing shall not exceed 2,000 square metres of gross floor area per building.
- c) In addition to the requirements of Subsection 12.1.3.1 m) the following applies to the subject lands:
- i) The maximum lot coverage for all buildings and structures, including greenhouses, devoted to a Medical Marihuana Growing and Harvesting Facility shall not exceed 20% of the combined lot area.

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
5. That this By-law No. XXX shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

PASSED this day of , 2018.

Fred Eisenberger
Mayor

City Clerk



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. 05-200
Maps RU131 & RU143

Subject Property

1915, 1995 & 1997 Jerseyville Road West, Ancaster



Change in Zoning from Agriculture (A1), (A1, 116)
Zone to Agriculture (A1, 689) Zone

Scale:
N.T.S.

File Name/Number:
ZAC-17-080 & RHOPA-17-037

Date:
May 2, 2018

Planner/Technician:
BN/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

To Amend Zoning By-law 05-200 Respecting Lands Located at
1915, 1995 and 1997 Jerseyville Road West, Ancaster

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: Chair and Members Report No.: 18XXX Date: 06/05/2018

Ward(s) or City Wide: Ward: 14 (MM/DD/YYYY)

Prepared by: Brynn Nheiley Phone No: 4283

For Office Use Only, this doesn't appear in the by-law

UNDERTAKING
RE: 1915 Jerseyville Road West, Ancaster
File No. DAR-17-082

- I, Lorenzo Piccioni, the owner of the land, hereby undertake and agree without reservation,
(a) to comply with all the content of this plan and drawing and not to vary therefrom;
(b) to perform the facilities, works or matters mentioned in Section 41 (7)(a) of The Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated 2017;
(c) to maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act, shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; and,
(d) in the event that the Owner does not comply with the plan dated 2017, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

(e) "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.

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)

(f) Any development in conjunction with the Site Plan must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.

(g) At the developer's expense, temporary fencing must be placed along the transmission corridor during construction, and 1.5 metre permanent fencing must be erected along the common property line after construction is completed.

(h) The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this site plan will be borne by the developer. The developer will be responsible for the restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the site plan.

Dated this _____ day of _____ 2017

Witness (signature) Owner(s) (signature) (seal)

Witness (print) Owner (print)

Address of Witness

GENERAL NOTES:

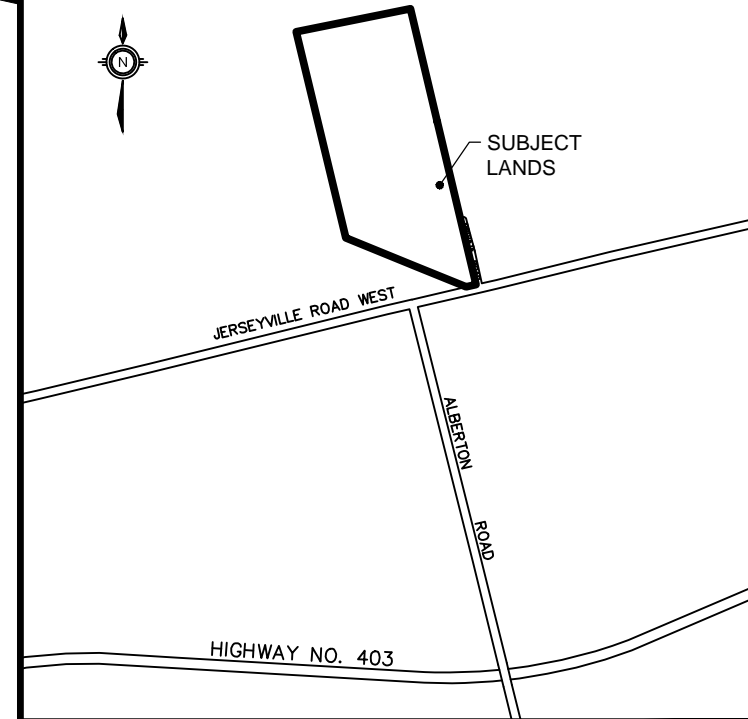
- ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT.
- FIRE ROUTE SIGNS AND 3-WAY FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY FIRE DEPARTMENT AND AT THE EXPENSE OF THE OWNER.
- MAIN DRIVEWAY DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE 7.5m UNLESS OTHERWISE STATED.
- ALL DRIVEWAYS FROM PROPERTY LINES FOR THE FIRST 7.5m SHALL BE WITHIN 5% MAXIMUM GRADE, THEREAFTER, ALL DRIVEWAYS SHALL BE WITHIN 10% MAXIMUM GRADE.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
- ROAD CUT PERMITS - SEWER PERMITS
- APPROACH APPROVAL PERMITS - RELOCATION OF SERVICES
- COMMITTEE OF ADJUSTMENT - ENCROACHMENT AGREEMENTS (IF REQUIRED)
- BUILDING PERMITS
- ABANDONED ACCESSES MUST BE REMOVED AND THE CURB AND BOULEVARD RESTORED WITH SOD AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE TRAFFIC ENGINEERING SECTION, PUBLIC WORKS DEPARTMENT.
- 5 METRE BY 5 METRE VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR MATURE VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METRES ABOVE THE CORRESPONDING PERPENDICULAR CENTRELINE ELEVATION OF THE ADJACENT STREET.
- COLLECTION OF GARBAGE, RECYCLABLE MATERIAL AND LEAF AND YARD WASTE WILL BE MANAGED THROUGH A PRIVATE COMPANY.

LIGHTING NOTE

LIGHTING MUST BE DIRECTED ON SITE AND MUST NOT SPILL OVER TO ADJACENT PROPERTIES OR STREETS. MUST PROVIDE "HOUSE SHIELDS" WHERE NEEDED, TO COMPLETELY ELIMINATE GLARE TO ADJACENT PROPERTIES.

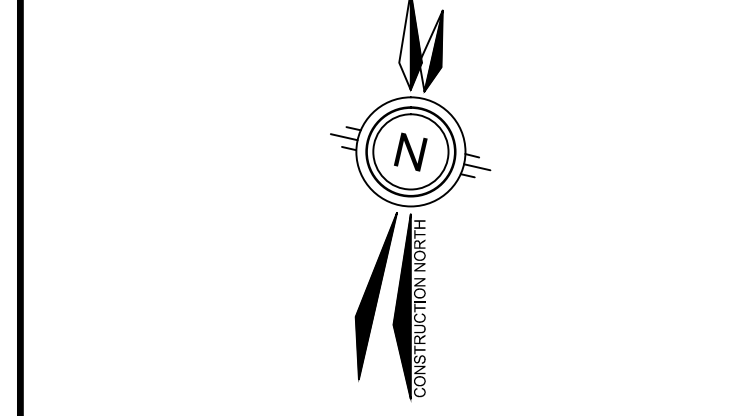
NOTE:

ALL SIGNAGE MUST COMPLY WITH THE CITY OF HAMILTON SIGN BY-LAW No. 10-197.

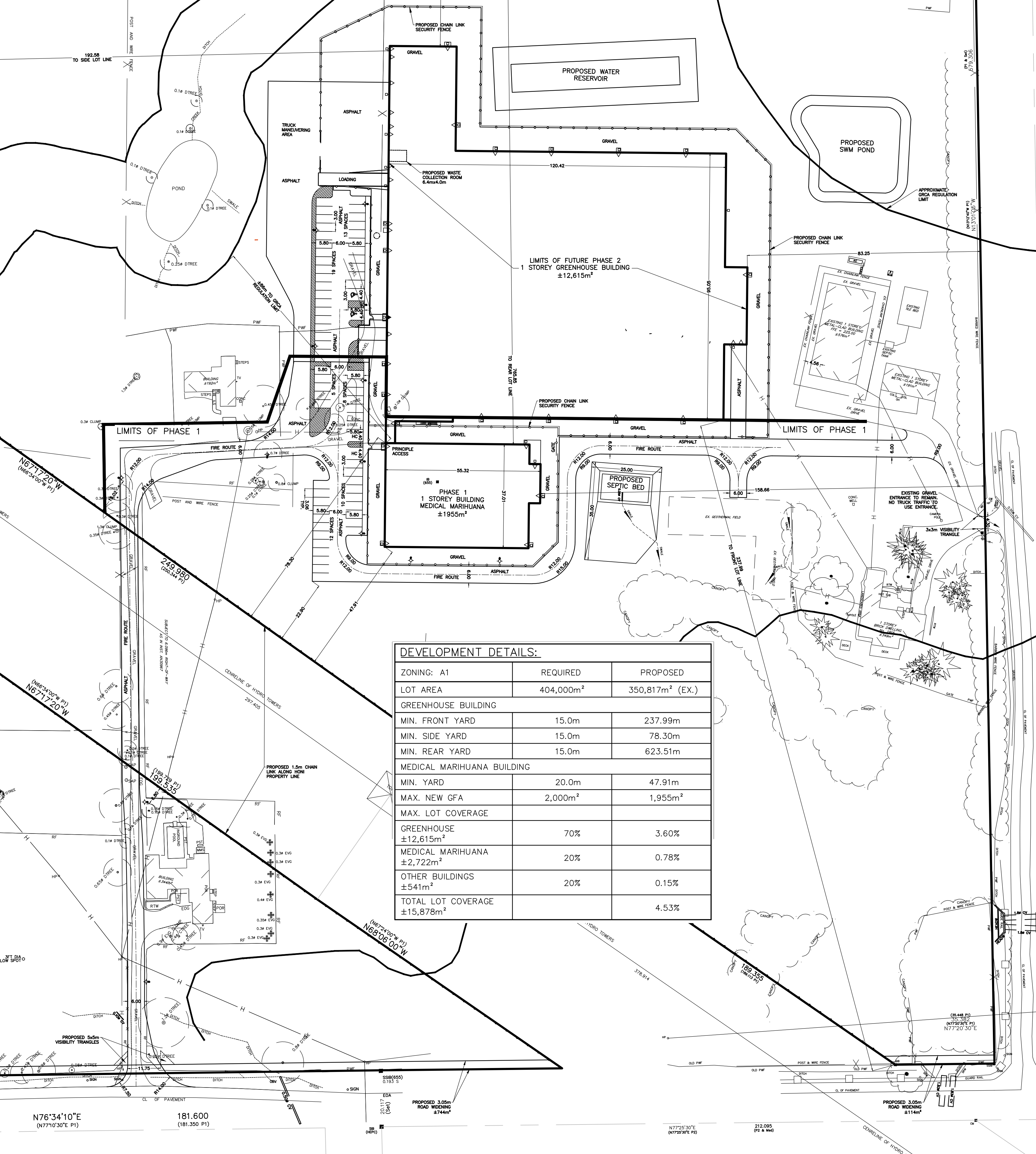


LEGEND

- PROPOSED LIGHT STANDARD
- PROPOSED WALL MOUNT LIGHT



- BEFORE STARTING WORK**
- THE CONTRACTOR SHALL NOTIFY THE CITY OF HAMILTON AND IBI GROUP AT LEAST 48 HOURS PRIOR TO COMMENCING CONSTRUCTION.
 - THE POSITION OF THE POLE LINES, CONDUITS, WATERMANS, SEWERS, AND OTHER UTILITIES AND STRUCTURES ARE NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS, AND WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED.
 - PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, ALL BENCHMARKS, ELEVATIONS, DIMENSIONS, AND GRADES MUST BE CHECKED BY THE CONTRACTOR AND ANY DISCREPANCIES REPORTED TO THE ENGINEER.
 - ALL EXISTING UNDERGROUND UTILITIES WITHIN THE LIMITS OF CONSTRUCTION SHALL BE LOCATED, MARKED AND PROTECTED. ANY UTILITIES DAMAGED OR DISTURBED DURING CONSTRUCTION SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE ENGINEER, AT THE CONTRACTOR'S EXPENSE.
 - AT LEAST TWO DIFFERENT BENCHMARKS MUST BE REFERRED TO AT ALL TIMES.

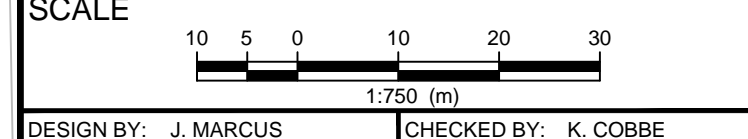


DEVELOPMENT DETAILS:

ZONING:	REQUIRED	PROPOSED
LOT AREA	404,000m ²	350,817m ² (EX.)
GREENHOUSE BUILDING		
MIN. FRONT YARD	15.0m	237.99m
MIN. SIDE YARD	15.0m	78.30m
MIN. REAR YARD	15.0m	623.51m
MEDICAL MARIHUANA BUILDING		
MIN. YARD	20.0m	47.91m
MAX. NEW GFA	2,000m ²	1,955m ²
MAX. LOT COVERAGE		
GREENHOUSE ±12,615m ²	70%	3.60%
MEDICAL MARIHUANA ±2,722m ²	20%	0.78%
OTHER BUILDINGS ±541m ²	20%	0.15%
TOTAL LOT COVERAGE ±15,878m ²		4.53%

NOT FOR CONSTRUCTION

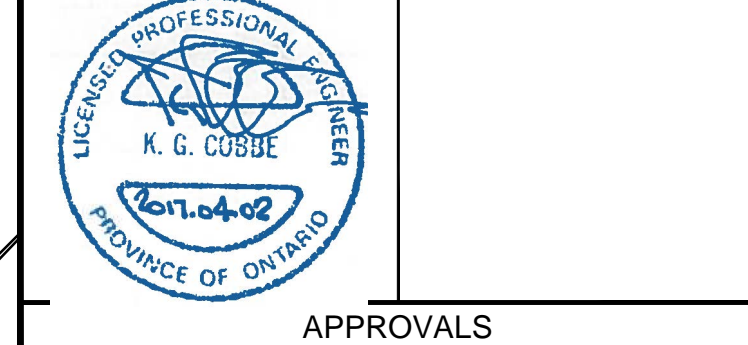
SOURCE: TOPOGRAPHICAL SURVEY INFORMATION OBTAINED FROM A.T. McLAREN LIMITED, DRAWING No. 35233, DATED FEBRUARY 9, 2017.
BENCHMARK: MONUMENT 0011975U167
DEEP BENCH MARK IN MANHOLE AT JERSEYVILLE SCHOOL, 0.2km NORTH OF JERSEYVILLE ROAD ALONG FIELD ROAD, 14.6m EAST OF CENTRE LINE OF ROAD, IN FRONT LAWN, 8.5m WEST OF ENTRANCE DOOR TO SCHOOL, BETWEEN FLAG POLE AND OAK TREE 1.82m WEST OF FLAG POLE, SLIGHTLY BELOW ROAD LEVEL.
ELEVATION = 223.053 metres GCVD-1928-1978



DESIGN BY: J. MARCUS
DRAWN BY: J. MARCUS
CHECKED BY: K. COBBE
DATE: 2017-03-13

NO.	DATE	BY	DESCRIPTION
3	2017-09-14	JM	SUBMISSION TO CLEAR CONDITIONS
2	2017-08-01	JM	SUBMISSION FOR CONDITIONAL APPROVAL
1	2017-07-11	JM	SUBMISSION FOR CONDITIONAL APPROVAL
0	2017-04-02	JM	FIRST SITE PLAN SUBMISSION

DRAWING ISSUE RECORD



APPROVALS

IBI GROUP
200 East Wing-360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010 fax 905 546 1011
ibigroup.com

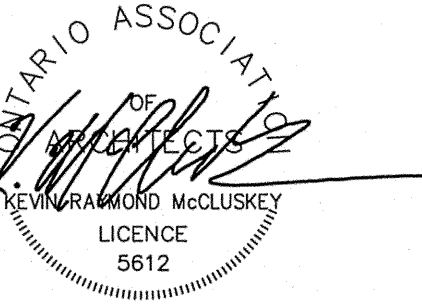
CITY OF HAMILTON
1915 JERSEYVILLE ROAD WEST

THE GREEN ORGANIC
DUTCHMAN HOLDINGS LTD.

