



City of Hamilton

CITY COUNCIL ADDENDUM

Friday, August 17, 2018, 9:30 A.M.
Council Chambers, Hamilton City Hall
71 Main Street West

5. COMMUNICATIONS

*5.19 Correspondence respecting ZAC-13-007 Rezoning of 100 Cumberland Avenue, Hamilton (from "Restricted Light Industry" to "Multiple Dwelling").

*5.19.a Roy Morley

*5.19.b Alex Sears

*5.19.c Grantley Howell

*5.19.d John MacKay

*5.19.e Casey Irvin and Emily Webb

*5.19.f Victoria Tizzard

*5.19.g Nick and Gillian Vander Vliet

*5.19.h Victoria Tizzard and Daniel Empringham

Recommendation: Be received and referred to the consideration of Item 6 of the Planning Committee Report 18-012.

- *5.20 Correspondence from JP Danko respecting the Vacant Ward 7 Council Seat Appointment.

Recommendation: Be received and referred to the consideration of Item 8.10

- *5.21 Correspondence from Ron Trajano, Chair, DARTS Board of Directors, requesting a meeting between staff members and DARTS to discuss financial considerations for 2018.

Recommendation: Be received and referred to the appropriate staff.

8. NOTICES OF MOTIONS

- *8.1 Ward 3 Area Rating Funds to Cycling Projects
- *8.2 No Right Turn on Red for Southbound Right Turn Movements on Upper Ottawa Street to Rymal Road (Ward 6)
- *8.3 Lighting for Century Street Parkette
- *8.4 Disposition of Municipal Lands Located between 25 and 41 Douglas Avenue, Hamilton (Ward 3) for the Purpose of Affordable Housing in Perpetuity
- *8.5 Royal Oak Dairy Affordable Housing Project
- *8.6 Capital Investments at First Place and 30 Sanford Avenue
- *8.7 Proposed Renewal and Amendment of Barangas On the Beach Existing Lease at Confederation Beach Park
- *8.8 New Stop Controls - Deer Avenue at East 43rd Street, Deer Avenue at Sharon Avenue and Everton Place at 43rd Street (Ward 6)
- *8.9 Upgrades to Edgelake Park Tennis Court and Basketball Court (Stoney Creek)
- *8.10 Ward 7 Appointment

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Respecting Removal of Part Lot Control, Part of Block 62, Registered Plan No. 62M-1141, Municipally known as 49 and 51 Candlewood Court and 53 and 55 Candlewood Drive (Stoney Creek)
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- *11.22 227
To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Nebo Road from Twenty Road to approximately 608m Southerly, in the City of Hamilton
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- *11.23 228
Being a By-law to Amend By-law No. 14-153 and By-law No. 11-174, "City of Hamilton Development Charges By-law, 2014" and "City of Hamilton GO Transit Development Charges By-law, 2011"
Ward: City Wide
- *11.24 229
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- *11.25 230
To Adopt Official Plan Amendment No. 110 to the Urban Hamilton Official Plan Respecting 620 Tradewind Drive
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- *11.26 231
To Amend Zoning By-law No. 05-200 Respecting Lands Located at 620 Tradewind Drive (Ancaster)
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- *11.27 232
To Adopt Official Plan Amendment No. 111 to the Urban Hamilton Official Plan Respecting 70 Garner Road East (Ancaster)
Ward: 12
- *11.28 233
To Amend Zoning By-law No. 05-200 Respecting Lands Located at 70 Garner Road East (Ancaster)
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- *11.37 242
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- *11.38 243
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Pilon, Janet

Subject: ZAC-13-007 Rezoning of 100 Cumberland Avenue, Hamilton (from "Restricted Light Industry" to "Multiple Dwelling")

From: Barnett, Daniel

Sent: August 13, 2018 4:58 PM

To: 'roy morley' <>; 'charlene' <>

Cc: Bedioui, Ida <Ida.Bedioui@hamilton.ca>

Subject: RE: ZAC-13-007 Rezoning of 100 Cumberland Avenue, Hamilton (from "Restricted Light Industry" to "Multiple Dwelling")

Hi Roy

Sorry I did not get back to you before today, I have been off for the last 2 weeks. To clarify the proposed rezoning does not include Lifesaver Park, and is only being applied to 100 Cumberland Avenue (the old lifesaver candy factory) which is a separate property from that of the park. I have attached the location map to my reply the hatched area on the plan is the extent of the lands that are subject to the application. Lifesaver park is located immediately to the west (left) of the hatched area, and is comprised of the white box with the letters JJ over top of it. For your information the JJ represents the current zoning code that applies to the lands. I should further note that in my discussions with the applicant there has never been any discussion respecting the purchase of the park for development.

I have c.c. clerks on this reply so that they have your correspondence on record.

Daniel

From: roy morley []

Sent: August-02-18 2:32 PM

To: Barnett, Daniel; charlene

Subject: Ref: ZAC-13-007 Rezoning of 100 Cumberland Avenue, Hamilton (from "Restricted Light Industry" to "Multiple Dwelling")

Mr. Daniel Barnett

Planning and Economic Development Department,
Planning Division

Dear Mr. Barnett:

I received the Notice of Public Meeting of the Planning Committee (scheduled for August 14, 2018 at 9:30 am), dated July 27, 2018, on July 31, 2018.

I have a concern about the extent of the rezoning of the property at 100 Cumberland Ave.

According to the enclosed with the notice the area appears to encompass, not only the 100 Cumberland (former Lifesaver Factory), as well as the existing "Lifesaver Park" at the corner of Sanford Ave. S. and Cumberland Avenue (labeled JJ).

Is the city proposing that the "Lifesaver Park" be given over to the developer as part of this rezoning?

I have lived in the neighbourhood for forty years and this park has always been important to the children of the area. On any

given day parents with small children as well as teenagers from the neighbourhood use the park for recreation. At a time when

free facilities for children and young people to gather and enjoy some green space is diminishing, it would be a great loss to see

another valuable area like this lost in our cities youth.

Would you please contact me before the meeting date and let me know if the "Lifesaver Park" is to be incorporated into the

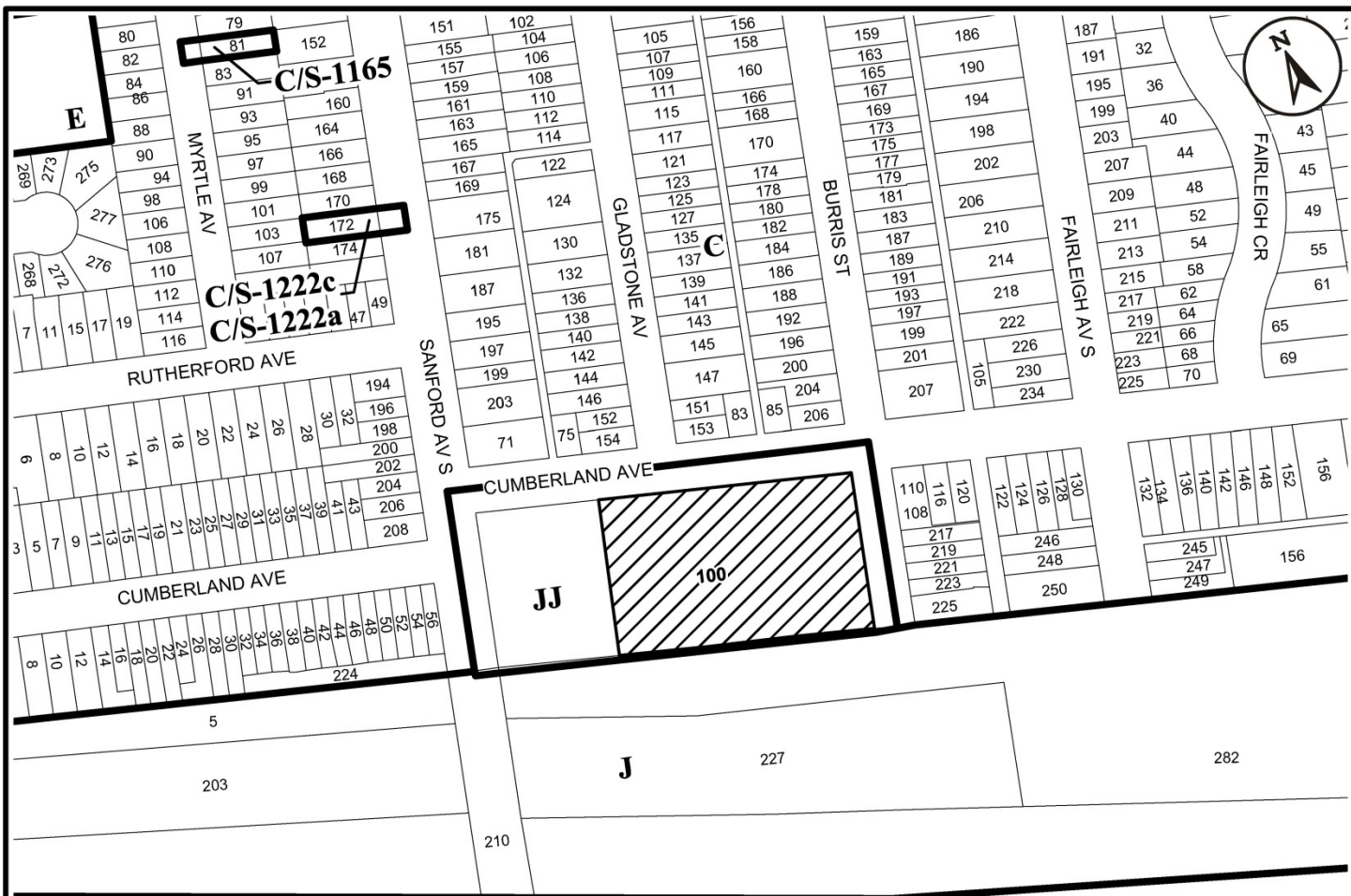
Planned 65 unit complex.

Roy Morley

98 Gladstone Ave.,

Hamilton, Ontario

L8M 2H9




A

● Site of the Application



Ward 3 Key Map

N.T.S. 

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-13-007 & OPA-13-001

Date:
April 24, 2018

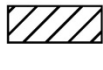
Appendix "A"

Scale:
N.T.S.

Planner/Technician:
DB/AL

Subject Property

100 Cumberland Avenue



Change in Zoning from the "JJ" (Restricted Light Industrial) District to the "DE-2/S-1763-'H'" (Multiple Dwellings) District, Holding, Modified

Johnston, Evan

From: alex sears [REDACTED]
Sent: July-21-18 11:09 AM
To: Green, Matthew
Subject: Lifesafers Condo Opposition

Hello Matthew

Thanks for hosting the meeting on Wednesday. I tried sending this Thursday morning and it was rejected and again yesterday with it not making it to you.

There was a ton of great information and it helped my thought process quite a bit regarding the rezoning of the factory.

I would like to be added to the list for official opposition as I do not feel they are going to make the community better with the existing plan they have. Should they amend it. I will reconsider my stance.

I have lived at 146 Gladstone for over 40 years. Just meters away from the factory.

Here are my concerns:

1. The ownership of that property does a piss poor job of maintaing the property.

Sure, they may have a condo board that might make a better stance of taking care of things like snow removal, broken window repair, graffiti and removal of dangerous metal spikes in their front lawn. But, as to date, they do not shovel their walks in a timely fashion or keep the property looking professional with garbage all over the place and have dangerous impaling objects in their front lawn I am not willing to give them a hopeful pass until they demonstrate they care about our community. The nonsense they do of covering graffiti with baby blue paint is a horrible eye sore. I do not feel their demonstrated ability to care for the property will raise my property's value as a neighbour.

2. Parking.

Yes, they have technically met the city code for parking with beating that 1.25 ratio by 5 spots including a car share. It is not enough. 65 units will have guests and more then 1 car per home. I do not want them taking our parking spaces. I asked them about changing their landscaping to make more and they think being pretty is more important then preventing their condo people from crowding our neighbourhood.

2a. If they ammend their spot to dramatically add more spots I may reconsider.

2b. If they proceed with rezoning I want the area within 3 blocks to be turned into parking by permit only and that the condo must pay for the permits.

2bi. They said they will have 65 units starting at \$0.275M per unit... and if they want to make at least \$18M... they can pay for the paperwork to ensure the current homes do not get overwhelmed and can have guests and parking for their homes.

2bii. No one with an address of that property can have a permit and they cannot park an Cumberland.

2c. if they add commercial they must find a way to go above and beyond parking rules of "zero required" for commercial. At least 2 parking spaces for their customers per commercial location and something for staff.

2d. Their insistence that "they have gone above code" because they put in 4 extra spots and a car share is "rule-lawyering" at its best. So what? 4 extra spots? That doesn't even cover guests for one condo's Christmas guests arriving. Lose the pretty landscaping and make it more functional to pack in parking.

3. I want a written guarantee that they cannot make it bigger under any circumstances... ever.

Buris and Cumberland safely in the winter. If I get injured I will take legal action against both 100 Cumberland and the city going forward.

4. Why has the city not inspected the property to check for people living on that property? If it is not residential then prevent them from living there and make them do things right.

5. As I mentioned in the meeting please have the city ammend the zoning sign rules to make it more visible when changes are posted. I had no clue they had posted a few words on the sign as it was blank for so long. My personal opinion is that the city does not want community feedback or pushback and wants to sneak things through. If we do not know it is happening we can't try to stop it. I fully believe the city's actions in this matter are intentional. I get poor response times for questions asked or assistance and the general feel is that your fellow city hall staff members really do not want to deal with the public. Most recently, I have asked for information on acquiring a photo permit, just the price of the permit and if \$2M insurance is enough... was met with "sorry, we cannot give you a permit at this time as you have not given us enough information". I didn't ask for the permit. I asked for a price check and if the industry standard of \$2M insurance was possible to have me apply for one.... but that is another story.

Being closed daily before most people get off work is one big reason... holding meetings during workdays...is another. I have a suggestion to fix your work day for meetings... If meetings are held on Tuesdays then have City Hall operational hours open at 5pm and close at midnight. Your team should be here for the benefit of the people not their preferred working hours to keep us away.

6. If the posted sign says we are supposed to be notified and we are not notified.... I feel there is legal ground to prevent any steps that have been done so far to be negated.

You hold meetings when people cannot go or can go but have to risk being fired taking time off work. You supposedly notify us but I never was told in writing and I never spoke to you personally about it as you claimed you went door to door. I work from home. No one came here. My neighbours also have told me they were not talked to in person on the "door to door".

Alex Sears
146 Gladstone Ave.
Hamilton, ON
L8M 2H9
[REDACTED]

Johnston, Evan

From: Grantley Howell [REDACTED]
Sent: July-13-18 4:25 PM
To: Johnston, Evan
Subject: Re: Invitation: Public meeting on 100 Cumberland Ave

I can't come to the meeting due to the fact i am holiday tomorrow and i will not be in Canada
I oppose that construction still

----- Original message -----

From: "Johnston, Evan" <Evan.Johnston@hamilton.ca>
Date: 2018-07-13 4:18 PM (GMT-05:00)
To: "Green, Matthew" <Matthew.Green@hamilton.ca>
Subject: Invitation: Public meeting on 100 Cumberland Ave

Good afternoon,

You are receiving this email because you submitted comments regarding the proposed zoning by-law amendment for 100 Cumberland Ave. At the June 19 meeting of the Planning Committee, Councillor Matthew Green asked that the decision regarding 100 Cumberland Ave be put on hold until August to allow time for more community consultation.

To that end, you are invited to attend a public meeting scheduled for next **Wednesday, July 18 from 7:00-8:30pm at St. Peter's HARRRP (705 Main Street East)**, where you can have your questions and opinions heard. Attached to this email you will find the flyer for the event, which you may likely also receive in your mailbox over the weekend as we inform the rest of the neighbourhood. If you have any questions, please don't hesitate to reply to this email or to call our office directly at 905-546-4550.

We hope to see you there!

Thank you and please don't hesitate to contact Councillor Green's Office if we may be of service,

Evan Johnston
Executive Assistant to Councillor Matthew Green
Ward 3 – City of Hamilton
City Hall – 71 Main Street West, Second Floor – Hamilton, ON L8P 4Y5
Phone: (905) 546-4550
Email: evan.johnston@hamilton.ca

The Lobbyist Registry is effective August 1st 2015. Please note that anyone who is communicating for the purpose of lobbying for projects related to direct or indirect financial gain and who does not live or own a business in Ward 3 must first register as a Lobbyist. For more information please visit below.

www.hamilton.ca/lobbyistregistry

Johnston, Evan

From: J Mackay [REDACTED]
Sent: July-19-18 10:23 PM
To: Green, Matthew
Subject: Life Saver Factory Redevelopment

Councillor Green,

Thank you for facilitating last evenings meeting to discuss the rezoning and redevelopment of the Life Savers Factory property at 100 Cumberland.

My wife and I live within about 400 metres of the site and I have no objection to the rezoning and development as proposed.

I do have a couple of comments about the proposed project.

This part of the City does require more retail, ideally retail that one can walk to. However I don't think this particular project lends itself to inclusion of even a small amount of retail space. I think it complicates the site and could impact the site's maintenance. Yes to more purpose built retail in this area, but not at 100 Cumberland.

As you are aware there is quite a bit of pedestrian and vehicle traffic in front of the site on Cumberland. There are many children that walk to Life Saver Park. Thus it is a priority for the developer to ensure the sidewalk and street remain fully open and maintained in top condition during construction.

Regarding the issue of public notice. I appreciate your efforts to involve a wider part of the area. I don't consider this to be a particularly large development, but City policy should require notice to more than 150 or so metres surrounding the site. It seems to me that 150 metres is more applicable minor variances than a rezoning.

Thank you again for keeping us informed.

John MacKay
58 Fairleigh Crescent

Johnston, Evan

From: Casey Irvin [REDACTED]
Sent: August-12-18 8:27 PM
To: Green, Matthew
Cc: Emily Webb
Subject: Support for 100 Cumberland Rezoning to Residential

Hello
Matthew

,

I am writing to voice support on behalf of myself and my partner Emily (CC'd here) for rezoning 100 Cumberland Street for residential development.

We live with our young daughter at 201 Burris Street — the second house in on the northeast corner of Cumberland and Burris. This development will directly impact us more than most people in the area. We will see increased traffic in front of our home, need to live through the full construction process in close proximity and lose a large swath of our view of the escarpment.

Still, this development will be a benefit to our community and our family because a n industrial facility at that location is simply too close to our homes and too close to Lifesaver Park. Please vote to support the rezoning when this issue is discussed on Tuesday Aug 14, 2018 at the City's Planning Committee meeting.