SITE PLAN
DAR-17-082

FILE NUMBER: 105485 SHEET NUMBER: SP1

Pearce McCuskey Architects
2203 Durwin Drive • Mississauga, Ontario • L5L 1X2
www.pmaarchitects.ca 1.905.807.2444



This drawing is not to be used for construction unless signed by partner in charge.
Contractors must verify all dimensions and be responsible for same, report any discrepancies to the architect before commencing the work.
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detail number key to details
sheet number

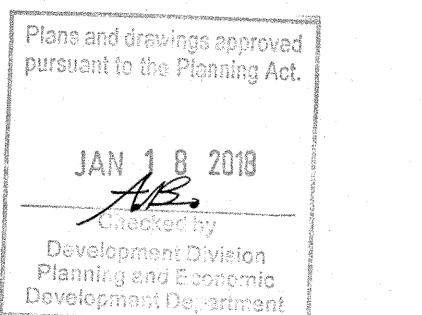


OWNER:
The Green Organic Dutchman
1915 Jerseyville Road, West
Ancaster | Ontario | L9R 1R0



CONSTRUCTION MANAGER:
Ledor Construction Limited
3930 Nashua Drive
Mississauga | Ontario | L4V 1M5

CITY OF HAMILTON FILE NUMBER:
DAR-17-082



ISSUED FOR SPA FINAL 01DEC17
ISSUED FOR PERMIT 16SEP17
BUILDING TENDER 01SEP17
PRE-ENG BLDG TENDER 20JUL17
OWNER REVIEW ISSUE 30JUNE17

The Green Organic Dutchman
New Facilities
1915 Jerseyville Road, West
Ancaster, Ontario

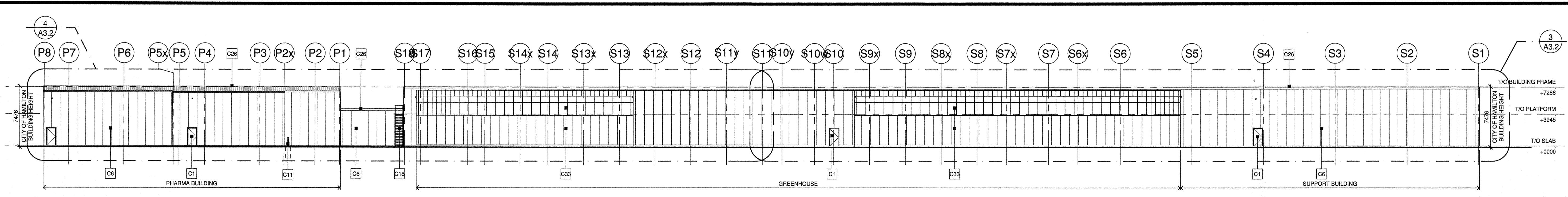
Overall Building Elevations

Project Number:
17025

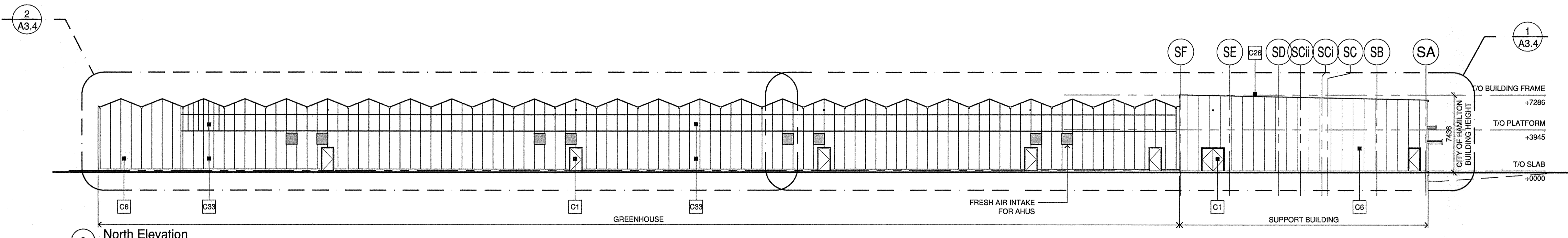
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Checked By: dmks
Date: JUNE 2017
Scale: 1:250
Sheet Number:

A3.0

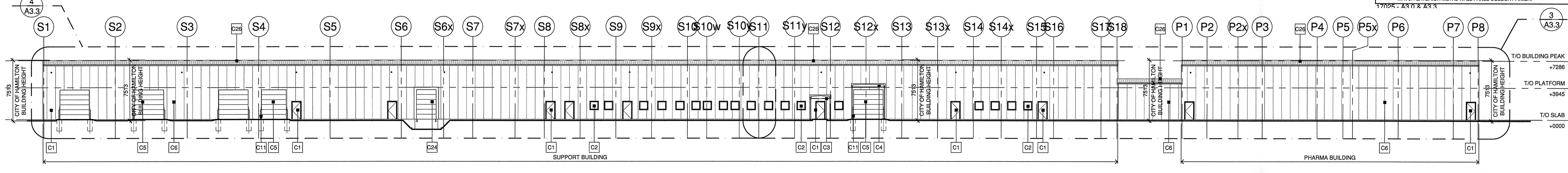
RECEIVED
JAN 16 2018



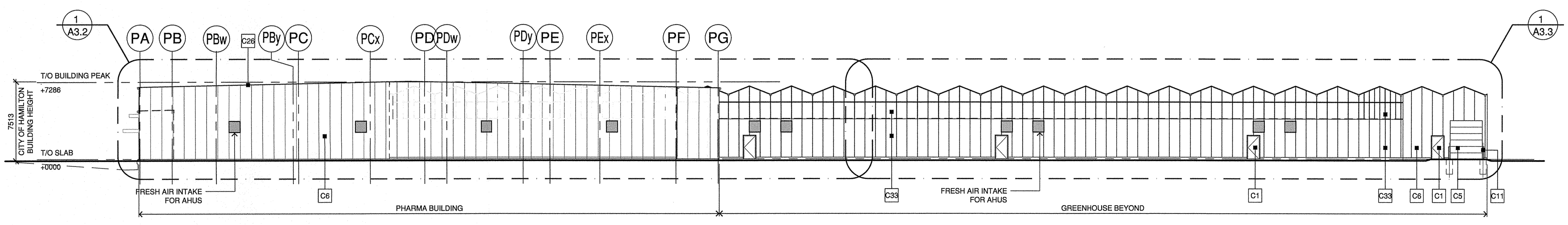
4 East Elevation
SCALE 1:250



3 North Elevation
SCALE 1:250



2 West Elevation
SCALE 1:250



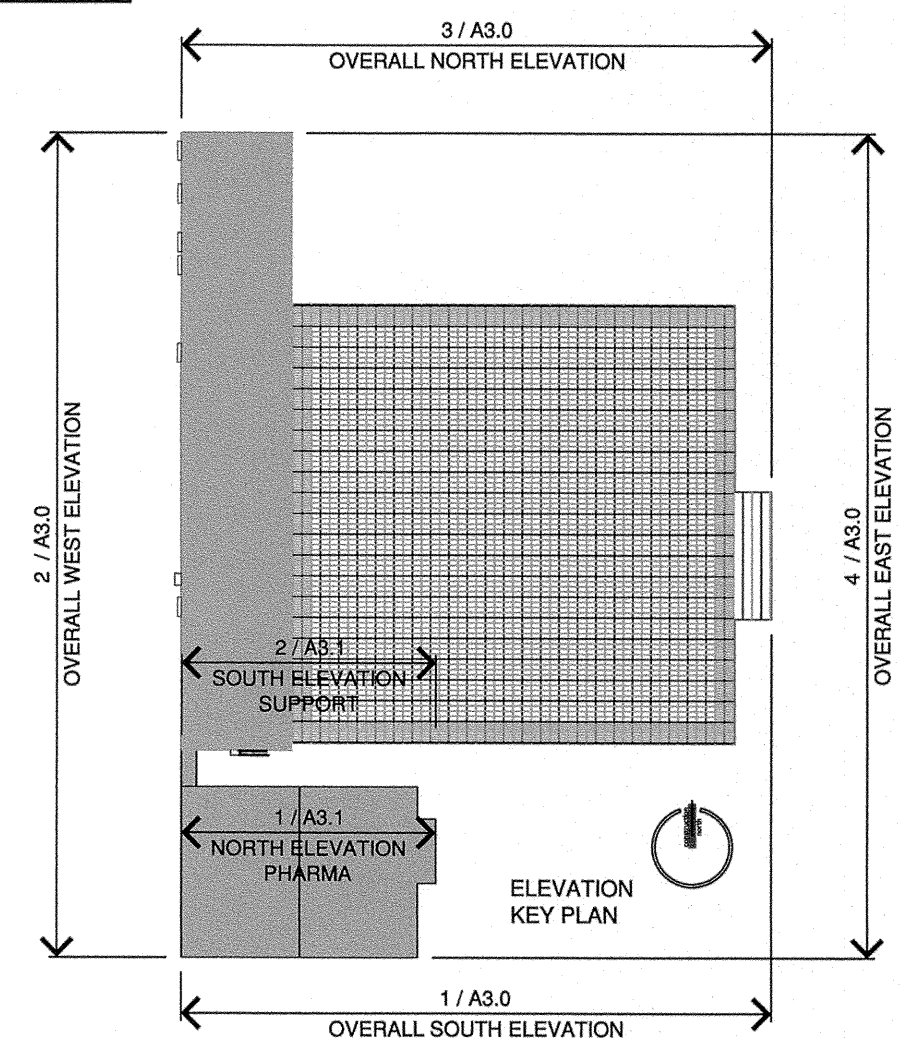
1 South Elevation
SCALE 1:250

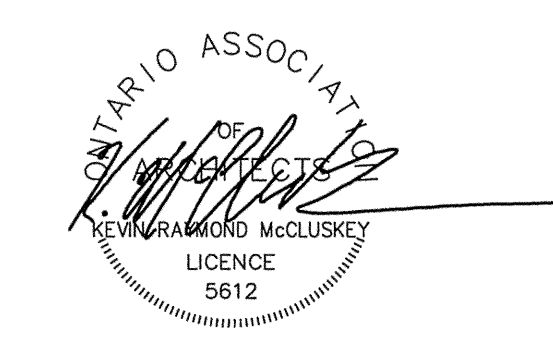
MATERIAL / COLOUR SCHEDULE	
C1	DOORS / FRAMES - TYPE: INSULATED HOLLOW METAL FINISH: PAINT COLOUR: WHITE BY:
C2	STOREFRONT FRAMES - TYPE: PRE-FINISHED THERMALLY BROKEN ALUMINUM STOREFRONT FRAMES WITH MIFRAME MOUNTED SEALED, TINTED VISION UNITS FINISH: CLEAR ANODIZED
C3	CANOPY - OUTLINE OF HORIZONTALLY CANOPY OVER MAIN ENTRANCE PROJECTING 1325 FROM BUILDING FACE COLOUR: WHITE
C4	CANOPY - OUTLINE OF HORIZONTALLY CANOPY OVER OVERHEAD DOORS PROJECTING 725 FROM BUILDING FACE COLOUR: WHITE
C5	OVERHEAD SECTIONAL DOORS - TYPE: PRE-FINISHED INSULATED (P8) SIZE: AS PER DRAWING COLOUR: WHITE
C6	METAL PANELS EXTERIOR WALL - TYPE: PRE-FINISHED INSULATED WALL SYSTEM WITH POLYISOCYANURATE INSULATION (P30) COLOUR: WHITE
C11	BOLLARDS - TYPE: CONCRETE FILLED 1500 STEEL PIPE BOLLARDS FINISH: PAINT COLOUR: SAFETY YELLOW BY:
C14	STEEL TRENDS - TYPE: OPEN GRATE STEEL TRENDS ON STEEL CHANNEL STRINGER (C310 x 31) WITH: 400 STEEL TUBE GUARD HANDRAIL ON 400 STEEL TUBE SUPPORTS AT 1000 O/C ALL GALVANIZED FINISH SHOP APPLIED STAIR #3 (EXTERIOR)
C24	DOCK LEVEL - TYPE: PRE-FINISHED INSULATED (P8) OVERHEAD DOCK LEVEL DOOR WITH 100MM POURED CONCRETE DOCK PROJECTION NEOPRENE FACED DOCK SEALS AND RUBBER DOCK BUMPERS
C28	SEAM ROOF - TYPE: PRE-FINISHED METAL STANDING SEAM ROOF COLOUR: WHITE
C33	GREEN HOUSE EXTERIOR WALL - POLYCARBONATE VISION PANELS IN PRE-FINISHED ALUMINUM GREENHOUSE WINDOW FRAMES ABOVE PRE-FINISHED INSULATED METAL PANEL SYSTEM
	METAL PANELS - SEE [C6] ABOVE
	POLYCARBONATE PANELS - CLEAR
	GREENHOUSE FRAMES - CLEAR

*TYPICAL - ALL DOWNSPOUTS, SOFFITS, FASCIA AND TRIM TO
MATCH EXTERIOR METAL WALL PANEL COLOUR / FINISH.
17025 - A3.0 11 x A3.0

CITY OF HAMILTON BUILDING HEIGHT
DETERMINED USING THE AVERAGE LEVEL OF
THE PROPOSED OR FINISHED GROUND ALONG
THE PERIMETER OF ALL EXTERIOR WALLS TO
THE UPPERMOST POINT OF THE BUILDING.

REFER TO SHEET A0.1 FOR NOTES,
LEGENDS AND SCHEDULES





This drawing is not to be used for construction unless signed by partner in charge.
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detail number key to details
sheet number

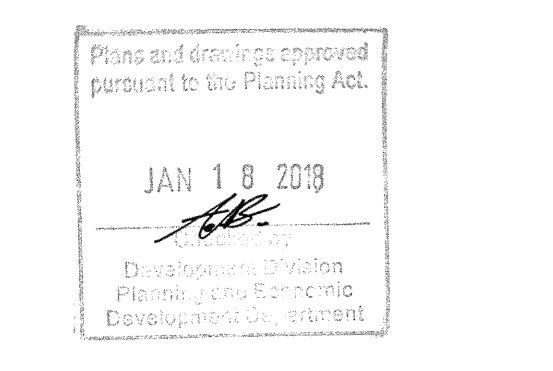


OWNER:
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1915 Jerseyville Road, West
Ancaster | Ontario | L9R 1R0



CONSTRUCTION MANAGER:
Ledor Construction Limited
3930 Nashua Drive
Mississauga | Ontario | L4V 1M5

CITY OF HAMILTON FILE NUMBER:
DAR-17-082



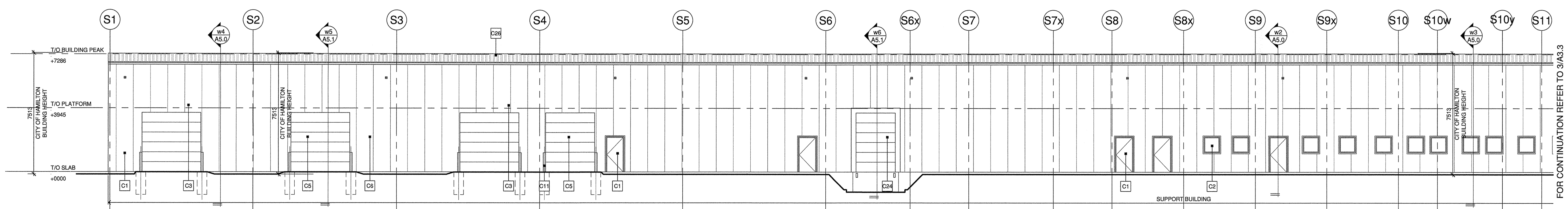
ISSUED FOR SPA FINAL 01DEC17
ISSUED FOR PERMIT 18SEP17
ISSUED FOR TENDER 01SEP17
PRE-ENG BLDG TENDER 20JUL17
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The Green Organic Dutchman
New Facilities
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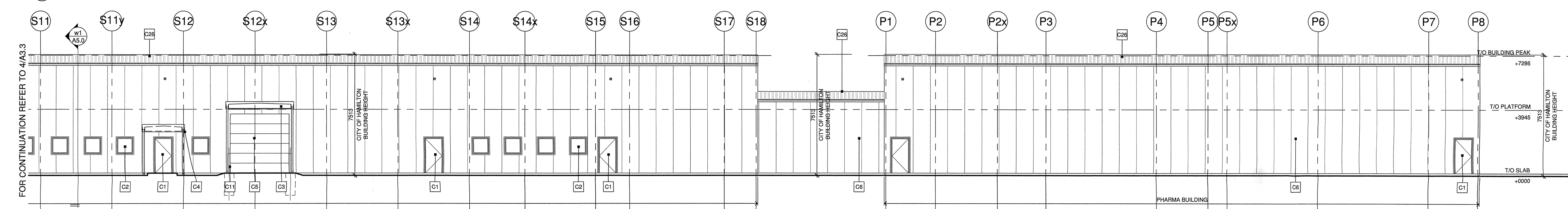
Elevation Enlargements

Project Number:
17025
Drawn By: dmku/SP
Checked By: dmku
Date: JUNE 2017
Scale: 1:100
Sheet Number:

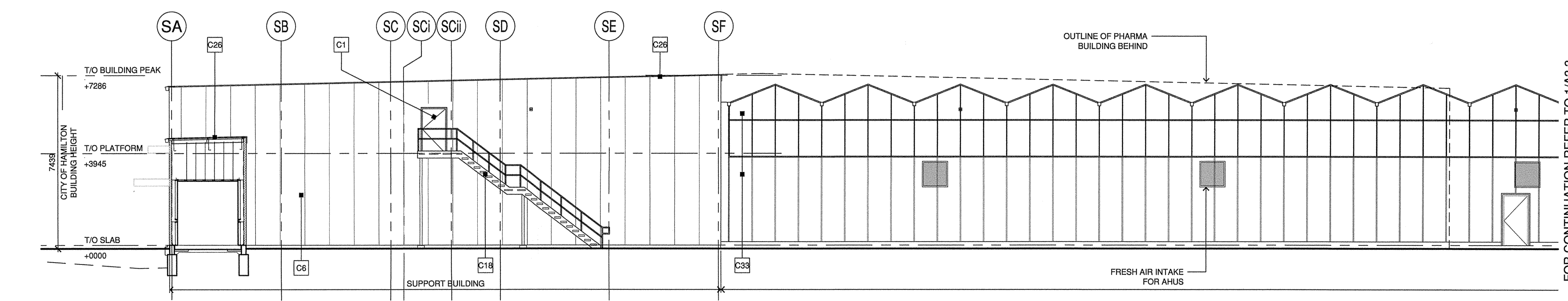
A3.3



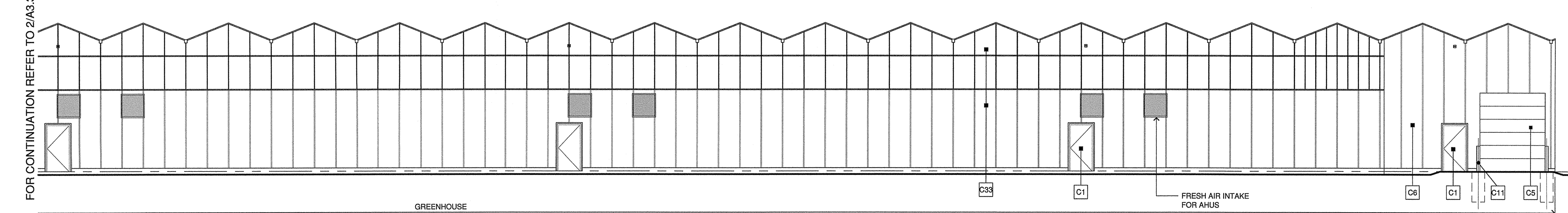
4 Partial West Elevation Enlargement
SCALE 1:125 SUPPORT BUILDING



3 Partial West Elevation Enlargement
SCALE 1:125 SUPPORT BUILDING



2 Partial South Elevation Enlargement
SCALE 1:125 SUPPORT BUILDING/ GREENHOUSE



1 Partial South Elevation Enlargement
SCALE 1:125 GREENHOUSE

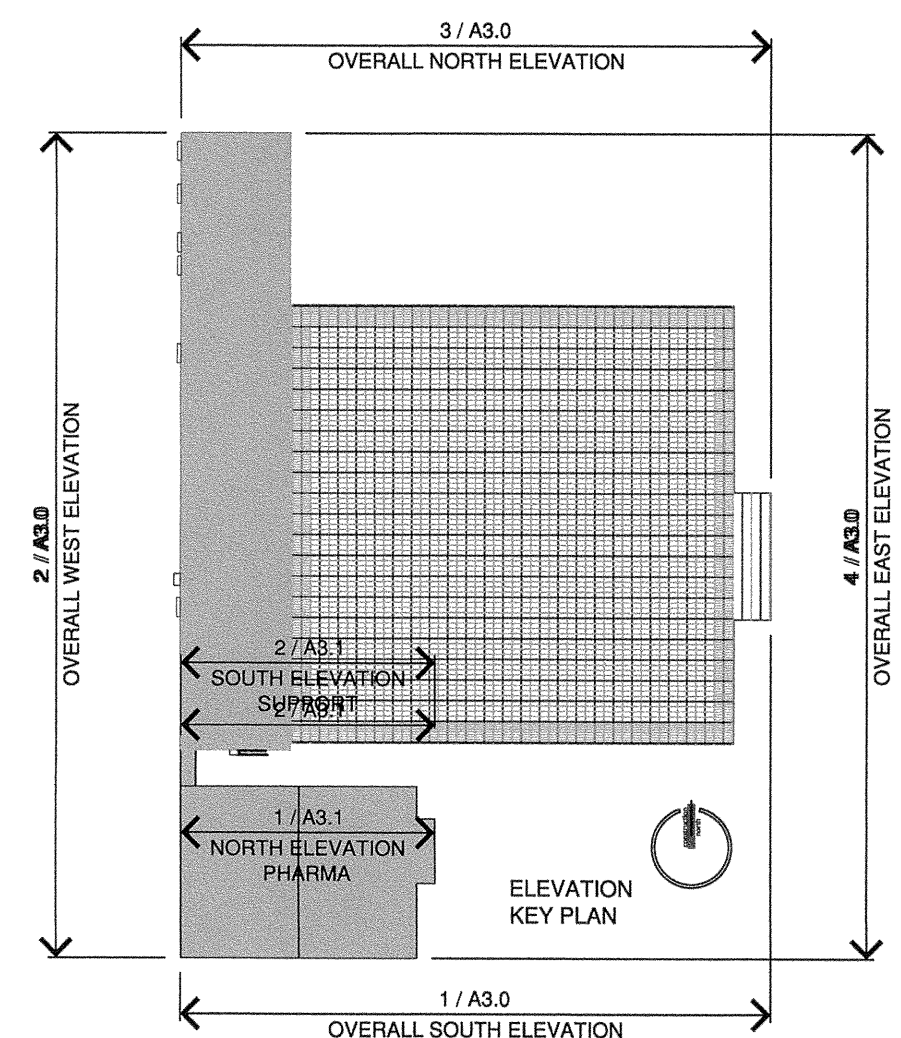
MATERIAL / COLOUR SCHEDULE

DOORS / FRAMES	- TYPE: INSULATED HOLLOW METAL - FINISH: PAINT - COLOUR: WHITE
STOREFRONT FRAMES	- TYPE: PRE-FINISHED THERMALLY - BROKEN ALUMINUM STOREFRONT - SEALS: TIGHT VISION UNITS - FINISH: CLEAR ANODIZED
CANOPY	- OUTLINE OF HORIZONTAL CANOPY - OVER HANG DISTANCE: PROJECTING - 100 FROM BUILDING FACE - COLOUR: WHITE
CANOPY	- OUTLINE OF HORIZONTAL CANOPY - OVER HANG DISTANCE: PROJECTING - 100 FROM BUILDING FACE - COLOUR: WHITE
OVERHEAD SECTIONAL DOORS	- TYPE: PRE-FINISHED INSULATED (PI) - SEALS: AS PER DRAWING - COLOUR: WHITE
METAL PANELS EXTERIOR WALL	- TYPE: PRE-FINISHED INSULATED WALL - SYSTEM WITH POLYURETHANE - INSULATION (PI) - COLOUR: WHITE
BOLLARDS	- TYPE: CONCRETE FILLED 1500 STEEL - PIPE BOLLARD - COLOUR: SAFETY YELLOW
STEEL TRUSSES	- TYPE: OPEN GRADE STEEL TRUSS ON STEEL - CHANNEL, STITCHER (C210 x 21) WITH - 400 STEEL TUBE SQUARE BRACING ON - ALL SIZES. USE SUPPLY BY 1000 (D) - SEALS: AS PER DRAWING
DOOR LEVEL	- TYPE: PRE-FINISHED INSULATED (PI) - OVERHEAD DOOR LEVEL, DOOR WITH 100MM - POLISHED CONCRETE DOOR PROJECTION - WEATHER-RESISTANT DOOR SEALS AND RUBBER - DOOR BLAMPERS
SEAM ROOF	- TYPE: PRE-FINISHED METAL STANDING SEAM - ROOF - COLOUR: WHITE
GREENHOUSE EXTERIOR WALL	- PRE-FINISHED INSULATED (PI) PANELS BY - PRE-FINISHED ALUMINUM GREENHOUSE - BROKEN FRAME SYSTEM - PRE-FINISHED INSULATED METAL PANEL SYSTEM
METAL PANELS	- SEE [C] ABOVE
POLYURETHANE PANELS	- CLEAR
GREENHOUSE FRAMES	- CLEAR

* FINISH: ALL JOINTS/PIPS: WHITE FINISH AND TRIM TO MATCH EXTERIOR METAL PANEL COLOUR/ FINISH.

CITY OF HAMILTON BUILDING HEIGHT
DETERMINED USING THE AVERAGE LEVEL OF
THE PROPOSED OR FINISHED GROUND ALONG
THE PERIMETER OF ALL EXTERIOR WALLS TO
THE UPPERMOST POINT OF THE BUILDING.

REFER TO SHEET A0.1 FOR NOTES,
LEGENDS AND SCHEDULES



FOR CONTINUATION REFER TO 1/A3.3

FOR CONTINUATION REFER TO 3/A3.3

FOR CONTINUATION REFER TO 4/A3.3

FOR CONTINUATION REFER TO 2/A3.3

Ministry of
Municipal Affairs

Ministry of Housing
Municipal Services Office
Central Ontario

777 Bay Street, 13th Floor
Toronto ON M5G 2E5
Tel.: 416-585-6226
Fax: 416-585-6882

Ministère des
Affaires municipales

Ministère du Logement
Bureau des services aux municipalités
du Centre de l'Ontario

777, rue Bay, 13^e étage
Toronto ON M5G 2E5
Tél. : 416-585-6226
Télééc. : 416-585-6882



March 12, 2018

Via email only

Joanne Hickey-Evans, MCIP, RPP
Manager, Policy Planning and Zoning By-law Reform
Planning Division
Planning and Economic Development Department
City of Hamilton
71 Main Street West, 4th Floor
Hamilton, Ontario L8P 4Y5

Dear Ms. Hickey-Evans:

**RE: Interpretation of Medical Cannabis / Marihuana Facilities in the Greenbelt Plan
File No 25-OTH-189816**

This letter is in response to your request from February 12, 2018, seeking comments from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and the Ministry of Municipal Affairs (MMA) on whether medical cannabis facilities can be considered an agricultural use or agriculture-related use under the Greenbelt Plan, 2017 (Greenbelt Plan). In preparing this response, we have consulted with OMAFRA technical staff. It should be noted that this response is limited to cannabis production for medical purposes. At this time, the Federal government is proposing to legalize recreational cannabis use and production. The Province of Ontario (Ontario) is continuing to consider its response to the anticipated legalization of recreational cannabis in 2018, and will continue to review input from municipalities, Indigenous communities and other stakeholders in this regard. Ontario reserves its right to comment upon cannabis production for recreational purposes as an agricultural use or an agriculture-related use at a later time if the anticipated federal amendments are enacted.

The production of medical cannabis is regulated by the Federal government under the Access to Cannabis for Medical Purposes Regulations (ACMPR). Under the ACMPR, licensed producers are permitted to conduct a number of activities, including the production of the cannabis crop. These activities result in different land uses, which are regulated through the land use planning system. Some of these uses can be considered agricultural uses, while others may be considered agriculture-related uses under the Greenbelt Plan.

As you are aware, the Greenbelt Plan provides specific policy direction to protect the agricultural land base in the long term. This includes specific policies that apply to prime agricultural areas, including specialty crop areas. Policies 3.1.2.1 and 3.1.3.1 of the Greenbelt Plan set out the following for specialty crop areas and prime agricultural areas respectively:

“All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected and a full range of agricultural uses, agriculture-related uses and on-farm diversified uses are permitted based on the provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations.”

The Greenbelt Plan does not set out the crops, specific uses or practices that should be permitted on or in prime agricultural and specialty crop areas. Instead, it defines the terms agricultural uses, normal farm practices, agriculture-related uses, and on-farm diversified uses and provides examples of uses that would meet these definitions.

To provide further guidance on how to interpret provincial land use planning policies related to these uses in prime agricultural areas, OMAFRA developed the [“Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas”](#) (OMAFRA’s Guidelines). These guidelines include criteria and examples of what constitutes agricultural uses and agriculture-related uses.

Agricultural Uses

Related to growing crops, OMAFRA’s Guidelines explain that in order to qualify as an agricultural use, crops should generally produce a harvestable product (e.g. fruit, vegetables, field crops, biomass, nursery crops, medicinal herbs and seeds). These crops may be used for a variety of purposes beyond food production. As outlined in the Provincial Policy Statement, 2014 (PPS) and Greenbelt Plan definition, on-farm buildings and structures associated with growing these crops are also considered agricultural uses. This includes greenhouses or other structures used for growing plants.

Based on this, the growing of medical cannabis crops qualifies as an agricultural use as per the Greenbelt Plan, including the growing of this crop in greenhouses or other structures.

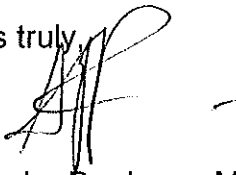
Agriculture-related Uses

Agriculture-related uses are permitted in prime agricultural areas subject to certain conditions. The Greenbelt Plan defines agriculture-related uses as “farm related commercial and industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity”. To be considered an agriculture-related use in prime agricultural areas, all of the foregoing criteria must be met. Moreover, agriculture-related uses shall be compatible with, and shall not hinder surrounding agricultural operations.

As mentioned above, in addition to growing medical cannabis crops, licensed producers are allowed to conduct a number of activities under the ACMPR, which may result in different land uses. In order to determine whether these other land uses can be considered agriculture-related uses, the municipality would need to examine the specifics of an operation against the policies of the Greenbelt Plan and OMAFRA's Guidelines. Section 2.5 (Implementation) of OMAFRA's Guidelines also identifies land use planning tools that the City of Hamilton may want to consider to regulate proposed medical cannabis facilities.

If you have any questions please contact me at Alejandra.Perdomo@ontario.ca or 416-585-6332, or Darryl Lyons, Manager, Community Planning and Development at Darryl.Lyons@ontario.ca or 416-585-6048.

Yours truly,



Alejandra Perdomo, MCIP RPP
Planner, Community Planning and Development (West)
Municipal Services Office

Cc: John Turvey, Policy Advisor, Land Use Policy & Stewardship, OMAFRA
Jackie Van de Valk, Rural Planner, Land Use Policy & Stewardship, OMAFRA

6.7(a)

From: Larry Jones
Sent: June-27-18 9:54 AM
To: Pasuta, Robert; Ferguson, Lloyd
Cc: Office of the Mayor
Subject: Pot Farm Jerseyville Road - Files: ZAC-17-080 and RHOPA-17-037

Hi Robert and Lloyd,

I'm writing you in regards to the rezoning request for the Pot Farm to be located on Jerseyville Road. I'm writing both of you because of the upcoming ward boundary changes and also because I have seen that Lloyd has been actively involved recently with questions himself of this operation.