(
If you see any room to mitigate the issues of traffic, parking and loss of escarpment views, please do take those.
)

If you have any questions for either of us, feel free to reach out. We would be more than happy to talk further about this.

All the best,
Casey Irvin and Emily Webb

Johnston, Evan

From: Tori Tizzard [REDACTED]
Sent: June-19-18 10:26 AM
To: Green, Matthew
Subject: Thank you.

Matthew,

Thank you very much for representing the St. Clair community today at City Hall. I'm happy to have the opportunity to further understand the development of 100 Cumberland, ask more questions, and consider the future of our neighbourhood.

Looking forward to the community meeting, Victoria Tizzard.

Sent from my iPhone

Johnston, Evan

From: Vander Vliet, Nicholas [REDACTED]
Sent: June-19-18 7:32 PM
To: Green, Matthew
Subject: Condo proposal 100 Cumberland

Hi Matthew

I live at 221 Burris st. just across the street from the rear loading dock of the old Lifesaver factory. They were still making candy when my wife Gillian and I bought our house 32 years ago. Obviously we are very interested in the condo proposal for that building. Is the ownership still in the hands of the people who made the initial proposal in 2013? Do you know anything about Archer Development Corporation? Any info would be greatly appreciated.

Regards
Nick and Gillian Vander Vliet

Johnston, Evan

From: Tori Tizzard [REDACTED]
Sent: July-22-18 9:18 PM
To: Green, Matthew
Subject: Condominiums at 100 Cumberland

Hello Mr. Green,

We would like to thank you for holding the public meeting that helped us understand the development of 100 Cumberland.

We had a few questions walking out of the meeting: Will there still be street parking in front of the building on Cumberland between Gladstone and Burris? How will we be notified if/when the construction is to begin?

Also, we would like to share our enthusiasm for the potential first-floor store-fronts! Get us some coffee on Cumberland!

Thank you!
Victoria Tizzard and Daniel Empringham
83 Cumberland Avenue

Sent from my iPhone

Sent from my iPhone

Pilon, Janet

Subject: Vacant Ward 7 Council Seat Appointment

From: John-Paul Danko
Sent: August-14-18 3:36 PM
To: Pilon, Janet <Janet.Pilon@hamilton.ca>
Cc: Paparella, Stephanie <Stephanie.Paparella@hamilton.ca>
Subject: Re: FW: Vacant Ward 7 Council Seat Appointment

Hello Janet,

Looking at the agenda for August 17th's council meeting, I see that Item 5.8 includes the letter from the Minister of Municipal Affairs and Housing (dated July 19th) confirming Council's requirement to fill Donna Skelly's vacant Ward 7 council seat within 60 days of it being declared vacant. According to media reports, this will require Council to appoint a new Councillor to Ward 7 by August 25th in order to fulfill their legal obligations under the Municipal Act.

Therefore the August 17th Council meeting will be the only opportunity to address this issue.

It is my understanding that it is not possible to make a delegation to the full meeting of council scheduled for August 17th (please confirm). In lieu of a delegation, please include the following correspondence regarding Item 5.8 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing...respecting the Ward 7 Vacancy.

**Statement from 2016 Ward 7 By-Election Runner Up John-Paul Danko
Re. Appointment to Ward 7 Vacancy at the Meeting of Council on August 17th, 2018**

Under the legal obligations of the Municipal Act as confirmed by the Honourable Steve Clark, Minister of Municipal Affairs and Housing (Item 5.8 on the Agenda), Hamilton City Council must appoint a new Councillor to fill the vacant Ward 7 seat within 60 days of the declared vacancy (August 25th, 2018).

As there are no meetings scheduled the following week, the only opportunity Council will have to meet this legal obligation is to reach a decision and appoint a new Councillor to Ward 7 at the Council meeting scheduled for August 17th, 2018.

To date there has been no public consultation to seek qualified candidates, no published list of candidates currently under consideration and no engagement of public opinion as to who should be considered to fill the role.

Therefore, I will re-iterate my opinion that the most democratic and transparent option available to Council is to simply appoint the runner-up in the 2016 by-election to fill the seat for the remainder of the term.

As the runner-up in the by-election, I received a strong share of the vote (finishing 92 votes short of Councillor Skelly). I am currently involved and familiar with the issues in the Ward. I am a civil engineer with 20 year's experience making decisions at the executive level, and I am a neutral choice as I am not a part of any political party or connected to any current Councillors, lobbyists or staff.

Given the pending deadline, appointing the runner up would be an effective way to avoid controversy with the perception that Council is simply appointing a hand-picked insider to fill the roll.

Appointing the runner up when a seat is vacated is standard practice for many municipalities across Ontario including: Oshawa City Council, Kitchener Waterloo Regional Council, St. Catharines City Council, Milton Local and Regional Council and Kincardine Town Council.

I understand that Councillors may have reservations that I am currently running for election in Ward 8 and that appointment to Ward 7 would give me an advantage in Ward 8. In response I would point out that Councillors routinely publicly endorse and privately assist candidates, thereby directly providing a significant advantage, so I am not sure why there is concern in one case but not the other.

The residents of Ward 7 should have a say in who is appointed to represent them on Council. Given the looming deadline to fill the seat by August 25th, an open and transparent selection process appears to no longer be possible. The most democratic, uncontroversial and transparent option currently available is to simply appoint the second place finisher in the by-election.

Thank you for your consideration.

John-Paul Danko



August 16, 2018

City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Mayor and Members of Council,

The Board of DARTS is requesting a meeting between staff members and DARTS to discuss financial considerations for 2018. This matter is time sensitive.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron Trajano", with a long, sweeping flourish extending to the right.

Ron Trajano, Chair
DARTS Board of Directors

CITY OF HAMILTON

NOTICE OF MOTION

Council: August 17, 2018

MOVED BY COUNCILLOR M. GREEN.....

Ward 3 Area Rating Funds to Cycling Projects

WHEREAS, the City of Hamilton is improving cycling infrastructure to grow bicycle ridership to meet the goals of the City’s Transportation Master Plan;

WHEREAS, the community is demonstrating that design elements that help to increase the visibility of bicycle lanes, such as bollards, result in higher cycling participation rates;

WHEREAS, there is a gap in the Cannon Street bicycle lane network between Sherman Avenue and Tim Hortons Field that is identified in the Cycling Master Plan (2018) as priority project # 14;

WHEREAS, the Hamilton Bike Share System, operated by Sobi Hamilton, is proving to be successful and will benefit from an increased density of bicycle hubs in Ward 3; and,

WHEREAS, there are available funds in the Ward 3 Area Rating budget;

THEREFORE, BE IT RESOLVED:

- (a) That \$30,000 be allocated from the Ward 3 Area Rating Reserve Account No. 108053 to enhance the 2018 bicycle lane installations on Delaware Avenue, Maplewood Avenue and Gage Avenue, with pavement markings to define a wider buffer for the bicycle lanes and the installation of limited, seasonal physical separations at key intersections;
- (b) That \$100,000 be allocated from the Ward 3 Area Rating Reserve Account No. 108053 to design and install an extension of the Cannon Street cycle track easterly of Sherman Avenue to Tim Hortons Field, the new recreation centre, and the new high school;
- (c) That \$150,000 be allocated from the Ward 3 Area Rating Reserve account 108053 to purchase approximately 75 bike share bicycles for 8 planned new stations to increase the access to bicycles in Ward 3; and,
- (d) That \$40,000 be allocated from the Ward 3 Area Rating Reserve Account No. 108053 to purchase and install approximately 120 Hammer Hoop bicycle racks in commercial areas of Ward 3.

CITY OF HAMILTON

NOTICE OF MOTION

Council: August 17, 2018

MOVED BY COUNCILLOR T. JACKSON.....

No Right Turn on Red for Southbound Right Turn Movements on Upper Ottawa Street to Rymal Road (Ward 6)

WHEREAS, Ward 6 residents in the area of Upper Ottawa Street and Rymal Road have identified safety and operational concerns with respect to accessing properties along Rymal Road, as a result of insufficient vehicle gaps; and,

WHEREAS, Traffic Operations and Engineering has identified potential operating and safety concerns with implementing No Right Turn on Red for southbound right turn movements on Upper Ottawa Street to Rymal Road.

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to implement a “trial” project for a period of four months, to prohibit Right Turn on Red for southbound Upper Ottawa Street to westbound Rymal Road, 7am to 7pm; and,
- (b) That staff evaluate the operational and safety impacts of this prohibition and report to Public Works Committee at the conclusion of the 4 (four) month trial period.

CITY OF HAMILTON

NOTICE OF MOTION

Council: August 17, 2018

MOVED BY COUNCILLOR M. GREEN.....

Lighting for Century Street Parkette

WHEREAS, direct investments in our community public spaces, parks, and playgrounds have been identified through extensive neighbourhood engagement as well as through our City of Hamilton strategic priorities; and

WHEREAS, the redevelopment currently underway for the Century Street Parkette requires additional funds in order to install solar powered lighting in the Parkette;

THEREFORE BE IT RESOLVED:

That staff be directed to include lighting at Century Street Parkette, as part of the park development, at a cost of \$75,000 to be added to the Century Street Parkette Project ID 4401756907, to be funded from Ward 3 Area Rating Account no. 108053.

CITY OF HAMILTON

NOTICE OF MOTION

Council: August 17, 2018

MOVED BY COUNCILLOR M. GREEN.....

Disposition of Municipal Lands Located between 25 and 31 Douglas Avenue, Hamilton (Ward 3) for the Purpose of Affordable Housing in Perpetuity

WHEREAS, City Council, at its meeting of November 24, 2004, adopted the City’s Portfolio Management Strategy Plan, which established a formalized process to be consistently applied across all areas of the City to guide the management of the City’s real property, and that in accordance with the City’s Portfolio Management Strategy, By-law 14-202, property no longer required for municipal programs is declared surplus by Council and is disposed of in accordance with this policy;

WHEREAS, the City has an objective to increase the availability of affordable housing throughout the City;

WHEREAS, the City has been in dialogue with the Hamilton Community Land Trust and other community stakeholders respecting vacant land, known as 0 Douglas Avenue and located between 25 and 31 Douglas Avenue, City of Hamilton, respecting the opportunity for the development of a small affordable housing unit on the subject property;

WHEREAS, the subject land represents a vacant strip of land that the City acquired via tax arrears and the City has attempted to dispose of parcels of this property to adjacent land owners in the past; and

WHEREAS, the City’s support to making the subject development affordable would be the contribution of land at nominal value;

THEREFORE BE IT RESOLVED:

- (a) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to sell a portion of the land between 25 and 31 Douglas Avenue, in the City of Hamilton, to the Hamilton Community Land Trust in partnership with other community stakeholders and partners, subject to any required easements and conditional on the property being used perpetually for affordable housing, on an as-is, where-is basis, for a nominal consideration of \$2.00, plus any costs (eg. survey, legal, closing adjustments, etc.) incurred by the City, and such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development;

- (b) That the City Solicitor be directed and authorized to complete the real estate transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable; and
- (c) That the Mayor and City Clerk be authorized to execute the necessary documents, in a form satisfactory to the City Solicitor.

CITY OF HAMILTON

NOTICE OF MOTION

Council: August 17, 2018

MOVED BY COUNCILLOR M. GREEN.....

Royal Oak Dairy Affordable Housing Project

WHEREAS, Indwell Community Homes (Indwell) has purchased the derelict property at the northwest corner of East Avenue N and Robert Street (known as the Royal Oak Dairy property) and are in the planning stage of a redevelopment to transform the site into an affordable housing development. Indwell expects the redevelopment to include at least 100 units of affordable housing; and

WHEREAS, Indwell will incur significant financing carrying costs on the land purchase and site preparation during the estimated three year planning, approvals and construction phases (e.g. financing on purchase, legal fees, land transfer tax, environmental remediation and demolition), estimated to be \$343,000, that are not funded;

THEREFORE BE IT RESOLVED:

- (a) That a large portion of the unfunded financing carrying costs, in the amount of \$275,000, for the Royal Oak Affordable Housing Project be funded as a grant from the Ward 3 Area Rating Reserve Account 108053; and
- (b) That staff be granted delegated authority to enter into a funding agreement on behalf of the City with the following terms:
 - (i) That 50% of the \$275,000 payment be made January 15, 2019 after the funding agreement has been signed by all parties and the balance of the grant paid out on January 15, 2020; and
 - (ii) That Indwell must forward to City Finance staff their Annual Financial statements upon their Board's approval of same.

CITY OF HAMILTON

NOTICE OF MOTION

Council: August 17, 2018

MOVED BY COUNCILLOR M. GREEN.....

Capital Investments at First Place and 30 Sanford Avenue

WHEREAS, there has been a limited capital reinvestment in CityHousing Hamilton properties over the last decade;

WHEREAS, residents of CityHousing Hamilton properties deserve dignified and safe, affordable housing; and,

WHEREAS, improvements to the exteriors of CityHousing Hamilton properties benefit the neighbourhood not just the residents, but for the entire community;

THEREFORE, BE IT RESOLVED:

- (a) That \$100,000 be provided to CityHousing Hamilton for the construction of a new seating area at 30 Sanford Avenue, to include 10 benches and a gazebo, as well as new auto door openers in each of the two lounges, to be funded from the Ward 3 Area Rating Account No. 108053; and,
- (b) That \$100,000 be provided to CityHousing Hamilton for exterior capital investments at First Place, to include the front entrance and the West Avenue side streetscape, to be funded from the Ward 3 Area Rating Account No. 108053.

CITY OF HAMILTON

NOTICE OF MOTION

Council: August 17, 2018

MOVED BY COUNCILLOR C. COLLINS.....

Proposed Renewal and Amendment of Barangas On The Beach Existing Lease at Confederation Beach Park

WHEREAS, in 1993, 852850 Ontario Inc. operating as Barangas On The Beach (the “Tenant”) was granted a fifteen (15) year lease agreement that included the Tenant investing and expanding the former schoolhouse located on the site into a lakeside restaurant facility (the “Leased Premises”);

WHEREAS, this same Tenant has been occupying and operating at its current location at Confederation Beach Park since 1993;

WHEREAS, by a Lease Agreement dated the 1st day of May 2008 (the “Lease”) the Tenant’s leasehold interest was continued with the grant of a further fifteen (15) year term (the “Term”) as contained in the Lease to be fully ended and completed on the 30th day of April 2023; and,

WHEREAS, the Tenant has expressed its desire to commence earlier negotiations towards obtaining a further term of its leasehold interest in the Leased Premises for the primary purpose of making further investment into the Leased Premises through completing significant and substantial renovations and improvements, at its expense, towards remaining marketable fresh, operationally efficient and competitive;

THEREFORE, BE IT RESOLVED:

- (a) That staff of the Real Estate Section of the Planning & Economic Development Department, be authorized and directed to commence early negotiations with the Tenant, based on the identified primary purpose for these negotiations being the Tenant’s intent of making further investment into the Leased Premises, which negotiations may include, in addition to the salient business terms of a new Agreement and the Tenant’s continued leasehold interest, any other terms and conditions deemed relative to the Tenant’s continued occupancy and its continued success from the Leased Premises, and report back to the General Issues Committee; and,
- (b) That staff of the Policy and Programs Section of the Public Works Department in consultation with Confederation Beach Park manager, Hamilton Region Conservation Authority, be authorized and directed to implement basic pedestrian safety measures for patrons crossing Van Wagners Beach Road to Barangas on the Beach, and to evaluate functional design changes to available

parking in the area including the possibility of adding parking adjacent and to the north-west of the Leased Premises that may potentially be implemented in conjunction with negotiations of the Lease, and report back to General Issues Committee with the outcome of negotiations and any proposed pedestrian safety and parking alterations.

CITY OF HAMILTON

NOTICE OF MOTION

Council: August 17, 2018

MOVED BY COUNCILLOR T. JACKSON.....

New Stop Controls – Deer Avenue at East 43rd Street, Deer Avenue at Sharon Avenue and Everton Place at East 43rd Street (Ward 6)

WHEREAS, the City of Hamilton is committed to creating safe neighbourhoods and vibrant communities; and,

WHEREAS, ensuring the safety of both pedestrians and motorists is a priority;

THEREFORE BE IT RESOLVED:

(a) That staff be directed to take the required steps to add new stop controls on:

Deer Avenue	Westbound	East 43 rd Street
Deer Avenue	Eastbound	Sharon Avenue
Everton Place	Westbound	East 43 rd Street

(b) That the draft by-law, attached as Appendix “A” to this motion, be enacted by Council.

CITY OF HAMILTON

NOTICE OF MOTION

Council: August 17, 2018

MOVED BY COUNCILLOR M. PEARSON.....

Upgrades to the Edgelake Park Tennis Court and Basketball Court (Stoney Creek)

WHEREAS, cell tower revenue from Ward 10, in the amount of \$51,000, is available to provide capital funding for the upgrades to the Edgelake Park Tennis Court and Basketball Court in Stoney Creek.

THEREFORE, BE IT RESOLVED:

That \$51,000 for the following upgrades to the Edgelake Park Tennis Court and Basketball Court in Stoney Creek, to be funded from the Ward 10 Cell Tower Revenue Account No. 3301609610, be approved:

- (i) New fencing around the tennis court and the basketball court;
- (ii) Upgrading the basketball court to a multi-use court;
- (iii) Asphalt resurfacing of both courts; and,
- (iv) Asphaltting of the access walkway from the court to the external park walkway.

CITY OF HAMILTON

NOTICE OF MOTION

Council: August 17, 2018

MOVED BY COUNCILLOR WHITEHEAD.....

Ward 7 Appointment

WHEREAS, Council declared the Ward 7 seat vacant on June 27, 2018;

WHEREAS, sub-section 263(5) of the *Municipal Act, 2001*, requires that Council fill the vacancy by August 25, 2018, (60 days after declaring the seat vacant); and

WHEREAS, sub-section 263(1) of the *Municipal Act, 2001*, requires that the vacancy be filled by appointing a qualified person to hold the office of Councillor, Ward 7, for the remainder of the 2014-2018 term of office by appointing a person who has consented to fill the office.

THEREFORE, BE IT RESOLVED:

- (a) That Terry Anderson be appointed to hold the office of Councillor, Ward 7, for the remainder of the 2014-2018 term;
- (b) That a by-law be enacted confirming the appointment of Terry Anderson to the Office of Councillor, Ward 7, for the remainder of the 2014-2018 term; and
- (c) That the Acting City Clerk administer the Declaration of Office at her earliest opportunity.