My wife and I have lived in the Village of Jerseyville for the past 26 years. We have 3 kids living at home still so have a vested interest in what's going on 2 kms down the road from where we live.

Let's not forget this is an Industrial Scale operation they want to put in, not a hobby farm operation, so forget about cuteness and neighbourly appeal. This place is owned by a very large corporation not a local farmer and is there for one reason - to make money. They have a ton of start-up cash and need to be held accountable to the citizens and years of history in the area.

My main concerns are these:

- **WATER!** Is the Pot Farm and/or the City going to guarantee that should this operation be pulling so much water out of the ground that I and other residents in the Village have access to water? The water table in Jerseyville is very deep from what I understand and not in great abundance. My drilled well is 168ft deep. If we do run into water problems, is the Pot Farm or the City going reimburse me for having to drill a deeper well or is the City to supply communal well? And not at my expense.
 - Although the Pot Farm says they have a high tech water recovery system, have they answered the question of exactly how much water they are going to pull out of the ground on a daily basis? Is it sustainable?
 - Within the last year or so for some stupid reason a large chicken farm was allowed by the City to be built adjacent to the Village, off of Union Street. How much water is this place pulling? Are there well records? A giant house (10,000 sq. ft. plus) was also built on the property – it doesn't seem to be occupied yet but how much water is this place going to be pulling? These two items along with the Pot Farm water add up to a whole lot of water being pulled out of the ground which had in the past. Who monitors this stuff? Who is looking out for the residents interests?
- **TRAFFIC** – how much more traffic on Jerseyville Rd? How many more trucks? How many more cars?

- The road is used by lots of cyclists including myself, my kids and many small, young kids on bicycles – how will this be effected? Jerseyville Rd is currently the safest road to head west out of Ancaster on a bicycle. How will employee and truck traffic in and out of the Pot Farm affect this? With all the hills and the road being somewhat narrow there are always frustrated drivers – more traffic on Jerseyville means even more frustrated drivers and the potential for a cyclist/vehicle collision. Lets not forget that people need to be able to enjoy rural Ancaster for what it has to offer - it's a beautiful area to ride on a bicycle and the starting point for people to get to other rural parts of Hamilton and Brantford/Brant County. If it gets a lot more traffic on it it's just going to turn into another busy road that people will be afraid to ride their bikes on.
- **ENTRANCE** – what looks to be the entrance for this place is in absolutely the worst place. It's just over the crest of a hill. With additional traffic going in and out of that entrance the potential for an accident is extremely high whether it be a car or truck coming out of or entering the property . The entrance needs to be moved to a safer location.
- **EXPANSION** – what's to stop these guys from further expanding onto adjacent properties? Is it going to end up in 500,000 sq. ft of rural property on Jerseyville Rd someday covered by Greenhouses?
- **STREET VIEW** - is this place going to look like an armed camp from the road? Is it going to be lit up at night time and have barbed wire around it like a prison?

Attached is a full list of questions I submitted before the initial City zoning meeting. Not sure if the list got added as part of the agenda or not. I've been travelling a fair amount lately and have just started following this again.

Thank you

Larry Jones

June 18, 2018

To Whom it may Concern:

We are writing this letter due to our concern regarding the proposed greenhouse operation, that is to be built on Jerseyville Road. Our concern is that this facility will be built on prime agricultural land and also bring into play the issues of traffic, water, lighting and odour.

We have noted a marked increase in traffic on Jerseyville Road. Since this road is a rural road, there is frequent use by tractors and farm equipment. Also it is quite narrow and hilly making passing difficult and also frequently used by cyclists. Increased traffic affects the safety of this road, as well as the condition. There have been more pot holes this spring with the increase of trucks and other construction vehicles.

We have been living at this location for over 40 years and drilled a well in 2007. Our well only yields 6 litres of water per minute and our concern is that our well will be affected due to the increased water demand from this large operation. We are concerned about the affect it will have on the water table levels. We submitted a Water Well Reconnaissance Survey, but have not been contacted or consulted about this matter.

We have also noted that lighting is a concern. There are bright lights on all night that illuminate the area and are visible from our location.

There is also the issue of odour coming from greenhouses growing cannabis in close proximity to residences. The scale of this operation will affect the quality of life of the rural neighbours.

Nevertheless the primary concern is still the fact that this proposed facility is being built on prime farm land, soil that is used for the production of food by a farmer. The decision made will affect the ability of farmers to produce food locally. Also permitting the size of this operation will set a precedent for subsequent requests. The decision made on this issue will affect the future of agriculture for the future generation.

Yours truly

Hermann and Christa Koeppe

6.7 (c)

June 18, 2018

To Whom it may Concern:

We write this letter as we are greatly concerned about the proposed greenhouse operation to be built across the road from us. We realize that this facility will be built however to pave over prime agricultural land is not the place for this, nor a price the farming community should have to pay, not to mention concerns about traffic, lighting, water and odours in the rural area.

We have experienced a great deal of increased traffic on Jerseyville Road at certain times of the day. For residence attempting to get in or out of their driveways it poses a greater risk. Given that the road is quite hilly, it is very difficult to navigate farm equipment from field to field as people get impatient with slow moving vehicles and try passing where it is not safe, add to that the fact that Jerseyville road is a favourite route for cyclists and it is an accident waiting to happen, increasing the traffic on this road creates a very dangerous situation. Not to mention the wear and tear on the roads with all construction vehicles and trucks turning into the site.

We have been farming at this location for over 50 years and in that time have not had our well run dry. With this new proposed facility, we are greatly concerned about how it will affect the water table levels. We had met with the staff at the Green Organic Dutchman to discuss this along with other area farmers and residents. At that time, we were told that a meter would be installed on our well to monitor how their water usage would affect our water levels. To our dismay this was not done. We are livestock farmers and cannot be without water for our animals. The increased water demand from the large cannabis operation in the area will not only be from the greenhouse operations but also from the increased usage from septic systems, and day to day use due to the increase in employees at the facility.

Living across from the proposed location of the facility light pollution is also a great concern. Currently there are very bright lights on all night illuminating the area (lights that are over and above what a rural resident or agricultural business has). We cannot imagine the increase in this pollution once the large greenhouses are built.

Odours from Cannabis operations are another great concern. In Norfolk county families have been forced from their homes due to odours and light issues caused by large greenhouses and their proximity to residences. Quality of life should not be affected by allowing this corporation to build their facility close to rural residences on prime agricultural land.

The most important issue to us however is the fact that this facility is paving over agricultural land. Land that once paved over will be lost forever. The argument has come forth that cannabis is considered an agricultural product. The difference however is that there are no farmers involved. The large cucumber greenhouses they compare themselves too are producing food by a farmer on his/her land, or the farmers who produce cut flowers for the markets, these are farmers using the soil to grow the product and if they are grown in greenhouses the amount of land used by the greenhouse is not as vast as the proposed cannabis facility. The greenhouse can be erected on marginal land and continue their operations, farming cannot be done on marginal land with any success.

The decision made on this issue will affect the future of agriculture for generations. This will affect the ability of farmers to produce food locally. We are asking that you please consider the consequences of paving over prime agricultural land, land that has proven it can produce food for the citizens of Hamilton. Land that once paved over will lose that value forever.

Sincerely,

Karl and Isolde Koeppe



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	To Change the Name of Highland Road to Highland Road West Within the Former City of Hamilton (Ward 6) (PED18159)
WARD(S) AFFECTED:	Ward 6
PREPARED BY:	Paul Toffoletti (905) 546-2424 Ext. 4348
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That Highland Road, in the former City of Hamilton, between Pritchard Road and the former Municipal boundary between the City of Hamilton and the City of Stoney Creek, be renamed Highland Road West as identified on Appendix "A" to Report PED18159, in accordance with the draft By-law, attached as Appendix "B" to Report PED18159, which has been prepared in a form satisfactory to the City Solicitor, to be enacted by City Council.

EXECUTIVE SUMMARY

Highland Road West, in the former City of Stoney Creek, runs from Upper Centennial Parkway to the former Municipal boundary between the City of Stoney Creek and the City of Hamilton. The roadway crosses the former Municipal boundary into the former City of Hamilton where it ends at Pritchard Road, and this segment is named Highland Road, without the directional suffix of "West".

The Municipal numbering on the Stoney Creek side of Highland Road West runs from 16 to 512 starting from Upper Centennial Parkway to the former Hamilton/Stoney Creek Municipal boundary, which is located where Upper Red Hill Valley Parkway now exists.

The Municipal numbering on the Hamilton side of Highland Road are 87 and 99 on the south side and 40, 50 and 60 on the north side, starting from Pritchard Road to the

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SUBJECT: To Change the Name of Highland Road to Highland Road West Within the Former City of Hamilton (Wards 6) (PED18159) - Page 2 of 4

former Hamilton / Stoney Creek municipal boundary, which is located where Upper Red Hill Valley Parkway now exists.

Based on the foregoing, there has been an ongoing concern with Highland Road in Hamilton being confused with Highland Road West and Highland Road East in Stoney Creek. To end the confusion, staff recommends that Highland Road in Hamilton be changed to Highland Road West and that the Municipal numbers be changed to reflect the continuing sequence from the Stoney Creek side.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are costs associated with placing an advertisement in the Hamilton Mountain News. Street signs indicating “Highland Road West” are already installed.

Staffing: None

Legal: *The Municipal Act* does not require any public notification for a Municipal street name change. However, notice of the proposed street name change has been given in accordance with The City of Hamilton Local Street Naming Policies, Guidelines and Procedures as approved by Council on March 9, 2005.

HISTORICAL BACKGROUND

Highland Road West and Highland Road East, in the former City of Stoney Creek, has been in existence for a number of decades. The division between “West” and “East” is along Upper Centennial Parkway. Highland Road West runs from Upper Centennial Parkway to the former Municipal boundary between the City of Stoney Creek and the City of Hamilton, with numbering starting at Upper Centennial Parkway and increasing higher as you get closer to the former Municipal boundary. It should be noted that the Municipal boundary is located where Upper Red Hill Valley Parkway now exists.

The roadway crosses the former Municipal boundary and ends at Pritchard Road. This portion of the road between the former Municipal boundary and Pritchard Road is within the former City of Hamilton and is named Highland Road, without the directional suffix of “West”. Municipal addressing starts from Pritchard Road and increases as you get closer to the former Municipal boundary (Upper Red Hill Valley Parkway).

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SUBJECT: To Change the Name of Highland Road to Highland Road West Within the Former City of Hamilton (Wards 6) (PED18159) - Page 3 of 4

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The proposed street name change is consistent with the Local Street Naming Policies, Guidelines and Procedures and will avoid and remove duplicate street names.

RELEVANT CONSULTATION

Three vacant properties will need to have a full address change.

All three owners have been made aware of the proposed street name and address changes. No objections have been received up to the time of the writing of this Report.

Accordingly, a copy of the draft By-law has been prepared and reviewed by the City of Hamilton Legal Services Division and attached as Appendix "B" to Report PED18159.

Lastly, the Ward 6 Councillor has been made aware of this recommendation.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The municipal numbering on the Stoney Creek side of Highland Road West runs from 16 to 512 starting from Upper Centennial Parkway to the former Hamilton/Stoney Creek Municipal boundary, which is located where Upper Red Hill Valley Parkway now exists. These numbers are in order and in sequence.

The Municipal numbering on the Hamilton side of Highland Road are 87 and 99 on the south side and 40, 50 and 60 on the north side, starting from Pritchard Road to the former Hamilton/Stoney Creek Municipal boundary, which is located where Upper Red Hill Valley Parkway now exists. These numbers are not in proper sequence.

Number 87 is a vacant property located at the corner of Pritchard Road and Highland Road. Number 99 is a vacant property that is subject to a Draft Plan of Subdivision (25T-201402) where no construction has yet begun. Numbers 40, 50 and 60 were former, single-detached dwellings that have been recently demolished for a future commercial development.

As such, there has been an ongoing concern with Highland Road in Hamilton being confused with Highland Road West and Highland Road East in Stoney Creek. Staff has received calls and emails from individuals who were looking around the Upper Centennial Parkway area for the Hamilton addresses located near Pritchard Road. To end the confusion, staff recommends that Highland Road in Hamilton be changed to Highland Road West and that the Municipal numbers be changed to reflect the continuing sequence from the Stoney Creek side.

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SUBJECT: To Change the Name of Highland Road to Highland Road West Within the Former City of Hamilton (Wards 6) (PED18159) - Page 4 of 4

Only three vacant properties will need to change their address and the owners have not objected to the change. Street signs have already been installed as “Highland Road West” on the Hamilton side at Pritchard Road and Upper Red Hill Valley Parkway.

ALTERNATIVES FOR CONSIDERATION

One alternative is not to change the name or addresses and leave it as Highland Road.

Another alternative is not to change the name and leave it as Highland Road, but to change the Municipal numbering.

In either case, staff do not recommend these alternatives, as we have already seen cases where maps and signs mistakenly call the road Highland Road West. Private, Corporate and governmental databases have become address reliant and exact, whereby submitting the wrong street name could lead to services not being delivered or potential confusion, especially for Emergency Services. The City could be held responsible and liable for any loss of life or property, if delivery of personal or Emergency Services were unable to locate a property due to duplicate street names and/or addresses.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Economic Prosperity and Growth

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map of Highland Road

Appendix “B” – By-law

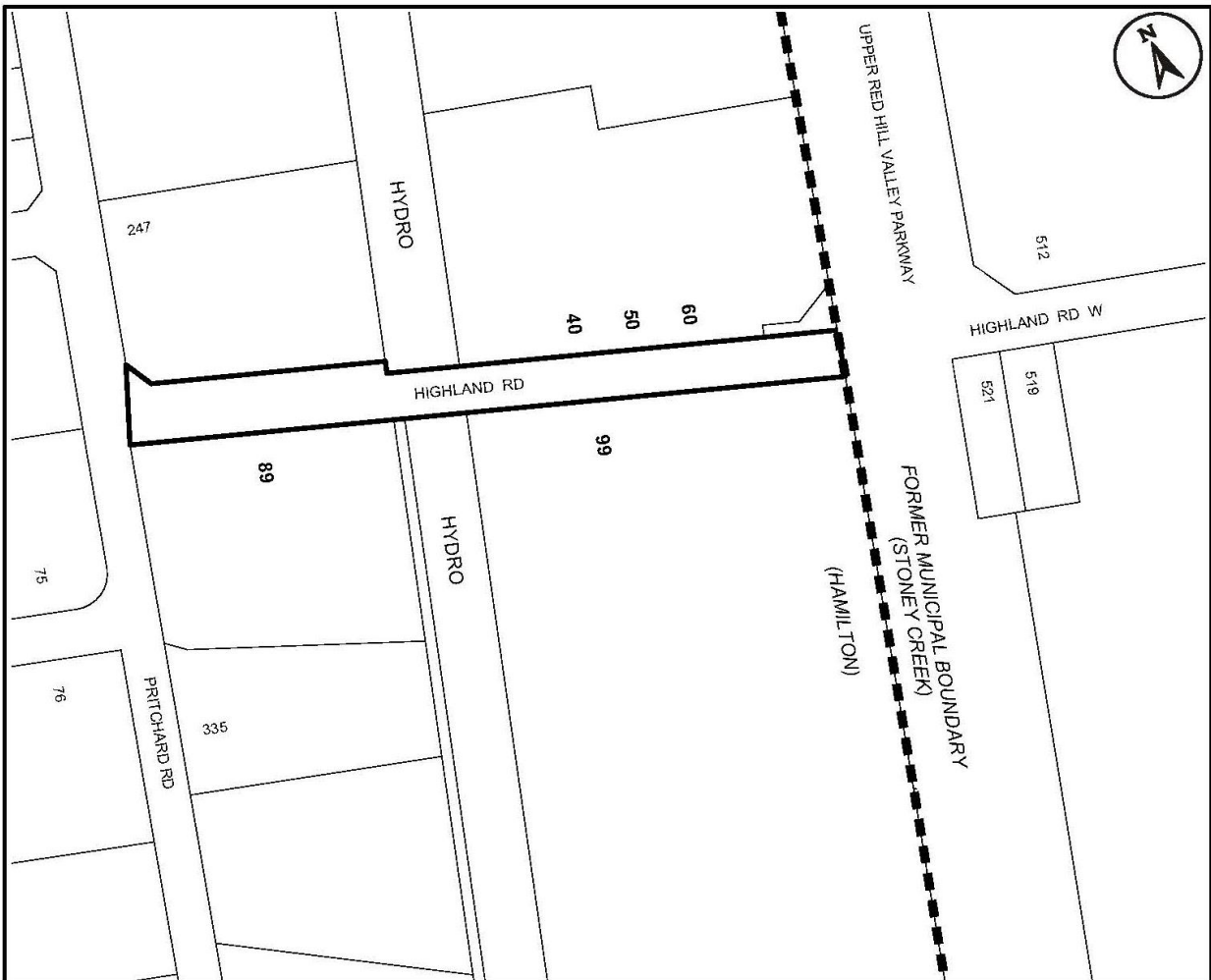
PT:sd

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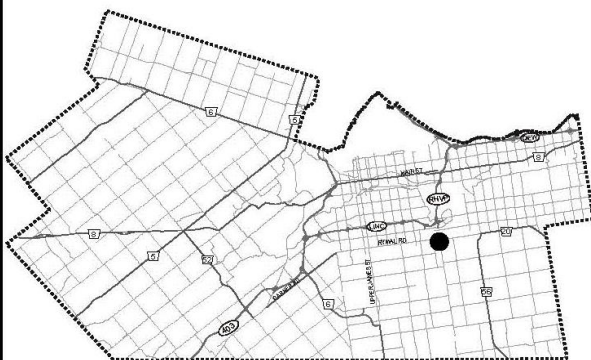
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Appendix "A" to Report PED18159
Page 1 of 1




● Site Location



City of Hamilton

Municipal Address Map

Subject Property

 Change from Highland Road to Highland Road West

File Name/Number:

Highland Rd

Date:

Jan. 19, 2018

Technician:

AL

Map Not to Scale

Appendix "A"



Hamilton

Appendix "B" to Report PED18159
Page 1 of 1

Authority: Item [redacted], Economic Development
and Planning Committee
Report: xx-[redacted] (PEDxxxxx)
CM: [redacted]

Bill No. [redacted]

CITY OF HAMILTON
BY-LAW NO. [redacted]

To rename Highland Road to Highland Road West

WHEREAS notice of the proposal to pass this by-law was published in the Hamilton Mountain News prior to the passing of this by-law;

AND WHEREAS the Council of the City of Hamilton, through the Economic Development and Planning Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this by-law;

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

1. The name of the street municipally known as Highland Road, more particularly described as follows:

PIN 16932-0048 (LT)

Part of the Road Allowance between Concessions 7 and 8, Saltfleet; lying west of Upper Mount Albion Road.
City of Hamilton.

is hereby changed to Highland Road West.

2. That this by-law comes into force and takes effect on the date of its registration in The Hamilton Land Registry Office for the Land Titles Division of Wentworth 62.

PASSED and ENACTED this [redacted] day of [redacted], 2018.

Fred Eisenberger
Mayor

Rose Caterini
City Clerk



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

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	Burlesque Entertainment – Amend Business Licensing By-law 07-170 (Schedule 1 Adult Entertainment) (PED18151) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ken Leendertse (905) 546-2424 Ext. 3059
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Schedule 1 (Adult Entertainment Establishments) of the City of Hamilton's Business Licensing By-law 07-170 be amended to add a definition of "burlesque entertainment" and to amend the definition of "adult services" to create an exemption for burlesque entertainment, as described in Report PED18151;
- (b) The subject to approval of Recommendation (a), the Business Licensing By-law 07-170 be amended and enacted by Council, with content acceptable to the General Manager of Planning and Economic Development and in a form satisfactory to the City Solicitor;
- (c) That the item respecting the feasibility of amending the Licensing By-law including comparators across the country to clearly define adult services in relation to the distinction between strip clubs and other performances, including but not limited to burlesque, be identified as complete and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

At its meeting of January 17, 2017, Council approved Item (g)(i) of Planning Committee Report 17-001 directing staff to report back on the feasibility of amending the Licensing By-law including comparators across the country to clearly define adult services in relation to the distinction between strip clubs and other performances, including but not limited to burlesque.

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**SUBJECT: Burlesque Entertainment – Amend Business Licensing By-law 07-170
(Schedule 1 Adult Entertainment) (PED18151) (City Wide) - Page 2 of 5**

A detailed comparison of 27 municipalities, attached as Appendix “A” to this Report, was conducted and it was determined that there was no distinction within the definitions of the by-laws reviewed that differentiated between “adult services” and “burlesque entertainment”. To define adult entertainment establishment most municipalities rely on the definition contained in the *Municipal Act, 2001, Sec 154(2)(a)* being: “goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations,” which references services for which a principal feature is nudity, or partial nudity of a person.

A scholarly review approach better distinguishes the difference between adult services and burlesque. The main distinction is the intent of the entertainment; adult services aim at sexual arousal while burlesque does not.

With this distinction in mind, staff recommends an amendment to Schedule 1 of the Business Licensing By-law to add a definition of burlesque entertainment and to amend the current definition of adult services to exclude burlesque entertainment.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: Schedule 1 of the Business Licensing By-law 10-070 will be amended to add a definition of burlesque entertainment and to exclude burlesque entertainment from the definition of adult services.

HISTORICAL BACKGROUND

In August 2016, By-law charges were laid against two burlesque dancers and a business owner for engaging in a business of adult services without a licence. After the charges were issued, the two performers appeared before Committee urging the City to change the definition of adult services to exclude burlesque dancing because they believed their performance was art and not stripping. Staff was directed to examine the difference and look at municipal comparators.

On March 5, 2018, both performers plead guilty to engaging in the business of adult services attendant without a licence.

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**SUBJECT: Burlesque Entertainment – Amend Business Licensing By-law 07-170
(Schedule 1 Adult Entertainment) (PED18151) (City Wide) - Page 3 of 5**

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Legal Services was consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Schedule 1 of the Business Licensing By-law 07-170 defines adult services as services appealing to or designed to appeal to erotic or sexual appetites or inclination and includes, but is not limited to:

- (a) services of which a principal feature or characteristic is the nudity, or partial nudity or any person;
- (b) services in respect of which the word nude, naked, topless, bottomless, sexy or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement; or,
- (c) activities, facilities, performances, dances, exhibitions, viewings and encounters in an adult services entertainment establishment.

The essence of burlesque entertainment does fall within the current definition as reflected in the numerous Municipal By-laws which characterizes the performance or dance with partial nudity or characteristics of nudity.

The definition of burlesque, according to the Webster dictionary, is a performance which is based on satire and humour and partial nudity. There is a growing trend for communities and citizens to be involved with burlesque dancing as a form of entertainment. The principal feature of burlesque is that of entertainment versus that of sexual arousal.

When examining the roots of burlesque dancing and how it has developed and is currently being portrayed in our communities, it is a form of entertainment and satire versus a performance designed to appeal for sexual appetite. This is never more evident in the crowds that attended burlesque entertainment as they are usually couples, unlike what you would find in a typical strip club.

Examining other specific definitions throughout North America, the City of Phoenix best delineates the difference of activities and their intent. An excerpt from the definition of “adult cabaret” for licensing is as follows:

**SUBJECT: Burlesque Entertainment – Amend Business Licensing By-law 07-170
(Schedule 1 Adult Entertainment) (PED18151) (City Wide) - Page 4 of 5**

“Nothing in the definition of "adult cabaret" shall be construed to apply to the presentation, showing, or performance of any play, drama, or ballet in any theatre, concert hall, fine arts academy, school, institution of higher education, or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.”

The Phoenix By-law does not look to license entertainment which is “a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise”. This definition also exempts some theatre shows/plays that involve nudity. In our opinion, burlesque entertainment would not fall under the definition adult cabaret if the intent is not arousal.

In the scholarly article titled “Undressing the First Amendment and Corseting the Striptease Dancer,” anthropologists found that forms of dance serve as forms of non-verbal communication. Also, dance is a language in the sense of being a systemic means of communicating ideas or feelings. Music and costume as well as pantomime and role-playing may enhance the messages.

If there is a conclusion that burlesque is an expression/communication of ideas, satire or comedy, then the Phoenix By-law is useful when considering possible amendments to Schedule 1 of the Business Licensing By-law 07-170.

A proposed definition of Burlesque Entertainment for amendments to this Schedule is:

Burlesque Entertainment: *means a type of variety show or performance, including comic or musical sketches that may be both provocative and comedic, and that may feature minimum costuming, sexually related dialog, witty remarks and dancing for the purpose of entertainment, ridicule, satire and humor, rather than the sexual arousal of its audience.*

ALTERNATIVES FOR CONSIDERATION

Special Events Permit (Burlesque Entertainment)

An alternative would be to create a Special Events Permit to allow for burlesque entertainment as a specific activity for a limited period of time.

Currently Schedule 1 of the Business Licensing By-law restricts the number of licences and the location of all adult services to locations currently licensed as Adult Entertainment Establishments. There is currently one active licence, however Section

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**SUBJECT: Burlesque Entertainment – Amend Business Licensing By-law 07-170
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7(1) of Schedule 1 of the Business Licencing By-law allows for two locations, but only in very restricted locations.

If the Committee continues to support the interpretation of “adult services” as including burlesque entertainment, an alternative to the current conditions would be to develop a temporary Special Events Permit. This permit would allow for burlesque entertainment to occur throughout the City with permission for single events. This alternative will change the current By-law to permit this activity, while reducing the restrictions currently imposed for burlesque entertainment versus that of all adult services under the Schedule.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

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

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: Municipal Comparison on Adult Entertainment

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Municipal Comparison on Adult Entertainment

Municipality	By-law	Section/Schedule	Relevance
Hamilton	By-law 07-170	Schedule 1	Hamilton's Current Licensing standards for Adult Entertainment services: Currently, Schedule 1 of Hamilton's business by-law seeks to license adult entertainment establishments: Adult Services Entertainment Establishment "adult services entertainment establishment" means any premises or part of a premises in which adult services are provided by one or more individuals by means of physical movements, verbal expressions, or other forms of behaviour; "adult services" means services appealing to or designed to appeal to erotic or sexual appetites or inclinations and includes but is not limited to: (a) services of which a principal feature or characteristic is the nudity, or partial nudity of any person; (b) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement; or (c) activities, facilities, performances, dances, exhibitions, viewings and encounters in an adult services entertainment establishment "attendant" means any person who provides adult services in an adult services entertainment establishment;
Amherstburg	By-law 2009-44	Schedule A2	Licence applicable to: "Every person who works as an attendant in an adult entertainment establishment, i.e., a place of business in which entertainment or services designed to appeal to exotic or sexual appetites or inclinations are provided"
Aurora	By-law 5630-14	2. (1)	Definition: Entertainer means any person who provides or offers to provide services designed to appeal to erotic or sexual appetites or inclinations at an Adult Entertainment Parlour, other than a person who is an owner or an operator of an Adult Entertainment Parlour; 2.1: There shall be a Licence taken out by: (t) every Entertainer at an Adult Entertainment Parlour
Barrie	By-law 2005-276	2.1.3.	"ADULT ENTERTAINMENT ATTENDANT - means any person who, within or in respect of any Adult Entertainment Establishment, regardless of whether the Adult Entertainment Establishment is an Adult Entertainment Establishment - Class A or Adult Entertainment Establishment - Class B as defined within this by-law, provides entertainment or service. "
Brampton	By-law 114-2017	Part II - 4.	" Entertainer " means a person who, in pursuance to a trade, business or occupation, provides Services designed to appeal to Erotic or Sexual Appetites or Inclinations at an Adult Entertainment Business; " Erotic or Sexual Appetites or Inclinations " means the bent of mind, desire, inclination or preferences to satisfy a craving or desire pertaining to or related to sex;
Brantford	Licence - Chapter 329	329.1.1 & 329.1.14	329.1.1 Adult live entertainment parlour - defined "adult live entertainment parlour" shall mean a lot and a building or structure or portion thereof in which or in part of which, in pursuance of a trade, calling, business or occupation, a live performance of an adult nature is provided. 329.1.14 Entertainer - defined "entertainer" means a person who performs a live performance of an adult nature within an adult live entertainment parlour

Municipal Comparison on Adult Entertainment

Municipality	By-law	Section/Schedule	Relevance
Cambridge	By-law 157-12	1. (i)	"attendant", when used in reference to an adult entertainment establishment or an adult entertainment establishment business, means any person, who provides entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations;
Chatham-Kent	By-law 178-2015	1	"Adult Entertainment Event" shall mean an occurrence conducted by a Person or Business providing entertainment appealing to or designed to appeal to erotic or sexual appetites or inclinations within a facility other than an Adult Entertainment Parlour; "Adult Entertainment Services" includes activities, facilities, performances, exhibitions, viewing and encounters in which (a) a principle feature is the nudity or partial nudity of any person; or (b) the word "nude", "naked", "topless", "bottomless", "sexy", or others... includes any performance, exhibition or activity involving striptease dancers...
Fort Erie	By-law 279-2006	Part 1. 1 (h)	"Entertainer" means an individual person other than a licenced owner or operator who, in pursuance of a business, occupation or calling, performs, provides or offers or solicits services designed to appeal to erotic or sexual appetites or inclinations at an Adult Entertainment Parlour
Guelph	By-law (2009)-18855	1. (b)(c)	By-law does not identify adult entertainer in definitions, only adult entertainment goods and services: being goods or services that are designed to appeal to erotic or sexual appetites or inclinations
Halton Hills	By-law 2005-0067	1	"Entertainer" means a Person other than a licensed Adult Entertainment Owner Operator and who is of age of majority, who provides services or entertainment appealing to, or designed to appeal to, Erotic or sexual appetites or inclinations. "Adult Entertainment Parlour" shall mean any Premises or part thereof in which there is provided, in pursuance of a trade, calling, business or occupation; services or entertainment appealing to, or designed to appeal to, erotic or sexual appetites or inclinations.
Huntsville	By-law 2017-111	Schedule "E" - 1.16 & 6.1	"Perform" or "Live Performance" means any performance, exhibition or activity designed to appeal to Erotic or sexual appetites or inclinations: (a) in which a principal feature or characteristic is the nudity or partial nudity of any person; or (b) in respect of which the word "nude", "naked", "topless", "bottomless", "sexy"...includes any performance, exhibition, or activity, involving striptease dancers... 6.1. Every Licensee shall ensure that a Live Performance cannot be seen or heard outside the Place of Business.
Kingston	By-law 2006-213	Schedule AE-2	Licence applicable to: Every person who is employed in or performs at an establishment that provides services designed to appeal to erotic or sexual appetites or inclinations at an Adult Entertainment Establishment.
Kitchener	Licence - Chapter 502	Chapter 502	502.1.14: "Class E services" means any services of which a principal feature is the nudity or partial nudity of any person... "nude", "naked", "topless", "bottomless"... specifically include striptease dancing, table dancing, wet clothing contset, best body parts contest or any other similar performance, exhibition, contest, activity, viewing, encounter... 502.1.5 - attendant: means a person who, in an adult entertainment parlour, provides Class D services or Class E services
London	By-law 131-16	Schedule 3.1	"Adult Live Entertainment Parlour" means any premises or part thereof in which, in pursuance of a business , a live performance appealing to or designed to appeal to erotic or sexual appetites or inclinations is provided; "live performance" means any performance, exhibition or activity designed to appeal to erotic or sexual appetites or inclinations... includes any performance, exhibition or activity involving striptease dancers, exotic dancers, and table dancers