Appendix A – Information Report CL18008(a) for reference purposes

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 9

Bill No. 226

CITY OF HAMILTON

BY-LAW NO. 18-

**Respecting Removal of Part Lot Control
Part of Block 62, Registered Plan No. 62M-1141, Municipally Known as 49 and 51
Candlewood Court and 53 and 55 Candlewood Drive (Stoney Creek)**

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

“Designation of lands not subject to part lot control. -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

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

1. That Subsection 5 of Section 50 of the *Planning Act*, for the purpose of creating four (4) lots for street townhouse units (Parts 49 to 52 inclusive), and one (1) maintenance easement (Part 54), as shown on deposited Reference Plan 62R-18853, shall not apply to a portion of Block 62 on Registered Plan of Subdivision 62M-1141 that is designated as follows, namely:

Block 62, Registered Plan No. 62M-1141, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 17th day of August, 2020.

Respecting Removal of Part Lot Control
Part of Block 62, Registered Plan No. 62M-1141, Municipally Known as 49 and 51 Candlewood Court and 53 and
55 Candlewood Drive (Stoney Creek)

Page 2 of 2

PASSED this 17th day of August, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

PLC-18-024

Authority: Item 17, Public Works Committee
Report 07-011 (TOE02005(b) /
FCS02026(b) / PED07248)
CM: September 26, 2007
Ward: 11

Bill No. 227

CITY OF HAMILTON

BY-LAW NO. 18-

To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Nebo Road from Twenty Road to approximately 608m Southerly, in the City of Hamilton

WHEREAS the Council of the City of Hamilton authorized the construction of a sanitary sewer work by approving the 2017 Capital Budget on November 23, 2016 (Report FCS16079/GIC16-030; Item 5.3) (the "Sewer Works");

WHEREAS pursuant to the Funding Methodology for Municipal Infrastructure Extensions Policy approved by the Council on September 26, 2007 (Item 17 of Public Works Committee Report (TOE02005b/FCS02026b/PED07248), the Council of the City of Hamilton also authorized full cost recovery for the construction of the Sewer Works, by imposing a Sanitary Sewer Charge on the owners of land who benefit from the Sewer Works (the "Sewer Charges"); and

WHEREAS the actual construction cost of the Sewer Works, including sanitary drain connections, to be recovered from benefiting property owners, is \$351,806.27.

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

1. Sewer Charges are imposed upon the owners or occupants of land who benefit from the construction of the Sewer Works (the "Assessed Owners").
2. The Assessed Owners' lands and the respective Sewer Charges are more particularly described in Schedule "A", which Schedule is attached to and forms part of this By-law.
3. The Sewer Charges have been established using the approved method for cost apportionment per City of Hamilton Report TOE02005b/FCS02026b/PED07248 (Funding Methodologies for Municipal Infrastructure Extensions Review and Update), establishing a fee per property based on an apportioned share of the total project cost attributable to each Assessed Owner in addition to \$2,742.53 for each 150mm sanitary drain connection and \$3,287.81 for each 250mm sanitary drain connection. The Sewer Charges shall be indexed in accordance with the percentage change in the composite Canadata Construction Cost Index (Ontario Series) commencing from April 2013 to the date of permit issuance.
4. The amount resulting from the application of the Sewer Charges (the "Indebtedness"), shall be collected at the time of permit issuance for any connection to the said Sewer Works, in addition to any applicable permit fee.

5. The Assessed Owners have the option of paying the Indebtedness by way of annual payments over a period of 15 years from the date of permit issuance for connection by entry on the tax roll, to be collected in like manner as municipal taxes. The interest rate utilized for the 15 year payment shall be the City of Hamilton's then-current 15 year borrowing rate (2018 rate-3.25%).
6. Notwithstanding Section 5, an Assessed Owner of a parcel described in Schedule "A" may pay the commuted value of Indebtedness without penalty, but including interest, at any time.
7. Should an Assessed Owner sever or subdivide their parcel of land, the Sewer Charges owed to the City of Hamilton, whether the parcel of land is connected or not, and whether or not the Assessed Owner has previously exercised the repayment option set out in Section 5 above, shall be paid forthwith to the City of Hamilton in a lump sum as a condition of the severance or subdivision approval.
8. Unpaid Sewer Charges constitute a debt to the City and may be added to the tax roll and collected in the same manner as municipal taxes.
9. If any provision or requirement of this By-law, or the application of it to any person, shall to any extent be held to be invalid or unenforceable by any court of competent jurisdiction, the remainder of the By-law, or the application of it to all persons other than those in respect of whom it is held to be invalid or unenforceable, shall not be affected, and each provision and requirement of this By-law shall be separately valid and enforceable.
10. This By-law comes into force on the day following the date of its passing.

PASSED this 17th day of August, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Schedule "A" to By-law No. 18-227

Nebo Road

Sanitary sewer and connections on Nebo Road from Twenty Road to approximately 608m southerly

Sewer Charges

Property Address	Sanitary Sewer Charge	Sanitary Drain Connection	Total
720 Nebo Road	\$32,865.47	\$ 3,287.81	\$36,153.28
728 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
732 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
734 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
738 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
740 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
745 Nebo Road	\$70,678.44		\$70,678.44
752 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
754 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
758 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
770 Nebo Road	\$ 4,520.48	\$ 3,287.81	\$ 7,808.29
762 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
766 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
774 Nebo Road	\$ 4,520.48	\$ 3,287.81	\$ 7,808.29
776 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
780 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
784 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
786 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
788 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
792 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
796 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
798 Nebo Road	\$ 4,520.48	\$ 2,742.53	\$ 7,263.01
804 Nebo Road	\$ 4,520.48	\$ 3,287.81	\$ 7,808.29
805 Nebo Road	\$70,678.44		\$70,678.44
810 Nebo Road	\$ 4,520.48	\$ 3,287.81	\$ 7,808.29
814 Nebo Road	\$ 4,520.48	\$ 3,287.81	\$ 7,808.29
PIN 173880200	\$ 4,520.48		\$ 4,520.48
TOTAL	\$282,713.87	\$69,092.40	\$351,806.27

Authority: Item 5, Audit, Finance &
Administration Committee Report
18-011 (FCS18054(a))
CM: August 17, 2018
Ward: City Wide
Bill No. 228

CITY OF HAMILTON

BY-LAW NO. 18-

**Being a By-law to amend By-law No. 14-153 and By-law No. 11-174
"City of Hamilton Development Charges By-law, 2014"
and
"City of Hamilton GO Transit Development Charges By-law, 2011"**

WHEREAS section 19 of the *Development Charges Act, 1997*, S.O. 1997, c.27 (hereinafter referred to as the "Act") provides for amendments to be made to development charges by-laws;

WHEREAS the Council of the City of Hamilton has determined that certain amendments should be made to the City of Hamilton Development Charges By-law, 2014 (By-law 14-153);

WHEREAS the Council of the City of Hamilton has determined that certain amendments should be made to the City of Hamilton GO Transit Development Charges By-law, 2011 (By-law 11-174);

WHEREAS, in accordance with section 10 of the Act, at its meeting of June 13, 2018, the Council of the City of Hamilton approved a background study through Report PED18093 / FCS18054 dated June 11, 2018 entitled "City of Hamilton Development Charges By-law Background Study Re: Amendments to the Downtown Community Improvement Project Area (CIPA) Exemption."

WHEREAS, as required by section 10 of the Act, the said development charges background study has been completed and made public a minimum of 60 days prior to passing this development charges By-law amendment;

WHEREAS, as required by section 11 of the Act, this By-law amendment is being enacted within one year of the completion of the said development charges background study, titled "City of Hamilton Development Charges By-law Background Study Re: Amendments to the Downtown Community Improvement Project Area (CIPA) Exemption" prepared by staff, dated June 11, 2018;

WHEREAS the Council of the City of Hamilton has given notice and held a public meeting on August 15, 2018 in accordance with section 12 the Act regarding its proposals for this development charges By-law amendment;

WHEREAS the Council of the City of Hamilton, through its Audit, Finance and Administration Committee, has received written submissions and heard all persons who

applied to be heard no matter whether in objection to, or in support of, the said By-law amendment;

WHEREAS the Council of the City of Hamilton, at its meeting of August 17, 2018, has adopted and approved the said background study and the development charges policies recommended by the General Manager of the Finance and Corporate Services Department to be included in this By-law amendment and determined that no further public meetings are required under section 12 of the Act; and

WHEREAS the Council of the City of Hamilton, at its meeting of June 13, 2018, approved a Report PED18093 / FCS18054 dated June 11, 2018 entitled "City of Hamilton Development Charges By-law Background Study Re: Amendments to the Downtown Community Improvement Project Area (CIPA) Exemption."

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

1. Section 2 of By-law 14-153 is hereby amended by adding the following:

Schedule "H": Height Restrictions for Downtown Hamilton CIPA Exemption

2. Section 22 of By-law 14-153 is hereby amended by replacing Section 22 with the following:

"Downtown Hamilton Community Project Area (CIPA) Exemption

22. Development within the boundaries of the Downtown Hamilton Community Improvement Project Area (CIPA) as shown on Schedule "D" attached to this By-law shall:

- (a) be exempted from the following percentages of the development charges otherwise payable, after all other credits and exemptions are considered, under the By-law for only the portion of the building that is within the height restrictions as shown in Schedule "H" attached to this By-law based on the later of the date on which development charges are payable or the date all applicable development charges were actually paid:

Date	Percentage of exemption (%)	Percentage of development charge payable (%)
July 6, 2014 to July 5, 2015	90	10
July 6, 2015 to July 5, 2016	85	15
July 6, 2016 to July 5, 2017	80	20
July 6, 2017 to July 5, 2018	75	25
July 6, 2018 to July 6, 2019	70	30

Schedule "H" attached to this By-law shall not be amended by any decision by the Local Planning Appeal Tribunal relating to the City's Zoning By-law Amendment 18-114; or by any amendments, including site specific or area

specific, to the City's Zoning By-law 05-200 either through Local Planning Appeal Tribunal decisions or by Council.

For clarity, any development in excess of the height restrictions as shown in Schedule "H" shall be subject to the full calculated development charge and only be reduced if there are any credits or exemptions remaining after applying any and all other credits or exemptions to the portion of the building that is within the height restrictions as shown in Schedule "H" attached to this By-law.

- (b) receive an additional dollar for dollar exemption on any remaining development charges payable based on the amount of voluntary contributions to a Downtown Public Art Reserve, except and provided that no exemption under this Section 22(b) may exceed ten percent (10%) of the development charges otherwise payable on the height that is within the height restrictions as shown in Schedule "H" attached to this By-law.
3. By-law 14-153 is hereby amended by adding thereto the Schedule "H" attached to this By-law.
 4. Section 2 of By-law 11-174 is hereby amended by adding the following:

Schedule "C": Height Restrictions for Downtown Hamilton CIPA Exemption

5. Section 18 of By-law 11-174 is hereby amended by replacing Section 18 with the following:

"Downtown Hamilton Community Project Area (CIPA) Exemption

18. Development within the boundaries of the Downtown Hamilton Community Improvement Project Area (CIPA) as shown on Schedule "B" attached to this By-law shall:

- (a) be exempted from the following percentages of the development charges otherwise payable, after all other credits and exemptions are considered, under the By-law for only the portion of the building that is within the height restrictions as shown in Schedule "C" attached to this By-law based on the later of the date on which development charges are payable or the date all applicable development charges were actually paid:

Date	Percentage of exemption (%)	Percentage of development charge payable (%)
July 6, 2014 to July 5, 2015	90	10
July 6, 2015 to July 5, 2016	85	15
July 6, 2016 to July 5, 2017	80	20
July 6, 2017 to July 5, 2018	75	25
July 6, 2018 to July 6, 2019	70	30

Schedule "C" attached to this By-law shall not be amended by any decision by the Local Planning Appeal Tribunal relating to the City's Zoning By-law Amendment 18-114; or by any amendments, including site specific or area specific, to the City's Zoning By-law 05-200 either through Local Planning Appeal Tribunal decisions or by Council.

For clarity, any development in excess of the height restrictions as shown in Schedule "C" attached to this By-law shall be subject to the full calculated development charge and only be reduced if there are any credits or exemptions remaining after applying any and all other credits or exemptions to the portion of the building that is within the height restrictions as shown in Schedule "C" attached to this By-law.

- (b) receive an additional dollar for dollar exemption on any remaining development charges payable based on the amount of voluntary contributions to a Downtown Public Art Reserve, except and provided that no exemption under this Section 18(b) may exceed ten percent (10%) of the development charges otherwise payable on the height that is within the height restrictions as shown in Schedule "C" attached to this By-law.
6. By-law 11-174 is hereby amended by adding thereto the Schedule "C" attached to this By-law.
 7. The City Clerk is hereby authorized and directed to consolidate this and any other duly enacted amendments to By-law 14-153 into the main body of the said By-law, and to make any necessary and incidental changes to numbering and nomenclature thereof arising from the said consolidation.
 8. The City Clerk is hereby authorized and directed to consolidate this and any other duly enacted amendments to By-law 11-174 into the main body of the said By-law, and to make any necessary and incidental changes to numbering and nomenclature thereof arising from the said consolidation.
 9. This By-law shall come into force and take effect at 12.01 a.m. on August 20, 2018.

PASSED this 17th day of August, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

SCHEDULE H TO BY-LAW 14-153
Height Restrictions for Downtown Hamilton CIPA Exemption



SCHEDULE C TO BY-LAW 11-174
Height Restrictions for Downtown Hamilton CIPA Exemption



Authority: Item 7, Audit, Finance &
Administration Committee Report
18-011 (FCS18049(a))
CM: August 17, 2018
Ward: 4

Bill No. 229

CITY OF HAMILTON

BY-LAW NO. 18-

A By-law to Amend the Water and Wastewater/Storm Fees and Charges By-law No. 17-265

WHEREAS the Council of the City of Hamilton passed a by-law to establish and maintain a list of all of its water and wastewater/storm fees and charges for services, activities and use of property provided by the City of Hamilton, being By-law 17-265;

AND WHEREAS on the 17th day of August 2018, the Council of the City of Hamilton approved Item 7 of Audit, Finance & Administration Committee Report 18-011 and approved the imposition of a fee and charge for raw water supplied to 690 Strathearne Avenue North by the City of Hamilton effective September 1, 2018:

- (a) Metered raw water at the rate of \$0.1118 per cubic metre;
- (b) Daily raw water fixed charges at the following rates:

Meter Size	Daily Rate
200 mm	\$27.20
250 mm	\$39.10
300 mm	\$57.80

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

1. Schedule "A" to Water and Wastewater/Storm Fees and Charges By-law No. 17-265 is amended by adding to following new section E):

E) Daily Water Consumption and Daily Water & Wastewater/Storm Fixed Charges for Raw Water Supplied to 690 Strathearne Avenue North, City of Hamilton*

Water consumption shall be charged on a per cubic metre basis at the rates indicated below. The total monthly water consumption charge is the sum of usage.

The fixed daily charge is not related to the direct costs of consumption and is not dependent or related to the amount of consumption incurred. The fixed charges are intended to offset the fixed costs of maintaining the City's water, wastewater and storm systems.

- (a) Metered raw water at the rate of \$0.1118 per cubic metre;
- (b) Daily raw water fixed charges at the following rates:

Meter Size	Daily Rate
200 mm	\$27.20
250 mm	\$39.10
300 mm	\$57.80

2. This By-law comes into force on September 1, 2018.

PASSED this 17th day of August, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 8, Planning Committee
Report: 18-018 (PED18150)
CM: August 17, 2018
Ward: 12

Bill No. 230

CITY OF HAMILTON

BY-LAW NO. 18-

To Adopt:

**Official Plan Amendment No. 110 to the
Urban Hamilton Official Plan**

Respecting:

**620 Tradewind Drive
(Town of Ancaster)**

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

1. Amendment No. 110 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 17th day of August, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Schedule “1”

**Urban Hamilton Official Plan
Amendment No. 110**

The following text, together with:

Appendix “A”	Volume 1, Schedule B – Natural Heritage System
Appendix “B”	Volume 1, Schedule B-4 – Detailed Natural Heritage Features – Key Natural Heritage Features and Key Hydrologic Features Wetlands
Appendix “C”	Volume 3, Map 2 – Urban Site Specific Key Map

attached hereto, constitute Official Plan Amendment No. 110 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to remove natural feature identifications and establish a Site Specific Policy to permit the development of the lands for employment and limited ancillary uses.

2.0 Location:

The lands affected by this Amendment are known municipally as 620 Tradewind Drive, in the former Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The basis of the amendment for the removal of the natural heritage features is supportable as its removal has been justified through review of the submitted supporting studies and Species at Risk Assessments by both the City of Hamilton and the Grand River Conservation Authority.
- The proposed amendment will permit industrial development which is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community and employment, while enhancing and establishing streetscapes for the industrial park and making efficient use of a vacant parcel of land with existing infrastructure.

- The proposed amendment is consistent with the Provincial Policy Statement, 2005 and 2014, and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 as it protects and preserves employment areas for current and future uses while ensuring that the necessary infrastructure is provided to support current and projected needs.

4.0 Actual Changes:

4.1 Volume 1 – Parent Plan

Schedules and Appendices

4.1.1 Schedules

- a. That Volume 1, Schedule B – Natural Heritage System be amended by deleting the “Core Areas” and “Linkages” identifications on the subject lands, as shown on Appendix “A” attached to this Amendment.
- b. That Volume 1, Schedule B-4 – Detailed Natural Heritage Features – Key Natural Heritage Feature and Key Hydrologic Feature Wetlands, be amended by deleting the “Key Natural Heritage and Key Hydrologic Feature Wetlands” identification on the subject lands, as shown on Appendix “B” attached to this Amendment.

4.2 Volume 3 – Special Policy Areas, Area Specific and Site Specific Policies

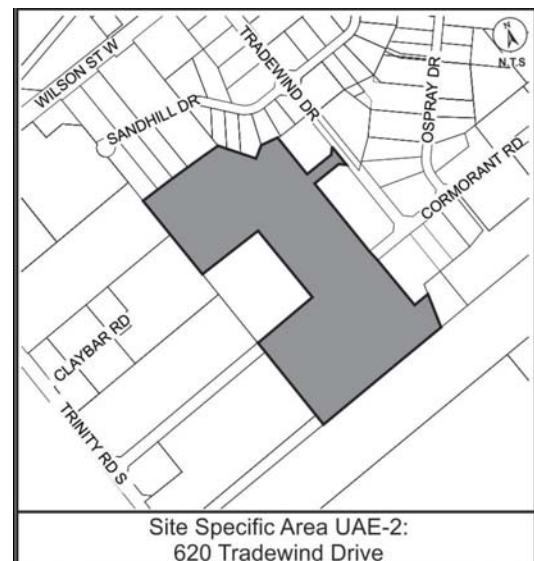
Text Changes

Volume 3 – Chapter C – Urban Site Specific Policies

- 4.2.1 Urban Hamilton Official Plan Volume 3 – Chapter C – Urban Site Specific Policies – Ancaster be amended by adding a new Site Specific Policy, as follows:

“UAE-2 620 Tradewind Drive, former Town of Ancaster

- 1.0 Notwithstanding Section E.5.4 – Employment Area – Business Park Designation, Policy E.5.4.4 of Volume 1, lands designated “Employment Area – Business



Park", located at 620 Tradewind Drive and identified as Site Specific Policy Area UAE-2, may also be used for limited *ancillary commercial and supporting* uses, in accordance with Policy E.5.4.3 c) and the Zoning By-law."