Municipal Comparison on Adult Entertainment

Municipality	By-law	Section/Schedule	Relevance
Mississauga	By-law 507-15	By law # 507-05, 1.	"Adult Entertainment Business" means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations; "Entertainer" means a person who, in pursuance to a trade, business or occupation, provides services designed to appeal to erotic or sexual appetites or inclinations at an Adult Entertainment Business
Niagara Falls	By-law 2002-197	1. (gg).	"services" means services designed to appeal to erotic or sexual appetites or inclinations and includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the Theatres Act;
Oakville	By-law 2015-075	2. & Schedule 2	"Services" in relation to an adult entertainment establishment includes activities, facilities, performances, exhibitions, viewing and encounters but does not include the exhibition of film approved under the Film Classification Act;
Oshawa	By-law 120-2005	2. & Schedule B.	"Attendant", in reference to an Adult Entertainment Parlour, means any person other than an Owner or Operator who provides Services designed to appeal to erotic or sexual appetites or inclinations at an Adult Entertainment Parlour; "Services", in reference to an Adult Entertainment Parlour, includes activities, facilities, performances, exhibitions, viewing and encounters, but does not include the exhibition of film approved under the Theatres Act;
Ottawa	By-law 2002-189	1 (harmonized licensing)	"adult entertainment performer" means any person other than a licensed adult entertainment owner or adult entertainment operator who provides at or in an adult entertainment parlour live entertainment or services designed to appeal to erotic or sexual appetites or inclinations;
St. Catharines	By-law 2005-318	Schedule B1	"Services" includes activities, performances, exhibitions, viewings and encounters, but does not include the exhibition of film approved under the Theatres act
Thunder Bay	By-law PC7-2005	PC7 - 2005, Article 1.01 (a) and (z)	(a) "Adult Content" is an adjective describing an event or production which involves entertainment or Services Designed to Appeal to Erotic or Sexual Appetites or Inclinations, which is not held within an Adult Entertainment Establishment. (z) ...Services in respect of which: (a) any one or more of the words or phrases: "lap dancing"; "table dancing"; "strip tease"; or any other word having like meaning or implication
Toronto	Licensing - Chapter 545	ARTICLE XXXII	appealing to or designed to appeal to erotic or sexual appetites or inclinations
Town of Caledon	Zoning - Section 3	3.2	Adult Entertainment Parlour, Live means any premises or part thereof in which there is provided, in pursuance of a trade, calling, business or occupation, services appealing to, or designed to appeal to erotic or sexual appetites or inclinations. "Services" in the context of Live Adult Entertainment Parlour includes activities, facilities, performances, exhibitions, viewings and encounters provided by one or more entertainers in pursuance of a business.
Vaughan	By-law 315-2005	9.1 (3)	"...every service provided by such Attendant, including every performance, encounter, exhibition, dance, or other similar activity..."
Waterloo	By-law 02-184	17. c) and (h)	(h) "attendant" means a person who, in an adult entertainment parlour, provides services appealing to or designed to appeal to erotic or sexual appetites or inclinations... (c)"services" include activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the Theatres Act or any successor legislation thereto;
Windsor	By-law 395-2004	Section A1	"dancer licence"



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

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	By-law to Prohibit Driving School Instruction in Restricted Areas (PED17179(a)) (Ward 5) (Outstanding Business List Item)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Sylvia Sadowski (905) 546-2424 Ext. 2547 Luis Ferreira (905) 546-2424 Ext. 3087
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the By-law, attached as Appendix "A" to Report PED17179(a), prohibiting Provincially Licensed Driving School Instructors from providing driving lessons on Municipal streets used as DriveTest examination routes within the City of Hamilton, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the item respecting legislative options and alternatives related to the regulation of driving schools be identified as complete and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

On July 14, 2017, Council approved Planning Committee Report 17-012 Item (g)(i) requesting staff report back to Committee with legislative options and alternatives related to the regulation of driving schools in Hamilton that seeks to address the practise areas utilized by driving schools and individual driving inspectors, 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.

Resulting from the research collected in preparation of this Report, staff recommends creating a Driving School Instruction Area By-law prohibiting driving school instructors from operating on the same Provincially-approved streets as the DriveTest exam routes

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**SUBJECT: By-law to Prohibit Driving School Instruction in Restricted Areas
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and not to regulate the industry further through a Municipal licensing program to avoid duplication of Provincial licensing legislation and duplication of licensing fees.

This approach would provide the most cost-effective way to address the extra vehicular traffic experienced by residents from driving school instructors who practise on the same routes that DriveTest Examiners use.

Alternative for Consideration – Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The installation of signs to identify three Driving School Instructor prohibited zones will be required. The total cost of signs required to facilitate the prohibited driving instruction areas would be approximately \$1,600 and would be paid for from Account No. 59035-817006.

Staffing: Enforcement of the prohibited area can be accomplished with existing staff.

Legal: Pursuant to subsection 27(1) of the *Municipal Act*, 2001, the City has authority to pass by-laws in respect of a highway where it has jurisdiction over the highway.

Pursuant to Sections 8, 9 and 10 of the *Municipal Act*, 2001, the City of Hamilton is authorized to pass by-laws necessary or desirable for municipal purposes, and in particular, paragraphs 6 and 8 of subsection 10(2) authorize by-laws respecting the health, safety and well-being of persons and the protection of persons and property.

HISTORICAL BACKGROUND

On August 9, 2006 Council approved Committee of the Whole Report 06-018, Information Item (i), directing staff to investigate the possibility of licensing driving schools.

On November 28, 2007, Council approved Economic Development and Planning Committee Report 07-020, Item 13, recommending that the Hamilton DriveTest Centre post signage in their location advising that beginner drivers and driving school instructors refrain from using the residential area surrounding the DriveTest Centre for practice on their exam routes. Staff also sent out correspondence to driving schools in the Hamilton area requesting that they refrain from using the residential area surrounding the DriveTest Centre.

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On November 7, 2017, the DriveTest Centre issued the letter advising driving school instructors not to train on the same streets as the exam routes. This was initiated as part of a communication strategy because new Ministry of Transportation (MTO) approved exam routes were introduced and they wanted to remind the driving school industry to refrain from using the same approved exam routes in hopes of mitigating the amount of vehicular traffic in these new areas.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Legal Services, DriveTest Hamilton, Ministry of Transportation – Driver Programs Office, Ministry Approved Driving School Stakeholders, City of Hamilton Traffic Operations – Public Works - and the Ward 5 Councillor were consulted in the preparation of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff engaged with various stakeholders to obtain a complete understanding and overview of the driving school industry which helped staff identify the best course of action to pursue while avoiding over regulation and duplication of Provincial licensing requirements.

Shortly after the DriveTest began operating, via the Ward 5 Councillor, residents have objected to the additional vehicular traffic generated by the facility as well as the driving school instructors it attracts.

Driver examination and testing is conducted in Ontario by a third-party company (Serco Canada Inc.) who are licensed by MTO to operate as DriveTest. Through this License Agreement they are an extension of the MTO and not subject to Municipal regulations. DriveTest Centres have more than 50 locations throughout the Province and the one located in Hamilton is at 370 Kenora Avenue, Hamilton. All Provincially-approved road tests/exams are carried out on neighbourhood streets in the vicinity of the DriveTest Centre.

Through a contractual agreement and operating under the authority of the MTO, DriveTest Centre Examiners are mandated to perform testing on Ministry approved routes. Although the City cannot prevent DriveTest from conducting driver examinations on residential streets, staff can restrict driving school instructors from using certain areas within the City to provide lessons to students.

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**SUBJECT: By-law to Prohibit Driving School Instruction in Restricted Areas
(PED17179(a)) (Ward 5) - Page 4 of 5**

The current Provincial licensing program regulates the driving school industry but does not restrict where driving school lessons can occur. The reason for this is because the MTO approved exam routes are changed for operational reasons from time to time and they do not have the resources to ensure only DriveTest examiners use the approved exam routes.

Staff recommends implementing driving school instruction prohibited areas, enacted under the authority of the *Municipal Act, 2001*, that would be enforced by Municipal Law Enforcement (MLE) Officers. The prohibition would apply to Provincially-licensed driving school instructors who use the same routes as the DriveTest examiners while providing instruction to students.

Through consultations with various municipalities, staff believe this to be the most appropriate course of action and would achieve a positive result for residents with little to no negative impact on the driving school industry. This approach was also supported by the various groups consulted, including the Ward 5 Councillor.

In consultation with Hamilton DriveTest staff, the residential streets contained within the three proposed restricted areas as outlined in Appendix "A" to this Report would capture the majority of examination test routes.

Under this Recommendation, the City would create restricted areas where driving school instructors would be prohibited from operating except where the instructor is picking up and/or dropping off a student who lives within the defined restricted area. It is important to note that the proposed By-law would not impact a resident from using the street within the restricted area for providing driving instruction, provided such instruction is not carried out as a commercial enterprise.

Staff recommends that the By-law come into force and effect on the date of passage but will provide a grace period of two months for public education followed by re-active enforcement strategy for By-law contraventions. This option will require the installation of regulatory signs in residential areas advising that driving school instruction is prohibited.

ALTERNATIVES FOR CONSIDERATION

A licensing program that includes the licensing of driving schools, driving school instructors and the vehicles used by the instructors or any combination thereof, would require amendments to the Licensing By-law 07-170, additional administrative staff, additional enforcement staff, and additional equipment and vehicles. To be full cost recovery, a licensing fee would be applied to the chosen licensing program.

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If Council opted for a licensing program, staff would recommend the inclusion of a restricted area within the licensing schedule where driving instructors would be prohibited from operating.

This alternative is not recommended because it duplicates the existing Provincial regulations. It causes undue financial hardships and place additional burdens on the driving school industry to comply with additional Municipal regulations and inspections.

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.

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: Proposed By-law to Prohibit Driving School Instructing in the Restricted Areas

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**Appendix "A" to Report (PED17179(a))
Page 1 of 8**

Authority: Item ,
Report (PED17179(a))
CM:
Ward: City Wide

Bill No.

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

A By-law to Prohibit Driving School Instructing in the Restricted Areas

WHEREAS subsection 10(2) of the Municipal Act, 2001 permits a single-tier municipality to pass by-law respecting the health, safety and well-being of persons and the protection of persons and property;

WHEREAS subsection 128(1) of the Municipal Act, 2001 permits a municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and

WHEREAS in the interest of nuisance control, and in order to protect against the danger to health and safety presented by having an abundance of driving school vehicles providing instruction in particular neighbourhoods, and in order to promote health and safety by ensuring that student drivers are tested in an unfamiliar area, to ensure more accurate evaluation of the students' driving ability, Council for the City of Hamilton considers it desirable to regulate and govern the training of persons by a Driving School Instructor in designated restricted areas;

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

DEFINITIONS AND INTERPRETATION

1. For the purposes of this By-law, the following definitions shall apply:

"Authorized Sign" means any sign, pavement marking or other device which has been placed, installed or erected on a Highway under authority of this By-law to designate, regulate and/or enforce the provisions of this By-law;

"Director" means the Director of Licensing and By-law Services or any successor thereof, or their designate;

"Driving School" means any business or establishment which employs Driving School Instructors, to teach persons to operate Motor Vehicles;

"Driving School Instructor" means a Person who for compensation teaches others to drive a Motor Vehicle as a driving instructor and who is employed by a Driving

Appendix “A” to Report PED17179(a)**A By-law to Prohibit Driving School Instructing in the Restricted Areas**

Page 2 of 8

School Operator or is self-employed in the business of teaching persons to operate a Motor Vehicle;

“Driving School Motor Vehicle” means a motor vehicle that is being used by a Driving School Instructor for the purpose of teaching a person to operate a Motor Vehicle which is equipped with a properly functioning service brake actuator that may be operated by the driving instructor;

“Driving School Operator” means a person who runs, operates or carries on the business of a Driving School;

“Driving School Permit” means a valid driving school licence issued by the Province of Ontario pursuant to the Highway Traffic Act;

“DriveTest Examiner” means a person employed by a DriveTest Centre who evaluates individual driving skills on Ministry of Transportation approved routes and provides a pass/fail report;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;

“Motor Vehicle” means an automobile, motorcycle, motor assisted bicycle, unless otherwise indicated in the *Highway Traffic Act*, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine;

“Officer” means a Police Officer or person responsible for the enforcement of the provision of this By-law;

“Person” means an individual, firm, corporation, association or partnership;

“Residential Local Road” means an Urban Residential Local Road as described in the City’s Transportation Master Plan; and

“Restricted Area” means the areas outlined on Appendix 1 to this By-law.

GENERAL PROHIBITIONS

- 2.(1) No Driving School Instructor providing driving lessons shall operate or permit the operation of a motor vehicle on any Highway listed in Appendix 2 and located within a “Restricted Area”.
- 2.(2) No Driving School Operator shall cause or permit the operation of a motor vehicle providing driving lessons on any Highway listed in Appendix 2 and located within a “Restricted Area”.

Appendix “A” to Report PED17179(a)**A By-law to Prohibit Driving School Instructing in the Restricted Areas**

Page 3 of 8

- 2.(3) Notwithstanding Sections 2(1) and 2(2) a motor vehicle used by a Driving School Instructor for providing driving lessons may be operated within the “Restricted Area” provided that:
- (a) the student to whom Driving School instruction is being provided lives within the “Restricted Area”; and
 - (b) while in the “Restricted Area” the student carries proof of residence and presents such proof of residence to an Officer upon demand; and
 - (c) the Driving School Instructor proceeds to and from the student’s residence using the most direct route to and from the closest area outside the “Restricted Area”.

ENFORCEMENT AND ADMINISTRATION

- 3.(1) An Officer is hereby vested with the authority to administer and enforce the provisions of this By-law.
- 3.(2) The Director is hereby authorized to place, erect and maintain such Authorized Signs as may be necessary to give effect to the provisions of this By-law or which are authorized by the Schedule to this By-law.

PENALTY

- 4.(1) Every Person who contravenes any provision of this By-law is guilty of an offence.
- 4.(2) Every Person who is convicted of an offence is liable to a fine under the *Municipal Act, 2001*.
- 4.(3) Every Person who is convicted of an offence is liable to a fine under the *Provincial Offences Act*, of not more than \$5,000.00, exclusive of costs.

GENERAL PROVISIONS

5. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of Council that the remainder of this By-law shall continue to be in force.