Schedule and Map Changes

Volume 3 – Chapter C – Urban Site Specific Key Map

4.2.2 Urban Hamilton Official Plan Volume 3 – Chapter C – Urban Site Specific Policies Key Map be amended by adding "UAE-2" to a portion of the subject lands, as shown on Appendix "C", attached to this Amendment.

5.0 Implementation:

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


This is Schedule "1" to By-law No. 18-230 passed on the day 17th of August, 2018.

The City of Hamilton

F. Eisenberger
MAYOR

J. Pilon
ACTING CITY CLERK

Appendix A
 APPROVED Amendment No. 110
 to the Urban Hamilton Official Plan

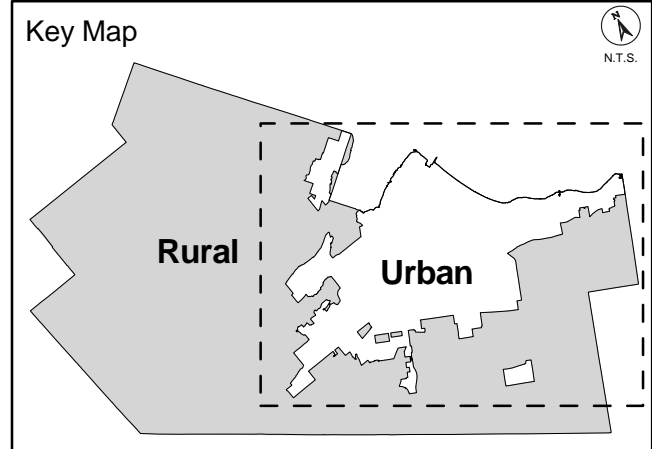
 To delete "Core Areas" and Linkages" identification from the Subject Lands.

(620 Tradewind Drive, Ancaster)

Date:
 August 14, 2018

Revised By:
 AC/NB

Reference File No.:
 OPA-U-110(A)



Note: For Rural Natural Heritage Features refer to Schedule B of the Rural Hamilton Official Plan.






APPEAL

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal - see illustration on Schedules E and E-1, Volume 1.


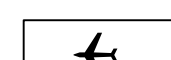


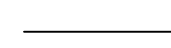
★ Lands Under Appeal

- 305 Stone Church Road West
 - 313 Stone Church Road East & lands bounded by Stone Church Road East, Upper Wellington Street, Lincoln M Alexander Parkway and Upper Wentworth Street

Legend

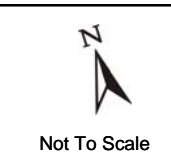
-  Core Areas
-  Area Specific Policy - USC-1 and USC-2 in Volume 3
-  Linkages
-  Parks & General Open Space (Excluding Parkettes)
-  Streams

Other Features

-  Rural Area
-  John C. Munro Hamilton International Airport
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary

Council Adoption: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

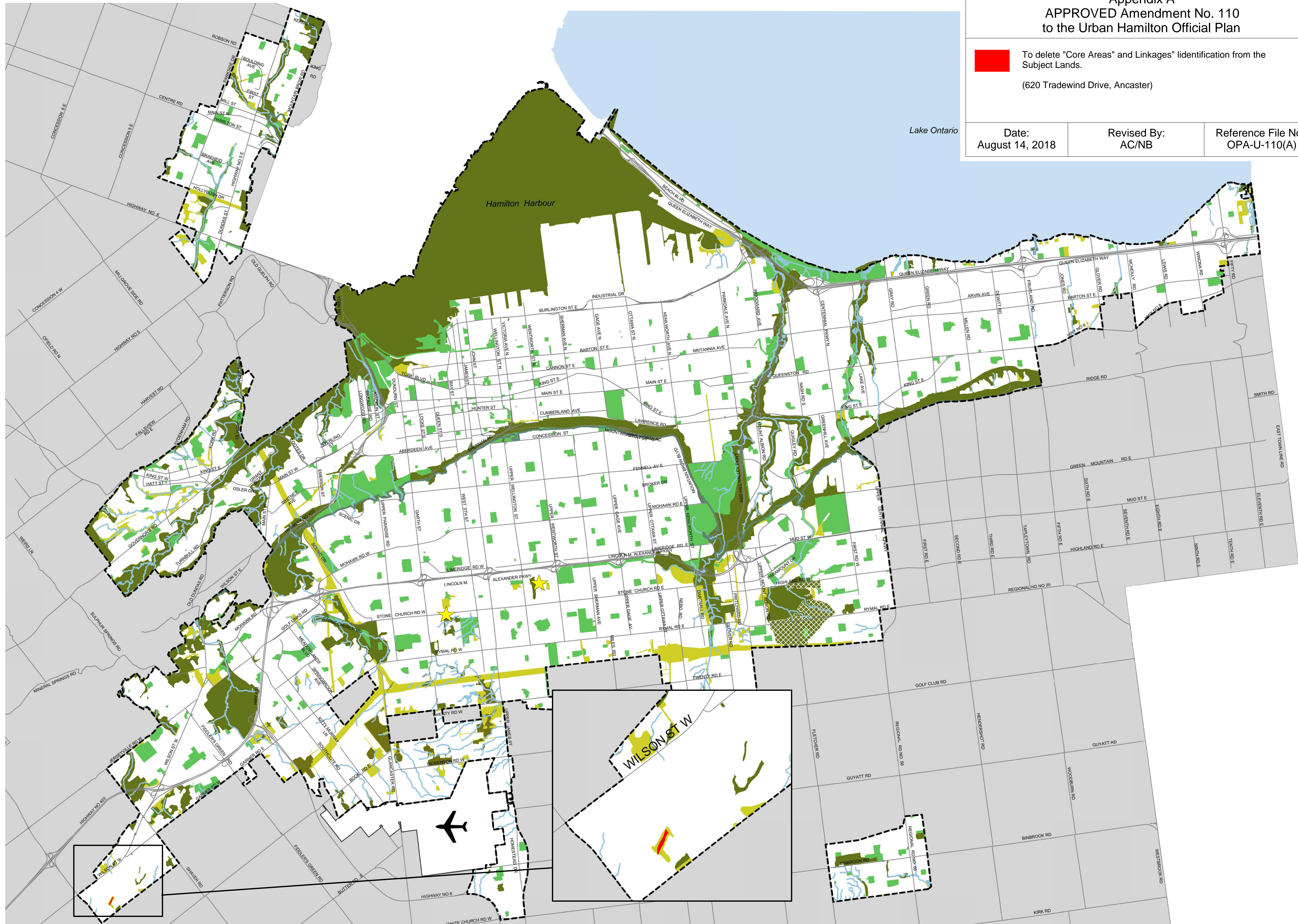
**Urban Hamilton Official Plan
 Schedule B
 Natural Heritage System**



Date: April 13, 2018



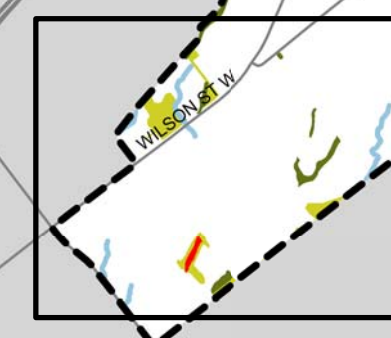
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
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Lake Ontario

Hamilton Harbour

WILSON ST W

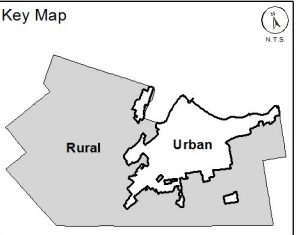


Appendix B
 APPROVED Amendment No. 110
 to the Urban Hamilton Official Plan

 To delete the "Key Natural Heritage and Key Hydrologic Feature Wetlands" identifications from Subject Lands

(620 Tradewind Drive, Ancaster)

Date: August 14, 2018	Revised By: AC/NB	Reference File No.: OPA-U-110(A)
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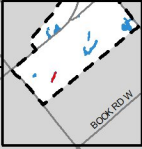
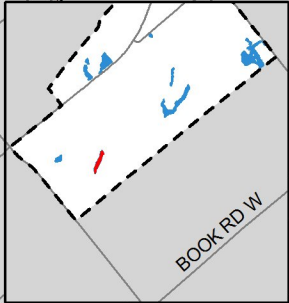
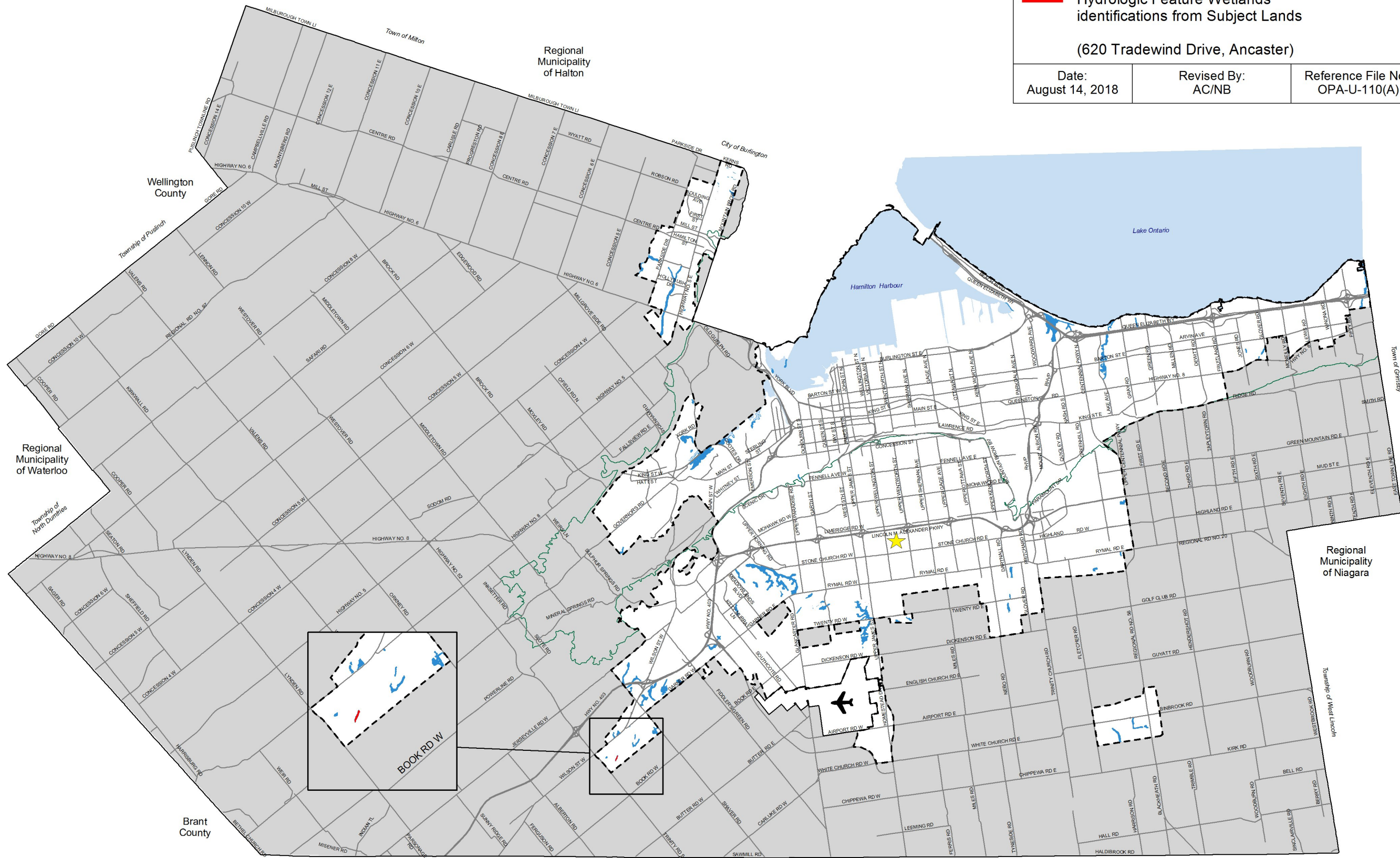
Note: For Rural Detailed Natural Heritage Features refer to Schedule B-4 of the Rural Hamilton Official Plan.

APPEAL







The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal - see illustration on Schedules E and E-1, Volume 1.

 **Lands Under Appeal**

- 305 Stone Church Road W




Legend

-  Key Natural Heritage and Key Hydrologic Feature Wetlands
- Other Features**
-  Rural Area
-  John C. Munro Hamilton International Airport
-  Niagara Escarpment
-  Urban Boundary
-  Municipal Boundary

Council Adopted: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan
 Schedule B-4
 Detailed Natural Heritage Features
 Key Natural Heritage Feature and Key
 Hydrologic Feature Wetlands**

Not To Scale



Date: Feb 27, 2018

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT

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 OF SURVEY

Haldimand County

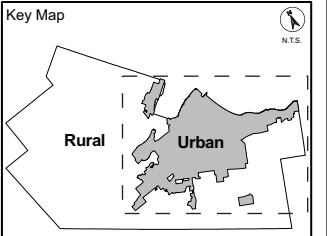
Appendix C
 APPROVED Amendment No. 110
 to the Urban Hamilton Official Plan

● Lands to be identified as
 Site Specific Policy Area UAE-2
 (620 Tradewind Drive, Ancaster)

Date:
 August 14, 2018

Revised By:
 AC/NB

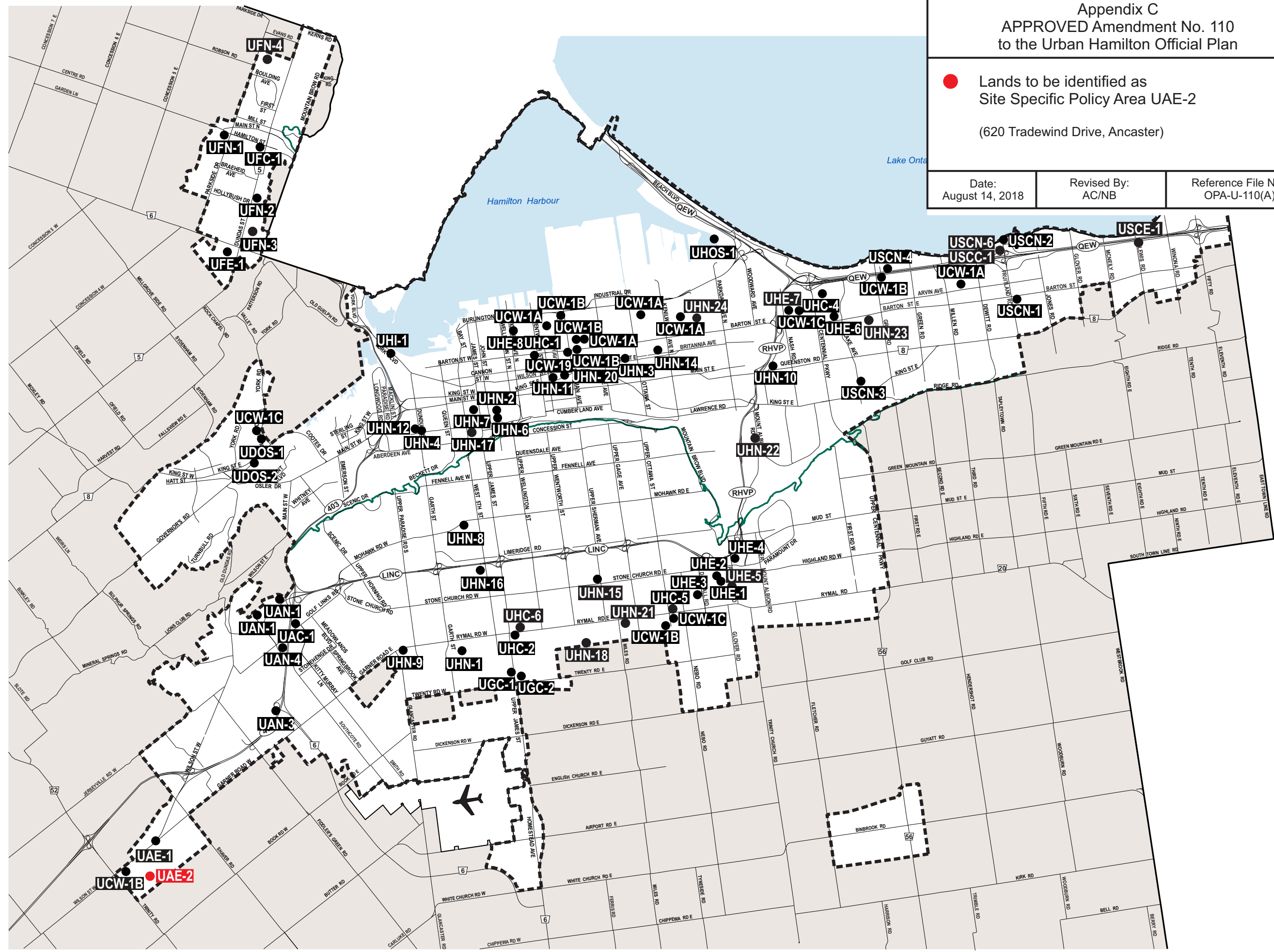
Reference File No.:
 OPA-U-110(A)



Note: For Rural Site Specific Areas, refer to Volume 3: Appendix A of the Rural Hamilton Official Plan.

APPEAL

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal – see illustration on Schedules E and E-1, Volume 1



- Legend**
- Site Specific Areas (SSA)
 - U- Refers to Urban Site Specific Area #, Volume 3, Chapter B
- Other Features**
- Rural Area
 - ✈ John C. Munro Hamilton International Airport
 - Niagara Escarpment
 - - - Urban Boundary
 - Municipal Boundary

Council Adoption: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

**Urban Hamilton Official Plan
 Volume 3: Map 2
 Urban Site Specific Key Map**



Date: August 1, 2018
 PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
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Authority: Item 8, Planning Committee
Report 18-012 (PED18150)
CM: August 17, 2018
Ward: 12

Bill No. 231

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 620 Tradewind Drive (Ancaster)

WHEREAS Council approved Item 8 of Report 18-012 of the Planning Committee, at its meeting held on August 17, 2018;

AND WHEREAS this By-law conforms to the Urban Hamilton Official Plan;

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

1. That Map No. 1528 and 1529 of Schedule “A” – Zoning Maps, of Zoning By-law No. 05-200 be amended as follows:

- a) from the General Business Park (M2) Zone to the General Business Park (M2, 611) Zone;
- b) from the General Business Park (M2) Zone to the Conservation / Hazard Lands (P5) Zone; and,
- c) from the Conservation / Hazard Lands (P5) Zone to the General Business Park (M2, 611) Zone,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” to this By-law.

2. That Schedule “C”: Special Exemptions of Zoning By-law No. 05-200, as amended, is hereby further amended by passing the following site specific General Business Park (M2, 611) Zone:

“611. Within the lands zoned General Business Park (M2, 611) Zone, identified on Map No. 1528 and 1529 of Schedule “A” and described as 620 Tradewind Drive, the following special provisions shall apply:

SPECIAL PROVISIONS FOR “M2, 611” ZONE

In addition to
Subsection 9.2.1

The following uses shall also be
permitted:

- Office;
- Restaurant contained within

a multi-unit building;
however a stand-alone
restaurant shall be
prohibited;

- Medical Office; and,
- Motor Vehicle Service Station excluding the sale of fuel, automotive accessories and / or convenience goods.

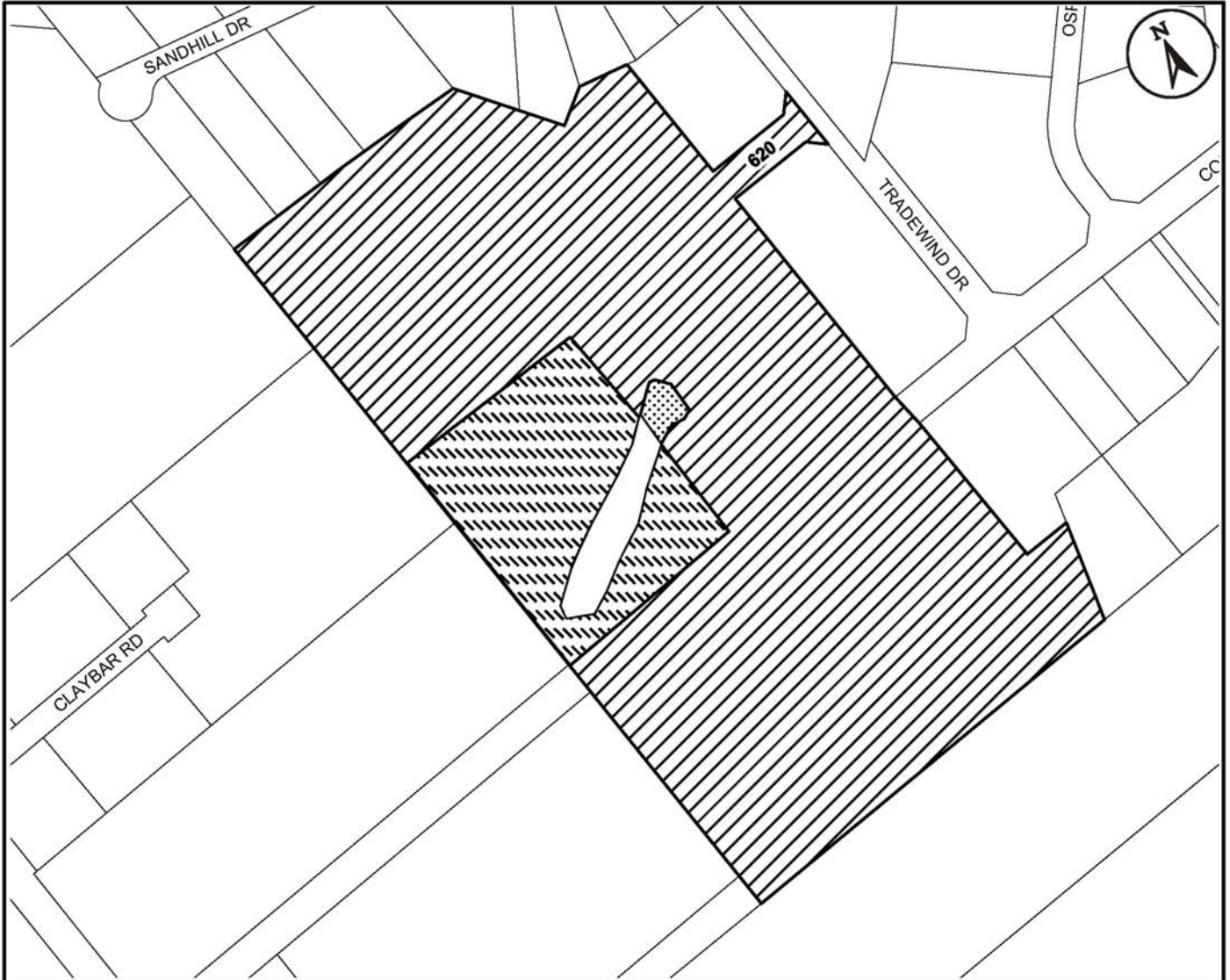
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
4. That this By-law No. 18-231 shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

PASSED this 17th day of August, 2018

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-05-063/25T-2005012






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 1528 & 1529

Subject Property
 620 Tradewind Drive

-  **Block 1** - Change in zoning from General Business Park (M2) Zone to the General Business Park (M2, 611) Zone
-  **Block 2** - Change in zoning from Conservation / Hazard Lands (P5) Zone to the General Business Park (M2, 611) Zone
-  **Block 3** - Change in zoning from the General Business Park (M2) Zone to the Conservation / Hazard Lands (P5) Zone

Scale: N.T.S.	File Name/Number: ZAC-05-063/25T-2005012
Date: June 19, 2018	Planner/Technician: ACJ/AL



Authority: Item 7 of the Planning Committee
Report: 18-012 (PED18185)
CM: August 17, 2018
Ward: 12

Bill No. 232

CITY OF HAMILTON

BY-LAW NO. 18-

To Adopt:

**Official Plan Amendment No. 111 to the
Urban Hamilton Official Plan**

Respecting:

**70 Garner Road East
(Ancaster)**

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

1. Amendment No. 111 to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 17th day of August, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Schedule “1”

Urban Hamilton Official Plan Amendment No. 111

The following text, together with:

Appendix “A”	Volume 1, Schedule E – Urban Land Use Designations
Appendix “B”	Volume 2, Map B.8-1 – Airport Employment Growth District Secondary Plan – Land Use Plan

attached hereto, constitutes Official Plan Amendment No. 111 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate a portion of the lands to “Airport Employment Growth District” from “Institutional” and to establish a Site Specific Policy Area to permit a funeral home in conjunction with employment related uses.

2.0 Location:

The lands affected by this Amendment are known municipally as 70 Garner Road East, in the former Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment is in keeping with the policies of the Airport Employment Growth District by providing a development complementary to the surrounding agricultural and residential uses.
- The proposed Amendment is in keeping with the policies of the Urban Hamilton Official Plan by providing a range of Employment uses within the community.
- The proposed development will complement the surrounding residential, institutional, and agricultural uses.
- 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**

Schedules and Appendices

4.1.1 Schedule

- a. That Volume 1, Schedule E-1 – Urban Land Use Designations be amended by redesignating the subject lands from “Institutional” to “Airport Employment Growth District”, as shown on Appendix “A”, attached to this Amendment.

4.2 **Volume 2 – Secondary Plans**

4.2.1 Chapter B.8 – Airport Employment Growth District Secondary Plan

- a. That Volume 2, Chapter B.8 – Airport Employment Growth District Secondary Plan, Section B.8.17 – Site Specific Policies be amended by adding a new Site Specific Policy, as follows:

“Site Specific Policy – Area K

B.8.17.11 The following policies apply to the easterly portion of the lands located at 70 Garner Road East, designated Airport Prestige Business and identified as Site Specific Policy – Area K on Map B.8-1 – Airport Employment Growth District Secondary Plan – Land Use Plan:

- a) In addition to Policy E.5.5.1 a) of Volume 1 and Policy B.8.4.5.1 a) of Volume 2, a funeral home shall also be permitted.
- b) In addition to Policy E.5.5.1 f) of Volume 1 and Policy B.8.4.5.1 d) of Volume 2, the permitted funeral home shall include the following uses:
 - (i) Repair service;
 - (ii) training facility;

- (iii) Catering and food service; and,
- (iv) Office."

Maps

4.2.2 Maps

- a. That Volume 2, Map B.8-1 – Airport Employment Growth District Secondary Plan – Land Use Map be amended by:
 - i) redesignating lands from "Institutional" to "Airport Prestige Business"; and,
 - ii) changing the identification of lands from "Site Specific Policy – Area B" to Site Specific Policy – Area "K",
- as shown on Appendix "B", attached to this Amendment.

5.0 Implementation:

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


This Official Plan Amendment is Schedule "1" to By-law No. 18-232 passed on the 17th day of August, 2018.

The City of Hamilton

F. Eisenberger
MAYOR

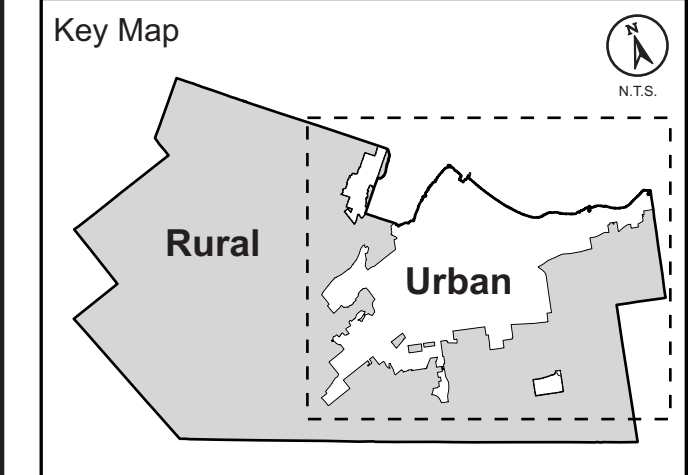
J. Pilon
Acting CITY CLERK

Appendix A
Approved Amendment No. 111
to the Urban Hamilton Official Plan

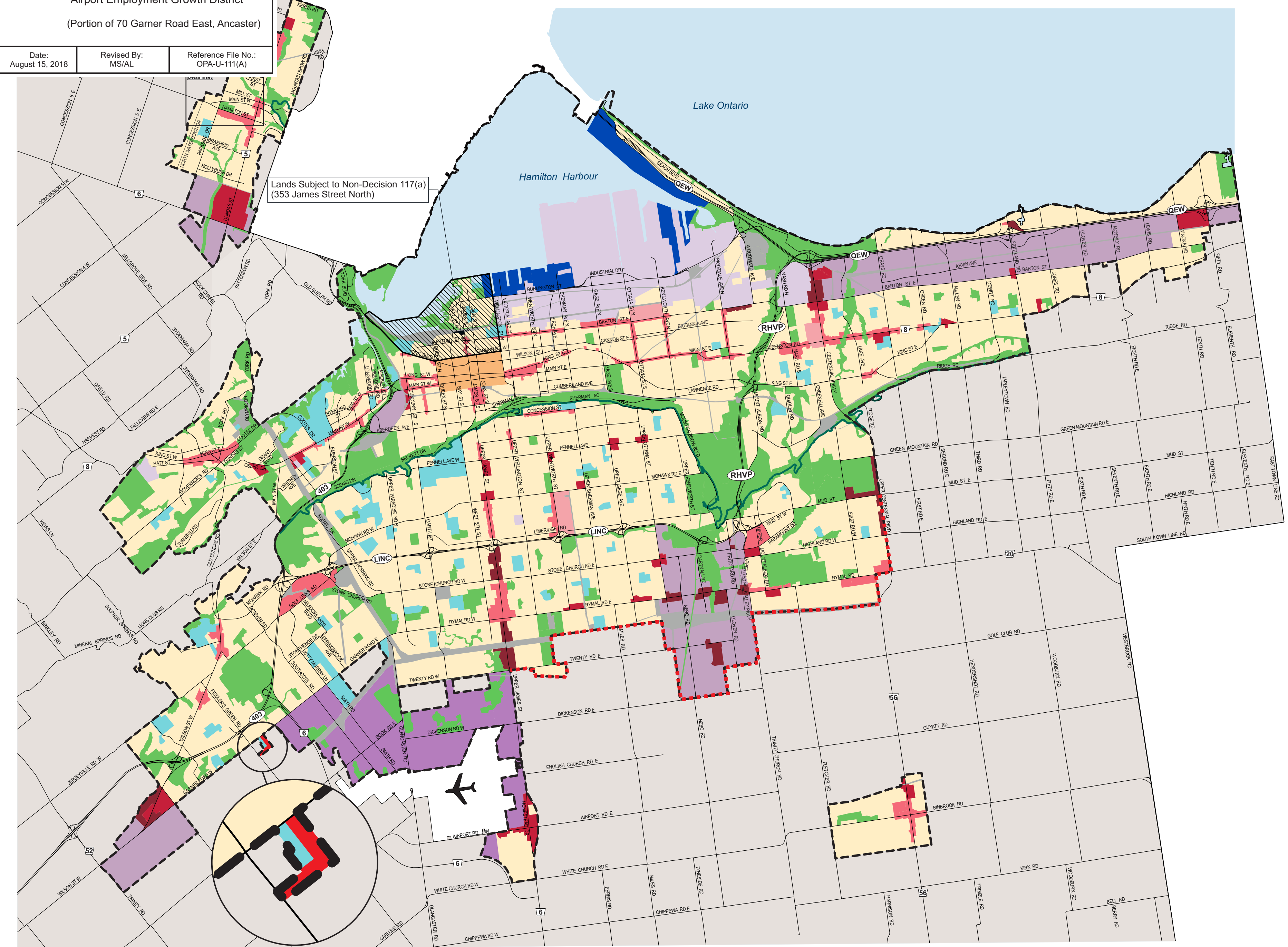
 Lands to be redesignated from "Institutional" to "Airport Employment Growth District"
(Portion of 70 Garner Road East, Ancaster)



















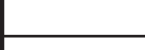
Date: August 15, 2018
Revised By: MS/AL
Reference File No.: OPA-U-111(A)

APPEALS
 The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal.



Note: For Rural Land Use Designations, refer to Schedule D of the Rural Hamilton Official Plan.



-  Neighbourhoods
 -  Open Space
 -  Institutional
 -  Utility
- Commercial and Mixed Use Designations**
-  Downtown Mixed Use Area
 -  Mixed Use - High Density
 -  Mixed Use - Medium Density
 -  District Commercial
 -  Arterial Commercial
- Employment Area Designations**
-  Industrial Land
 -  Business Park
 -  Airport Employment Growth District
 -  Shipping & Navigation
- Other Features**
-  Rural Area
 -  John C. Munro Hamilton International Airport
 -  Niagara Escarpment
 -  Urban Boundary
 -  Municipal Boundary
 -  Lands Subject to Non Decision 113 West Harbour Setting Sail

Council Adoption: July 9, 2009
Ministerial Approval: March 16, 2011
Effective Date: August 16, 2013

**Urban Hamilton Official Plan
Schedule E-1
Urban Land Use Designations**

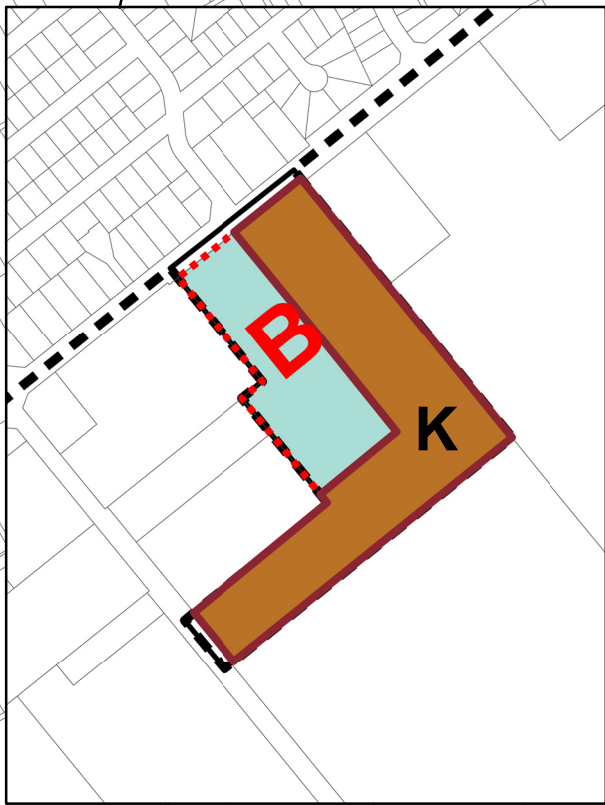
 Not To Scale


Appendix B
Approved Amendment No. 111
to the Urban Hamilton Official Plan

- Lands to be redesignate from "Institutional" to "Airport Prestige Business"
- Remove identification of Special Policy Area "B" and identify lands as Special Policy Area "K"

(Portion of 70 Garner Road East, Ancaster)

Date: August 15, 2018	Revised By: MS/AL	Reference File No.: OPA-U-111(A)
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APPEAL

OMB Order Withheld -
PL090114/PL110331/PL101300

Legend

- Land Use Designations**
- Airport Light Industrial
 - Airport Prestige Business
 - Airport Related Business
 - Airside Industrial
 - Institutional
 - Natural Open Space
 - Airport Reserve
 - Utilities

- Other Features**
- Area or Site Specific Policy
 - Employment Supportive Centres
 - John C. Munro Hamilton International Airport
 - Urban Boundary
 - Secondary Plan Boundary

Urban Hamilton Official Plan
Airport Employment
Growth District Secondary Plan
Land Use Plan
Map B.8-1

Authority: Item 7 of Planning Committee
Report 18-012 (PED18185)
CM: August 17, 2018
Ward: 12

Bill No. 233

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 70 Garner Road East (Ancaster)

WHEREAS Council approved Item 7 of Report 018 of the Planning Committee, at the meeting held on August 17, 2018;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, upon finalization of Official Plan Amendment No. 111.