ENACTMENT

6. This By-law comes into force on the date of its passing.

Appendix "A" to Report PED17179(a)

A By-law to Prohibit Driving School Instructing in the Restricted Areas

Page 4 of 8

PASSED this day of , 2018

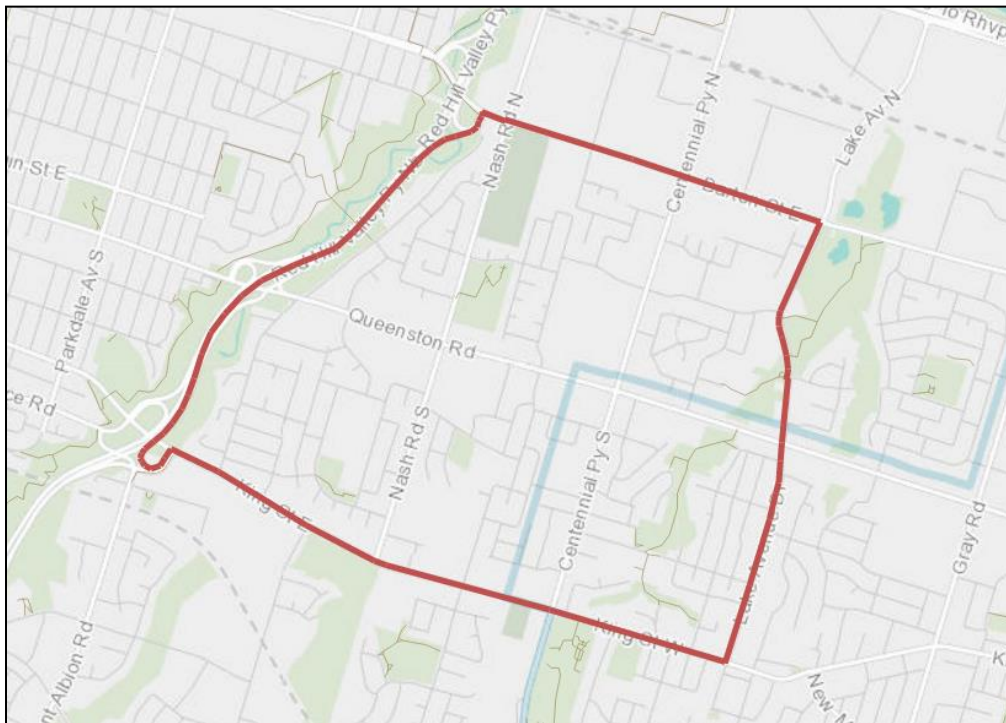
F. Eisenberger
Mayor

City Clerk

Appendix "A" to Report PED17179(a)

A By-law to Prohibit Driving School Instructing in the Restricted Areas

Appendix "1"



_____ RESTRICTED AREA

Appendix "A" to Report PED17179(a)

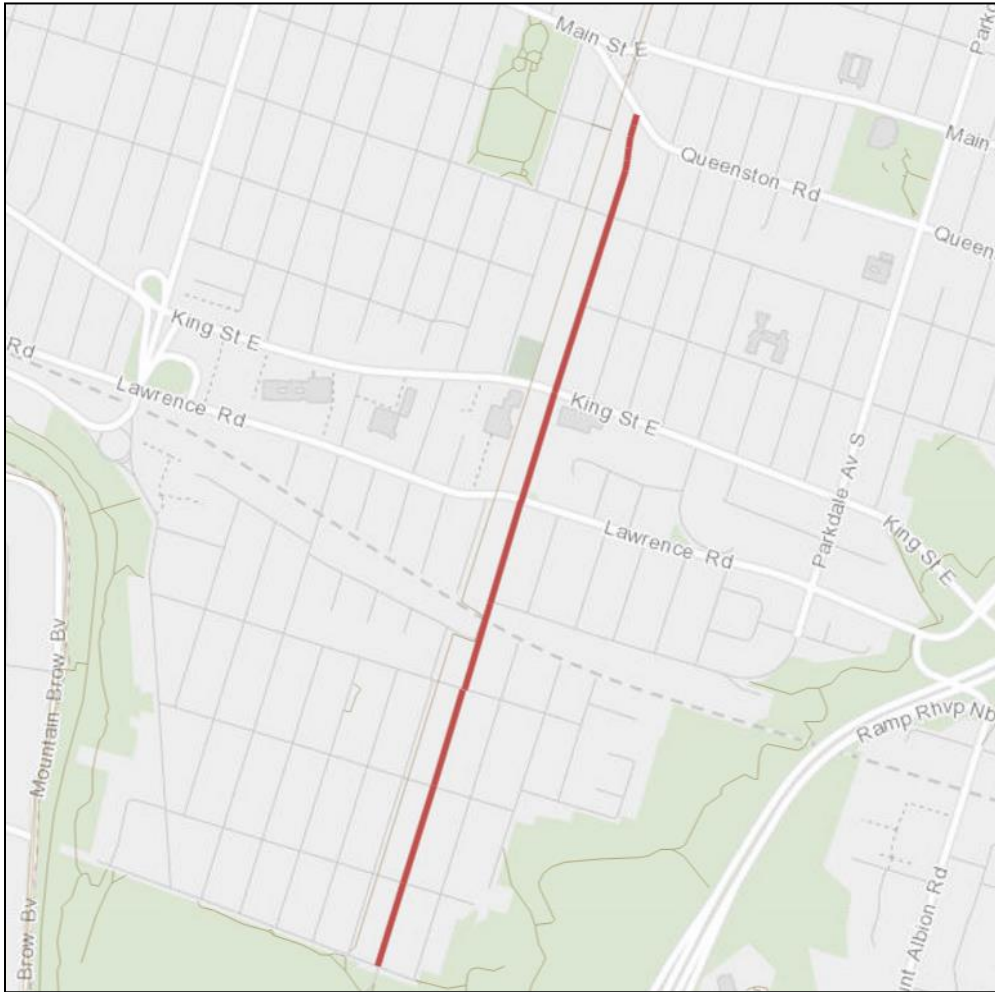
A By-law to Prohibit Driving School Instructing in the Restricted Areas



_____ RESTRICTED AREA

Appendix "A" to Report PED17179(a)

A By-law to Prohibit Driving School Instructing in the Restricted Areas



 RESTRICTED AREA

Appendix "A" to Report PED17179(a)

A By-law to Prohibit Driving School Instructing in the Restricted Areas

Appendix "2"

Nugent Drive
Crawford Drive
Kentley Drive
Oakland Drive
Ellingwood Avenue
Janet Court
Pottruff Road North
Violet Drive
Grandville Avenue
Delawana Drive
Lake Avenue North
Village Drive
Fairington Crescent
Cochrane Road
Rainbow Drive
Woodman Drive
Glen Castle Drive
Kingswood Drive
Forest Hill Crescent



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	Cigarette Butt Litter Enforcement (PED18154) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Kelly Barnett (905) 546-2424 Ext.1344
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

Council Direction:

At its meeting on May 9, 2018 City Council approved the General Issues Report 18-010, Item 2 directing staff as follows:

- (a) That staff be directed to investigate and identify potential funding sources, in the approximate amount of \$35,000, to develop an education campaign to address the littering of cigarette butts;
- (b) That staff be directed to investigate the feasibility, costs and other considerations of targeted enforcement measures to address cigarette butt litter and report back to the Planning Committee.

Information:

This Report provides information on the feasibility of addressing cigarette butt litter through enforcement.

Enforcement and Costs

Addressing cigarette butt litter on public property is a challenge in Hamilton and many other municipalities. Under the City's Yard Maintenance and Solid Waste Management By-laws cigarette butts are deemed to be litter and waste, and enforceable by Municipal Law Enforcement Officers (MLEO). However, loose litter has never been a priority and should Council choose to address cigarette butt littering through proactive enforcement consideration would need to be given to:

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SUBJECT: Cigarette Butt Litter Enforcement (PED18154) (City Wide) - Page 2 of 3

- Re-prioritizing enforcement of Council's current enforcement priorities and re-assign existing MLEO; however, that would result in decreased levels of service in other areas of the City; or,
- Hire one to two additional MLEO for enforcement, each Officer would cost approximately \$82,675 (salary and benefits) as well as a one-time cost of \$30,000 for a vehicle.

In staff's opinion, short-term targeted enforcement will not alleviate the long-standing cigarette butt littering habit and enforcement would be challenging, as a MLEO must witness the violation and then obtain a valid ID from the violator, which citizens are not required to carry or produce. However, should Council decide on an enforcement program, staff would suggest focusing on high pedestrian traffic areas such as Business Improvement Areas. Currently Part 1 tickets ranging from \$95 - \$100 could be issued. However, amendments to The Administrative Penalty By-law 17-225 (APS) to include Yard Maintenance By-law 10-118 and the Solid Waste Management By-law 09-067 would help reduce staff time required in the Part I legal process and the congestion it could cause in the courts. Staff would also suggest the set fine for an APS ticket be set at \$50.

Public Education and Awareness

It must be noted that to date no funding source has been identified for an education campaign through the Public Works Department. Public Works staff is reviewing the economic and operational benefits of implementing a cigarette butt litter education campaign and are considering the requested funding as part of the 2019 budgetary process.

Public education and awareness campaigns are an important step when initiating new enforcement that may be controversial and would have a zero tolerance approach. There is a need to change the behaviour of a perceived "accepted practice" of smokers casually discarding cigarette butts onto the road allowance and staff believes that enforcement alone would not achieve that. An example of an extensive education campaign to bring awareness to all stakeholders and change behaviors was done by Public Health Services prior to enforcing Hamilton's Smoke-Free Outdoor Space By-law.

Other Municipalities

The problem of cigarette butt litter is not unique to Hamilton and other cities initiatives have included; public awareness campaigns, installation and maintenance of outdoor ashtrays in commercial districts, distributed personal pocket ashtrays for free to bring awareness that cigarette butts are litter, community clean up events, city resources for waste management efforts and enforcement.

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SUBJECT: Cigarette Butt Litter Enforcement (PED18154) (City Wide) - Page 3 of 3

In 2016, the City of Toronto amended by-laws to require businesses to clean up butts from outside their premises. City Council approved amendments to Toronto Municipal Code, Chapter 545, Licensing:

- every person licensed or required to be licensed under this chapter shall maintain the public sidewalks, curbs and gutters surrounding his or her business, free from littered cigarette butts, cigar tips, electronic cigarettes and any waste disposal generated by his or her patrons;
- Every person licensed or required to be licensed under this chapter shall install and maintain temporary cigarette disposal containers or receptacles, in accordance with the following requirements:
 - (1) the temporary cigarette disposal containers or receptacle shall be installed and maintained on the sidewalk forming part of the public highway immediately adjacent to his or her business; and,
 - 2) the temporary cigarette disposal containers or receptacle shall be installed and maintained on the sidewalk forming part of the public highway during the business' operating hours and removed at the close of business, daily.

Conclusion

Staff believes to be successful in a long-term solution, a multi-faceted approach using various strategies starting with education, community involvement, waste management efforts, and possibly graduating to enforcement would be the best means in dealing with cigarette butt littering.

As this Report addresses cigarette butt litter, it is appropriate to be identified as complete and removed from the Planning Committee Outstanding Business List.

Appendices and Schedules

N/A

KL:KB:st



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	Parking Master Plan (PED18155) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Kerry Davren (905) 546-2424 Ext. 6009
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be directed to undertake a process to develop a Parking Master Plan (PMP) in accordance with the Parking Master Plan Terms of Reference (TOR) set out in Appendix "A" to Report PED18155;
- (b) That staff be directed and authorized to prepare a Request for Proposal (RFP) to retain a consultant to prepare a Parking Master Plan (PMP) based on the Terms of Reference (TOR) set out in Appendix "A" to Report PED18155;
- (c) That all costs associated with the development of the Parking Master Plan (PMP) be funded from Parking Reserve No. 108021 with an upset limit of \$200,000.

EXECUTIVE SUMMARY

Hamilton Municipal Parking System (HMPS) has identified the need for a strategic, comprehensive, City-wide plan to align parking operations with current planning and transportation policies such as the updated Official Plan, Transportation Master Plan (TMP) and Ten-Year Local Transit Strategy.

In order to develop a policy framework that focuses on customer service, strategies that support business and economic development and ensures financial sustainability of the system, staff has developed a TOR for a PMP. The focus will be on both on and off-street parking, paid and unpaid, with a City-wide review including specialized consultation for Business Improvement Areas (BIA), and Downtown Hamilton. Consultation would start in Q1 2019 with a final report tentatively scheduled for Q4 2019.

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SUBJECT: Parking Master Plan (PED18155) (City Wide) - Page 2 of 4

Alternatives for Consideration – Not Applicable**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Funding will be capped at \$200,000 for the project with sufficient funds in Parking Reserve No.108021 to cover the costs.

Staffing: HMPS does not have the internal resources to complete the research, data collection and analysis required for a Master Plan; thus, it is recommended that a consultant be hired.

Legal: N/A

HISTORICAL BACKGROUND

In October 2005, MMM Group Limited completed the “*City Wide and Downtown Parking and Loading Study*” which recommended parking strategies for the Downtown, potential parking structure locations for Downtown and the Municipal role in providing parking.

At its meeting of August 16, 2012, Council directed staff to update the 2005 study via single source contract with MMM Group (Report PED12153). The resulting report, completed in October 2013, provided recommended locations for additional parking structures in Downtown Hamilton.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Staff developed the TOR based on internal discussion in the Planning and Economic Development Department. The RFP information will be circulated through external Departments (e.g. Public Works) and relevant stakeholders (e.g. BIAs) as it will contain the details of the study which need to be confirmed before the study commences.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As the City continues to grow with development becoming denser and older areas continue to successfully transform, the current parking operation is facing several major challenges including:

- (a) Outdated permit and enforcement policies that do not fit neighbourhoods built in accordance to new density standards;

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SUBJECT: Parking Master Plan (PED18155) (City Wide) - Page 3 of 4

- (b) Balancing parking needs as surface lots are redeveloped and opportunities to develop parking in structured facilities are realized;
- (c) Ensuring the right amount of parking is provided over the short, medium and long term to support economic development opportunities while also encouraging more sustainable forms of transportation;
- (d) Inability to meet both long (commuter) and short term (business/visitor) demand in paid parking areas;
- (e) Planning for alternative forms of transportation (e.g. shared mobility) and technologies (e.g. autonomous vehicles) which impacts demand on the parking system; and,
- (f) Ability to maintain the self-sustaining financial model under a rapidly changing context for parking.

In addition to operational challenges, there is a need to update previous parking studies conducted in 2005 and 2013 (noted in Historical Background) as those studies did not include other transportation initiatives such as the Light Rail Transit (LRT) Project, Ten-Year Local Transit Strategy, Transportation Master Plan and Cycling Master Plan.

In order to develop a policy framework that will strategically connect parking with land use planning, transportation demand management (TDM), transit and other City-building initiatives, staff are recommending that a PMP be completed as per the TOR as set out in Appendix "A" to Report PED18155 with the key objectives of:

- Strategically connect parking with land use planning, transportation demand management (TDM), Transit and other 'city building' initiatives;
- Provide framework to update old policies using a 'best practices' approach with a focus on customer service;
- Develop strategies which support business and economic development;
- Provide options for transitioning from surface lots to structured parking; and,
- Review the current financial model to ensure sustainability.

The study will be City wide with focused consultation for Downtown and all BIAs with review of both on and off street and paid/unpaid parking with the stakeholder and public engagement process starting in Q1 2019.

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SUBJECT: Parking Master Plan (PED18155) (City Wide) - Page 4 of 4

ALTERNATIVES FOR CONSIDERATION

N/A

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.

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” – Parking Master Plan Terms of Reference

KD:cr

**TERMS OF REFERENCE
CITY OF HAMILTON PARKING MASTER PLAN****PURPOSE**

To create a Parking Master Plan for the City of Hamilton to provide direction for a coordinated, strategic approach to parking policy, planning, financial sustainability and enforcement that will align with other city-wide policies related to transportation and land use planning.

BACKGROUND AND CURRENT CHALLENGES

Hamilton Municipal Parking System (HMPS) was created in 1998 when the Parking Authority Board was dissolved and paid parking operations were integrated with other city parking services. Responsibilities include enforcement, maintenance and operation of all paid on and off-street parking facilities (61 surface lots, two structures, 2,700 parking meters), and the creation and maintenance of all Parking By-laws and relevant permit programs.

While there have been two major parking studies since amalgamation in 2001, *City Wide Downtown Loading and Parking Study (2005, MMM Group)* and *Downtown Hamilton Parking Study and Parking Garage Assessment (2013, MMM Group)*, neither study was intended to provide a framework for integrating parking with other City-wide strategies – including Light Rail Transit (LRT).

As the city continues to grow in denser form and older areas continue to successfully transform, the current parking operation is facing several major challenges including:

- Outdated permit and enforcement policies that do not fit neighbourhoods built in accordance to new density standards;
- Lack of strategy to transform surface lots into structured facilities;
- Ability to maintain the self-sustaining financial model while also incorporating the need to integrate with alternative modes of transportation; and,
- Missed economic development opportunities due to lack of supply.

STUDY OBJECTIVES

The key objectives of the Parking Master Plan are to:

- Strategically connect parking with land use planning, transportation demand management (TDM), Transit and other ‘city building’ initiatives;
- Provide framework to update old policies using a ‘best practices’ approach with a focus on customer service;

Appendix “A” to Report PED18155
Page 2 of 3

- Develop strategies which support business and economic development;
- Provide options for transition from surface lots to structures; and,
- Review the current financial model to ensure sustainability.

SCOPE

The study will be City-wide with focused study for Downtown and all Business Improvement Areas with review of both on and off street and paid/unpaid parking. It is not intended to review parking rates for new development as this is done through the Zoning By-law but will review parking supply as it influences the current parking operation and future public parking needs.

Key Tasks include:

- 1. Best Practices Review** – to include land use and parking policies (including boulevard parking), on and off street permitting programs, enforcement practices, financial sustainability models (e.g. cash-in-lieu) and future technology considerations.
- 2. Data Collection** –asset inventory and accessibility design review, utilization of off-street lots and on-street meters.
- 3. Update 2013 Downtown Parking Review** – re-examine Downtown parking needs for the five and ten-year horizon including Light Rail Transit (LRT) and new development growth forecasts and secondary plan policies.
- 4. Draft City-wide Policy Framework** to include:
 - a. principles for paid parking implementation and pricing models;
 - b. accessible parking and mobility considerations;
 - c. updated on and off street permitting guidelines – including special events; and,
 - d. supportive enforcement practices.
- 5. Options for future operational model and transition to parking structures**

STAKEHOLDER AND PUBLIC ENGAGEMENT

The Parking Master Plan will be led by staff in Parking Operations with input from other sections in the Planning and Economic Development Department (Transportation Planning, Economic Development, Tourism, Real Estate, Growth Management) as well as the Public Works Department (Traffic, Transportation Management, Hamilton Street Railway).

Appendix “A” to Report PED18155
Page 3 of 3

External Stakeholders include all members of the general public and their elected officials with special consultation with Business Improvement and Community Improvement Areas (BIA/CIP) and the Advisory Committee for Persons with Disabilities.

Engagement Activities will include:

- City wide On-line survey and Social Media Campaign
- Public Open Houses (minimum two)
- Meetings BIA and CIP representatives

PROPOSED TIMELINE

Q4 2018 - Request for Proposal Issued and Public Engagement Plan created

Q1 2019 – Public Engagement Process

Q2 2019 – Data summary and preliminary results (additional engagement if required)

Q3 2019 – Finalization of report

Q4 2019 – Report to Council

9.1

CITY OF HAMILTON M O T I O N

Planning Committee: July 10, 2018

MOVED BY COUNCILLOR J. FARR.....

SECONDED BY COUNCILLOR

To Waive Road Widening Requirement for 71 Rebecca Street

WHEREAS, the Planning Act and the Urban Hamilton Official Plan state that the City shall reserve or obtain road widenings for rights-of-way as described in Schedule C-2 – Future Road Widenings;

WHEREAS, Official Plan Amendment and Zoning By-law Amendment applications (UHOPA-17-023 and ZAC-17-053) have been submitted for 71 Rebecca Street, Hamilton, for the development of a 30 storey, mixed use building; and

WHEREAS, road widenings for Rebecca Street and John Street North have been identified;

THEREFORE, BE IT RESOLVED:

That staff be directed to waive the requirement for road widenings for 71 Rebecca Street, Hamilton (UHOPA-17-023 and ZAC-17-053).

CITY OF HAMILTON

MOTION

Committee Date: July 10, 2018

MOVED BY COUNCILLOR A. JOHNSON.....

SECONDED BY COUNCILLOR

To Designate 679 Main Street East and 85 Holton Avenue South, Hamilton (St. Giles United Church) under Part IV of the *Ontario Heritage Act*

WHEREAS, 679 Main Street East and 85 Holton Avenue South, Hamilton (former St. Giles United Church) is considered to have significant cultural heritage value under Ontario Regulation 9/06 as a representative example of a Gothic Revival styled place of worship, as the work of significant local architects Stewart & Witton, for its association with the St. Giles congregation and as a local landmark;

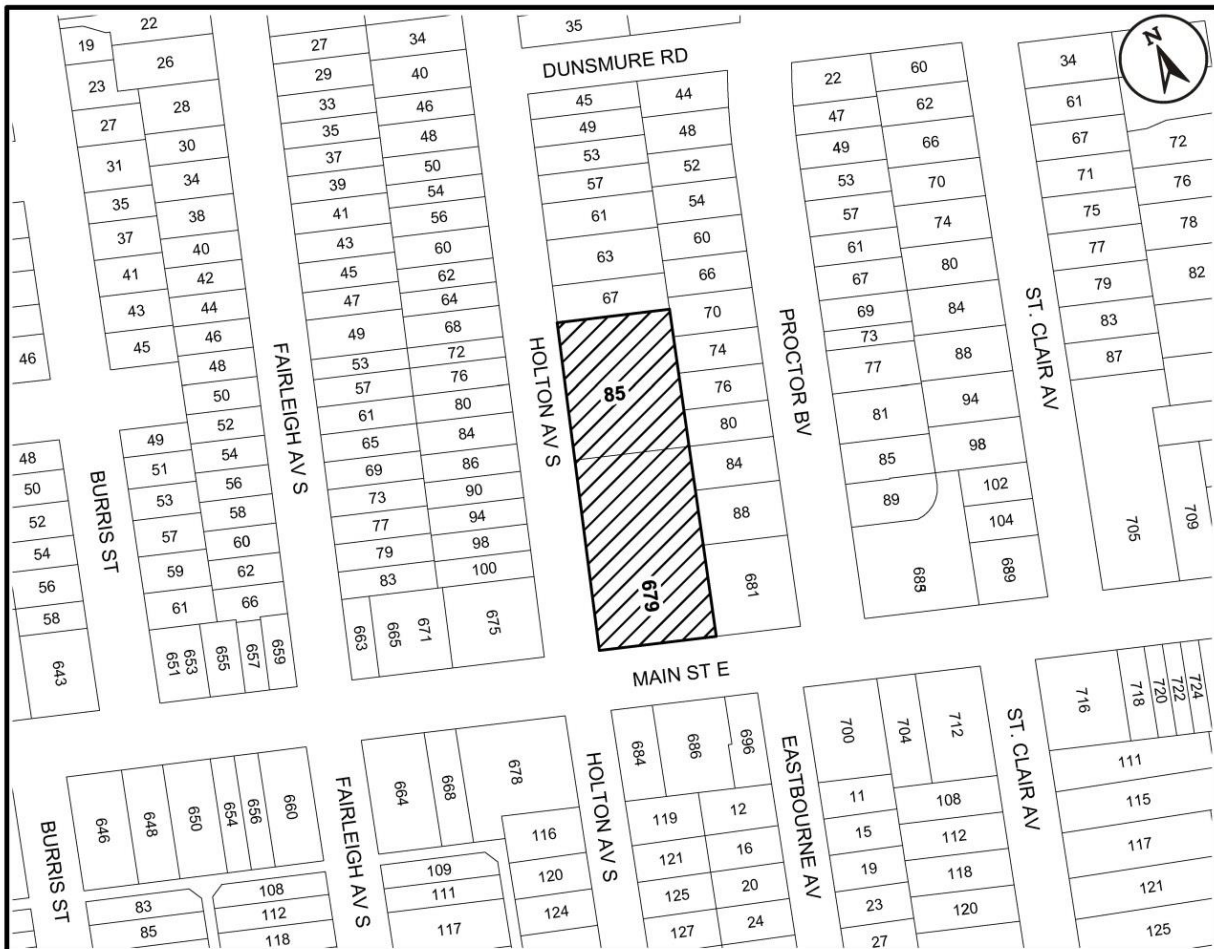
WHEREAS, the Hamilton Municipal Heritage Committee reviewed Report PED18153 on June 21, 2018 and recommended designation of 679 Main Street East and 85 Holton Avenue South, Hamilton (former St. Giles United Church) under Part IV of the *Ontario Heritage Act*;

WHEREAS, the property owners of the former St. Giles United Church intend to auction off several significant features that the Hamilton Municipal Heritage Committee recommended be included in the designation by-law, such as stained glass windows, carved wooden and stained glass lights, wooden pews, prior to Council's consideration of designation under the *Ontario Heritage Act*;

WHEREAS, it is necessary to proceed directly to Council in advance of Planning Committee to provide immediate protection to 679 Main Street East and 85 Holton Avenue South, Hamilton (former St. Giles United Church);

THEREFORE, BE IT RESOLVED:

- (a) That approval be given for the designation of 679 Main Street East and 85 Holton Avenue South, Hamilton (former St. Giles United Church), hereto attached as Appendix "A", as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*,
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, hereto attached as Appendix "B", be approved; and,
- (c) That the City Clerk be directed to take appropriate action to designate 679 Main Street East and 85 Holton Avenue South, Hamilton (former St. Giles United Church) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, hereto attached as Appendix "C".



● Site Location



Key Map - Ward 3

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
85 Holton Av S & 679 Main St W

Date:
May 25, 2018

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
CT/AL

Subject Property

85 Holton Avenue South & 679 Main Street West

Statement of Cultural Heritage Value or Interest

679 Main Street East and 85 Holton Avenue South, Hamilton

(Former St. Giles United Church)

Description of Property

The former St. Giles United Church property consists of a vertically oriented red-brick and stone place of worship, a small portion of which was constructed in 1908 and the majority in 1912-1913. A smaller one storey addition constructed in 1958 that replaced the majority of the 1908 building exists on the rear of the church building. The property is municipally addressed as 85 Holton Avenue South and 679 Main Street East, Hamilton and is located on the north east corner of Holton Avenue South and Main Street East.

Statement of Cultural Heritage Value or Interest

Design or Physical Value

The property has design value as it is a representative example of Neo-Gothic architecture. Neo-Gothic features of the former St. Giles Church includes but is not limited to its red brick and stone exterior, Gothic shaped arched windows, stone parapet details, battlement details, and bell tower. The symmetrical entrance with carved stone features and embattled parapet is a common feature of Neo-Gothic architecture and an example of the high degree of craftsmanship. Other features that display the high degree of craftsmanship are the carved stone caps with varied patterns including trefoil and trefoil arches, and the memorial stained glass windows.

Historical of Associative Value

St. Giles United Church was originally founded as St. Giles Presbyterian Church and was the first church in Hamilton to convert to the United Church of Canada in 1925.

The property is significant in its historical associations with the former St. Giles congregation whom over the years in this location had a significant impact on the local community. In the 1960s the church congregation made specific efforts to get involved in the local community through efforts such as games nights, United Church Christian Expo, Festival of Christianity and the Arts, a nursery school for intellectually disabled children, Alcoholics Anonymous, Happy Gang (for physically disabled adults), and a drop in centre for sex workers. The church's level of involvement with each event or organization varied, but most of these organizations were provided space free of charge which suggests the St. Giles congregation was committed to being involved with the local community.

Construction of St. Giles United Church began in 1908 with the construction of the Sunday School. Only a small portion of this 1908 building remains providing the rear arched entrance along Holton Avenue South, most of the addition was demolished for the 1958 Christian Education Centre. The architects of the 1908 portion of the building

are unknown. The majority of the church, built in 1912-1913, was the work of local Hamilton architectural firm Stewart & Witton. Comprised of Walter Wilson Stewart and Willaim P. Witton, as partners they were responsible for a number of significant buildings in Hamilton such as King George School, Central Fire Station and the Herkimer Apartments.

The bells in the bell tower are reflective of the work of the McShame Bell Foundary of Maryland, Baltimore, a company that has provided bells across the world to places of worship since 1856.

The stained glass window on the front façade is the work of Robert McCausland, completed in 1959. Robert McCausland Limited, based out of Toronto, is a longstanding stained glass company, founded in 1856 and responsible for the designing, producing, restoration and repair of stained glass windows around the world.

Lastly, the property has two tributes to congregation members that fell in WW1 and WW2 suggesting there may be more information to yield form this community's involvement in the World Wars. The WW1 cairn is located outside the west entrance on Holton Avenue South and the WW2 memorial is the addition built on the east elevation c. 1945.

Contextual Value

When the Former St. Giles Church was constructed, there were very few dwellings around it and the context was largely rural, it stood and still stands as a local landmark along Main Street East. The neighbourhood however, began to grow up around the church shortly after its construction, and now the former St. Giles Church defines, maintains and supports the character of the area along Main Street East and Holton Avenue South. The property is also considered historically linked to its surroundings as it remains in the location where it served the local community for a hundred years.

Cultural Heritage Attributes

The heritage attributes of the property at 85 Holton Avenue South and 679 Main Street East, Hamilton that display its cultural heritage value are limited to the 1908, 1912-1913 building and include:

Front Façade (including all elevations of the two storey projections flanking the entrance):

- Symmetrical three-bay façade with vertical massing;
- Red-brick, rough-cast stone foundation, concrete banding, wall niche, concrete capping and parapet features, and all decorative concrete details such as trefoil patterns;
- Varied roofline including gable shape, and parapet details;

- All wood windows including window surrounds, drip moulds, frames, and leaded and stained glass;
- Symmetrical front entrance feature including:
 - o All smooth concrete and decorative concrete details (parapet, drip moulds, window surrounds, etc);
 - o Windows including wood frames and stained glass;
 - o Door opening and stained glass transom window;
 - o Concrete steps; and,
 - o Light fixtures.

West Elevation (including all elevations of: side entrance, transept and bell tower):

- Red-brick, rough-cast stone foundation, concrete banding, wall niches, concrete capping and parapet features, and all decorative concrete stone details such as trefoil patterns;
- All wood windows including window surrounds, drip moulds, frames, leaded and stained glass;
- Projecting side entrance including:
 - o One storey massing;
 - o Gable shaped parapet;
 - o Red-brick, buttresses and rough cast stone foundation;
 - o Open wood window frames with concrete window surrounds;
 - o Concrete entrance surround; and,
 - o Wall niche.
- Bell tower including:
 - o Red-brick, buttresses, concrete banding, concrete capping, decorative concrete details, and battlement parapet;
 - o All wood windows including window surrounds, drip moulds, frames, leaded and stained glass; and,
 - o Louvered windows.

East Elevation (including all elevations of: side entrance, transept, and memorial addition):

- Red-brick, rough-cast stone foundation, concrete banding, wall niches, concrete capping and parapet features, and all decorative concrete stone details such as trefoil patterns;
- All windows including concrete window surrounds, drip moulds, frames, leaded and stained glass;
- Projecting side entrance including:
 - o One storey massing;
 - o Gable shaped parapet;
 - o Red-brick, buttresses and rough cast stone foundation;
 - o Open wood window frames with concrete window surrounds;
 - o Concrete entrance surround; and,
 - o Wall niche.
- Memorial addition (c.1945):
 - o One storey massing;
 - o Gable roofline with concrete parapet;
 - o Red-brick, buttresses, rough cast stone foundation, wall niche and concrete capping;
 - o All windows including concrete window surrounds, frames, leaded and stained glass.

North Elevation (excluding 1958 addition):

- Red brick
- Varied roofline, including gable shape, and battlement.

Landscape:

- Open space along Main Street East and Holton Avenue South;
- Mature maple tree on Holton Avenue; and,
- WWI cairn.

Interior Features:

- Chancel including:

- Interior window including frame, and stained glass; and,
- All carved wooden features.
- Second floor balconies in sanctuary, east and west transepts including all carved wooden features and stairs;
- Wooden trusses including decorative wooden corbels in sanctuary;
- Trefoil carvings in wooden pews in sanctuary;
- Wooden pendant lights with stained glass in sanctuary;
- Wooden staircases on either side of the front entrance leading to the sanctuary balcony; and,
- The bells including the bell ringing apparatus.

CITY OF HAMILTON

Notice of Intention to Designate**679 Main Street East and 85 Holton Avenue South,
Hamilton (Former St. Giles United Church)**

The City of Hamilton intends to designate 679 Main Street East and 85 Holton Avenue South, Hamilton, under Section 29 of the *Ontario Heritage Act*, as being a property of cultural heritage value.

Statement of Cultural Heritage Value or Interest

The former St. Giles United Church was constructed in 1912-1913. Designed by local architectural firm Stewart and Witton, the church is a representative example of Neo-Gothic style of architecture as evidenced by features such as the Gothic arched windows, the trefoil stone carvings and the battlement rooflines.

The full Statement of Cultural Heritage Value or Interest, Description of Heritage Attributes may be found online via www.hamilton.ca or viewed at the Office of the City Clerk, 71 Main Street West, 1st Floor, City Hall, Hamilton, Ontario, L8P 4Y5, during regular business hours.

Any person may, within 30 days after the date of the publication of the Notice, serve written notice of their objections to the proposed designation, together with a statement for the objection and relevant facts, on the City Clerk at the Office of the City Clerk.

Dated at Hamilton, this day of , 2018.

Janet Pilon, Acting City Clerk
Hamilton, Ontario

CONTACT: Chelsey Tyers, Cultural Heritage Planner, Phone: (905) 546-2424 ext. 1202, E-mail: chelsey.tyers@hamilton.ca