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

1. That Maps 1386, 1387, 1437, and 1438 of Schedule “A” – Zoning Maps to Zoning By-law No. 05-200 are amended by:

(a) For a change in zoning from the Major Institutional (I3, 39, H37) Zone to Airport Prestige Business (M11, 697, H37, H104) Zone on lands described as Block 1, boundaries for the applicable lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Schedule “C” - Special Exceptions of Zoning By-law No. 05-200, is hereby amended by passing the following site specific Airport Prestige Business (M11, 697) Zone:

“697. Within the lands zoned Airport Prestige Business (M11, 697) Zone, identified on Maps 1386, 1387, 1437 and 1438 of Schedule “A” – Zoning Maps and described as 70 Garner Road East, the following special provisions shall apply:

a) In addition to the uses permitted in Section 9.11.1, the following uses shall be permitted:

Funeral Home only in conjunction with all of the following uses:

- i) Motor vehicle service station;
- ii) Motor vehicle collision repair;
- iii) Conference or convention centre;
- iv) Catering service; and,
- v) Office.

REGULATIONS

- l) Visual Barrier For the purposes of this By-law, a visual barrier will not be required for a funeral home abutting an Institutional Zone property line.

In addition to Section 5.6 c)iv) the following special provision shall also apply:

- Funeral Home 1 for each 20.0 metres of gross floor area with accommodates such use.

3. That Schedule “D” – Holding Provisions of By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

(a) Notwithstanding Section 9.11 of this By-law, within the lands zoned Airport Prestige Business (M11, 697, H104) Zone identified on Maps 1386, 1387, 1437, and 1438 of Schedule “A” and described as 70 Garner Road East, the (H104) symbol may be removed by further amendment to this By-law at such time as the following conditions have been satisfied:

- i) The applicant completes an updated Functional Servicing Report (FSR) with Storm Water Management, to the satisfaction of the Manager of Development Approvals which outlines:
- o Pre and post development conditions;
 - o Low impact developments (LID’s);
 - o Drainage Area Plan which also includes external drainage areas;
 - o On site grading control;
 - o Self-contained drainage control of the subject property;
 - o Stormwater quality and quantity control to pre-development conditions; and,
 - o A suitable storm outlet.
- ii) The applicant provides a professional Legal opinion on the riparian rights for the drainage outlet through the culvert on private property. The opinion must conclude that the owner has rights to use the private culvert as a formal outlet for the development, in accordance with common drainage law / *Drainage Act*, to the satisfaction of the Manager of Development Approvals.
- iii) The applicant addresses comments from the Development Engineering Section, outlined in the memorandum dated November 17, 2017, to the satisfaction of the Manager of Development Approvals.
- iv) The applicant completes a Transportation Impact Study to the satisfaction of the Manager of Transportation Planning.

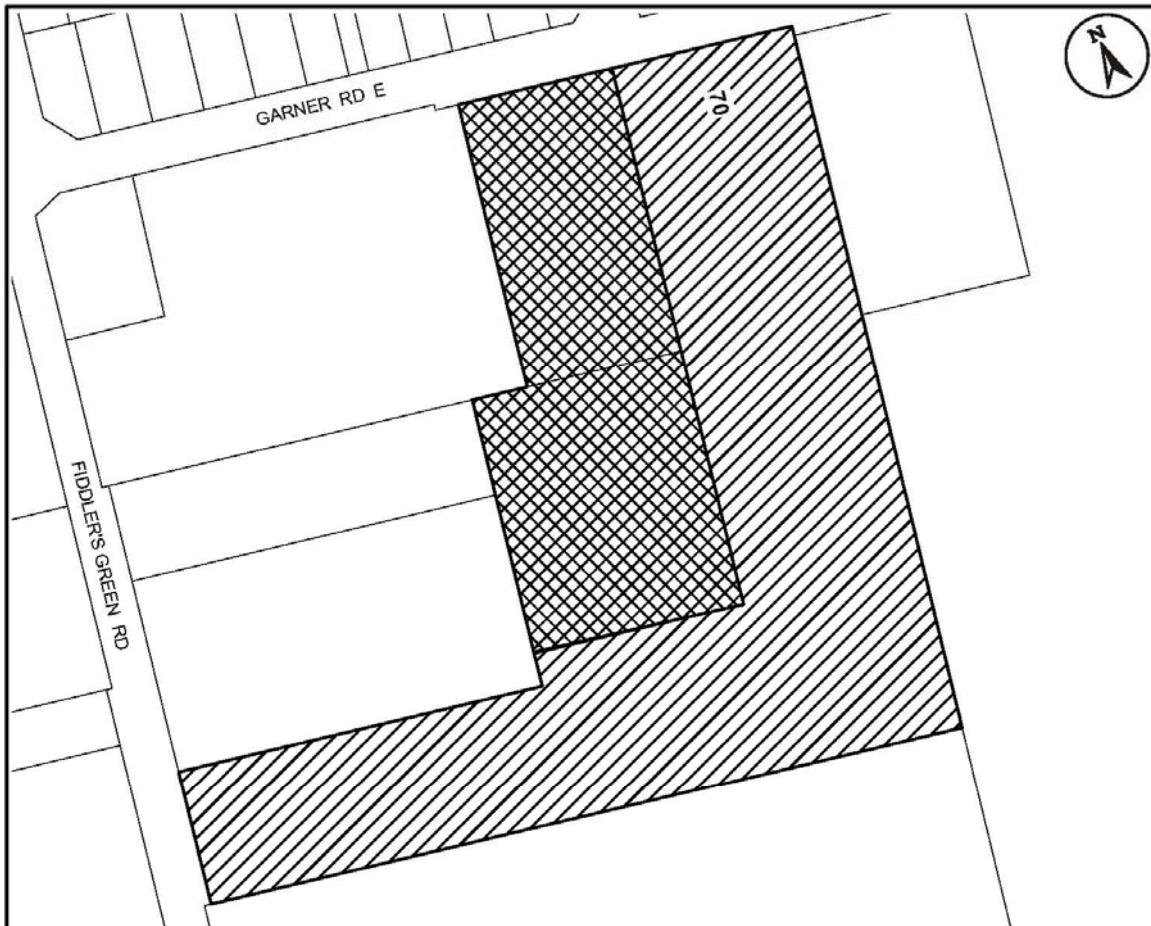
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.

PASSED this 17th day of August, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-17-068/ZAH-17-069/UHOPA-17-030



This is Schedule "A" to By-law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
---	--------------------------------------

<h2>Schedule "A"</h2> <h3>Map Forming Part of By-law No. 18-_____</h3> <h3>to Amend By-law No. 05-200 Maps 1386, 1387, 1437 & 1438</h3>	Subject Property 70 Garner Road East <div style="display: flex; align-items: flex-start;"> <div style="width: 20px; height: 10px; border: 1px solid black; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 5px;"></div> <div> Block 1 - Change in zoning from Major Institutional (I3, 39, H37) Zone to Airport Prestige Business (M11, 697, H37, H104) Zone </div> </div> <div style="display: flex; align-items: flex-start; margin-top: 10px;"> <div style="width: 20px; height: 10px; border: 1px solid black; background: repeating-linear-gradient(-45deg, transparent, transparent 2px, black 2px, black 4px); margin-right: 5px;"></div> <div> Block 2 - Lands to remain under Major Institutional (I3, 39, H37) Zone </div> </div>
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Scale: N.T.S.	File Name/Number: ZAC-17-068/ZAH-17-069/UHOPA-17-030
Date: July 13, 2018	Planner/Technician: MS/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



Authority: Item 10, Planning Committee
Report 18-012 (PED18183)
CM: August 17, 2018
Ward: 8

Bill No. 234

CITY OF HAMILTON

BY-LAW NO. 18-

**To Amend Zoning By-law No. 6593,
as amended by By-law Nos. 79-226, 81-235, 83-221 and 85-165
Respecting Lands Located at 393 Rymal Road West, Hamilton**

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Schedule C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item 10 of Report 18-012 of the Planning Committee, at its meeting held on the 17th day of August 2018, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided; and,

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 paragraph 2 of Section 2 of By-law No. 79-226 is deleted in its entirety.
2. That paragraph 6 of Section 2 of By-law No. 79-226 is deleted in its entirety.
3. That paragraph 7 of Section 2 of By-law No. 79-226 is deleted in its entirety.
4. That paragraph 8 of Section 2 of By-law No. 79-226 is deleted in its entirety.
5. That By-law No. 85-165 is deleted in its entirety.

6. That Sheet No. W17e of the District Maps appended to and forming part of Zoning By-law No. 6593 (Hamilton), is further amended by changing the zoning from DE/S-664", "DE/S-664a", "DE/S-664b" and "DE/S-664c" (Low Density Multiple Dwellings) District, Modified to the "DE/S-664d" (Low Density Multiple Dwellings) District, Modified; the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
7. That the DE (Low Density Multiple Dwellings) District, provisions as contained within Section 10A of Zoning By-law No. 6593 and further amended by DE/S-664", "DE/S-664a" "DE/S-664b" "DE/S-664c" (Low Density Multiple Dwellings) District, Modified applicable to the subject lands, be further modified to include the following special requirements:
 - a) The townhouse dwelling, containing three dwelling units existing on the date of the passing of the By-law shall be permitted.
 - d) A clubhouse use and cafeteria shall be permitted as an accessory use within a multiple dwelling for the exclusive use of the residents of St. Elizabeth's Village.
 - c) A maximum of 160 dwelling units shall be permitted being a townhouse dwelling containing three dwelling units and a multiple dwelling contain a maximum 157 dwelling units.
 - d) Notwithstanding Section 10A(2), a multiple dwelling shall not exceed six storeys and 24.0 metres in height.
 - e) Notwithstanding Section 10A(3)(i), a front yard of a depth of at least 6.9 metres from Garth Street the existing townhouse dwelling existing at the date of the passing of this By-law.
 - f) Notwithstanding Section 10A(3)(ii)(c), a side yard setback of 3.0 metres shall be provided for the existing townhouse dwelling existing at the date of the passing of this By-law.
 - g) The Trillium Clubhouse, associated uses and parking existing on the date of the passing of the By-law shall be permitted.
 - h) Notwithstanding Section 10A(3)(ii)(c), a minimum setback of 4.7 metres shall be provided to the southerly limits of the "DE/S-664d" zone boundary.
 - i) In addition to Section 10A(4), a minimum at grade building setback of 10 metres shall be provided from the established flood line to the multiple dwelling, not including retaining walls, pathways, patios and similar uses.

- j) Notwithstanding Section 18A Subsection 1b, Table 2 and Section 18(16), a minimum of 30 visitor parking spaces shall be provided at grade.
 - k) Notwithstanding Section 18A Subsection 1c) and table 3, a minimum of two (2) loading spaces shall be provided having a minimum size of 3.7 m by 9.0 m by 4.3 m.
 - l) That Section 18(A)(11) shall not apply.
 - m) That Section 18(A)(12) shall not apply.
 - n) That Section 18(A)(25) shall not apply.
8. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “DE-S/664d” (Low Density Multiple Dwellings) District, Modified provisions, subject to the special requirements referred to in Section 7.
9. That Sheet No. W17e of the District Maps is amended by marking the lands referred to in Section 6 of the By-law as “DE-S/664d”.
10. 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 17th day of August, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-16-075

To Amend Zoning By-law No. 6593,
as amended by By-law Nos. 79-226, 81-235, 83-221 and 85-165
Respecting Lands Located at 393 Rymal Road West, Hamilton



<p>This is Schedule "A" 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>
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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. 6593</p>		<p>Subject Property 393 Rymal Road West</p> <p> Change in zoning from the "DE/S-664", "DE/S-664a", "DE/S-664b" and "DE/S-664c" (Low Density Multiple Dwellings) District, Modified to the "DE/S-664d" (Low Density Multiple Dwellings) District, Modified</p> <p> Zoning of the lands to remain unchanged</p>				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Scale: N.T.S.</td> <td style="padding: 2px;">File Name/Number: ZAC-16-075</td> </tr> <tr> <td style="padding: 2px;">Date: May 25, 2018</td> <td style="padding: 2px;">Planner/Technician: MF/VS</td> </tr> </table>	Scale: N.T.S.	File Name/Number: ZAC-16-075	Date: May 25, 2018	Planner/Technician: MF/VS		
Scale: N.T.S.	File Name/Number: ZAC-16-075					
Date: May 25, 2018	Planner/Technician: MF/VS					
<p style="font-size: small; margin: 0;">PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>						

Authority: Item 12, Planning Committee
Report 18-012 (PED18144)
CM: August 17, 2018
Ward: 14

Bill No. 235

**CITY OF HAMILTON
BY-LAW NO. 18-**

**To Amend Zoning By-law 05-200
Respecting Lands Located at 706 Highway No. 8, Flamborough**

WHEREAS Council approved Item 12 of Report 18-012 of the Planning Committee, at its meeting held on August 17, 2018;

AND WHEREAS this By-law conforms to the Rural Hamilton Official Plan;

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

1. That Map No. 80 of Schedule "A" to Zoning By-law No. 05-200 is amended as follows:

- a) For a change in zoning from the Settlement Residential (S1, 60) Zone to the Conservation / Hazard Land - Rural (P7) Zone on lands described as Block 1.
- b) For a change in zoning from the Conservation / Hazard Land - Rural (P7) Zone to the Settlement Residential (S1, 23) Zone on lands described as Block 2.
- c) For a change in zoning from the Settlement Residential (S1, 60) Zone to the Settlement Residential (S1, 23) Zone on lands described as Block 3.

2. That Schedule "C" Special Exceptions, of By-law No. 05-200 is amended by adding an additional exception 23, as follows:

23. Within those lands zoned Settlement Residential (S1) Zone, identified on Map No. 80, of Schedule "A" – Zoning Maps and described as 706 Highway No. 8, the following special provisions apply:

a) In addition to Section 12.3.3 the following shall apply:

- i) Maximum Capacity for Single Detached Dwellings A single detached dwelling shall have a maximum of 3 bedrooms.
- ii) Planting Strip Requirements A minimum 2.0 m Planting Strip shall be provided and maintained abutting 708, 712, 716 and 720 Old Highway 8.

iii) Visual Barrier

A visual barrier shall be provided and maintained along any lot line abutting 708, 712, 716 and 720 Old Highway 8, in accordance with the requirements of Section 4.19 of this By-law

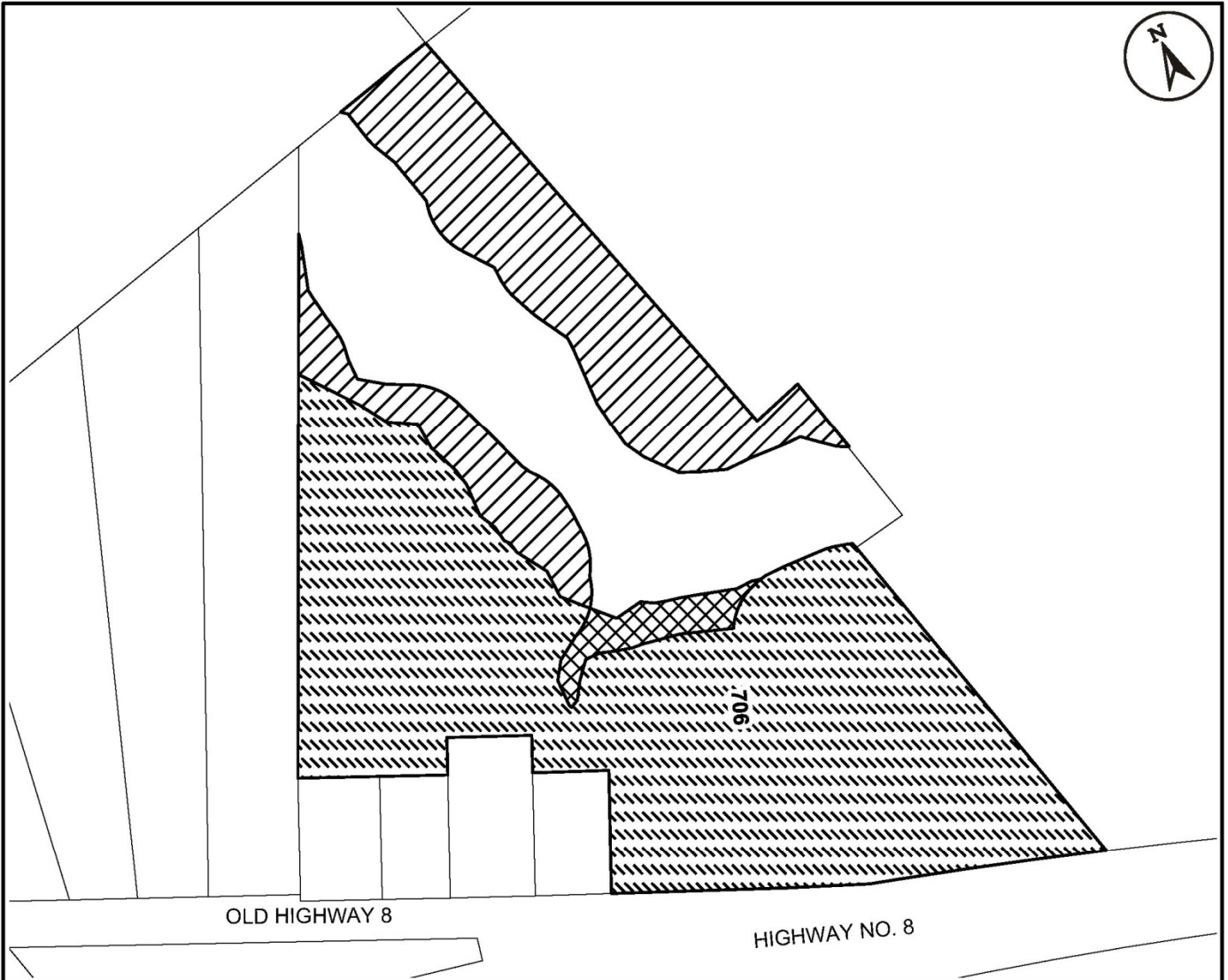
b) Notwithstanding Section 12.3.3 a), the minimum lot area shall be 0.42 hectares.

3. 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*.
4. That this By-law No. 18-235 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 17th day of August, 2018.

F. 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. 90-145-Z

Subject Property

706 Highway No. 8

 **Block 1** - Change in zoning from
 Settlement Residential (S1, 60) Zone to
 Conservation / Hazard Lands - Rural (P7) Zone

 **Block 2** - Change in zoning from
 Conservation / Hazard Lands - Rural (P7) Zone
 to Settlement Residential (S1, 23) Zone

 **Block 3** - Change in zoning from
 Settlement Residential (S1, 60) Zone to
 Settlement Residential (S1, 23) Zone

Scale:
 N.T.S.

File Name/Number:
 ZAC-15-028 / 25T-201507

Date:
 June 22, 2014

Planner/Technician:
 BN/AL



Hamilton

Authority: Item 9, Planning Committee
Report 18-012 (PED18170)
CM: August 17, 2018
Ward: 6

Bill No. 236

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend Zoning By-law No. 6593, as amended by By-law No. 99 - 114 Respecting lands located at 1221 Limeridge Road East, Hamilton

WHEREAS the City of Hamilton Act, 199, Statutes of Ontario, 1999 Chapter 14, Schedule C did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the lawful successor to certain area municipalities, including the former area municipality known as the “the Corporation of the city of Hamilton” and is the successor of the former regional municipality, namely, “the Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item 9 of Report 18-012 of the Planning Committee, at its meeting held on the 17th day of August 2018, which recommended that Zoning By-law No. 6593 be amended as hereinafter provided;

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

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

1. That Sheet No. E7 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) as amended, is further amended by modifying the “DE-3/S-1427” (Multiple Dwellings), District, Modified to the “DE-3/S-1427a” (Multiple Dwellings), District, Modified on the lands the extent and boundaries of which are shown on plan hereto annexed as Schedule “A”.
2. That Subsection 2(a)(ii) of By-law No. 99-114 be repealed and replaced with:
 - (ii) a commercial retail store with a maximum gross floor area of 345 square metres;

3. That Subsection 2(a)(iii) of By-law No. 99-114 be repealed and replaced with:
 - i) barber shop;
 - ii) hairdressing establishment;
 - iii) beauty parlour;
 - iv) a business or professional person's office;
 - v) a laundry or dry cleaning establishment using non-inflammable solvents only;
and,
 - vi) offices for social service practitioners.
4. That Subsection 2(b) of By-law No. 99-114 be repealed and replaced with:
 - b) For the purpose of this by-law, a "Community and Residential Care Access Centre" shall mean a building in which a residential care facility is provided in conjunction with medical offices and related services, subject to the following provisions:
 - i) a Retirement Home for the accommodation of a maximum of 42 residents;
 - ii) an accessory dining room which shall only be used in conjunction with the Retirement Home; and,
 - iii) offices for medical or dental practitioners, osteopaths or drugless practitioners, physiotherapists, optometrists, and shall include medical related services such as reception areas, examination rooms, x-ray, ultra sound, a medical laboratory, and a drugstore.
5. That Subsection 2(d)(i) of By-law No. 99-114 be repealed and replaced with:
 - a) a minimum front yard depth of 1 metre from Limeridge Road East.
6. That Subsection 2(e) of By-law No. 99-114 be repealed and replaced with:
 - a) Notwithstanding Section 10C.5, a maximum gross floor area of 2049 square metres for the Retirement Home and 950 square metres for the combined medical offices and commercial uses permitted by this By-law, including hallways and common amenity areas shall be permitted.
7. That Subsection 2(f) of By-law No. 99-114 be deleted in its entirety.
8. That the "DE-3" (Multiple Dwellings) District provisions, as contained in Section 10C of Zoning By-law No. 6593, as amended by By-law No. 99-114, applicable to the lands, are further amended to include the following special requirements:
 - a) Notwithstanding Section 18A(7) the required parking space, other than parallel parking spaces, shall have dimensions not less than 2.6 metres wide and 5.5 metres long and every required barrier free parking stall dimensions shall have dimensions not less than 4.4 metres wide and 5.5 metres long.

- b) Notwithstanding Section 18A Table 1, the required minimum number of parking spaces shall be 29, including 3 barrier free spaces.
9. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE-3" (Multiple Dwellings) District provisions, subject to the special requirements as referred to in Section 1 of this By-law.
10. That By-law No. 6593 is further amended by adding this By-law to Section 19B as Schedule S-1427a.
11. That Sheet No. E7 of the district Maps is amended by marking the lands referred to in Section 1 of this by-law S-1427a.
12. That the City 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 17th day of August, 2018

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-17-057



This is Schedule "A" to By-law No. 17- Passed the day of, 2017	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> Map Forming Part of By-law No. 18- ____ to Amend By-law No. 6593	Subject Property 1221 Limeridge Road East Lands to be zoned "DE-3/S-1427a-" (Multiple Dwellings) District
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Scale: N.T.S.	File Name/Number: ZAC-17-057		Date: May 30, 2018
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT			Planner/Technician: JR/VS

Authority: Item 6 of Planning Committee
Report: 18-012 (PED18129)
CM: August 17, 2018
Ward: 3

Bill No. 237

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend Zoning By-law No. 6593 (Hamilton) Respecting the Lands Located at 100 Cumberland Avenue, Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Schedule. 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 Corporation of the City of Hamilton", and is the successor of 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 the Council of the Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7th day of December 1951, (File No. P.F.C. 3821);

WHEREAS the Council of the City of Hamilton, in adopting Item 6 of Report 18 - 012 of the Planning Committee, at its meeting held on the 17th day of August, 2018, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan approved August 16, 2013.

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

1. The Sheet No. E23 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is further amended by changing from "JJ" (Restricted Light Industrial) District to the "DE-2/S-1763-'H'" (Multiple Dwellings) District, Holding, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the “DE-2” (Multiple Dwellings) District provisions, as contained in Section 10B of Zoning By-law No. 6593, be modified to include the following special requirements:
 - a) Notwithstanding Section 10B(1)(vi), a multiple dwelling with a maximum of 65 dwelling units shall be permitted.
 - b) That in addition to Section 10B(1), a restaurant without dancing or other entertainment shall be permitted within a building containing a multiple dwelling, subject to the following provision:
 - i) That a restaurant shall be restricted to a maximum gross floor area of 80 square metres.
 - c) Sections 10B(1)(vii) and (viii) shall not apply.
 - d) Notwithstanding Section 10B(2)(ii), no building or structure for any other use shall exceed five storeys or 22.0 m in height.
 - e) Notwithstanding Section 10B(3)(i)(b), for every other building or structure a front yard of a depth of at least 6.5 m for the first two storeys and 12.5 m for all storeys above the second storey.
 - f) Notwithstanding Section 10B(3)(ii)(b):
 - i) an easterly side yard of a width of at least 2.4 m; except for the portion of the building above the second storey that is setback less than 22.5 m from the front lot line, than a side yard of a width of at least 5.4 m;
 - ii) a westerly side yard of a width of at least 36.4 m; except for the portion of the building above the second storey that is setback less than 22.5 m from the front lot line, than a side yard of a width of at least 39.4 m; and,
 - iii) A minimum width of 0.0 m from the easterly side lot line of the hypotenuse to the daylight triangle.
 - g) Notwithstanding Section 10B(3)(iii)(b), a rear yard of a depth of at least 14.9 m.
 - h) Section 10B(5) shall not apply.
 - i) Notwithstanding Section 10B(6), there shall be provided and maintained on the lot and within the district, at least 20% of the area of the lot on which it is situate, as landscaped area, unused for access or manoeuvring space or parking or any other purpose other than landscaped area including a playground.
 - j) Notwithstanding Section 18(3)(vi)(cc)(i), a balcony may project:

- i) into a required front yard not more than 1.8 m above the second storey, provided that no such project shall be closer to a street line than 1.5 m;
 - ii) into a required rear yard not more than 1.8 m;
 - iii) into a required easterly side yard not more than 1.8 m above the second storey; and,
 - iv) into a required westerly side yard not more than 1.8 m.
- k) Notwithstanding Section 18(3)(d), a below grade porch providing access and amenity area to the units located below the first storey may project into a required front yard to a distance of not more than 4.0 m and every open stairway associated with the below grade porch shall be distant at least 0.0 m from the front lot line.
- l) Notwithstanding Subsection 18(4)(iv), an accessory building shall:
- i) not be located in a front yard or required side yard;
 - ii) be distant at least 0.0 m from the rear lot line;
 - iii) be distant a least 5.5 m from the side lot line;
 - iv) have maximum gross floor area of 600 sq m;
- m) Notwithstanding Section 18A(1)(a) and (b), the following provisions shall apply:
- i) A multiple dwelling is required to provide not less than 1.3 parking spaces per dwelling unit, 0.25 of which will be reserved for visitors.
 - ii) In addition to i) above, one parking space shall be provided on a surface parking area for the exclusive purpose of accommodating a car share vehicle.
 - iii) A multiple dwelling is required to provide not less than 1.16 bicycle parking spaces per dwelling unit of which six bicycle parking spaces shall be short term bicycle parking spaces and 70 bicycle parking space shall be secure long term bicycle parking spaces.
 - iv) A restaurant with a maximum of 18 seats shall require no parking.
- n) That in addition to Section 18A(1)(c), the required loading space may have a minimum length of 10.5 m.
- o) That in addition to Section 18A(7), two parking spaces located within the underground parking garage may have a minimum width of 2.6 m.

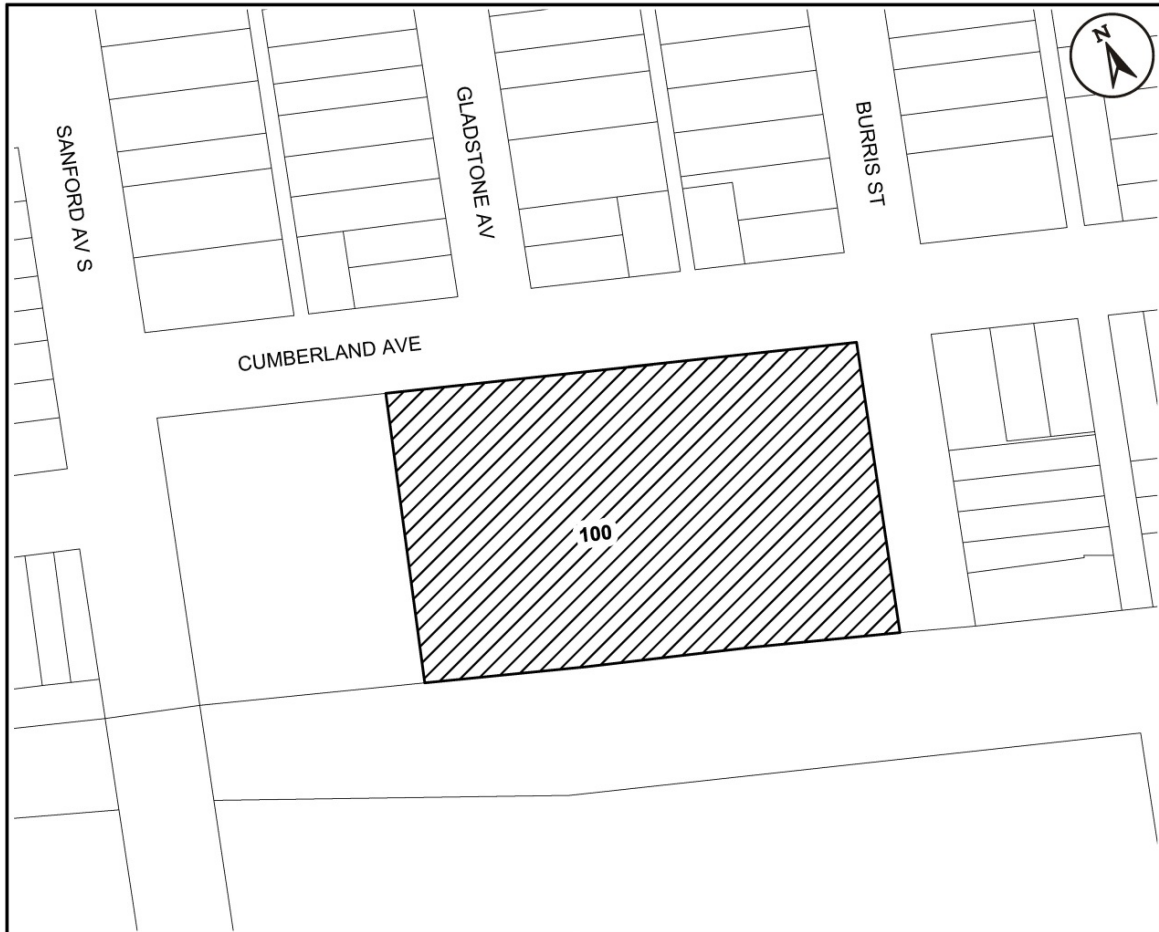
- p) Notwithstanding Subsection 18A(14g), a parking area shall not be located within a front yard except for a maximum 35.0 m wide portion which may not be any closer than 5.6 m to the front lot line.
3. That the 'H' Holding symbol, applicable to the lands zoned "DE-2/S-1763-'H'" (Multiple Dwellings) District, Holding, Modified, may be removed by further amendment to this By-law at such time as:
- a) The Owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment and Conservation and Parks (MECP). 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 MECP, and submission of the City of Hamilton's current RSC administration fee.
4. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "DE-2" (Multiple Dwellings) District, provisions, subject to the special requirements referred to in Section 2 of this By-law.
5. That Sheet No. E23 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as "DE-2/S-1763-'H'".
6. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1763.
7. 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 17th day of August, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-13-007



This is Schedule "A" to By-Law No. 18- Passed the day of, 2018	----- Mayor ----- Clerk
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<h2>Schedule "A"</h2> <h3>Map Forming Part of By-Law No. 18-_____</h3> <h3>to Amend By-law No. 6593</h3>	Subject Property 100 Cumberland Avenue Change in Zoning from the "JJ" (Restricted Light Industrial) District to the "DE-2/S-1763-H" (Multiple Dwellings) District, Holding, Modified
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Scale: N.T.S.	File Name/Number: ZAC-13-007 / OPA-13-001	
Date: April 24, 2018	Planner/Technician: DB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 13, Planning Committee
Report 18-012 (PED18180)
CM: August 17, 2018
Ward: 9

Bill No. 238

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend Zoning By-law No. 6593 (Hamilton) to remove Lands located at 121 and 125 Highway No. 8 (Stoney Creek) From Zoning By-law No. 6593

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”; 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;

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

WHEREAS the Council of the City of Hamilton, in adopting Item 13 of Report 18-012 of the Planning Committee, at its meeting held on the 17th day of August 2018, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

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

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

1. That Sheet No. E124 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:

(a) By removing the subject lands from Zoning By-law No. 6593 (Hamilton);

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

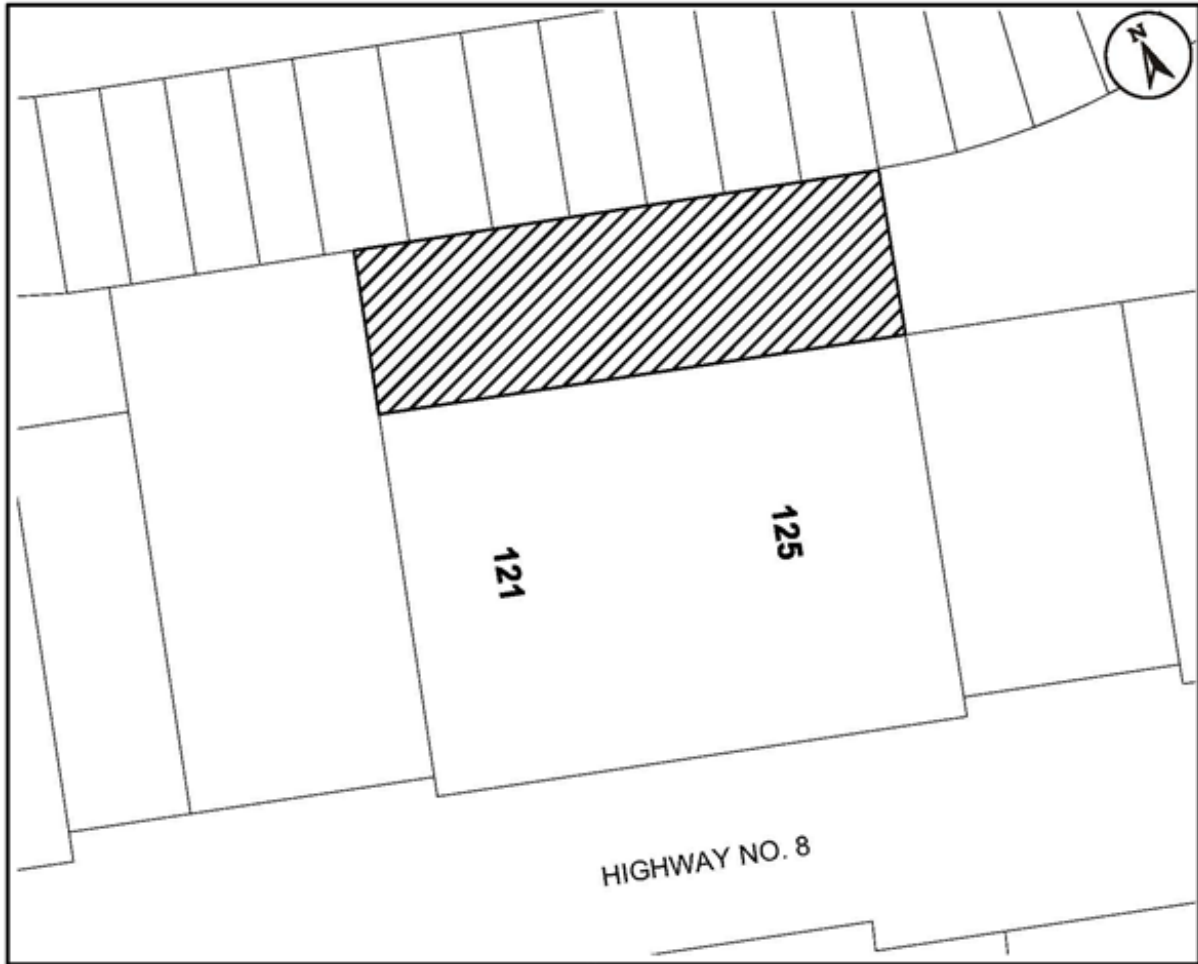
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this 17th day of August, 2018

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-17-085



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> <h3 style="margin: 0;">Map Forming Part of By-law No. 18-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 6593</h3>	Subject Property 121 & 125 Highway No. 8 Lands removed from By-law No. 6593
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Scale: N.T.S.	File Name/Number: ZAC-17-085	
Date: March 20, 2018	Planner/Technician: ALVS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

CITY OF HAMILTON

BY-LAW NO. 18-

**To Amend Zoning By-law No. 05-200
Respecting Lands Located at 121 and 125 Highway No. 8, Stoney Creek**

WHEREAS Council approved Item 13 of Report 18-012 of the Planning Committee at its meeting held on the 17th day of August, 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. 1195 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200, is amended by changing the zoning from the Mixed Use – Medium Density (C5) Zone to the Mixed Use – Medium Density (C5, 687) Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" to the 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:

"687. Within the lands zoned Mixed Use – Medium Density (C5, 687) Zone, identified on Map No. 1195 of Schedule "A" and described as 121 and 125 Highway No. 8, the following special provisions shall apply:

- a) Notwithstanding Sections 5.2 h) ii), 10.5.1.1 i) 1., 10.5.3 a) i), 10.5.3 d) ii), 10.5.3 d) iv) B. and C., and in addition to Section 3, the following special provisions shall also apply:

b) REGULATIONS

- a) Design Standards

Each Landscaped Area shall have a minimum width of 1.1 metres and a minimum area of 10.0 square metres and each landscape parking island shall have a minimum width of 2.8 metres and a minimum area of 10.0 square metres.

- b) Restriction of Uses within a Building

1. The finished floor elevation of any dwelling unit shall be a minimum of 0.0 metres above grade.

2. All at grade residential units which front a street shall have a principal entrance facing the street and be accessible from the building façade with direct access from the street.

c) Building Setback
from a Street Line

i) Minimum 2.5 metres for a building with residential units on the ground floor facing a street.

d) Building Height

ii) Maximum 26.0 metres.

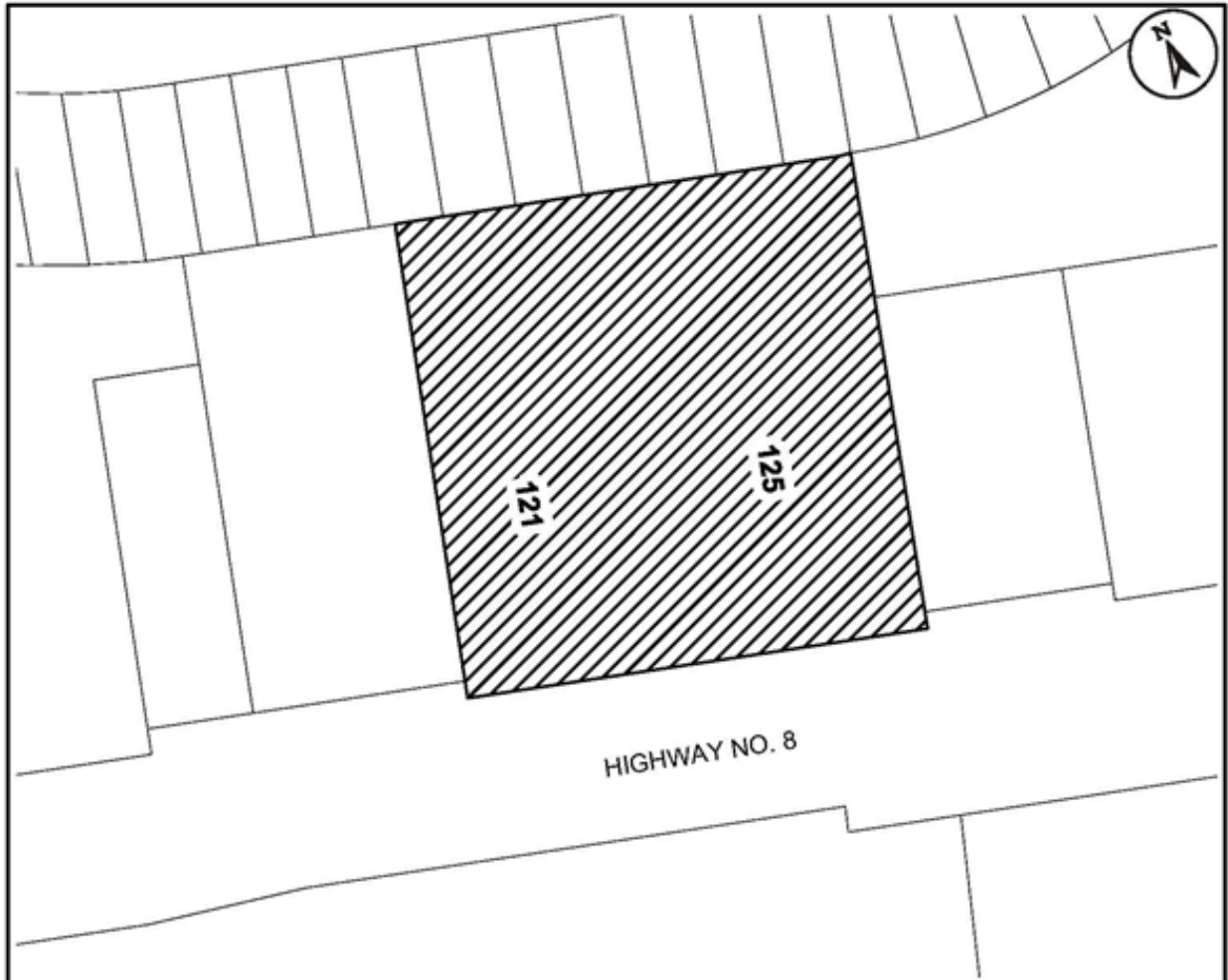
e) Definitions

For the purposes of this By-law, the definition of Building Height shall not include a furniture storage area within a mechanical penthouse and vestibule connected and providing access to the elevator bulkhead and mechanical penthouse.

PASSED this 13th day of August, 2018

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk



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 Map 1195</p>	<p>Subject Property</p> <p>121 & 125 Highway No. 8</p> <p> Change in zoning from the Mixed Use - Medium Density (C5) Zone to the Mixed Use - Medium Density (C5,687) Zone</p>
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Scale: N.T.S.	File Name/Number: ZAC-17-085	
Date: March 13, 2018	Planner/Technician: ALVS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 13, Planning Committee
Report 18-012 (PED18180)
CM: August 17, 2018
Ward: 9

Bill No. 240

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend Zoning By-law No. 3692-92 Respecting Lands Located at 121 and 125 Highway 8 (Stoney Creek)

WHEREAS the *City of Hamilton Act, 1999*, S. O. 1999 Chap. 14, Sch. C did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

WHEREAS; the City of Hamilton is the successor to certain area municipalities, including the former municipality known as “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton –Wentworth”;

WHEREAS; the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former municipalities 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. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994; and,

WHEREAS; the Council of the City of Hamilton, in adopting Item 13 of Report 18-012 of the Planning Committee, at its meeting held on the 17th day of August, 2018, which recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided.

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

1. That Map No. 5 of Schedule “A” – appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:
 - (a) By adding to the Stoney Creek Zoning By-law No. 3692-92, the lands the extent and boundaries of which are shown as “Block 2” on a plan hereto annexed as Schedule “A”;
 - (b) By establishing a Multiple Residential “RM4-10” Zone, Modified, to the lands and extent and boundaries of which are shown on as “Block 2” on a plan hereto annexed as Schedule “A”; and,

- (c) By changing the zoning from the General Commercial “GC” Zone to the Multiple Residential “RM4-10” Zone, Modified, on the lands the extent and boundaries of which are shown as “Block 1” on a plan hereto annexed as Schedule “A”.
2. That Subsection 6.11.6 “Special Exceptions”, of Section 6.11 Multiple Residential “RM4” Zone, of Zoning By-law 3692-92, be amended by adding a new Special Exception, “RM4-10”, as follows:

“RM4-10” 121 and 125 Highway No. 8, Schedule “A”, Map No. 5

Notwithstanding the provisions of Paragraphs (c), (d), (f), (h), (j) of Subsection 6.11.3 of the Multiple Residential “RM4” Zone, (a), (c) of Subsection 6.11.4, and Subsections 4.7.1, 4.9.1(c), 4.10.3(a), 4.19.1(d) and 6.1.8(c), the following regulations shall apply:

- (c) Minimum Front Yard 2.5 metres
- (d) Minimum Side Yard 3.7 metres (westerly)
2.7 metres (easterly)
- (f) Increased Yards shall not apply
- (h) Maximum Residential Density 220 dwelling units per hectare
- (j) Minimum Landscaped Open Space
1. The landscaped areas shall not be less than 25 percent of the lot area of which the requirement for landscaping in one area which is not the front yard shall not apply.
 2. A landscaped strip having a minimum width of 2.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street except for points of ingress and egress.

Notwithstanding the provisions of Subsection 6.11.4 (a), the following number of parking spaces shall apply:

Dwelling Units	Minimum Number of Parking Spaces	Maximum Number of Parking Spaces
1-14	0.7 per unit	1.25 per unit
15-50	0.85 per unit	1.25 per unit
51+	1 per unit	1.25 per unit

Notwithstanding the provisions of Subsection 6.11.4 (c), at least 45 percent of the required tenant parking shall be underground and/or within the apartment buildings. Underground parking shall not be bound by setback requirements; however,

underground parking above grade shall be setback a minimum of 3 metres from any lot line.

In addition to Part 2 “Definitions”, the definition of Amenity Area shall also include communal lounges.

In addition to Subsection 4.7.1, the following shall not be included in the determination of the building height as specified for the zone in which the building is located:

- (t) furniture storage area located within a mechanical penthouse; and,
- (u) vestibule connected and providing access to the elevator bulkhead and mechanical penthouse.

Notwithstanding the provisions of Subsection 4.10.3(a), the following regulations shall apply:

- (a) Required parking spaces for 90 degree perpendicular parking shall have minimum rectangular dimensions of 3.0 metres by 5.8 metres.
- (b) Notwithstanding (a) above, where 10 or more parking spaces are required on a lot, the minimum parking space size of not more than 10% of such required parking spaces for 90 degree perpendicular parking shall have minimum rectangular dimensions of 2.6 metres by 5.5 metres, provided that any such parking space is clearly identified as being reserved for the parking of small cars only.

Notwithstanding the provision of Subsection 4.9.1 (c), each loading space shall not be less than 9 metres long and 3.6 metres wide and have a vertical clearance of not less than 4.3 metres.

In addition to the provisions of Subsection 4.19.1(d), the maximum encroachment for a balcony and canopy into any required side yard shall be 1.0 metres.

All at grade residential units which front a street shall have a principal entrance facing the street and be accessible from the building façade with direct access from the street.

Notwithstanding the provisions of Subsection 6.1.8 (c), where the required minimum number of parking spaces is four or more, no parking shall be provided closer than 1.5 metres to any lot line.

3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential “RM4” Zone provisions, subject to the special requirements referred to in Section 2.

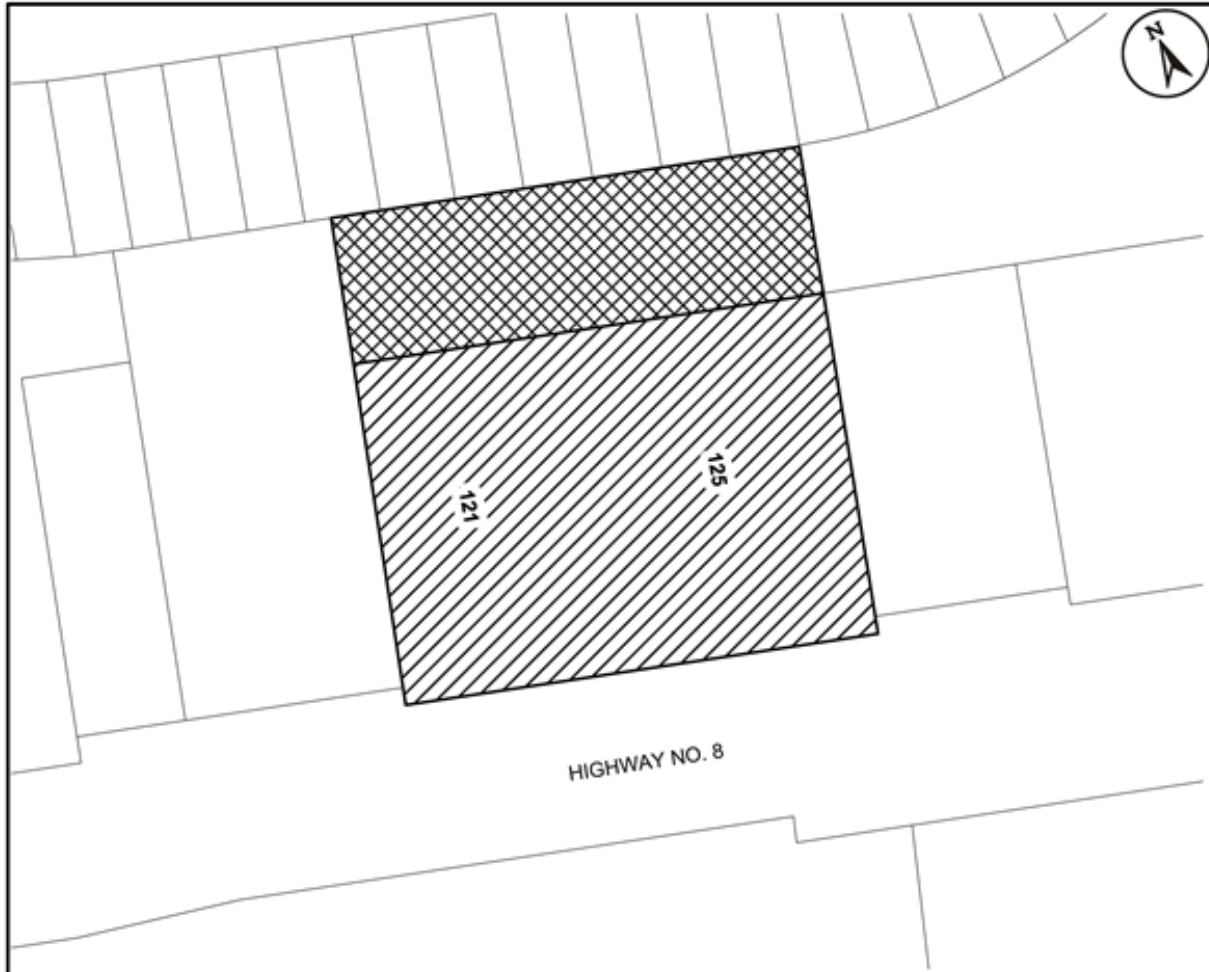
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 17th day of August , 2018

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAC-17-085



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: 0 0 0 0;">to Amend By-law No. 3692-92</p>	<p>Subject Property 121 & 125 Highway No. 8, Stoney Creek</p> <p> Block 1 - Change in zoning from the General Commercial "GC" Zone to the Multiple Residential "RM4-10" Zone, Modified</p> <p> Block 2 - Lands added to By-law No. 3692-92 and zoned Multiple Residential "RM4-10" Zone, Modified</p>
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Scale: N.T.S.	File Name/Number: ZAC-17-085	
Date: April 6, 2018	Planner/Technician: AL/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 11, Planning Committee
Report 18-012 (PED18188)
CM: August 17, 2018
Ward: 8

Bill No. 241

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend Zoning By-law No. 6593 (Hamilton) Respecting Land Located at 517 Stone Church Road West (Hamilton)

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Schedule. 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 Corporation of the City of Hamilton", and is the successor of 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 the Council of the Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which By-law was approved by the Ontario Municipal Board by Order, dated the 7th day of December 1951, (File No. P.F.C. 3821);

WHEREAS the Council of the City of Hamilton, in adopting Item 11 of Report 18-012 of the Planning Committee, at its meeting held on the 17th day of August, 2018, which recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan approved August 16, 2013.

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

1. That Sheet No. W-27c of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton) is amended, by changing from the "D/S-198" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified to the "D/S-198a" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, on lands the extent and boundaries of which are shown on plan hereto annexed as Schedule "A".

2. That the “D” (Urban Protected Residential – One and Two Family Dwelling, Etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, the Supplementary Requirements and Modification of Zoning By-law No. 6593, the Parking and Loading Requirements, as contained in Section 18A of Zoning By-law No. 6593, and the Residential Conversion Requirements, as contained in Section 19 of Zoning By-law No. 6593, be modified to include the following special requirements:
 - a) Notwithstanding Section 10 (2) no building shall exceed two storeys, no structure shall exceed 9 metres in height.
 - b) Notwithstanding Section 10 (3) (i) a front yard of a depth of at least 6.0 metres.
 - c) Notwithstanding Section 10 (3) (ii) for a building or structure not over two and a half storeys or 11.0 metres in height, a side yard along each side lot line, of a width of at least 1.2 metres.
 - d) Notwithstanding Section 10 (3) (iii) a rear yard of a depth of at least 7.5 metres.
 - e) Notwithstanding Section 10 (4) (ii) for a two family dwelling a lot width of at least 9.0 metres and a lot area of at least 325 square metres.
 - f) Notwithstanding Section 18A (1) (a) no parking shall be required for a second dwelling unit.
 - g) Notwithstanding Section 19 (1) any semi-detached dwelling in a “D/S-198a” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified may be converted to contain not more than two dwelling units.
 - h) Notwithstanding Section 19 (1) (i) two dwelling units shall have a combined maximum gross floor area of 1948.26 square metres.
 - i) Notwithstanding Section 19 (1) (iv) an exterior stairway and exterior exit shall be permitted.
3. That By-law No. 6593 (City of Hamilton) is amended by adding this By-law to Section 19B as Schedule S-198a.
4. That Sheet No. W-27c of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-198a.
5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “D” (Urban Protected Residential – One and Two Family Dwelling, Etc.) District provisions, Modified, subject to the special requirements referred to in Section 2 of 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*.

PASSED this 17th day of August, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAR-17-075



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: 0 0 0 0;">to Amend By-law No. 6593</p>	<p>Subject Property</p> <p> 517 Stone Church Road West</p> <p>Change in Zoning from the "D/S-198" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified to the "D/S-198a" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified.</p>
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Scale: N.T.S.	File Name/Number: ZAR-17-075	
Date: July 13, 2018	Planner/Technician: AC/JAL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Notice of Motion 8.8, Motion ,
Council Minutes
CM: August 17, 2018
Ward: 6

Bill No. 242

CITY OF HAMILTON

BY-LAW NO. 18-

To Amend By-law No. 01-215 Being a By-law To Regulate Traffic

WHEREAS sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 8 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215.

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

1. Schedule 5 (Stop Control) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" (Hamilton) thereof the following item, namely;

Deer Avenue	Westbound	East 43 rd Street
Deer Avenue	Eastbound	Sharon Avenue
Everton Place	Westbound	East 43 rd Street

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

To Amend By-law No. 01-215
Being a By-law to Regulate Traffic

Page 2 of 2

3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 17th day of August, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Notice of Motion 8.10, Motion ,
Council Minutes
CM: August 17, 2018
Ward: 7

Bill No. 243

CITY OF HAMILTON

BY-LAW NO. 18-

To Make an Appointment to Fill the Vacancy on City Council in Ward 7

WHEREAS a vacancy has occurred in the Office of Councillor, Ward 7;

AND WHEREAS the *Municipal Act*, 2001 requires that City Council declare the office vacant and within 60 days of the declaration either pass a by-law requiring a by-election or appoint someone who has consented to fill the vacancy;

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

1. The Ward 7 Office of Councillor is declared vacant; and
2. Terry Anderson is appointed to fill the Ward 7 Office of Councillor for the remainder of the current term of Council.

PASSED this 17th day of August, 2018.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk