



City of Hamilton
PLANNING COMMITTEE REVISED

Meeting #: 19-004
Date: March 19, 2019
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Lisa Chamberlain, Legislative Coordinator (905) 546-2424 ext. 4605

	Pages
1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA (Added Items, if applicable, will be noted with *)	
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*5.3	Stephen Fraser, AJ Clarke and Associates Ltd., respecting Item 10.2, Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 Recommendation: To be received and referred to the consideration of Item 10.2	43
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6. DELEGATION REQUESTS

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11. MOTIONS

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13. GENERAL INFORMATION / OTHER BUSINESS

- | | | |
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| 13.1 | Outstanding Business List | |
| 13.1.a | Items to be Removed:
Item EE - Add a Production Studio Use Within the Barton and Tiffany Lands
(Addressed as Item 8.2 on this agenda) | |

14. PRIVATE AND CONFIDENTIAL

14.1 Closed Session Minutes - February 19, 2019 (Distributed under separate cover)
Pursuant to Section 8.1, Sub-section (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

14.2 Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for
Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (PED19031/LS19003) (Glanbrook) (Ward 11) (Distributed under separate cover)

Pursuant to Section 8.1, Sub-section (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

*14.3 Local Planning Appeal Tribunal appeals by Television City Hamilton Inc. (PL180255) - Settlement Proposal (LS19012) (Ward 2) (Distributed under separate cover)
Pursuant to Section 8.1, Sub-section (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

15. ADJOURNMENT



PLANNING COMMITTEE

MINUTES 19-003

9:30 a.m.

Tuesday, February 19, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors M. Pearson (Chair), M. Wilson, J. Farr (1st Vice Chair), C. Collins, J.P. Danko, B. Clark, B. Johnson (2nd Vice Chair), T. Whitehead, J. Partridge

Also Present: Councillors L. Ferguson and A. VanderBeek

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Changes to the On-Street Patio Program (PED16119(b)) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 15) (Item 7.1)**

(Farr/Collins)

That Report PED16119(b) respecting Changes to the On-Street Patio Program, be received.

CARRIED

- 2. Payday Loan Licences (PED16039(b)) (City Wide) (Outstanding Business List item) (Item 7.2)**

(Clark/Whitehead)

That Report PED16039(b) respecting Payday Loan Licences, be received.

CARRIED

- 3. Terrapure Stoney Creek Regional Facility Environmental Assessment – Final Environmental Assessment, January 2019 (PED16184(c)) (Ward 9) (Item 7.3)**

(Collins/Johnson)

(a) That the City of Hamilton remain opposed to the expansion and reconfiguration of the Terrapure Stoney Creek Regional Facility landfill; and,

(b) That Council endorse, authorize and direct the Director, Planning and Chief Planner to forward a Letter of Comment, attached as Appendix "A" to

Report PED16184(c), to the Ministry of Environment, Conservation and Parks (MECP) outlining the City's comments respecting the "Stoney Creek Regional Facility Environmental Assessment – Final Environmental Assessment, January 2019".

Result: Motion CARRIED by a vote of 6 to 1, as follows:

YES – Councillor Maureen Wilson
 NO – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 NOT PRESENT – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 NOT PRESENT – Councillor Brad Clark

4. Applications to Amend the Urban Hamilton Official Plan and Town of Dundas Zoning By-law No. 3581-86 for Lands Located at 264 Governor's Road (PED19029) (City Wide) (Item 8.2)

(Clark/Partridge)

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-040 by Intero Development Group Inc. (c/o Donald Newman) on behalf of Barbara Wilk-Ridge, Power of Attorney for Helmut and Anna Wilk, Owner, to establish a Site Specific Policy to permit a 29 townhouse dwelling unit development with a minimum net residential density of 48 units per hectare on lands located at 264 Governor's Road, Dundas, as shown on Appendix "A" to Report PED19041, be APPROVED, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED19041, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That Amended Zoning By-law Amendment Application ZAC-17-088 by Intero Development Group Inc. (c/o Donald Newman) on behalf of Barbara Wilk-Ridge, Power of Attorney for Helmut and Anna Wilk, Owner, for a change in zoning from Urban Reserve Zone (UR) to Low to Medium Density Multiple Dwelling Zone - Holding (H-RM1/S-139) to permit 29 townhouse dwellings on lands located at 264 Governor's Road, Dundas, as shown on Appendix "A" to Report PED19041, be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED19041 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act, R.S.O. 1990* to the subject property by introducing the Holding Symbol 'H' to the proposed (RM1/S-139) Zone.

The "H" symbol may be removed at such time as the following has been satisfied:

- (i) That the owner / applicant provide a revised Documentation and Salvage Report to further detail their approach for removing, labelling, storing, and if required, reassembly of material salvaged from the buildings on-site and how the salvaged materials are to be incorporated on-site, to the satisfaction of the Director of Planning and Chief Planner.
- (iii) That the amending By-law, attached as Appendix "C" to Report PED19041, be added to Schedule "H" of the Town of Dundas Zoning By-law No. 3581-86; and,
- (iv) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. XX.

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

Result: Motion, As Amended, CARRIED by a vote of 6 to 2, as follows:

NO – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 NO – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 NOT PRESENT – Councillor Brenda Johnson
 YES – Councillor Brad Clark

5. Growth Plan for the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones (PED19033) (City Wide) (Item 9.1)

(Clark/Farr)

- (a) That the City of Hamilton supports the Province's general directions of the revised Growth Plan for the Greater Golden Horseshoe, to manage growth by strengthening the economy and population base through complete communities, strong transportation and infrastructure systems, and protecting agricultural lands and natural heritage systems.
- (b) That the City of Hamilton is concerned that certain changes in Amendment No. 1, particularly in regards to the permission for settlement area boundary

expansions and employment land conversions to proceed in advance of a completed Municipal Comprehensive Review (MCR), represents a shift to an incremental planning approach which could undermine the City's long-term planning, create uncertainty in the local market, and require the reallocation of resources from strategic growth management projects to respond to short term growth pressures.

- (c) That the Province of Ontario be advised that the City of Hamilton is supportive of the following proposed key changes to the Growth Plan:
- (i) Introduction of Provincially Significant Employment Zones, with additions and modifications, which are employment areas that are given special protection to prohibit any employment land conversions from occurring in advance of the MCR;
 - (ii) Removal of the requirement to complete an Employment Strategy and to identify a singular density target for all employment areas;
 - (iii) Added flexibility on the requirement to complete watershed planning as part of review of future expansion areas, while maintaining the requirement to protect the water resource system;
 - (iv) Revision to the built-up area policies to allow all municipalities to request an alternative intensification target for any portion of the planning horizon period;
 - (v) ***That the City's position is to retain the density target of 80 pjh.***
 - (vi) Removal of the requirement to complete a Housing Strategy as part of the MCR;
 - (vii) Allowance for a Major Trip Generator within a defined Major Transit Station Area (MTSA) to be included as a justification for a reduced density target for MTSAs;
 - (viii) Clarification that Agricultural System mapping and Natural Heritage System mapping does not apply until such time as it is implemented in the Official Plan;
 - (ix) Amended Rural Settlement definition to clarify that rural settlement areas do not form part of the Designated Greenfield Area (DGA); and,
 - (x) Amended definition of Major Trip Generator to add recreational facilities, parks and post-secondary institution uses.
- (d) That the Province of Ontario be advised that the City of Hamilton does not support the following proposed changes, additions and deletions to the Growth Plan:

- (i) Introduction of new and amended definitions that are different than definitions in the Provincial Policy Statement (PPS). The consistency of wording between the PPS and the Provincial Plans is an important step for implementing provincial documents;
- (ii) Introduction of a policy to allow sensitive land uses in conjunction with major retail or office uses in employment areas, which has the potential to put pressure on employment areas for a mix of land uses that are not compatible with industrial uses and could occupy lands that should be for manufacturing, research and development, and other similar uses. This proposed policy should be deleted;
- (iii) Addition of a policy to allow employment land conversions to proceed in advance of the MCR (proposed policy 2.2.5.10). This proposed policy should be deleted;
- (iv) Removal of the concept of prime employment areas from the Growth Plan and the opportunity for municipalities to identify these areas in Official Plans;
- (v) Revision to the definition of 'office parks' to remove the requirement for office parks to be located within employment areas, which could result in the Urban Growth Centre being classified as an office park;
- (vi) Addition of a policy to allow for adjustments to a settlement area boundary outside of the MCR process (proposed policy 2.2.8.4). This proposed policy should be deleted;
- (vii) Addition of new policies to allow for settlement area boundary expansions, up to a maximum area of 40 ha, to occur in advance of the MCR (proposed policies 2.2.8.5 and 2.2.8.6). These proposed policies should be deleted;
- (viii) Increased intensification target from 50% to 60% between the completion of the MCR to 2031, whereas the current plan has a gradual increase in the intensification target from 50% between completion of the MCR to 2031 to 60% between 2031 and 2041. The policies of the 2017 Growth Plan should be maintained which allow for a graduated target increase, provided that the opportunity to apply for an alternative target is maintained;
- (ix) Deletion of policy 2.2.4.4 (a)(ii) from the Growth Plan 2017 which recognized that planning for the minimum density target for some MTSA's may be premature based on the existing built form and the potential for redevelopment. This existing policy should not be deleted and should be maintained in the Growth Plan; and,

- (x) Addition of a policy (policy 2.2.9.7) to allow for adjustments of the boundaries of rural settlement areas outside of the MCR process. This proposed policy should be deleted.
- (e) That the Province of Ontario be advised that the City of Hamilton provides the following suggestions / revisions regarding the revised Plan / policies:
 - (i) Amend the proposed boundaries of the lands identified in Hamilton as Provincially Significant Employment Zones as follows:
 - (aa) Hamilton Portland's – Employment lands along the QEW. The proposed description is incorrect and includes two different areas. This area should be renamed to Hamilton North (Bayfront Area and employment lands along the QEW);
 - (bb) Hamilton Central – only a portion of the Red Hill North Park has been included. The entirety of the Park should be included; and,
 - (cc) Hamilton Airport – this area should be renamed to Hamilton Airport Employment Growth District and follow the boundaries of the Airport Employment Growth District.
 - (ii) Add the following employment areas to the lands identified as Provincially Significant Employment Zones:
 - (aa) Ancaster Business Park;
 - (bb) Red Hill South and the eastern half of Red Hill North Business Park;
 - (cc) The West Hamilton Innovation District; and,
 - (dd) Flamborough Business Park
 - (iii) Provincially Significant Employment Zones should be identified on a Schedule to the Growth Plan to protect them for the long term;
 - (iv) Add a policy to the implementation section to address existing non-complying uses in the rural area similar to the policies of the Greenbelt Plan.
- (f) If the Province of Ontario does not make the changes requested by the City of Hamilton in recommendations (b) and (d) above, the following are suggested revisions to clarify and improve the policies:
 - (i) Amend proposed policy 2.2.5.10 regarding employment land conversions in advance of the MCR as follows, in order to ensure that the City has an opportunity to complete the Employment Land

Conversion Review and Land Needs Assessment in advance of any requests for employment land conversion:

“Notwithstanding policy 2.2.5.9, lands within existing *employment areas* may be converted to a designation that permits non-employment uses prior to the completion of the *municipal comprehensive review*, provided that:

- a) the municipality completes a comprehensive Employment Land Conversion Review in accordance with the requirements of policy 2.2.5.9 and a Land Needs Assessment; and,
 - b) upon the completion of the Employment Land Conversion Review and Land Needs Assessment, the Council of the municipality passes a resolution identifying lands which may be converted to a non-employment use;”
- (ii) If proposed policy 2.2.5.10 is not amended as per recommendation (f)(i) above, the Growth Plan should be revised to provide clarity as to what constitutes a “significant number of jobs”.
 - (iii) If proposed policy 2.2.8.5, which will allow for interim urban boundary expansions and which is not supported by the City of Hamilton, is maintained, the policy should be revised to clarify that only a one time expansion is permitted in advance of the next MCR which is the conformity exercise for the 2017 Growth Plan and to require that such an expansion must be municipally initiated.
- (g) That the City of Hamilton request that further revisions to the Growth Plan for the Greater Golden Horseshoe be undertaken based on implementation issues that have arisen in the 2017 Growth Plan and previous requests by the City of Hamilton in 2016 and 2017 for changes as part of the Coordinated Provincial Plan review:
- (i) Section 2.2.4 – Transit Corridors and Station Areas, or the definition of Major Transit Station Area, should be amended to clarify that MTSA’s do not need to include established low density neighbourhoods;
 - (ii) Amend Schedule 5 (Moving People – Transit) of the Growth Plan to extend the Priority Transit Corridor in Hamilton to include planned Parkdale, Nash and Eastgate LRT stops;
 - (iii) Revise the built boundary to include developed “greenfield areas”, since they are more appropriate to be included within the built-up area;
 - (iv) The Growth Plan forecasts should be developed with a range, and not one definitive number and the forecasts should be updated every 10 years as part of the Plan review;
 - (v) Amend Policy 4.2.6.2. to add “or a LEAR study previously approved by the Province” after the reference to “in accordance with mapping identified by the

Province” which would allow the municipality to use their own accurate and consistent mapping of prime agricultural areas; and,

- (h) That the City request the province to increase the commenting period for any changes to Provincial Plans, the *Planning Act* or Provincial Policy statement from 45 days to 90 days to allow municipalities sufficient time to assess and comment on any proposed changes;
- (i) That the City Clerk’s Office be requested to forward Report PED19033 to the Ministry of Municipal Affairs and this Report is considered the City of Hamilton’s formal comments on Amendment No. 1 to the Growth Plan and the Provincially Significant Employment Zones; and,
- (j) ***That climate change is an important issue and previously identified targets should be incorporated in any Provincial Growth Plans.***

Result: Motion, As Amended, CARRIED by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

6. Demolition Permit 255 Wellington Street North (PED19044) (Ward 2) (Item 10.1)

(Farr/Clark)

That the Chief Building Official be authorized and directed to issue a demolition permit for 255 Wellington Street North in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of The Planning Act, subject to the following conditions:

- (a) ***That the applicant applies for, receives a building permit for and erects a replacement building(s) on this property;***
- (b) That the said building permit specifies that if the replacement building is not erected within **four** years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (i) the City Clerk is authorized to enter on the collector’s roll and collect in like manner as municipal taxes;
 - (ii) is a lien or charge on the property until paid;

- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

Result: Motion, as Amended, CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 NOT PRESENT – Councillor Brenda Johnson
 YES – Councillor Brad Clark

7. Demolition Permit 257 Wellington Street North (PED19045) (Ward 2) (Item 10.2)

(Farr/Clark)

That the Chief Building Official be authorized and directed to issue a demolition permit for 257 Wellington Street North in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of The Planning Act, subject to the following conditions:

- (a) ***That the applicant applies for, receives a building permit for and erects a replacement building(s) on this property;***
- (b) That the said building permit specifies that if the replacement building is not erected within **four** years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
- (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes;
- (ii) is a lien or charge on the property until paid;
- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

Result: Motion, as Amended, CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge

YES – Councillor Terry Whitehead
NOT PRESENT – Councillor Brenda Johnson
YES – Councillor Brad Clark

8. Amendments to By-law 18-199 Being a By-law to Prohibit Driving School Instructing in the Restricted Areas (PED17179(b)) (Ward 5) (Item 10.3)

(Collins/Wilson)

That the amending By-law attached as Appendix “A” to Report PED17179(b), being a By-law to amend By-law 18-199, a By-law to Prohibit Driving School Instructing in the Restricted Areas, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

9. On Street Parking Permits – Wellington Street North (Item 11.1)

(Farr/Collins)

WHEREAS, residents on the west side of Wellington Street North between Robert Street and Barton Street have long desired to be afforded the opportunity to park adjacent to their homes;

WHEREAS, on-street parking that currently exists in the area is often consumed by General Hospital staff and visitors; and,

WHEREAS, Wellington Street North is four lanes, one-way Southbound where traffic volumes have dramatically decreased over time.

THEREFORE BE IT RESOLVED:

That the appropriate staff from Parking investigate options to improve parking for residents on Wellington Street North between Robert Street and Barton Street, including but not limited to, adding additional parking on the west side.

Result: Motion, As Amended, CARRIED by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr

YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

**10. Puddicombe Cider Company Connection to Municipal Water System
(Added Item 11.2)**

(Pearson/Partridge)

WHEREAS, The Puddicombe Cider Company is proposing to construct a new one storey Cidery having a gross floor area of 2,601m² at 1438 Highway No. 8 which is proposed to connect to the existing 200mm water main on Highway No. 8;

WHEREAS, for business planning and operational reasons the Cidery cannot connect to the Puddicombe Winery's existing services which includes a connection to the existing water main on Highway No. 8; and,

WHEREAS, the adjacent properties are currently connected to the existing water main;

THEREFORE BE IT RESOLVED:

That The Puddicombe Cider Company be permitted to connect to the municipal water system, at their cost, in a manner acceptable to the City of Hamilton.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

11. 46-50 King Street East and 11 Hughson Street South (Canada Trust Building) – Registered Building (Added Item 11.3)

(Farr/Collins)

WHEREAS, the building consisting of the municipal addresses 46 to 50 King Street East and 11 Hughson Street South, known as the Canada Trust Building, is included on the Municipal Heritage Register as a non-designated building;

WHEREAS, a non-designated building included on the Municipal Heritage Register cannot be demolished unless the owner provides Council at least 60 days notice in writing of the owner's intention to demolish in accordance with the Ontario Heritage Act, R.S.O. 1990, C. O.18;

WHEREAS, Cultural Heritage Staff reported on the results of the DHBI in March 2014 (PED14039) which included a classification of the properties as a 'Character-Supporting Resource' but the report did not recommend the inclusion of the properties in the Register;

WHEREAS, Site Plan application SPA-15-110 for the construction of two additional storeys on the existing building and a curtain wall on three sides of the building was approved but due to structural issues involved with building the additional storeys on top of the existing building cannot be supported by the existing foundations and the proposed demolition and development meets the intent of the approved Site Plan application SPA-15-100;

THEREFORE BE IT RESOLVED:

That the City of Hamilton take no action with respect to the demolition permit application for 46 to 50 King Street East and 11 Hughson Street South as there is no intention to proceed with the designation of the building.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

12. To Waive Road Widening Requirement for 541 Stone Church Road West, Hamilton (Added Item 11.4)

(Whitehead/Partridge)

WHEREAS, the Urban Hamilton Official Plan states that the basic maximum right-of-way widths for urban collector roads shall be 26.213 metres, unless specifically described otherwise; and

WHEREAS, the Urban Hamilton Official Plan states that the City shall require the conveyance of property for appropriate daylighting triangles on existing roads at such times as the property is to be developed or redeveloped; and

WHEREAS, an application for land severance (HM/B-17:108) have been submitted for 541 Stone Church, Hamilton, to create a new residential lot;

WHEREAS, a 3 metre dedication along the Courtland Avenue frontage of the severed lot and applicable daylighting triangles have been identified; and,

WHEREAS, Courtland Avenue is a mature street and not identified for significant changes;

THEREFORE, BE IT RESOLVED:

That staff be directed to reduce the requirement for road widening along Courtland Avenue from 3 metres to 1 metre along with a reduced daylighting triangle.

Result: Motion CARRIED by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

13. Local Planning Appeal Tribunal appeals by The Green Organic Dutchman Holdings Limited (PL180732 and PL180818) – settlement proposal (LS19006) (Item 14.1)

(Collins/Clark)

- (a) That the direction provided to staff in Closed Session be approved; and,
- (b) That Report LS19006 respecting Local Planning Appeal Tribunal appeals by The Green Organic Dutchman Holdings Limited (PL180732 and PL180818) – settlement proposal, and its recommendations remain confidential.

Result: Motion CARRIED by a vote of 5 to 0, as follows:

NOT PRESENT – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 NOT PRESENT – Councillor John-Paul Danko
 NOT PRESENT – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 NOT PRESENT – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

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

1. DELEGATION REQUESTS (Item 6)

- 6.3 Lynda Lukasik, Environment Hamilton, respecting the Growth Plan for the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones (Item 9.1) (For today's meeting)
- 6.4 Carol Moffatt, respecting 264 Governor's Road (Item 8.2) (For today's meeting)
- 6.5 David Moffatt, respecting 264 Governor's Road (Item 8.2) (For today's meeting)

2. PUBLIC HEARINGS / DELEGATIONS (Item 8)

- 8.3.a Written comments from Terri Johns, T. Johns Consulting

3. STAFF PRESENTATIONS (Item 9)

- 9.1.b Written comments from John Corbett, Corbett Land Strategies Inc.

4. NOTICES OF MOTION (Item 12)

- 12.1 Puddicombe Cider Company Connection to Municipal Water System
- 12.2 46-50 King Street East and 11 Hughson Street South (Canada Trust Building) – Registered Building
- 12.3 To Waive Road Widening Requirement for 541 Stone Church Road West, Hamilton

(Farr/Danko)

That the agenda for the February 19, 2019 meeting be approved, as amended.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

- YES – Councillor Maureen Wilson
- YES – Councillor Jason Farr
- YES – Councillor Chad Collins
- YES – Councillor John-Paul Danko
- YES – Councillor Maria Pearson
- NOT PRESENT – Councillor Judi Partridge

YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(b) DECLARATIONS OF INTEREST (Item 3)

Councillor Clark declared an interest with Item 7.3 as he has a pre-existing professional relationship with, and was a client of, Terrapure.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 4)

(i) February 5, 2019 (Item 4.1)

(Collins/Wilson)

That the Minutes of the February 5, 2019 meeting be approved, as presented.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(Farr/Collins)

That Items 10.1, respecting Demolition Permit 255 Wellington Street North (PED19044), and 10.2, respecting Demolition Permit 257 Wellington Street North (PED19045), be moved up in the agenda to be heard at this time.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
YES – Councillor John-Paul Danko
YES – Councillor Maria Pearson
NOT PRESENT – Councillor Judi Partridge
YES – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(d) DISCUSSION ITEMS (Item 10)

(i) Demolition Permit 255 Wellington Street North (PED19044) (Ward 2) (Item 10.1)

(Farr/Clark)

That the Chief Building Official be authorized and directed to issue a demolition permit for 255 Wellington Street North in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, subject to the following conditions:

- (a) That the applicant has applied for and received a building permit for a replacement building on this property;
- (b) That the said building permit specifies that if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes;
 - (ii) is a lien or charge on the property until paid;
- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 NOT PRESENT – Councillor Brenda Johnson
 YES – Councillor Brad Clark

For disposition of this matter, refer to Item (f)(i) and 6.

(ii) Demolition Permit 257 Wellington Street North (PED19045) (Ward 2) (Item 10.2)

(Farr/Clark)

That the Chief Building Official be authorized and directed to issue a demolition permit for 257 Wellington Street North in accordance with By-

law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, subject to the following conditions:

- (a) That the applicant has applied for and received a building permit for a replacement building on this property;
- (b) That the said building permit specifies that if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes;
 - (ii) is a lien or charge on the property until paid;
- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 NOT PRESENT – Councillor Terry Whitehead
 NOT PRESENT – Councillor Brenda Johnson
 YES – Councillor Brad Clark

For disposition of this matter, refer to Item (f)(i) and 7.

(e) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests for February 19, 2019 (Items 6.1 – 6.5)

(Collins/Danko)

That the following Delegation Requests be approved for the February 19, 2019 meeting:

- 6.1 Blair Shoniker, GHD, respecting Terrapure Stoney Creek Regional Facility Environmental Assessment (Item 7.3)
- 6.2 Michael Jovanovic, Terrapure Environmental, respecting Terrapure Stoney Creek Regional Facility Environmental Assessment (Item 7.3)

- 6.3 Lynda Lukasik, Environment Hamilton, respecting the Growth Plan for the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones (Item 9.1) (For today's meeting)
- 6.4 Carol Moffatt, respecting 264 Governor's Road (Item 8.2) (For today's meeting)
- 6.5 David Moffatt, respecting 264 Governor's Road (Item 8.2) (For today's meeting)

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 NOT PRESENT – Councillor Terry Whitehead
 NOT PRESENT – Councillor Brenda Johnson
 YES – Councillor Brad Clark

(f) DISCUSSION ITEMS (Item 10)

- (i) Demolition Permit 255 Wellington Street North (PED19044) (Ward 2) (Item 10.1)**

and

Demolition Permit 257 Wellington Street North (PED19045) (Ward 2) (Item 10.2)

(Clark/Farr)

That the Planning Committee's decisions made on Items 10.1 and 10.2, be reconsidered.

Result: Motion CARRIED on a 2/3's majority by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 NOT PRESENT – Councillor Brenda Johnson
 YES – Councillor Brad Clark

Demolition Permit 255 Wellington Street North (PED19044) (Ward 2) (Item 10.1)

(Clark/Farr)

That the recommendations of Report PED19044, respecting Demolition Permit 255 Wellington Street North, be **amended** as follows:

That the Chief Building Official be authorized and directed to issue a demolition permit for 255 Wellington Street North in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of The Planning Act, subject to the following conditions:

- ~~(a) That the applicant has applied for and received a building permit for a replacement building on this property;~~
- (a) That the applicant applies for, receives a building permit for and erects a replacement building(s) on this property;**
- (b) That the said building permit specifies that if the replacement building is not erected within ~~two~~ **four** years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
- (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes;
 - (ii) is a lien or charge on the property until paid;
- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

Result: Amendment CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 NOT PRESENT – Councillor Brenda Johnson
 YES – Councillor Brad Clark

For disposition of this matter, refer to Item 6.

Demolition Permit 257 Wellington Street North (PED19045) (Ward 2) (Item 10.2)

(Clark/Farr)

That the recommendations of Report PED19045, respecting Demolition Permit 257 Wellington Street North, be **amended** as follows:

That the Chief Building Official be authorized and directed to issue a demolition permit for 257 Wellington Street North in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of The Planning Act, subject to the following conditions:

- ~~(a) That the applicant has applied for and received a building permit for a replacement building on this property;~~
- (a) That the applicant applies for, receives a building permit for and erects a replacement building(s) on this property;**
- (b) That the said building permit specifies that if the replacement building is not erected within ~~two~~ **four** years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
- (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes;
 - (ii) is a lien or charge on the property until paid;
- (c) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

Result: Amendment CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 NOT PRESENT – Councillor Brenda Johnson
 YES – Councillor Brad Clark

For disposition of this matter, refer to Item 7.

(g) PUBLIC HEARINGS/DELEGATIONS (Item 8)

(Whitehead/Partridge)

- (i) That the Delegation Requests from Blair Shoniker, GHD, and Michael Jovanovic, Terrapure Environmental, respecting Terrapure Stoney Creek Regional Facility Environmental Assessment, be moved up in the agenda to be heard before Item 7.3.

Result: Motion CARRIED on a 2/3's majority by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 NOT PRESENT – Councillor Brenda Johnson
 CONFLICT – Councillor Brad Clark

(ii) Blair Shoniker, GHD, respecting the Terrapure Stoney Creek Regional Facility Environmental Assessment (Added Item 8.4)

Blair Shoniker, GHD, addressed the Committee respecting the Terrapure Stoney Creek Regional Facility Environmental Assessment with the aid of a PowerPoint Presentation. A copy of the presentation is available online at www.hamilton.ca.

(Whitehead/Collins)

That the delegation from Blair Shoniker, respecting the Terrapure Stoney Creek Regional Facility Environmental Assessment, be received.

CARRIED

(iii) Michael Jovanovic, Terrapure Environment, respecting the Terrapure Stoney Creek Regional Facility Environmental Assessment (Added Item 8.5)

Michael Jovanovic, Terrapure Environment, addressed the Committee respecting the Terrapure Stoney Creek Regional Facility Environmental Assessment with the aid of a PowerPoint Presentation. A copy of the presentation is available online at www.hamilton.ca.

(Collins/Johnson)

That the delegation from Michael Jovanovic, respecting the Terrapure Stoney Creek Regional Facility Environmental Assessment, be received.

CARRIED

(h) CONSENT ITEMS (Item 7)

(i) Terrapure Stoney Creek Regional Facility Environmental Assessment – Final Environmental Assessment, January 2019 (PED16184(c)) (Ward 9) (Item 7.3)

Jennifer Roth, Planner, addressed the Committee with a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

(Collins/Johnson)

That the presentation from Jennifer Roth respecting Terrapure Stoney Creek Regional Facility Environmental Assessment – Final Environmental Assessment, January 2019, be received.

CARRIED

(Farr/Danko)

- (a) That Council endorse, authorize and direct the Director, Planning and Chief Planner to forward a Letter of Comment, attached as Appendix “A” to Report PED16184(c), to the Ministry of Environment, Conservation and Parks (MECP) outlining the City’s comments respecting the “Stoney Creek Regional Facility Environmental Assessment – Final Environmental Assessment, January 2019”;
- (b) That Report PED16184(c) be adopted as the City of Hamilton’s formal comments on the “Stoney Creek Regional Facility Environmental Assessment – Final Environmental Assessment, January 2019”;
- (c) As a result of the previously identified concerns, as they relate to the Approved and Amended Terms of Reference being principally addressed, Council no longer oppose the expansion and reconfiguration of the Stoney Creek Regional Facility,
- (d) That Planning Division staff be directed to continue to monitor this matter and advise Council as to any events and decisions made by the MECP;
- (e) That the City Clerk be authorized and directed to forward Report PED16184(c) to the MECP.

Result: The Motion was DEFEATED by a vote of 4 to 3, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NO – Councillor Chad Collins
 NO – Councillor John-Paul Danko
 NO – Councillor Maria Pearson

YES – Councillor Judi Partridge
 NOT PRESENT – Councillor Terry Whitehead
 NO – Councillor Brenda Johnson
 NOT PRESENT – Councillor Brad Clark

For disposition of this matter, refer to Item 3.

(i) DELEGATIONS/PUBLIC HEARING (Item 8)

(i) University Plaza Area Residents Association Incorporated respecting Development at University Plaza (Approved at the February 5, 2019 meeting) (Item 8.1)

Abby Murray Wark, University Plaza Area Residents Association Incorporated, addressed the Committee respecting Development at University Plaza.

(Partridge/Whitehead)

That the delegation from Abby Murray Wark on behalf of the University Plaza Area Residents Association Incorporated respecting Development at University Plaza, be received.

CARRIED

(ii) Applications to Amend the Urban Hamilton Official Plan and Town of Dundas Zoning By-law No. 3581-86 for Lands Located at 264 Governor's Road (PED19029) (City Wide) (Item 8.2)

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

Shannon McKie, Senior Project Manager, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

(Partridge/Clark)

That the staff presentation be received.

CARRIED

Matt Johnston, Urban Solutions, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report. Matt Johnston addressed the Committee with the aid of a PowerPoint

presentation. A copy of the presentation is available online at www.hamilton.ca.

(Farr/Partridge)

That the presentation from Matt Johnston, Urban Solutions, be received.

CARRIED

Registered Speakers:

1. Carol Moffatt, 9 Lynndale Drive

Carol Moffatt addressed the Committee and expressed concern with the proposed development.

2. David Moffatt, 9 Lynndale Drive

David Moffatt addressed the Committee and expressed concern with the proposed development.

(Whitehead/Partridge)

That the delegations be received.

CARRIED

(Whitehead/Partridge)

That the public meeting be closed.

CARRIED

(Clark/Partridge)

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

(c) That the public submissions received did not affect the decision.

Result: Amendment CARRIED by a vote of 6 to 2, as follows:

NO – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 NO – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 NOT PRESENT – Councillor Brenda Johnson
 YES – Councillor Brad Clark

For disposition of this matter, refer to Item 4.

(iii) Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) (City Wide) (Item 8.3)

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

(Clark/Whitehead)

That the public meeting be closed.

CARRIED

Timothy Lee, Senior Planner, addressed Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

(Collins/Whitehead)

That the staff presentation be received.

CARRIED

Written Comments

8.3(a) Terri Johns, T. Johns Consulting

(Collins/Farr)

That staff be directed to:

- (a) Amend Zoning By-law No. 05-200 for the lands zoned Arterial Commercial (C7) Zone and located in the area west of Mason Drive to Shaver Road and north and south of Wilson Street West, on the following basis:
 - (i) Notwithstanding Sub-section 10.7.3 a), the Minimum Building Setback from a Street line for a Warehouse or Self Storage Facility shall be 250.00 m.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko

YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 NOT PRESENT – Councillor Brenda Johnson
 YES – Councillor Brad Clark

(Collins/Partridge)

That staff be directed to prepare an Information Report, including maps, indicating where self storage facilities are located and permitted, and report back to the Planning Committee.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 NOT PRESENT – Councillor Brenda Johnson
 YES – Councillor Brad Clark

(Clark/Whitehead)

That Report PED19029 respecting Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 be deferred to the March 19, 2019 Planning Committee meeting.

CARRIED

(Collins/Whitehead)

That the Planning Committee's decision to close the Public Meeting respecting Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029), be reconsidered to allow for a Delegation.

Result: Motion CARRIED on a 2/3's majority by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 NOT PRESENT – Councillor Brenda Johnson
 YES – Councillor Brad Clark

Delegation

Savan Chandaria, Tibro Developments, addressed the Committee and expressed concerns with the proposed by-law amendments.

(Whitehead/Partridge)

That the delegation be received.

CARRIED

(Clark/Whitehead)

- (a) That the public meeting be closed;
- (b) That staff be directed to meet with Planning Committee Councillors to provide more information on the proposed amendments;
- (c) That the written comments from Terri Johns, T. Johns Consulting, be received; and,
- (d) That Staff be directed to meet with Savan Chandaria to discuss his concerns with the Zoning By-law amendments.

Result: Motion CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 NOT PRESENT – Councillor Brenda Johnson
 YES – Councillor Brad Clark

(Clark/Partridge)

That staff be directed to meet with Councillor VanderBeek to consider her request for a City Initiated review of Zoning with a site specific amendment for the subject property 336-338 King Street, Dundas, and report back to the Planning Committee.

CARRIED

(j) STAFF PRESENTATIONS (Item 9)

- (i) **Growth Plan for the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones (PED19033) (City Wide) (Item 9.1)**

Heather Travis, Senior Project Manager, addressed Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

(Collins/Danko)

That the presentation from Heather Travis respecting Growth Plan for the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones, be received.

CARRIED

Lynda Lukasik, Environment Hamilton, respecting the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones (Added Item 8.4)

Lynda Lukasik, Environment Hamilton, addressed the Committee respecting the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones.

(Whitehead/Partridge)

That the delegation from Lynda Lukasik, Environment Hamilton, respecting the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones, be received.

CARRIED

Paul Parente, addressed the Committee respecting the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones.

(Whitehead/Partridge)

That the delegation from Paul Parente, respecting the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones, be received.

CARRIED

(Collins/Danko)

That the written comments from John Corbett, Corbett Land Strategies, (Item 9.1.b), be received.

CARRIED

(Danko/Whitehead)

That Report PED19033, respecting Growth Plan for the Greater Golden Horseshoe – Amendment No. 1 and Provincially Significant Employment Zones, recommendation (c) (v), be amended as follows:

~~(v) Reduction of the minimum density target from 80 pjh to 60 pjh, and applicability of the target to the entirety of the designated greenfield area~~

(v) That the City's position is to retain the density target of 80 pjh.

Result: *Amendment*, CARRIED by a vote of 6 to 2, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 NO – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 NO – Councillor Brenda Johnson
 YES – Councillor Brad Clark

(Wilson/Farr)

That the following sub-section be added as (j):

- (j) *That climate change is an important issue and previously identified targets should be incorporated in any Provincial Growth Plans.***

Result: *Amendment*, CARRIED by a vote of 8 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 NOT PRESENT – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

Councillor Clark wished to be recorded as OPPOSED to sections (c) (viii), (d) (iii), (iv), (v) (viii), and (g) (v) of the recommendations.

Councillor Johnson wished to be recorded as OPPOSED to sections (c) (viii) and (g) (v) of the recommendations.

Councillor Wilson wished to be recorded as OPPOSED to sections (d) (viii) of the recommendations.

Councillor Whitehead wished to be recorded as OPPOSED to sections (d) (vi), (vii) and (viii) of the recommendations.
 For disposition of this matter, refer to Item 5.

(k) **MOTIONS (Item 11)**

(i) **On Street Parking Permits – Wellington Street North (Item 11.1)**

(Farr/Collins)

That the Motion respecting On Street Parking Permits – Wellington Street North be amended by deleting the recommendation and replacing it with the following wording:

WHEREAS, residents on the west side of Wellington Street North between Robert Street and Barton Street have long desired to be afforded the opportunity to park adjacent to their homes;

WHEREAS, on-street parking that currently exists in the area is often consumed by General Hospital staff and visitors; and,

WHEREAS, Wellington Street North is four lanes, one-way Southbound where traffic volumes have dramatically decreased over time.

THEREFORE BE IT RESOLVED:

~~That the appropriate staff from Parking be requested to notify residents, by letter, of the opportunity for west side Wellington Street North on-street permit parking between Robert Street and Barton Street, Hamilton.~~

That the appropriate staff from Parking investigate options to improve parking for residents on Wellington Street North between Robert Street and Barton Street, including but not limited to, adding additional parking on the west side.

Result: Amendment, CARRIED by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

For disposition of this matter, refer to Item 9.

(I) NOTICES OF MOTION (Item 12)

Councillor Pearson relinquished the Chair to Councillor Farr.

(i) Puddicombe Cider Company Connection to Municipal Water System (Added Item 12.1)

Councillor Pearson introduced a Notice of Motion respecting Puddicombe Cider Company Connection to Municipal Water System.

(Pearson/Partridge)

That the Rules of Order be waived in order to allow for the introduction of a Motion respecting Puddicombe Cider Company Connection to Municipal Water System.

Result: Motion CARRIED on a 2/3's majority by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

For disposition of this matter, refer to Item 10.

Councillor Pearson assumed the Chair.

(ii) 46-50 King Street East and 11 Hughson Street South (Canada Trust Building) – Registered Building (Added Item 12.2)

Councillor Farr introduced a Notice of Motion respecting 46-50 King Street East and 11 Hughson Street South (Canada Trust Building) – Registered Building.

(Farr/Clark)

That the Rules of Order be waived in order to allow for the introduction of a Motion respecting 46-50 King Street East and 11 Hughson Street South (Canada Trust Building) – Registered Building.

Result: Motion CARRIED on a 2/3's majority by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko

YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

For disposition of this matter, refer to Item 11.

(iii) To Waive Road Widening Requirement for 541 Stone Church Road West, Hamilton (Added Item 12.3)

Councillor Whitehead introduced a Notice of Motion To Waive Road Widening Requirement for 541 Stone Church Road West, Hamilton.

(Whitehead/Partridge)

That the Rules of Order be waived in order to allow for the introduction of a Motion To Waive Road Widening Requirement for 541 Stone Church Road West, Hamilton.

Result: Motion CARRIED on a 2/3's majority by a vote of 9 to 0, as follows:

YES – Councillor Maureen Wilson
 YES – Councillor Jason Farr
 YES – Councillor Chad Collins
 YES – Councillor John-Paul Danko
 YES – Councillor Maria Pearson
 YES – Councillor Judi Partridge
 YES – Councillor Terry Whitehead
 YES – Councillor Brenda Johnson
 YES – Councillor Brad Clark

For disposition of this matter, refer to Item 12.

(m) GENERAL INFORMATION/OTHER BUSINESS (Item 13)

(i) Outstanding Business List (Item 13.1)

(Farr/Danko)

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

Item M - Limiting Development Charges reductions, Parkland Dedication fee reductions or CIP Incentives re Height restrictions (Addressed at Audit, Finance & Administration Committee meeting June 11, 2018)

Item BB - Terrapure Stoney Creek Facility EA - Compensation Agreement (Addressed as Item 10.3 on the February 5, 2019 agenda)

Item KK - Amendments to By-law 18-199 - Prohibiting Driving School Instructing in the Restricted Areas
(Deferred from the January 15, 2019 meeting and addressed as Item 10.3 on this agenda)

(b) That the following new due dates be approved:

Item G - Feasibility of By-law to ensure that Tree Removal Contractors have a City Business Licence
Proposed New Due Date: March 19, 2019
Current Due Date: February 19, 2019

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES – Councillor Maureen Wilson
YES – Councillor Jason Farr
YES – Councillor Chad Collins
NOT PRESENT – Councillor John-Paul Danko
YES – Councillor Maria Pearson
YES – Councillor Judi Partridge
NOT PRESENT – Councillor Terry Whitehead
YES – Councillor Brenda Johnson
YES – Councillor Brad Clark

(n) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Local Planning Appeal Tribunal appeals by the Green Organic Dutchman Holdings Limited (PL180732 and PL180818) – settlement proposal (LS19006) (Item 14.1)

Committee moved into Closed Session respecting Item 14.1, pursuant to Section 8.1, Sub-section (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

For disposition of the matter refer to Item 13.

(o) ADJOURNMENT (Item 15)

(Farr/Partridge)

That, there being no further business, the Planning Committee be adjourned at 5:42 p.m.

CARRIED

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk



March 8, 2019

City of Hamilton
Planning & Economic Development Department
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Mr. Steve Robichaud, MCIP, RPP
Director of Planning and Chief Planner

Dear Mr. Robichaud,

Re: 118 Hatt Street, Dundas, City of Hamilton

WEBB Planning Consultants are retained by the owner of the property located at 118 Hatt Street, Town of Dundas, for the purpose of securing the necessary municipal planning approvals required to facilitate the redevelopment of this underutilized brownfield property.

The subject lands have recently undergone a rezoning to implement site specific regulations under the Town of Dundas Zoning By-law to guide the development of the property. An Application for Site Plan Approval has been completed and a Building Permit Application is pending for submission, the Building Permit implementing the Approved Site Plan.

It has come to our attention that the Zoning of the subject property is proposed to be included in a housekeeping amendment that will rezone the property consistent with the City's comprehensive Zoning By-law 05-200. Based on our preliminary review, we have identified conflicts between the proposed Zoning and the approved Site Plan that may necessitate modifications to the Zoning Regulations to allow the development to proceed.

We are therefore writing to request the City to withdraw the subject property from this housekeeping amendment, the proposed zoning to remain in abeyance until such time as site development is complete. It would be appreciated if City Staff could provide an immediate reply to this letter confirming this request will be implemented.

Yours truly,

WEBB Planning Consultants Inc.

A handwritten signature in black ink, appearing to read "James Webb". The signature is fluid and cursive, written over a white background.

James Webb, MCIP, RPP

cc: Timothy Lee, City of Hamilton

Dalia Eino

FILMONTARIO

F I L M · T E L E V I S I O N · I N T E R A C T I V E

18 March 2019

Lisa Chamberlain
Planning Co-ordinator
City Clerks Office
1st Floor, 71 Main Street West
Hamilton, Ontario
L8P 4Y5

RE: Proposed Zoning By-law Amendment to the City of Hamilton Zoning By-law No. 05-200 for lands located in the Barton Tiffany Lands

Dear Ms. Chamberlain:

We are writing to express support for the proposed zoning by-law amendment to the City of Hamilton Zoning By-law No 05-200 for lands located in the Barton Tiffany Lands, which would add a Production Studio as an additional permitted use.

FilmOntario is a not-for-profit industry consortium representing the approximately 35,000 industry professionals who work in Ontario's screen-based industries. Our members include producers, unions, studios, equipment suppliers and financial and legal service organizations.

Ontario's independent film and television production sector generated \$1.6 billion in direct spending in 2017, and this spending takes place all across the province. As you are undoubtedly aware, last year the City of Hamilton hosted a record-breaking 25 concurrent productions, productions that created jobs and generated spending for the local economy.

We are currently in a worldwide period of growing demand for screen-based content. Recent announcements of multinational companies bringing business to Ontario, including Netflix in Toronto and CBS in Mississauga, demonstrate that Ontario is a world-class production jurisdiction where studio space is in high demand. We also have a strong domestic production industry, with shows made and owned by Canadians like *Murdoch Mysteries*, *Anne with an "E"*, *Alias Grace* and *Cardinal* shooting all across the province.

By approving the above-noted by-law amendment to allow for a production studio in the Barton Tiffany Lands, you will be laying the groundwork for studio development and the film and TV industry jobs that will come with it. These jobs are high-paying and technologically innovative and attract employees from all age groups and communities.

Thank you very much for taking time to consider this matter. We are sure that, with the adoption of this by-law amendment, the screen-based industries in Hamilton will continue their upward trajectory and ensure that these good jobs remain in the City of Hamilton.

If you have any questions or would like to discuss further, please do not hesitate to contact our Managing Director, Cynthia Lynch, at 416-642-6704 or clynch@filmontario.ca.

Sincerely,

A handwritten signature in black ink that reads "Sue Milling". The signature is written in a cursive, flowing style.

Sue Milling
FilmOntario Co-Chair

A handwritten signature in black ink that reads "Jennifer Jonas". The signature is written in a cursive, flowing style.

Jennifer Jonas
FilmOntario Co-Chair



A. J. Clarke and Associates Ltd.

SURVEYORS • PLANNERS • ENGINEERS

File No. 158007

March 18th, 2019

The City of Hamilton
Office of the City Clerk
71 Main Street West, 1st Floor
Hamilton, Ontario
L8P 4Y5

Attn: Chairman and Members of Planning Committee
c/o Ms. Lisa Chamberlain, Legislative Coordinator

Re: Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) (City Wide) With Respect to 906 Main Street West

We represent Adorn Investments Limited, who is owner of the lands municipally known as 906 Main Street West, Hamilton ("**Subject Lands**"). The lands are located on the north side of Main Street West, between Longwood Road South and Bond Street South.

Executive Summary and Request

The intent of the letter is to request an amendment to Special Exception 310 of the City of Hamilton Zoning By-law 05-200 in order to remove the minimum interior side yard setback requirement adjacent to an existing residential use that is within the TOC1 Zone. The intent of the TOC1 Zone is to enable these low density residential uses to comprehensively redevelop over time, consistent with Official Plan policy.

Background and Rationale

The Subject Lands have a significant history with respect to the City's ongoing development of Zoning By-law 05-200. A brief summary of activity on the property is included below:

- June, 2015 – The Formal Consultation ("**FC**") Meeting was held for a proposed 543m² office building on the subject lands.
- October, 2015 – Council adopts By-law No. 15-245, which enacts an Interim Control By-law to "freeze" development for a period of one year while Staff undertake planning studies associated with the future Light Rail Transit corridor.
- March, 2016 – A revised 4 storey development concept was submitted to the City and an addendum to the June 2015 FC was received to acknowledge new Planning Act submission requirements.
- October, 2016 – Council Approved the Transit Oriented Corridor Zoning for Wards 1-4 (by-law 16-265). The Subject Lands are rezoned to the Transit Oriented Corridor – Mixed Use "**TOC1**" Zone. The interior side yard requirement for a TOC1 Zone within By-law 16-265 is "7.5 metres abutting a Residential or Institutional Zone". Through coordination with Staff and a delegation by our office at the October 4th, 2016 Planning Committee, a site specific was included (Special Exception 310), which recognized that:



“Notwithstanding the definition of Front Lot Line found in Section 3 of this By-law, on those lands zoned Mixed Use (TOC1) Zone, identified on Maps 907 and 949 of Schedule “A” - Zoning Maps and described as 906 Main Street West, the Front Lot Line shall be deemed to be Main Street West”

During our discussion with Staff regarding the above site-specific Special Exception; it was acknowledged that it was not the intent of the zoning to have large setbacks or “gaps” between buildings within the TOC1 Zone. The sole purpose of Special Exception 310 was to deem Main Street West the front lot line to ensure the 7.5m rear yard requirement was applied to the northerly lot line, and not the westerly lot line.

Accordingly, the front lot line was deemed to be Main Street West (southerly lot line), rendering the easterly lot line with frontage along Longwood Road South an exterior side lot line, the northerly lot line the rear lot line, and the westerly lot line an interior side lot line. The lands abutting the Subject Lands to the west were also rezoned as TOC1 through By-law 16-265, and accordingly no interior side yard was required through the provisions of the TOC1 Zone as approved through By-law 16-265 as the lands did not abut a Residential or Institutional Zone to the west. Note that By-law 16-265 was appealed to the Ontario Municipal Board.

- May 2017 – By-law 16-265 was deemed to be in force and effect on the Subject Lands by Order of the Ontario Municipal Board (PL161168).
- February 2018 – Council approved By-law 18-032, which served to extend the TOC Zoning, create a new TOC Zone, and amend the existing TOC Zones. Section 4.7 of by-law 18-265 modified the interior side yard setback requirement [11.1.3 c i)] as it applies to the Subject Lands by inserting “or a lot contain a residential use”. The lands abutting to the west of the Subject Lands (considered the interior side lot line) are within a TOC1 Zone, but are a single detached residential use. Accordingly, by adding the words “or a lot contain a residential use”, the 7.5 metre setback would now apply to the subject lands; whereas before the setback did not as the lands are a residential use within a TOC1 zone.

As previously mentioned above, the intent of the TOC1 zoning was not to create “gaps” in future development along the LRT corridor, but conversely establish a greater density, intensity of use and compactness of built form along the LRT corridor. Establishing a setback to a residential use within the TOC1 zoning, as opposed to a residential zone, creates zoning that will sterilize future development as the feasibility of development along the corridor will be significantly reduced and/or eliminated in certain locations, including the Subject Lands due to the position of Bond Street South and Longwood Road South. If lands are zoned TOC1 along the LRT corridor, but contain an existing residential use within the TOC1 zoning, the 7.5m setback should **not apply** as the intent of the existing residential use within the TOC1 zone is to redevelop over time to implement the vision of the intensified uses along the LRT corridor.

- April 2018 – The owner submits a proposed development concept for review by the City’s Design Review Panel. This proposed development consists of a mixed use, 6 storey building, with professional offices at grade, and residential units above. The panel is very supportive of the proposed design.



- November 2018 – During the discussions surrounding the initial Special Exception 310 relating to the Subject Lands, Staff had expressed that it was not the intent of the by-law to have large setback requirements or “gaps” between development within the TOC1 Zone. Thus, our office requested an interpretation from Staff with respect to the minimum side yard requirement within the TOC 1 Zone, as amended through by-law 18-032. Staff provided the following response (Please refer to the attached correspondence in Appendix A):

“The 7.5 metre side yard setback requirement under Subsections 10.4.3 c), 10.5.3 c), 10.5a.3 c), 11.1.3 c) i) shall be applied where new development or redevelopment is proposed adjacent to the following situation:

•Lots containing single detached, semi-detached, and duplex dwellings in non-Residential and non-Institutional Zones other than zones within the CMU and TOC Zone Classifications.

This setback requirement shall not be applied where new development or redevelopment is proposed adjacent to the following situation:

•Dwelling units contained in multiple dwellings and / or mixed use buildings.”

Staff clarified that the 7.5m interior side yard setback only applied to single detached, semi-detached, and duplex dwellings in non-Residential and non-Institutional Zones other than zones within the CMU and TOC Zone Classifications. The single detached residential development abutting the subject lands to the west is within a TOC1 Zone. Accordingly, based on Staff interpretation, the 7.5m setback did not apply.

- February 2019 – Staff Report PED19029 was brought before Planning Committee, which contained *further* changes to the TOC1 Zone. This includes further amending the minimum side yard requirement [11.1.3 c) i)] as follows:

“i) A minimum 7.5 metres for lots abutting a ~~Residential Zone or Institutional Zone or lot containing a Residential Use.~~ Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.”

Accordingly, as the Subject Lands abut a single detached residential dwelling to the west, within a TOC1 Zone, a 7.5m setback is once again applicable to the westerly lot line.

Our office is in full support of the minimum interior side yard setback requirement for the TOC1 Zone contained within the initial October 2016 version of the Transit Oriented Corridor Zoning within by-law 16-265. That is why the modification was established in Special Exception 310 so as to protect the interface between the residential zoning to the north by identifying Main Street West as the front lot line. This would ensure that the 7.5m rear yard setback is applied adjacent to the existing residential zoning to the north. Our office is also supportive of the interpretation given by Staff in November of 2018 related to the applicability of the TOC1 interior side yard requirement.

Whereas it is acknowledged that there should be a transition and gradation in height to lower density residential development within a residential zone; applying a 7.5 metre setback to abutting residential development within a TOC1 Zone that is intended for future mixed use, medium density development will not contribute to creating desirable



built form along the LRT corridor. Many other suitable design solutions can be implemented to ensure compatibility with existing adjacent low density residential development within the TOC1 Zone, without compromising the future built form of the area through the implementation of a 7.5 metre setback. These design solutions should be explored on a site specific basis through the Site Plan Control process. It should be noted that a single detached dwelling is not a permitted use within the TOC1 Zone, which provides a clear policy direction that the City is encouraging that these existing low-density residential uses within the TOC1 Zone be redeveloped into a more compact, mixed use, and transit-supportive use, consistent with municipal planning policy.

The intent of the TOC1 Zone is to *"create complete streets that are transit supportive and will provide for active, and pedestrian oriented streets."* The minimum interior side yard setback requirement for the TOC 1 Zone, as proposed within PED19029 will result in large "gaps" between development within the TOC1 Zone. This built form is considered undesirable, particularly when trying to create pedestrian oriented, animated, and attractive streetscapes.

On behalf of our client, we would kindly request that Special Exception 310, applicable to the subject lands, be modified to include a minimum interior side yard requirement of 0m adjacent to a TOC1 Zone, consistent to what was initially approved through By-law 16-265, Special Exception 310, and as interpreted by Staff in November of 2018.

This correspondence should be considered a written submission to Council under the *Planning Act*. Should Special Exception 310 not be modified as requested above, we object to the above outlined modifications to the TOC1 Zone, on the basis that the resultant built-form will not contribute to creating the transit-oriented, compact, and pedestrian oriented environments envisioned for major transit station areas on priority transit corridors under the Growth Plan.

I trust this is satisfactory and thank you for your cooperation in this matter. If you need additional information or clarification regarding the above, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stephen Fraser'.

Stephen Fraser, MCIP, RPP

A. J. Clarke and Associates Ltd.

Copy – Adorn Investments Limited - Attn: Mr. Dan Gabriele

Copy – Mr. Steve Robichaud – Director of Planning and Chief Planner (via email)



Appendix A

Spencer Skidmore

From: Gravina, Joe <Joe.Gravina@hamilton.ca>
Sent: Tuesday, November 27, 2018 9:06 AM
To: Spencer Skidmore
Cc: Hickey-Evans, Joanne; Fabac, Anita; Giroux, Madeleine; Steve Fraser
Subject: RE: Zoning Interpretation

Good Morning Spencer,

The 7.5 metre side yard setback requirement under Subsections 10.4.3 c), 10.5.3 c), 10.5a.3 c), 11.1.3 c) i) shall be applied where new development or redevelopment is proposed adjacent to the following situation:

- Lots containing single detached, semi-detached, and duplex dwellings in non-Residential and non-Institutional Zones other than zones within the CMU and TOC Zone Classifications.

This setback requirement shall not be applied where new development or redevelopment is proposed adjacent to the following situation:

- Dwelling units contained in multiple dwellings and / or mixed use buildings.

Regards,

Joe

Joe Gravina, CPT

Coordinator of Business Facilitation
 Planning and Economic Development Department
 Planning Division

71 Main Street West, 1st Floor
 Hamilton, ON L8P 4Y5
 Tel. (905) 546-2424 ext. 1284
 Fax (905) 546-2139
 Email: Joe.Gravina@Hamilton.ca
www.hamilton.ca

From: Spencer Skidmore <spencer.skidmore@ajclarke.com>
Sent: November 26, 2018 3:33 PM
To: Steve Fraser <steve.fraser@ajclarke.com>; Hickey-Evans, Joanne <Joanne.Hickey-Evans@hamilton.ca>; Gravina, Joe <Joe.Gravina@hamilton.ca>
Subject: RE: Zoning Interpretation

Hi All,

Just a kind follow-up to Steve's email below.

Best regards,

Spencer Skidmore M.Pl.,MCIP,RPP
Planner
A. J. Clarke and Associates Ltd.
Tel: 905 528 8761 x275

From: Steve Fraser
Sent: Tuesday, November 20, 2018 3:40 PM
To: Hickey-Evans, Joanne; Gravina, Joe
Cc: Spencer Skidmore
Subject: Zoning Interpretation

Good afternoon all,

Joanne, you recall at last week's PIC meeting at the David Braley Centre that we discussed the situation where two or more abutting properties are within the TOC zoning and one of them contained an existing residential use, that the 7.5m provision below did not apply and that an interpretation memo was prepared to that effect.

- | | | | |
|----|-------------------------------|----|---|
| c) | Minimum Interior
Side Yard | i) | 7.5 metres
abutting a
Residential Zone
or Institutional
Zone or lot
containing a
residential use. |
|----|-------------------------------|----|---|

Can you please confirm same or send the memo if possible?

Thanks,

Stephen Fraser B.A.(Hons), MCIP, RPP
Principal, Planner



A. J. Clarke and Associates Ltd.
25 Main Street West, Suite 300, Hamilton, ON L8P 1H1
steve.fraser@ajclarke.com | www.ajclarke.com
Tel: 905 528 8761 x242 | Fax: 905 528 2289

Form: Request to Speak to Committee of Council

Submitted on Monday, March 18, 2019 - 9:55 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Steven Zakem

Name of Organization: Aird & Berlis LLP

Contact Number:

Email Address:

Mailing Address:

Steven A. Zakem

Aird & Berlis LLP

181 Bay Street, Suite 1800

Toronto, ON

M5J 2T9

Reason(s) for delegation request:

Aird & Berlis LLP represents Binbrook Heritage Developments (the "Applicant"), registered owner of the property municipally known as 3033, 3047, 3055 and 3063 Binbrook Road, in the former Township of Glanbrook (City of Hamilton) (the "Subject Lands").

On March 19, 2019, the Planning Committee is scheduled to discuss our client's appeals of an Official Plan Amendment and Zoning By-law Amendment Application in camera (item 14.2). We write to request that, along with our client, we be permitted to make a delegation to the Planning Committee before it enters into closed session. We also request that the

members of the committee be provided with a letter our office has prepared which provides the background and basis for our intended presentation. This letter will follow under separate cover.

We look forward to the opportunity to address the committee on Tuesday morning, and await confirmation from your office that our request has been accepted.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No



Steven A. Zakem
 Direct: 416.865.3440
 E-mail:szakem@airdberlis.com

March 18, 2019

Our File No.: 137843

BY EMAIL

Councillor Maria Pearson
 Chair, Planning Committee

and

Ms. Lisa Chamberlain
 Legislative Coordinator, Planning Committee

City of Hamilton
 71 Main Street West
 Hamilton, ON L8P 4Y5

Dear Madam Chair and Members of the Planning Committee:

**Re: Local Planning Appeal Tribunal Appeal No. PL170981
 3033, 3047, 3055, 3063 Binbrook Road (PED19031/LS19003) (Glanbrook)
 (Ward 11)**

Aird & Berlis LLP represents Binbrook Heritage Developments (the “Applicant”), registered owner of the property municipally known as 3033, 3047, 3055 and 3063 Binbrook Road, in the former Township of Glanbrook (City of Hamilton) (the “Subject Lands”).

We were surprised to see that our client’s appeal of its Official Plan Amendment application and Zoning By-law Amendment application (the “Applications”) are scheduled to be discussed by the Planning Committee (“Committee”) in closed session on March 19, 2019. Having recently provided City staff and its outside counsel with a resubmission of the Applications in an effort to resolve this matter without the need for a contested hearing, we were hopeful that our dialogue would continue before the Committee and Council were asked to take a position and provide instructions with respect to the LPAT hearing, currently scheduled for August, 2019. Accordingly, we write to provide the Committee with important background to inform its discussion, and to make submissions in favour of the continued negotiation of a mutually beneficial resolution that would avoid the need for a costly hearing.

Background

More than two and a half years ago, on July 29, 2016, our client submitted an application for an Urban Hamilton Official Plan Amendment (“UHOPA”) and Zoning By-law amendment (“ZBA”) to permit the construction of a 10-storey mixed use building on the Subject Lands.

In support of its application, our client provided technical reports and a planning justification highlighting that this carefully designed mixed-use project would: (i) provide the opportunity for residential intensification and the provision of rental housing alternatives within the Binbrook community; (ii) increase the supply of both professional and service commercial jobs in the

March 18, 2019
Page 2

community; (iii) promote the efficient use of land and infrastructure, and support active transportation; and (iv) retain and repurpose identifiable heritage sites important to the area.

Importantly, the proposed development provides an opportunity for an aging in place facility for seniors who wish to remain in the Binbrook-Glanbrook area, as well as providing rental housing opportunities for all ages in the community.

More than a year later, in August of 2017, we appealed the Applications to the Ontario Municipal Board (now the Local Planning Appeal Tribunal (“LPAT”)) on behalf of our client for Council’s failure to make a decision. Since that time, two pre-hearing conferences have been held, and a hearing before LPAT has been scheduled for the second week of August, 2019.

In the time since the appeal was filed, our client and City staff have been actively engaged in discussions with respect to the Applications. This has included numerous meetings between our client and planning staff, and discussions between legal counsel, both in-house and with the City’s outside counsel. During these conversations, staff identified concerns with the proposed development, in particular the planned density and 10-storey height. These concerns have also been vocalized by the local community, many of whom have attended the pre-hearing conferences at LPAT.

In response to this feedback from the City and the local residents of Binbrook, our client made significant changes to the proposed development. On January 18, 2019, we provided the City’s outside legal counsel with a *with prejudice* resubmission of the plans for the proposed development that, among other things, reduced the proposed height to 6 residential floors atop a first floor commercial base.

Our client has been awaiting comments from City staff and its legal counsel since its resubmission two months ago. It was our understanding that, following review of the revised plans, the City would be seeking instructions from this Committee and Council in April, 2019 on a potential settlement of the appeals or, at the very least, seeking a scoped issues list to address those concerns that remain unresolved at the upcoming LPAT hearing. Further, it was our hope that, in advance of seeking instructions from this Committee, the City would provide our client with comments on the revised plans, and to provide an opportunity to continue dialogue between the parties in order to facilitate a resolution. From our review of the Committee’s agenda for March 19, 2019, it appears that this is not the case.

The LPAT Hearing

LPAT has scheduled a hearing for 5 days beginning on August 12, 2019. Although the City has yet to provide its issues list for the hearing, it is anticipated that multiple expert witnesses, including experts in land use planning, urban design, and transportation, will be required to provide testimony. Such a contested hearing will undoubtedly cost both parties tens of thousands of dollars, and will require countless hours of staff time and resources to prepare. It is in nobody’s interest to litigate this matter if the option of settlement remains a possibility. If a negotiated settlement were reached, the five-day hearing could easily be converted to a one day settlement hearing requiring testimony only from the Applicant’s witnesses.

March 18, 2019
Page 3

This Committee is likely aware of two recent LPAT decisions in Hamilton approving mid-rise development applications representing significant intensification. The first decision, *Lawson v. Hamilton (City)* was issued in January, 2019 approving a nine-storey apartment building in Dundas. A more recent decision, *Sonoma Homes v. Hamilton (City)*, issued in February, 2019, approved a nine-storey condominium in Ancaster. In that decision, the LPAT member stated:

“... I find that the City has not fully come to grips with the policies contained in this policy document [Growth Plan] and how these policies affect the application of the policy contained in the UHOP and the Secondary Plan.” (emphasis added)

These decisions seem to signal increasing support from LPAT for mid-rise intensification in the boroughs of Hamilton, and reflect a recognition that the in-force secondary-plan policies in the communities surrounding the City centre are no longer consistent with the provincial objectives of growth and intensification mandated by the Provincial Policy Statement, 2014 and the Growth Plan for the Greater Golden Horseshoe, 2017. Both of these decisions are appended to this letter for the Committee’s review.

Our client is confident that its proposed development in Binbrook (either as originally proposed, or as revised in its recent resubmission) would similarly be found by LPAT to represent good planning in the public interest. However, and as previously stated, it has no interest in proceeding to a contested hearing if a resolution remains available through a negotiated settlement.

Recommendation

In light of the above, and in recognition of the ongoing efforts by both our client and City staff to reach a resolution, we recommend that this Committee direct the City’s outside legal counsel to provide us with City staff comments on the recent resubmission and to convene a meeting between the parties to facilitate a settlement. Should it be apparent following these discussions that a negotiated resolution supported by staff is not possible, then the City’s outside counsel should return to the next meeting of this Committee on April 2, 2019 to seek instructions on the hearing scheduled for August.

We thank you for your time and consideration of our submissions on this issue. Despite our surprise and disappointment that this matter has come before this Committee without any notice to us or our client, we remain optimistic that the parties can still find a mutually beneficial solution without the need for a contested hearing later this summer.

March 18, 2019
Page 4

Should you have any questions, please contact the undersigned or David Neligan (416-697-8923; dneligan@airdberlis.com).

Yours truly,

AIRD & BERLIS LLP



Steven A. Zakem
SAZ/DPN
Encl.

- c. Mayor Fred Eisenberger and Members of the Planning Committee
Steve Robichaud, MCIP RPP, Director of Planning and Chief Planner, City of Hamilton
Anita Fabac, Manager of Development Planning, Heritage and Design, City of Hamilton
Andrew Biggart, Ritchie Ketcheson Hart & Biggart LLP
Brenda Khes, MCIP RPP, GSP Group
Sergio Manchia and David Horwood, Binbrook Heritage Developments

35482025.4

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: January 17, 2019

CASE NO(S): PL160066

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Greg Lawson
Appellant:	Justin Lewis
Appellant:	Peggy Lewis
Appellant:	D. Scott Munro; and others
Subject:	Proposed Official Plan Amendment No. 43
Municipality:	City of Hamilton
OMB Case No.:	PL160066
OMB File No.:	PL160066
OMB Case Name:	Lawson v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Greg Lawson
Appellant:	Justin Lewis
Appellant:	Peggy Lewis
Appellant:	D. Scott Munro; and others
Subject:	By-law No. 15-299
Municipality:	City of Hamilton
OMB Case No.:	PL160066
OMB File No.:	PL160067

Heard: April 3-7 and December 4-8, 2017 in Hamilton, Ontario

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: February 22, 2019

CASE NO(S): PL161240

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Sonoma Homes Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Hamilton to adopt the requested amendment
Existing Designation:	Medium Density Residential 2C
Proposed Designated:	High Density Residential
Purpose:	To permit the proposed 12-storey residential building on lands
Property Address/Description:	1117 Garner Rd East
Municipality:	City of Hamilton
Approval Authority File No.:	UHOPA-16-010
OMB Case No.:	PL161240
OMB File No.:	PL161240
OMB Case Name:	Sonoma Homes Inc. v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Sonoma Homes Inc.
Subject:	Application to amend Zoning By-law No. 87-57 - Neglect of the City of Hamilton to make a decision
Existing Zoning:	H-RM6-658 Zone
Proposed Zoning:	Site specific to permit the proposed development
Purpose:	To permit the proposed 12-storey residential building on lands
Property Address/Description:	1117 Garner Rd East
Municipality:	City of Hamilton

Form: Request to Speak to Committee of Council

Submitted on Monday, March 18, 2019 - 10:41 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Matt Johnston

Name of Organization: UrbanSolutions Planning & Land
Development Consultants Inc.

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: To speak to Committee regarding on March 10, 2019 regarding Agenda Item 10.2 - Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) as it relates to 43-51 King Street East & 60 King William Street.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes

Form: Request to Speak to Committee of Council

Submitted on Monday, March 18, 2019 - 11:51 am

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Franz Kloibhofer

Name of Organization: AJ Clarke and Associates

Contact Number: 905-528-8761

Email Address:

Mailing Address: 25 Main Street West, Suite 300, Hamilton, Ontario.

Reason(s) for delegation request: To speak to concerns regarding Item 10.2, the proposed modifications and updates to Zoning By-Law 05-200. Specifically, with respect to proposed side yard setbacks in the CMU and TOC Zones.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes



A. J. Clarke and Associates Ltd.
SURVEYORS • PLANNERS • ENGINEERS

March 18th, 2019

The City of Hamilton
Planning and Economic Development Department
Planning Division
71 Main Street West, 4th Floor
Hamilton, Ontario
L8P 4Y5

Sent via email: steve.robichaud@hamilton.ca

Attn: Steve Robichaud
Director, Planning and Chief Planner

**Re: Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200
City Wide (PED19029)**

Dear Sir:

We represent Parkway Motors Hamilton, the owner of the lands municipally known as 999-1031 Upper James Street, Hamilton, herein referred to as the subject lands. The subject lands are located on the east side of Upper James Street, between Hester Street and the Lincoln M. Alexander Parkway. A proposed development consisting of two 8-storey mixed-use buildings with a height of 26.9 m, was heard at a Development Review Team meeting on November 7th, 2018, with comments received from the City and a Formal Consultation Document (FC-18-123) issued on November 15th, 2018.

We are writing to express our concerns and objection to the amendments proposed to Zoning By-law No. 05-200 through PED19029, specifically, its impact on the subject lands. This correspondence should be considered a written submission to Council, per the *Planning Act*. The subject lands are currently zoned "C5" (Mixed Use – Medium Density) in Zoning By-law No. 05-200, of which the uncontested portions of By-law 17-240, which implemented the Commercial and Mixed Use Zones, came into force and effect on November 16th, 2018.

The minimum interior side yard setback currently required in the C5 Zone is *"7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use"* (Section 10.5.3.c). The properties abutting the subject lands are zoned "C5", and do not contain a residential use. Therefore, under current zoning, a 0.0 metre minimum side yard setback is permitted. The proposed changes to the C5 zone as brought by Staff Report PED19029 to Planning Committee in February 2019 amend the minimum side yard requirement (Section 10.5.3.c.iii) as follows: *"iii) Notwithstanding Section 10.5.3.d and Sections 10.5.3 c) i) and ii), a minimum 6.0 metres for building(s) with a building height greater than 14.0 metres."*

As the proposed development building has a height of approximately 26.9 metres, upon the passing of the modifications and updates to Zoning By-law No. 05-200 (PED19029), Council will effectively be removing 12 metres (6 metres on each side of the buildings) from the lot width of this property. This would significantly impact the design and feasibility of the subject



City of Hamilton, attn: Rose Caterini, City Clerk
Re: 999-1031 Upper James Street – Objection to 05-200 (PED19029)

March 18th, 2019
Page 2 of 2

development, as 12 metres of the property would not be developable. Further, the implementation of a minimum 6 metre side yard setback for future developments greater than 14.0 metres in a C5 zone, which currently permits a building height up to 22 metres as of right, would create a building fabric with gaps of at least 12 metres between buildings.

The large setbacks that would be created between buildings as a result of the implementation of these Zoning amendments would be a hindrance to creating a consistent and continuous street wall between buildings, which contributes to a vibrant and pedestrian-oriented environment. On behalf of our client, we would kindly request that the City reconsider the minimum required side yard setback in order to implement policies that will encourage future developments within the Commercial and Mixed Use designations to create vibrant mixed use areas that are able to accommodate a range of uses.

I trust this is satisfactory and thank you for your cooperation in this matter. If you need additional information or clarification regarding the above, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'F. Kloibhofer'.

Franz Kloibhofer, MCIP, RPP
A. J. Clarke and Associates Ltd.

Copy: City Clerk, Rose Catarini (via email: clerk@hamilton.ca)
Councillor John-Paul Danko, Ward 8 (via email: john-paul.danko@hamilton.ca)
Parkway Motors Hamilton c/o Ilya Pinassi (via email: ipinassi@parkwaymotors.ca)

Form: Request to Speak to Committee of Council

Submitted on Monday, March 18, 2019 - 12:00 pm

==Committee Requested==

Committee: Planning Committee

==Requestor Information==

Name of Individual: Savan Chandaria

Name of Organization: Tibro Group

Contact Number:

Email Address:

Mailing Address:

Unit 7, 25 Scarsdale Road
Toronto ON M3B 2R2

Reason(s) for delegation request: Speak to the modifications and updates to the City of Hamilton Zoning By-Law No. 02-500

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No



Hamilton

**HAMILTON MUNICIPAL HERITAGE COMMITTEE
REPORT 19-001
12:00 p.m.
February 21, 2019
Room 264, 2nd Floor
Hamilton City Hall
71 Main Street West**

Present: Councillor M. Pearson, R. Sinclair, A. Denham-Robinson (Chair), C. Dmitry, K. Garay, T. Ritchie, K. Stacey T. Wallis

**Absent with
Regrets:** W. Arndt, D. Beland, G. Carroll, and M. McGaw

**THE HAMILTON MUNICIPAL HERITAGE COMMITTEE PRESENTS REPORT 19-001
AND RESPECTFULLY RECOMMENDS:**

- 1. Heritage Permit Application HP2018-046, Under Part V of the *Ontario Heritage Act*, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035) (Ward 2) (Item 9.2)**

That Heritage Permit Application HP2018-046, for the erection of a new single detached dwelling on the designated property at 47 Markland Street, Hamilton (Durand-Markland Heritage Conservation District), as shown in Appendix "A" to Report PED19035, be approved subject to the following Heritage Permit conditions:

- (a) That the dimensions and surfacing materials for the new driveway and any walkways, patios or other hard-surface areas visible from the street, shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- (b) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit; and,
- (c) That construction and site alterations, in accordance with this approval, shall be completed no later than March 31, 2021. If the construction and site alterations are not completed by March 31, 2021, then this approval expires as of that date, and no alterations

shall be undertaken without a new approval issued by the City of Hamilton; and

- (d) That the proposed development shall comply with all of the applicable provisions of Zoning By-law No. 6593 and Minor Variance Application HM/A-18:431, to the satisfaction of the Director of Planning and Chief Planner.

FOR INFORMATION:

(a) CEREMONIAL ACTIVITY (Item 1)

There were no ceremonial activities.

(b) CHANGES TO THE AGENDA (Item 2)

The Clerk advised the Committee of the following changes:

(i) STAFF PRESENTATIONS

9.2 Heritage Permit Application HP2018-046, Under Part V of the *Ontario Heritage Act*, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035) (Ward 2)

9.2.b Written Submission from S. Shaker respecting Heritage Permit Application HP2018-046, Under Part V of the *Ontario Heritage Act*, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035) (Ward 2)

(ii) DISCUSSION ITEMS

10.3 Year-End Reports from Working Group of the Hamilton Municipal Heritage Committee

10.3.b Policy and Design Working Group Year End Review for 2018

The Agenda for the February 21, 2019 Hamilton Municipal Heritage Committee was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) December 13, 2018 (Item 4.1)

The Minutes of the December 13, 2018 meeting of the Hamilton Municipal Heritage Committee were approved, as presented.

(e) DELEGATION REQUESTS (Item 6)

(i) Delegation Request from Sonja De Pauw, respecting Item 9.2, Heritage Permit Application HP2018-046, Under Part V of the Ontario Heritage Act, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035) (Ward 2) (for today's meeting) (Item 6.1)

The delegation request from Sonja De Pauw, respecting Item 9.2, Heritage Permit Application HP2018-046, Under Part V of the Ontario Heritage Act, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035) (Ward 2)), was approved, for today's meeting.

(f) DELEGATIONS / PUBLIC HEARINGS (Item 8)

(i) Delegation Request from Sonja De Pauw, respecting Item 9.2, Heritage Permit Application HP2018-046, Under Part V of the Ontario Heritage Act, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035) (Ward 2) (Item 8.1)

Sandy McIntosh, DPAI Architecture Inc., addressed the Committee instead of Sonja De Pauw.

Sandy McIntosh, DPAI Architecture Inc., addressed the Committee respecting Item 9.2, Heritage Permit Application HP2018-046, Under Part V of the *Ontario Heritage Act*, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035), with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

The presentation from Sandy McIntosh, DPAI Architecture Inc., respecting Item 9.2, Heritage Permit Application HP2018-046, Under Part V of the *Ontario Heritage Act*, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035), was approved.

The presentation is available at www.hamilton.ca

(g) STAFF PRESENTATIONS (Item 9)

(i) St. Mark's Rehabilitation: Phase 2 Update (Item 9.1)

Carolyn Samko, Senior Project Manager, address the Committee with an overview of the St. Mark's Rehabilitation: Phase 2 Update. A copy has been included in the official record.

The presentation respecting the St. Mark's Rehabilitation: Phase 2 Update, was received.

The presentation is available at www.hamilton.ca

(ii) Heritage Permit Application HP2018-046, Under Part V of the *Ontario Heritage Act*, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035) (Ward 2) (Item 9.2)

David Addington, Cultural Heritage Planner, addressed the Committee respecting a Heritage Permit Application HP2018-046, Under Part V of the *Ontario Heritage Act*, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035), with the aid of a PowerPoint presentation. A copy has been included in the official record.

The presentation respecting a Heritage Permit Application HP2018-046, Under Part V of the *Ontario Heritage Act*, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035), was received.

Written Submission from Susan Shaker, respecting Heritage Permit Application HP2018-046, Under Part V of the Ontario Heritage Act, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035) (Item 9.2(b))

The written submission from Susan Shaker, respecting Heritage Permit Application HP2018-046, Under Part V of the Ontario Heritage Act, for the erection of a single detached dwelling at 47 Markland Street, Hamilton (PED19035), was received.

For disposition of this matter, refer to Item 1.

The presentation is available at www.hamilton.ca

(h) DISCUSSION ITEMS (Item 10)

A. Denham-Robinson relinquished the Chair to discuss the following items.

(i) 2019 HMHC Heritage Recognition Awards & Celebration (Item 10.1)

The Hamilton Municipal Heritage Committee will begin planning the 2019 Heritage Recognition Awards & Celebration.

(ii) 2019 Heritage Days, Hamilton City Hall (February 23 - February 24, 2019) (Item 10.2)

A. Denham-Robinson addressed the Committee with a request for volunteers to attend the 2019 Heritage Days, Hamilton City Hall being held on February 23 - 24, 2019.

The information respecting 2019 Heritage Days, Hamilton City Hall, was received.

(iii) Year-End Reports from Working Group of the Hamilton Municipal Heritage Committee (Item 10.3)

1. Inventory and Research Working Group Year-End Report (Item 10.3 (a))

The Year-End Report of the Inventory and Research Working Group Year-End Report, was received.

2. Policy & Design Working Group Year-End Report (Item 10.3(b))

The Year-End Report of the Policy & Design Working Group, was received.

(i) MOTIONS (Item 11)

(i) Dunnington-Grubb Gardens, 1000 Main Street East (Item 11.1)

The motion respecting the Dunnington-Grubb Gardens, 1000 Main Street East, was deferred to the next meeting of the Hamilton Municipal Heritage Committee to allow Public Works to present an update on current plans for Gage Park and the Dunnington-Grubb Gardens.

K. Stacey and T. Ritchie wished to be recorded as OPPOSED to the above motion.

(j) **GENERAL INFORMATION/OTHER BUSINESS (Item 13)**

(i) **Buildings and Landscapes (Item 13.1)**

Item 13.1(c)(iii), Jimmy Thompson Pool, was removed from the list of Heritage Properties Update (GREEN).

The property located at 45 Forest Avenue, Hamilton, was added to the list of Heritage Properties Update (GREEN).

The following updates were received:

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

- (i) Tivoli, 108 James Street North, Hamilton (D) – M. McGaw
- (ii) Andrew Sloss House, 372 Butter Road West, Ancaster (D) – M. McGaw
- (iii) Century Manor, 100 West 5th Street, Hamilton (D) – K. Garay
- (iv) Beach Canal Lighthouse (D) – J. Partridge
- (v) 18-22 King Street East, Hamilton (R)(NOI) – K. Stacey
- (vi) 24-28 King Street East, Hamilton (R)(NOI) – K. Stacey
- (vii) 1 St. James Place, Hamilton (D) – K. Stacey
- (viii) 2 Hatt Street, Dundas (R) – K. Stacey
- (ix) James Street Baptist Church, 96 James Street South, Hamilton (D) – A. Denham-Robinson
- (x) Dunnington-Grubb Gardens, 1000 Main Street East (within Gage Park) – D. Beland

For further disposition on this item, refer to Item (i)(i)

- (b) **Buildings and Landscapes of Interest (YELLOW):**
(Yellow = Properties that are undergoing some type of change, such as a change in ownership or use, but are not perceived as being immediately threatened)
- (i) Delta High School, 1284 Main Street East, Hamilton (D) – D. Beland
 - (ii) St. Giles United Church, 85 Holton Avenue South (L) – D. Beland
 - (iii) 2251 Rymal Road East, Stoney Creek (R) – C. Dimitry
 - (iv) Former Valley City Manufacturing, 64 Hatt Street, Dundas – K. Stacey
 - (v) St. Joseph’s Motherhouse, 574 Northcliffe Avenue, Dundas (R) (ND) - K. Stacey
 - (vi) Copley Building, 104 King Street West; 56 York Blvd., and 63-76 MacNab Street North (NOI)– G. Carroll
 - (vii) 1021 Garner Road East, Ancaster (Lampman House) (NOI)– M. McGaw
- (c) **Heritage Properties Update (GREEN):**
(Green = Properties whose status is stable)
- (i) The Royal Connaught Hotel, 112 King Street East, Hamilton (R) – T. Ritchie
 - (ii) Auchmar, 88 Fennell Avenue West, Hamilton (D) – K. Garay
 - (iii) Treble Hall, 4-12 John Street North, Hamilton (R) – T. Ritchie
 - (iv) 104 King Street West, Dundas (Former Post Office) – K. Stacey
 - (v) ***45 Forest Avenue, Hamilton – T. Ritchie***
- (d) **Heritage Properties Update (black):**
(Black = Properties that HMHC have no control over and may be demolished)
- (i) Auchmar Gate House, Claremont Lodge 71 Claremont Drive (R) – K. Garay

Verbal updates are available at www.hamilton.ca

(k) ADJOURNMENT (Item 15)

There being no further business, the Hamilton Municipal Heritage Committee adjourned at 1:49 p.m.

Respectfully submitted,

Alissa Denham-Robinson, Chair
Hamilton Municipal Heritage Committee

Loren Kolar
Legislative Coordinator
Office of the City Clerk



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 19, 2019
SUBJECT/REPORT NO:	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19034) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joe Gravina (905) 546-2424 Ext. 1284
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

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

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

Background:

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

Commencing February 28, 2017, similar Information Reports were forwarded to the Planning Committee on a monthly basis in accordance with the process outlined in Information Report (PED16096). An analysis of the information was also included in the

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SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED19034) - Page 2 of 4

year-end reports of December 5, 2017 (PED17208), September 18, 2018 (PED18192) and December 11, 2018 (PED18231).

Policy Implications and Legislative Requirements

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

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

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

Information:

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

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

The information on Appendix "A" to Report PED19034 was prepared as of January 14, 2019 but applications considered at the February 5, 2019 Planning Committee have been removed from the table.

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

Attached as Appendix "A" to Report PED19034 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of January 14, 2019, there were:

SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (City Wide) (PED19034) - Page 3 of 4

- 16 active Official Plan Amendment Applications, all of which were submitted after July 1, 2016, and therefore subject to the 90 day extension to the statutory timeframe from 180 days to 270 days;
- 25 active Zoning By-law Amendment Applications; and,
- 10 active Plan of Subdivision Applications.

Within 60 to 90 days of March 19, 2019, all 25 development proposals have passed the 120, 180 and 270 day statutory timeframes.

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

Attached as Appendix “B” to Report PED19034 is a table outlining the active applications received after December 12, 2017 sorted by Ward, from oldest application to newest. As of January 14, 2019, there were:

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

Within 60 to 90 days of March 19, 2019, 21 applications will be approaching the 150 or the 300 day statutory timeframe and will be eligible for appeal. Eighteen applications have passed the 150 or 300 day statutory timeframe.

Combined to reflect property addresses, there are 64 active development proposals. Seven proposals are 2019 files, while 30 proposals are 2018 files and 27 proposals are pre-2018 files.

Staff are currently working with the AMANDA Implementation Team to add enhancements that will allow for the creation of more detailed reporting. As a result, future tables will include a qualitative analysis of the status of active applications. It is anticipated that these enhancements will be available in Q2 of 2019 and this information will be incorporated into the monthly report to Council. Furthermore, the long-term goal of the Planning Division is to make this information available on an interactive map accessed through the City of Hamilton website.

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**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan
of Subdivision Applications (City Wide) (PED19034) - Page 4 of 4**

Appendices and Schedules Attached:

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

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

JG:mo

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**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective January 15, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of March 19, 2019
Ward 1									
UHOPA-17-18 ZAC-17-036	644 Main St. W., Hamilton	31-Mar-17	n/a	28-Apr-17	29-Jul-17	n/a	26-Dec-17	Urban Solutions Planning & Land Development	718
Ward 2									
ZAC-17-008	117 Forest Ave. & 175 Catharine St. S., Hamilton	23-Dec-16	n/a	05-Jan-17	22-Apr-17	n/a	n/a	Urban Solutions Planning & Land Development	816
UHOPA-17-33 ZAC-17-073	125 - 129 Robert St., Hamilton	06-Oct-17	30-Oct-17	14-Nov-17	03-Feb-18	n/a	11-Aug-18	IBI Group	490
Ward 7									
UHOPA-17-31 ZAC-17-071	1625 - 1655 Upper James St., Hamilton	27-Sep-17	n/a	02-Oct-17	25-Jan-18	n/a	24-Jun-18	MB1 Development Consulting Inc.	538
ZAC-17-089	1351 Upper James St., Hamilton	28-Nov-17	n/a	05-Dec-17	28-Mar-18	n/a	n/a	Patrick Slattery	476

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective January 15, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of March 19, 2019
Ward 9									
UHOPA-16-26 ZAC-16-065 25T-201611	478 & 490 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	888
UHOPA-16-27 ZAC-16-066 25T-201612	464 First Rd. W., Stoney Creek	12-Oct-16	n/a	02-Nov-16	09-Feb-17	10-Apr-17	09-Jul-17	T. Johns Consultants Inc.	888
UHOPA-16-25 ZAC-16-064 25T-201609	1809, 1817, & 1821 Rymal Rd. E., Stoney Creek	07-Oct-16	n/a	23-Nov-16	04-Feb-17	05-Apr-17	04-Jul-17	WEBB Planning Consultants Inc.	893
UHOPA-17-01 ZAC-17-001 25T-201701	15 Ridgeview Dr., Stoney Creek	02-Dec-16	n/a	16-Dec-16	01-Apr-17	31-May-17	29-Aug-17	A.J. Clarke & Associates Ltd.	837
UHOPA-16-21 ZAC-16-057 25T-201608	56 Highland Rd. W., Stoney Creek	31-Aug-16	29-Sep-16	27-Mar-17	29-Dec-16	27-Feb-17	22-Dec-17	Metropolitan Consulting Inc.	722

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective January 15, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of March 19, 2019
Ward 10									
ZAC-15-040	9 Glencrest Ave., Stoney Creek	02-Jul-15	n/a	10-Aug-15	30-Oct-15	n/a	n/a	WEBB Planning Consultants Inc.	1356
UHOPA-17-36 ZAC-17-079	514 Barton St., Stoney Creek	27-Oct-17	n/a	23-Nov-17	24-Feb-18	n/a	24-Jul-18	GSP Group	508
ZAC-16-016	1313 Baseline Rd., Stoney Creek	15-Jan-16	n/a	15-Feb-16	14-May-16	n/a	n/a	A.J. Clarke & Associates Ltd.	1159
UHOPA-17-05 ZAC-17-015 25T-201703	1, 19, 20, 21, 23, 27 & 30 Lakeside Dr. & 81 Waterford Cres., Stoney Creek	23-Dec-16	n/a	17-Jan-17	22-Apr-17	21-Jun-17	19-Sep-17	IBI Group	816
ZAC-17-076 25T-201711	1216, 1218 and 1226 Barton St. E. and 1219 Hwy. 8, Stoney Creek	30-Oct-17	n/a	24-Nov-17	27-Feb-18	28-Apr-18	n/a	Glen Schnarr & Associates Inc.	505

**Active Development Applications
Deemed Complete Prior to December 12, 2017
(Effective January 15, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of March 19, 2019
Ward 11									
UHOPA-17-12 ZAC-17-027 25T-210706	2341 & 2365 Regional Rd. 56 & Tanglewood Dr., Glanbrook	23-Feb-17	n/a	06-Mar-17	23-Jun-17	02-Sep-17	20-Nov-17	A.J. Clarke & Associates Ltd.	754
Ward 12									
ZAC-16-006 25T-201602	285, 293 Fiddlers Green Rd., Ancaster	23-Dec-15	n/a	06-Jan-16	21-Apr-16	20-Jun-16	n/a	Liam Doherty	1182
ZAC-17-062	45 Secinaro Ave., Ancaster	28-Jul-17	n/a	01-Aug-17	25-Nov-17	n/a	n/a	T. Johns Consultants Inc.	599
UHOPA-17-25 ZAC-17-058	305 Garner Rd. W., Ancaster	11-Jul-17	17-Jul-17	08-Aug-17	08-Nov-17	n/a	05-May-18	MHBC Planning Limited	588
UHOPA-17-22 ZAC-17-051	280 Wilson St. E., Ancaster	05-Jun-17	22-Jun-17	23-Aug-17	03-Oct-17	n/a	20-May-18	GSP Group	573
UHOPA-17-32 ZAC-17-072	35 Londonderry Dr., Ancaster	06-Oct-17	n/a	01-Nov-17	03-Feb-18	n/a	03-Jul-18	A.J. Clarke & Associates Ltd.	529

**Active Development Applications
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(Effective January 15, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	120 day cut off (Rezoning)	180 day cut off (Plan of Sub)	270 day cut off OPA*	Applicant/ Agent	Days Since Received and/or Deemed Complete as of March 19, 2019
Ward 13									
ZAR-15-004	64 Hatt St., Dundas	02-Dec-14	n/a	02-Jan-15	01-Apr-15	n/a	n/a	336477 Ontario Ltd.	1568
ZAC-17-064 25T-201710	655 Cramer Rd., Flamborough	09-Aug-17	n/a	17-Aug-17	07-Dec-17	05-Feb-18	n/a	A.J. Clarke & Associates Ltd.	587
Ward 15									
UHOPA-17-06 ZAC-17-016	157 Parkside Dr., Flamborough	23-Dec-16	n/a	17-Jan-17	22-Apr-17	n/a	19-Sep-17	MHBC Planning Limited	816
RHOPA-17-38 ZAC-17-081	1633 Highway 6, Flamborough	08-Nov-17	n/a	21-Nov-17	08-Mar-18	n/a	05-Aug-18	1685486 ONTARIO INC.	496

Active Development Applications

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

**Active Development Applications
Deemed Complete After December 12, 2017
(Effective January 15, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 19, 2019
Ward 1									
UHOPA-18-005* ZAC-18-012	235 Main St. W., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	452
UHOPA-18-015* ZAC-18-035	69 Sanders Blvd. & 1630 Main St. W., Hamilton	18-Jun-18	n/a	13-Jul-18	n/a	n/a	14-Apr-19*	Urban Solutions Planning & Land Development	274
Ward 2									
UHOPA-17-041* ZAC-17-090	80 and 92 Barton St. E and 215 and 245 Catharine St. N., Hamilton	29-Nov-17	n/a	14-Dec-17	n/a	n/a	25-Sep-18*	IBI Group	475
UHOPA-18-004* ZAC-18-009	299 - 307 John St. S., Hamilton	22-Dec-17	n/a	19-Jan-18	n/a	n/a	18-Oct-18*	Urban Solutions Planning & Land Development	452

**Active Development Applications
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File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 19, 2019
Ward 2 cont'd									
ZAC-18-013	122 & 126 Augusta St. & 125 & 127 Young St., Hamilton	21-Dec-17	n/a	25-Jan-18	20-May-18	n/a	n/a	Urban Solutions Planning & Land Development	453
UHOPA-18-007* ZAC-18-020	468, 470, 474 and 476 James St. N., Hamilton	09-Mar-18	n/a	27-Mar-18	n/a	n/a	03-Jan-19*	SvN Architects + Planners	375
UHOPA-18-008* ZAC-18-024	600 James St. N., Hamilton	29-Mar-18	n/a	23-Apr-18	n/a	n/a	23-Jan-19*	Bousfields Inc.	355
UHOPA-18-015* ZAC-18-037	282 MacNab St. N., Hamilton	06-Jul-18	n/a	25-Sep-18	n/a	n/a	02-May-19*	GSP Group	256

**Active Development Applications
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Ward 2 cont'd									
UHOPA-18-017* ZAC-18-041	225 John St. S., Hamilton	13-Jul-18	n/a	16-Aug-18	n/a	n/a	09-May-19*	GSP Group	249
UHOPA-18-021* ZAC-18-047	184 and 186 Markland St., Hamilton	22-Aug-18	20-Dec-18	21-Dec-18	n/a	n/a	17-Oct-19*	T. Johns Consulting Group	88
UHOPA-18-023* ZAR-18-057	130 Wellington St. S., Hamilton	07-Nov-18	06-Dec-18	24-Dec-18	n/a	n/a	20-Oct-19*	MBI Development Consulting INC.	85
Ward 5									
UHOPA-19-001* ZAC-19-001	2782 Barton St. E., Hamilton	30-Nov-18	n/a	13-Dec-18	n/a	n/a	26-Sep-19*	A.J. Clarke & Associates Ltd.	109
Ward 7									
ZAC-18-008	370 Concession St., Hamilton	21-Dec-17	n/a	22-Jan-18	20-May-18	n/a	n/a	Urban Solutions Planning & Land Development	453

**Active Development Applications
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(Effective January 15, 2019)**

File	Address	Date Received	Date ¹ Deemed Incomplete	Date ¹ Deemed Complete	150 day cut off (Rezoning)	180 day cut off (Plan of Sub.)	300 day cut off (OPA)	Applicant/ Agent	Days since Received and/or Deemed Complete as of March 19, 2019
Ward 8									
ZAC-18-022	35 Sabrina Blvd., Hamilton	15-Mar-18	n/a	09-Apr-18	12-Aug-18	n/a	n/a	Urban Solutions Planning & Land Development	369
UHOPA-18-010* ZAC-18-025 25T-201803	221 Genoa Dr. and 1477 Upper James St., Hamilton	12-Apr-18	n/a	10-May-18	09-Sep-18	09-Oct-18	06-Feb-19*	MHBC Planning Limited	241
ZAC-18-046	360 Mohawk Rd. W., Hamilton	30-Aug-18	n/a	14-Sep-18	27-Jan-19	n/a	n/a	IBI Group	201
ZAC-18-055	808 West 5 th St., Hamilton	31-Oct-18	n/a	08-Nov-18	30-Mar-19	n/a	n/a	A.J. Clarke & Associates Ltd.	139
Ward 9									
UHOPA-18-011* ZAC-18-029	1912 Rymal Rd. E., Glanbrook	04-May-18	n/a	22-May-18	n/a	n/a	28-Feb-19*	Wellings Planning Consultants Inc.	319
ZAR-18-030	222 First Rd. W., Stoney Creek	04-May-18	n/a	05-Jun-18	01-Oct-18	n/a	n/a	IBI Group	319

**Active Development Applications
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Ward 10									
ZAC-18-005	42, 44, 48, 52 and 54 Lakeshore Dr., Stoney Creek	15-Dec-17	n/a	16-Jan-18	14-May-18	n/a	n/a	A.J. Clarke & Associates Ltd.	459
UHOPA-18-013* ZAC-18-034	461 Green Road, Stoney Creek	8-Jun-18	n/a	18-Jul-18	n/a	n/a	04-Apr-19*	IBI Group	282
ZAC-18-049	860 and 884 Barton St., Stoney Creek	01-Oct-18	n/a	11-Oct-18	28-Feb-19	n/a	n/a	MHBC Planning Limited	169
UHOPA-18-025 ZAC-18-059	466-490 Highway No. 8, Stoney Creek	23-Nov-18	n/a	06-Dec-18	n/a	n/a	19-Sep-19	SvN Architects + Planners	116
UHOPA-19-003* ZAC-19-007 25T-2019001	238 Barton St., Stoney Creek	19-Dec-18	n/a	02-Jan-19	n/a	17-Jun-19	15-Oct-19*	A.J. Clarke & Associates Ltd.	90

**Active Development Applications
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Ward 11									
ZAA-18-006	3600 Guyatt Rd., Glanbrook	20-Dec-17	18-Jan-18	24-Jan-18	23-Jun-18	n/a	n/a	Larry Freeman	419
UHOPA-18-016* ZAC-18-040 25T-2018007	9511 Twenty Rd. W., Glanbrook	10-Jul-18	n/a	15-Aug-18	n/a	06-Jan-19	06-May-19*	Corbett Land Strategies	252
ZAA-18-053	2282 Westbrook Rd., Glanbrook	23-Oct-18	n/a	14-Nov-18	22-Mar-19	n/a	n/a	IBI Group	147
Ward 12									
ZAC-18-048 25T-2018009	387, 397, 405 and 409 Hamilton Dr., Ancaster	09-Sep-18	n/a	28-Sep-18	06-Feb-19	08-Mar-19	n/a	Fothergill Planning & Development Inc.	191
ZAA-18-052	1557 2 nd Concession Rd. W., Flamborough	16-Oct-18	n/a	22-Oct-18	15-Mar-19	n/a	n/a	Chris Van Berkel	154

**Active Development Applications
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Ward 12 cont'd									
UHOPA-18-022* ZAC-18-056 25T-2018010	26 Southcote Rd., Ancaster	05-Nov-18	n/a	15-Nov-18	n/a	04-May-19	01-Sep-19*	A.J. Clarke & Associates Ltd.	134
UHOPA-18-024* ZAC-18-058	154 Wilson St. E., Ancaster	28-Nov-18	n/a	10-Dec-18	n/a	n/a	24-Sep-19*	Urban Solutions Planning & Land Development	111
UHOPA-19-002* ZAC-19-002	1173 and 1203 Old Golf Links Rd., Ancaster	03-Dec-18	n/a	01-Dec-18	n/a	n/a	29-Sep-19*	A.J. Clarke & Associates Ltd.	106
ZAC-19-010	527 and 629 Shaver Rd., Ancaster	21Dec-18	n/a	10-Jan-19	20-May19	n/a	n/a	Urban Solutions Planning & Land Development	88

**Active Development Applications
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Ward 13									
UHOPA-17-040* ZAC-17-088	264 Governors Rd. Dundas	28-Nov-17	n/a	13-Dec-17	n/a	n/a	24-Sep-18*	Urban Solutions Planning & Land Development	476
Ward 14									
ZAR-19-003	630 Stone Church Rd. W., Hamilton	07-Dec-18	n/a	07-Jan-19	06-May-19	n/a	n/a	IBI Group	102
ZAR-19-006	1269 Mohawk Rd., Ancaster	14-Dec-18	n/a	11-Jan-19	13-May-19	n/a	n/a	MBI Development Consulting INC.	95
ZAC-19-011	1193 Old Mohawk Rd., Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	97

**Active Development Applications
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Ward 15									
ZAR-18-019	167 Highway 5 West, Flamborough	23-Feb-18	n/a	22-Mar-18	23-Jul-18	n/a	n/a	IBI Group	389
RHOPA-18-020* ZAC-18-045	173 & 177 Dundas St. E., Flamborough	23-Jul-18	n/a	15-Aug-18	n/a	n/a	19-May-19*	MHBC Planning Limited	239

Active Development Applications

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



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 19, 2019
SUBJECT/REPORT NO:	Update to the Letter of Credit Policy for Site Plan Control Applications (PED19043) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joe Gravina (905) 546-2424 Ext. 1284
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to the updated Letter of Credit Policy attached as Appendix "C" to Report PED19043, to take effect April 1, 2019; and,
- (b) That approval be given to increase the base amounts in the lump sum payment method of the Letter of Credit Policy each year in accordance with the Consumer Price Index (CPI) for Toronto.

EXECUTIVE SUMMARY

The current Letter of Credit Policy, which is attached as Appendix "A" to Report PED19043 has not been updated since the creation of the Site Plan Guidelines Manual in 2003. This has created instances where insufficient funds are held against on-site works to be completed under site plan control applications. This is particularly problematic in areas of the City, such as the downtown as the securities collected are not sufficient to cover the cost of required on-site works. As a result, an increase to the lump sum formula base amounts is necessary to ensure adequate securities are being posted for the completion of on-site works required under site plan control.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

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**SUBJECT: Update to the Letter of Credit Policy for Site Plan Control Applications
(City Wide) (PED19043) - Page 2 of 4**

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On October 15, 2003, Report PD03247 was forwarded to the Hearings Sub-Committee, which included a recommendation for Council to accept the City of Hamilton Site Plan Guidelines for information and that staff be directed to use the Guidelines for evaluating development applications. The Planning and Development Department was also authorized to update the Site Plan Guidelines Manual on an on-going basis as new technical initiatives and standards are adopted and when new design criteria is encouraged. Council subsequently adopted and received Report PD03247 at its meeting of October 15, 2003. Attached as Appendix "A" is the current Letter of Credit Policy, which was approved along with Submission Requirement Section of the Site Plan Guidelines Manual. At the time of the approval of the Letter of Credit Policy in 2003, no provision was made to adjust the security requirements for inflation. As such, the minimum required security amounts in 2003 are still in force and effect in the City of Hamilton.

Current Letter of Credit Policy:

Applicants are required to provide site plan securities in the form of a letter of credit to be held against the completion of all on-site works (i.e. landscaping and engineering works). Applicants are provided with two options to determine the amount of securities to be held under a letter of credit as follows:

Option 1- Detailed Cost Estimates

An itemized cost estimate of all on-site works is submitted by the applicant for review by Planning staff (landscaping) and Growth Management staff (engineering works). The applicants are advised if the estimates are acceptable and that 75% of the estimate will be held as security.

Option 2 – Lump Sum Payment

The lump sum payment is derived from a calculation based on the site area and street frontage of the property. For most developments, this option is often considerably less than the amount derived from 75% of the detailed cost estimate in Option 1. As a result, applicants typically opt for the lump sum method since the amount is lower and no additional costs associated with providing estimates is required. The minimum security amount for new developments is currently \$50,000.00 and \$25,000.00 for additions, alterations or additional buildings.

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**SUBJECT: Update to the Letter of Credit Policy for Site Plan Control Applications
(City Wide) (PED19043) - Page 3 of 4**

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Not Applicable.

RELEVANT CONSULTATION

The proposed changes to the current Letter of Credit Policy was presented to the Development Industry Liaison Group (DILG) at their meeting of January 21, 2019. No issues or concerns were identified by DILG.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed increase to the lump sum payment method formula base amounts of the current letter of credit policy can be supported for the following reason:
 - (i) The current increase from 2003 values to 2019 values, which is based on historic yearly CPI (Toronto) will ensure securities posted for new developments are in line with historic rises in construction costs.
 - (ii) Annual increases based on the CPI (Toronto) ensures securities posted for future developments will cover costs for the satisfactory completion of on-site works.
2. **Update to Option 2 (Lump Sum Payment) of the Letter of Credit Policy:**

The “per hectare” and “per metre of street frontage” amounts and the minimum security amounts have not been increased since they were implemented in 2003 and do not to reflect annual rises in construction costs. This has created instances where insufficient funds are held against on-site works to be completed. In areas of the City, particularly in the downtown, this is particularly problematic as the securities collected are not sufficient to cover the cost of required on-site works.

In order to avoid these situations, an increase will be applied to the base amounts of the current lump sum formulas, which represents a cumulative increase of approximately 2.5% per year from 2003 to 2019. The minimum security amounts will also be increased in the same manner. The final values that are derived from the calculations have been rounded up to the nearest hundred dollars for the per metre of frontage amounts and to the nearest thousand dollars for the per hectare and minimum security amounts.

This increase is in line with annual increases applied to planning application fees, which is obtained by the Consumer Price Index (CPI) for Toronto. Accordingly, the values in the Lump Sum Payment method will now be increased each year in

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**SUBJECT: Update to the Letter of Credit Policy for Site Plan Control Applications
(City Wide) (PED19043) - Page 4 of 4**

accordance with the Toronto (CPI) and the new security requirements will take effect April 1, 2019. The revised security requirements will not apply to those applications where applicants have already provided securities to the City of Hamilton. The above mentioned detailed cost estimate in Option 1 is still available to applicants should the lump sum payment calculation produce a higher security amount. This can occur in instances where a property has several street frontages.

The tables that outline the proposed increase to the Lump Sum Formula for New Developments (Figure 1) and for Additions / Alterations (Figure 2) are attached as Appendix "B" to Report PED19043 and an updated Letter of Credit Policy to reflect the proposed increases to the Lump Sum Formula and Minimum Security Amounts is attached as Appendix "C" to Report PED19043.

ALTERNATIVES FOR CONSIDERATION

Should the recommendation be denied, the lump sum payment formula of the Letter of Credit Policy will remain the same and will not be increased annually in accordance with the CPI (Toronto). This is not recommended as the securities collected will not be sufficient to cover the cost of required on-site works.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Clean and Green

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

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Currently Letter of Credit Policy

Appendix "B" – Lump Sum Payment Formula Update for the Letter of Credit Policy

Appendix "C" – Updated Letter of Credit Policy

JG:mo

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LETTER OF CREDIT POLICY

SITE PLAN SECURITIES

For development proposals approved under Section 41 of the *Planning Act* (Site Plan Approval), the City may require the posting of performance securities, such as Letter of Credit, to be held against the completion of all on-site works (i.e. Landscaping and Engineering).

1. ON-SITE WORKS

There are two alternatives for calculating the amount of the required Letter of Credit for on-site works:

a) Detailed Cost Estimates

Complete an itemized cost estimate for 100% of the cost of the exterior works as per the Guides for Estimating Security Requirements for Landscaping and Engineering (see SCHEDULE “1” and “2”).

The applicant is to submit the cost estimates for review by the Planning Division. Securities will be required in the amount of 75% of the approved cost of the works.

An example of an Irrevocable Letter of Credit is attached as SCHEDULE “3 “.

b) Lump Sum Payment

The amount of the Letter of Credit is calculated based on the area and street frontage, and the type of land use. The following formulas shall be used for calculating the value of the required Letter of Credit:

For new development, the amount of the letter of credit shall be based on the following, which may or may not represent 75% of the estimated cost of exterior site works, but in no case shall the amount be less than \$50,000.00:

Residential:	\$75,000 per hectare + \$800 per metre frontage
Industrial:	\$25,000 per hectare + \$200 per metre frontage
Institutional:	\$30,000 per hectare + \$600 per metre frontage
Commercial:	\$75,000 per hectare + \$600 per metre frontage

For additions, alterations or additional buildings on developed sites, the amount of the letter of credit shall be based on the following, which may or may not represent 75% of the total cost of all site development works, but in no case shall the amount be less than \$25,000.00:

Residential:	\$38,000 per hectare + \$400 per metre frontage
Industrial:	\$12,500 per hectare + \$100 per metre frontage
Institutional:	\$15,000 per hectare + \$300 per metre frontage
Commercial:	\$38,000 per hectare + \$300 per metre frontage

Lump Sum Payment Formula Update for the Letter of Credit Policy

New Development (Per Hectare of Lot Area) (Rounded up to the nearest thousand)

	2003 Current Rate	2004 (2.0%)	2005 (2.5%)	2006 (2.5%)	2007 (2.0%)	2008 (2.0%)	2009 (2.0%)	2010 (2.0%)	2011 (2.0%)	2012 (2.0%)	2013 (1.2%)	2014 (2.5%)	2015 (1.5%)	2016 (2.1%)	2017 (2.1%)	2018 (2.1%)	2019 (3.0%)	New Rate
Residential	75,000	76,500	78,415	80,380	81,990	83,630	85,305	87,015	88,760	90,540	91,635	93,925	95,335	97,340	99,385	101,475	104,520	105,000
Industrial	25,000	25,500	26,140	26,795	27,335	27,885	28,445	29,015	29,600	30,195	30,560	31,325	31,795	32,465	33,150	33,850	34,870	35,000
Institutional	30,000	30,600	31,365	32,150	32,795	33,455	34,125	34,810	35,510	36,225	36,660	37,580	38,145	38,950	39,770	40,610	41,830	42,000
Commercial	75,000	76,500	78,415	80,380	81,990	83,630	85,305	87,015	88,760	90,540	91,630	93,925	95,335	97,340	99,385	101,475	104,520	105,000

New Development (Per Metre of Frontage) (Rounded up to the nearest hundred)

	2003 Current Rate	2004 (2.0%)	2005 (2.5%)	2006 (2.5%)	2007 (2.0%)	2008 (2.0%)	2009 (2.0%)	2010 (2.0%)	2011 (2.0%)	2012 (2.0%)	2013 (1.2%)	2014 (2.5%)	2015 (1.5%)	2016 (2.1%)	2017 (2.1%)	2018 (2.1%)	2019 (3.0%)	New Rate
Residential	800	820	845	870	890	910	930	950	970	990	1,005	1,035	1,055	1,080	1,105	1,130	1,165	1,200
Industrial	200	205	215	225	230	235	240	245	250	255	260	270	275	285	295	305	315	400
Institutional	600	615	635	655	670	685	700	715	730	745	755	775	790	810	830	850	875	900
Commercial	600	615	635	655	670	685	700	715	730	745	755	775	790	810	830	850	875	900

New Development (Minimum Security Amount) (Rounded up to the nearest thousand)

2003 Current Rate	2004 (2.0%)	2005 (2.5%)	2006 (2.5%)	2007 (2.0%)	2008 (2.0%)	2009 (2.0%)	2010 (2.0%)	2011 (2.0%)	2012 (2.0%)	2013 (1.2%)	2014 (2.5%)	2015 (1.5%)	2016 (2.1%)	2017 (2.1%)	2018 (2.1%)	2019 (3.0%)	New Rate
50,000	51,000	52,275	53,585	54,660	55,755	56,875	58,015	59,180	60,365	61,090	62,620	63,560	64,895	66,260	67,655	69,685	70,000

Figure 1

Lump Sum Payment Formula Update for the Letter of Credit Policy

Additions/ Alterations (Per Hectare of Lot Area) (Rounded up to the nearest thousand)

	2003 Current Rate	2004 (2.0%)	2005 (2.5%)	2006 (2.5%)	2007 (2.0%)	2008 (2.0%)	2009 (2.0%)	2010 (2.0%)	2011 (2.0%)	2012 (2.0%)	2013 (1.2%)	2014 (2.5%)	2015 (1.5%)	2016 (2.1%)	2017 (2.1%)	2018 (2.1%)	2019 (3.0%)	New Rate
Residential	38,000	38,760	39,730	40,725	41,540	42,375	43,225	44,090	44,975	45,875	46,430	47,595	48,310	49,325	50,365	51,425	52,970	53,000
Industrial	12,500	12,750	13,070	13,400	13,670	13,945	14,225	14,510	14,805	15,105	15,290	15,675	15,915	16,250	16,595	16,945	17,455	18,000
Institutional	15,000	15,300	15,685	16,080	16,405	16,735	17,070	17,415	17,765	18,125	18,345	18,805	19,090	19,495	19,905	20,325	20,935	21,000
Commercial	38,000	38,760	39,730	40,725	41,540	42,375	43,225	44,090	44,975	45,875	46,430	47,595	48,310	49,325	50,365	51,425	52,970	53,000

Additions /Alterations (Per Metre of Frontage) (Rounded up to the nearest hundred)

	2003 Current Rate	2004 (2.0%)	2005 (2.5%)	2006 (2.5%)	2007 (2.0%)	2008 (2.0%)	2009 (2.0%)	2010 (2.0%)	2011 (2.0%)	2012 (2.0%)	2013 (1.2%)	2014 (2.5%)	2015 (1.5%)	2016 (2.1%)	2017 (2.1%)	2018 (2.1%)	2019 (3.0%)	New Rate
Residential	400	410	425	440	450	460	470	480	490	500	510	525	535	550	565	580	595	600
Industrial	100	105	110	115	120	125	130	135	140	145	150	155	160	165	170	175	185	200
Institutional	300	310	320	330	340	350	360	370	380	390	395	405	415	425	435	445	460	500
Commercial	300	310	320	330	340	350	360	370	380	390	395	405	415	425	435	445	460	500

Additions / Alterations (Minimum Security Amount) (Rounded up to the nearest thousand)

2003 Current Rate	2004 (2.0%)	2005 (2.5%)	2006 (2.5%)	2007 (2.0%)	2008 (2.0%)	2009 (2.0%)	2010 (2.0%)	2011 (2.0%)	2012 (2.0%)	2013 (1.2%)	2014 (2.5%)	2015 (1.5%)	2016 (2.1%)	2017 (2.1%)	2018 (2.1%)	2019 (3.0%)	New Rate
25,000	25,500	26,140	26,795	27,335	27,885	28,445	29,015	29,600	30,195	30,560	31,325	31,795	32,465	33,150	33,850	34,865	35,000

Figure 2

LETTER OF CREDIT POLICY

SITE PLAN SECURITIES

For development proposals approved under Section 41 of the *Planning Act* (Site Plan Approval), the City may require the posting of performance securities, such as Letter of Credit, to be held against the completion of all on-site works (i.e. Landscaping and Engineering).

1. ON-SITE WORKS

There are two alternatives for calculating the amount of the required Letter of Credit for on-site works:

a) **Detailed Cost Estimates**

Complete an itemized cost estimate for 100% of the cost of the exterior works as per the Guides for Estimating Security Requirements for Landscaping and Engineering (see SCHEDULE "1" and "2").

The applicant is to submit the cost estimates for review by the Planning Division. Securities will be required in the amount of 75% of the approved cost of the works.

An example of an Irrevocable Letter of Credit is attached as SCHEDULE "3".

b) **Lump Sum Payment**

The amount of the Letter of Credit is calculated based on the area and street frontage, and the type of land use. The following formulas shall be used for calculating the value of the required Letter of Credit:

For new development, the amount of the letter of credit shall be based on the following, which may or may not represent 75% of the estimated cost of exterior site works, but in no case shall the amount be less than \$70,000.00 (2019 dollars):

Residential:	\$105,000 per hectare + \$1,200 per metre frontage
Industrial:	\$35,000 per hectare + \$400 per metre frontage
Institutional:	\$42,000 per hectare + \$900 per metre frontage
Commercial:	\$105,000 per hectare + \$900 per metre frontage

For additions, alterations or additional buildings on developed sites, the amount of the letter of credit shall be based on the following, which may or may not represent 75% of the total cost of all site development works, but in no case shall the amount be less than \$35,000.00:

Residential:	\$53,000 per hectare + \$600 per metre frontage
Industrial:	\$18,000 per hectare + \$200 per metre frontage
Institutional:	\$21,000 per hectare + \$500 per metre frontage
Commercial:	\$53,000 per hectare + \$500 per metre frontage



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 19, 2019
SUBJECT/REPORT NO:	Imagining New Communities Public Open Houses (November 2018) (PED19055) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Alana Fulford (905) 546-2424 Ext. 4771
SUBMITTED BY:	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable.

INFORMATION

This Report provides an overview of recent consultation undertaken by the Planning Division through a series of public open houses held on November 13, 20, and 22, 2018. The open houses were held to engage and educate residents about the planning process in the City, inform residents of projects the City is working on related to residential growth, and act as a forum for residents to share ideas on ways to develop great communities, share views on important parts of neighbourhood planning, and provide feedback on their preferences for residential developments.

In engaging with the public through a series of open houses, staff gained valuable feedback that will inform the next stages of ongoing planning projects. This report documents the input, feedback, and suggestions received from the public, forming a formal record of the public participation, and describes how staff intend to make use of the feedback to inform important planning projects on a go forward basis.

1.0 Background

The City's Planning Division is engaged in a number of comprehensive planning projects related to residential development and future residential growth. The projects

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**SUBJECT: Imagining New Communities Public Open Houses (November 2018)
(PED19055) (City Wide) - Page 2 of 7**

range from high level, long-term growth planning, down to the “on the ground” planning of land uses and the built form through zoning.

In anticipation of future growth, the City is working on several projects related to residential growth. They are:

- GRIDS 2 and the Municipal Comprehensive Review (MCR) – a long-term growth strategy;
- Planning for new communities through secondary planning such as the Elfrida Growth Area Study; and,
- Residential Zoning Project - creating new residential zones in the urban area of Hamilton.

To achieve growth forecasts and density targets, future growth is planned to occur within new communities as well as integrated into existing communities through intensification, infilling, and redevelopment. In consideration of future growth forecasts and density targets, and to ensure comprehensive complete communities are developed, new communities will be planned to achieve higher densities than they have in the past. As new communities are planned, and growth is also integrated into existing areas, residential zoning can help implement plans for new and existing communities.

Given the varied, but interrelated nature of these projects, staff undertook a series of public open houses titled “Imagining New Communities”, to educate and inform the public about the planning process at the City: from long-term planning and secondary / neighbourhood planning, to implementation tools like zoning. The open houses also gave an opportunity for the public to provide feedback about the neighbourhood and street they live on and their preferences for elements of residential design.

The following provides a brief description of these current planning projects:

1.1 GRIDS 2 and the Municipal Comprehensive Review

The City is undertaking a strategy on accommodating population and employment growth within the City to the year 2041 through the Growth Related Integrated Development Strategy (GRIDS 2). The first GRIDS Report was approved in 2006 and looked at population and employment growth and allocation to the year 2031. The GRIDS 2 long term growth strategy will provide an update and identify a preferred growth option to accommodate forecasted population and employment growth to the year 2041. This has an overall impact on the Infrastructure Master Plans and Development Charges By-law.

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Related to the GRIDS 2 growth strategy is the Municipal Comprehensive Review (MCR) which must be undertaken prior to an Official Plan review. The MCR is a requirement of the Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement (PPS), and must be completed prior to bringing the City's Official Plans into conformity with these Provincial Plans and prior to any expansion of the urban boundary.

1.2 Elfrida Growth Area Study (EGAS)

The Elfrida Growth Area was previously identified through the GRIDS strategy adopted in 2006, as the preferred area to accommodate future growth to the year 2031. The EGAS was initiated in 2016 to fulfil the requirements for an urban boundary expansion. The Study will include the development of a land use plan and associated policies for the Elfrida area that manages impacts to the natural heritage system and surrounding agricultural lands, while providing opportunities for future growth and development in the area.

1.3 Residential Zoning

The Residential Zoning project has recently been initiated to introduce new residential zones in the urban area and associated zoning regulations to Comprehensive Zoning By-law No. 05-200. The residential zones represent the final phase of the project to consolidate the Zoning By-laws of the former municipalities into one comprehensive Zoning By-law for the entire City, and will implement the policies of the Urban Hamilton Official Plan to create consistent residential zones across the urban area of Hamilton.

2.0 Public Consultations

The three public open houses held in November 2018 were intended to engage and educate residents about the planning process in the City. The engagement process also sought feedback on how residents view their own community and consider the most important issues planning staff need to address. Residents were engaged to learn more about:

- The projects the City is working on related to residential growth;
- Different types of housing that may be found in a community;
- Visualizing density based on different housing types;
- How to plan for complete communities (neighbourhood planning); and,
- How zoning can contribute to making great communities.

Three drop-in open houses were held, each consisting of an afternoon and evening session, at the following locations. As noted, the open houses were well attended.

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Location	Attendance
David Braley Health Sciences Centre Tuesday, November 13, 2018	64
The Ancaster Fairgrounds Tuesday, November 20, 2018	44
Heritage Green Baptist Church Thursday, November 22, 2018	45

At each open house, a series of information panels were on display which gave attendees an opportunity to learn about projects the City is working on that are related to residential growth, to share ideas on ways to develop a great community, and to share likes and insights on important parts of neighbourhood planning to inform City projects going forward (See Appendix “A” to Report PED19055).

2.1 Interactive Panels

One of the main objectives of the public open houses was to engage attendees in a series of interactive activities to help them learn more about urban planning and to obtain feedback to inform the projects staff are presently undertaking. Residents who were unable to attend could also view the interactive panels through a dedicated website and could participate by completing an online comment form.

One goal of the interactive panels was to seek feedback through a Visual Preference Survey (VPS). This type of survey is one of many engagement tools to seek a participant’s preference for certain aspects of a residential development by presenting a series of photos based on real life examples. The feedback can assist staff when considering what regulations to include as part of the new residential zones. As shown on Panels 13 – 15, attached as Appendix “A” to Report PED19055, each panel presented a series of images which focused on a particular element of residential development (e.g. how the building interacts with the street). The public was asked to rank each photo based on their preference.

A second aspect of the interactive panels was to seek attendees’ feedback on their likes and dislikes about the street they live on. Elements that can influence how one feels about their neighbourhood and the street they live on can include:

- The types and overall look of the houses and other buildings;
- Landscaping;
- Outdoor spaces – yards, balconies, porches, and patios;
- Meeting places, parks, and trails;
- Streets and parking; and,
- Sidewalks, bike lanes, and public transit.

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Participants were asked to provide their comments by completing a label and posting it on the display panel, or by completing a comment form in hard copy or online. Discussion of the feedback received is found in Section 3.0 of this Report.

2.2 Interactive Lego Challenge

As a component of the open houses and a final way to engage the public, an interactive Lego challenge was set up alongside the interactive panels, with the public encouraged to challenge themselves to design a new community. The Lego set came with a map of a fictitious “up and coming” community which included natural heritage features i.e. forests and river, existing arterial roads, and buildable land. Pre-cut streets and pre-assembled dwelling types made of Lego pieces allowed participants to be challenged to build their own version of a community that met general population and employment density targets, and could accommodate parks, community facilities, and schools.

This hands-on exercise was intended to complement the panel information presented on complete community development, density and what density looks like, and the specific density targets that the City is planning for.

3.0 Feedback Results

The results of the Visual Preference Survey have been illustrated in Appendix “B” to Report PED19055. The results have been summarized by open house date, with the combined results from the three open houses summarized at the end of the document. Preferences for the various elements of residential design that were presented varied between open houses, with some of the open house results showing distinct preference for one element of built form and design over another. The combined results show trends toward certain elements of built form and its interaction with the street:

- For townhouse developments, a preference for parking that is predominantly located at the rear, in the form of communal parking or personal garages, and a preference for direct access to the dwelling from the main street, instead of dwellings with backyards facing the street.
- For apartment buildings, while results were more mixed, there was a greater preference for buildings that have some degree of setback from the street to allow for landscaping, rather than buildings that are located right at the street.

All of the feedback obtained through the Visual Preference Survey will be valuable to staff as regulations are considered for the new residential zones.

Responses to questions posed to the public about where they live, and their likes and dislikes about the street they live on, are summarized in Appendix “C” to Report PED19055. A total of 48 comments were received from the three open houses. A

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range of comments were provided from residents who reside in diverse locations across the City. While varied, there were some consistent responses received, which were:

What are one or two things about the street you live on that you like?

- Mature trees;
- Walkability;
- Presence of sidewalks; and,
- Proximity to amenities.

What are one or two things about the street you live on that you don't like?

- Traffic;
- Vehicle speed and safety concerns;
- Lack of trees; and,
- Lack of sidewalks.

These comments are valuable in informing staff of the elements that residents identify as having the greatest influence on how they feel about their street, their neighbourhood, and their community, and can inform secondary planning and the planning for complete communities, as well as provide direction to staff for those elements of residential development that can be regulated through zoning and considered for the new residential zones.

General comments received from the public that are not specific to the content of the open houses have also been summarized (see Appendix "D" to Report PED19055).

3.1 Media Interest

The "Imagining New Communities" public open houses generated media attention, with articles appearing in a number of the community newspapers, The Hamilton Spectator, and the Toronto Star, as well as a news segment on CHCH News. A number of reporters were in attendance at the open houses, which gave staff an opportunity to engage in in-depth conversations about these important topics of planning for future growth and new communities, density, and zoning. The media discussion generated by the open houses assisted in informing the greater public about these City planning projects, and was hopefully able to spur important discussions around future residential growth in the City.

4.0 Next Steps

The feedback received from the public open houses, as documented in Appendix "B", "C", and "D" to Report PED19055, will be posted on the Residential Zoning project

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webpage at www.hamilton.ca/ResidentialZoning. The dedicated project webpage will be regularly updated as the Residential Zoning project moves forward.

As discussed, the feedback received at the open houses will not only inform the planning of new communities through secondary planning work, but will also inform the Residential Zoning project, as staff develop regulations for the residential zones in the urban area and evaluate elements of built form, its interaction with the street, parking, and other aspects of residential development that can be regulated through the zoning by-law.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" - Open House Display Panels
Appendix "B" - Visual Preference Survey Results
Appendix "C" - Summary of Comments Received
Appendix "D" - Summary of General Comments Received

ALF:mo

WELCOME

An aerial photograph of a city, likely Hamilton, showing a mix of residential and commercial buildings, streets, and green spaces. The image is overlaid with a semi-transparent teal color.

IMAGINING NEW COMMUNITIES

Open House

IMAGINING NEW COMMUNITIES

WHY ARE WE HERE?

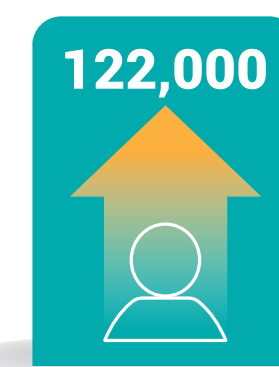
The City of Hamilton is working on several projects related to residential growth. The City is here to present an overview of the concepts behind these projects, share information, and obtain your feedback.

GRIDS 2 and the MCR

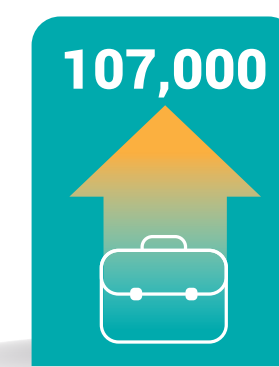
- GRIDS 2 is an update to the original Growth Related Integrated Development Strategy ("GRIDS"), 2006, the City's long term growth strategy.
- The Municipal Comprehensive Review ("MCR") is the process the City undertakes to ensure the City is meeting various requirements of the Provincial Growth Plan for the Greater Golden Horseshoe, 2017, including planning where and how we will grow to the year 2041, and planning to meet various density targets.

HAMILTON'S POPULATION AND EMPLOYMENT GROWTH FORECASTS TO THE YEARS 2031 AND 2041

FORCASTED GROWTH 2016 - 2031



An increase of 122,000 people, for a total population of 680,000 people.



An increase of 107,000 jobs, for a total employment of 310,000 jobs.

FORCASTED GROWTH 2031 - 2041



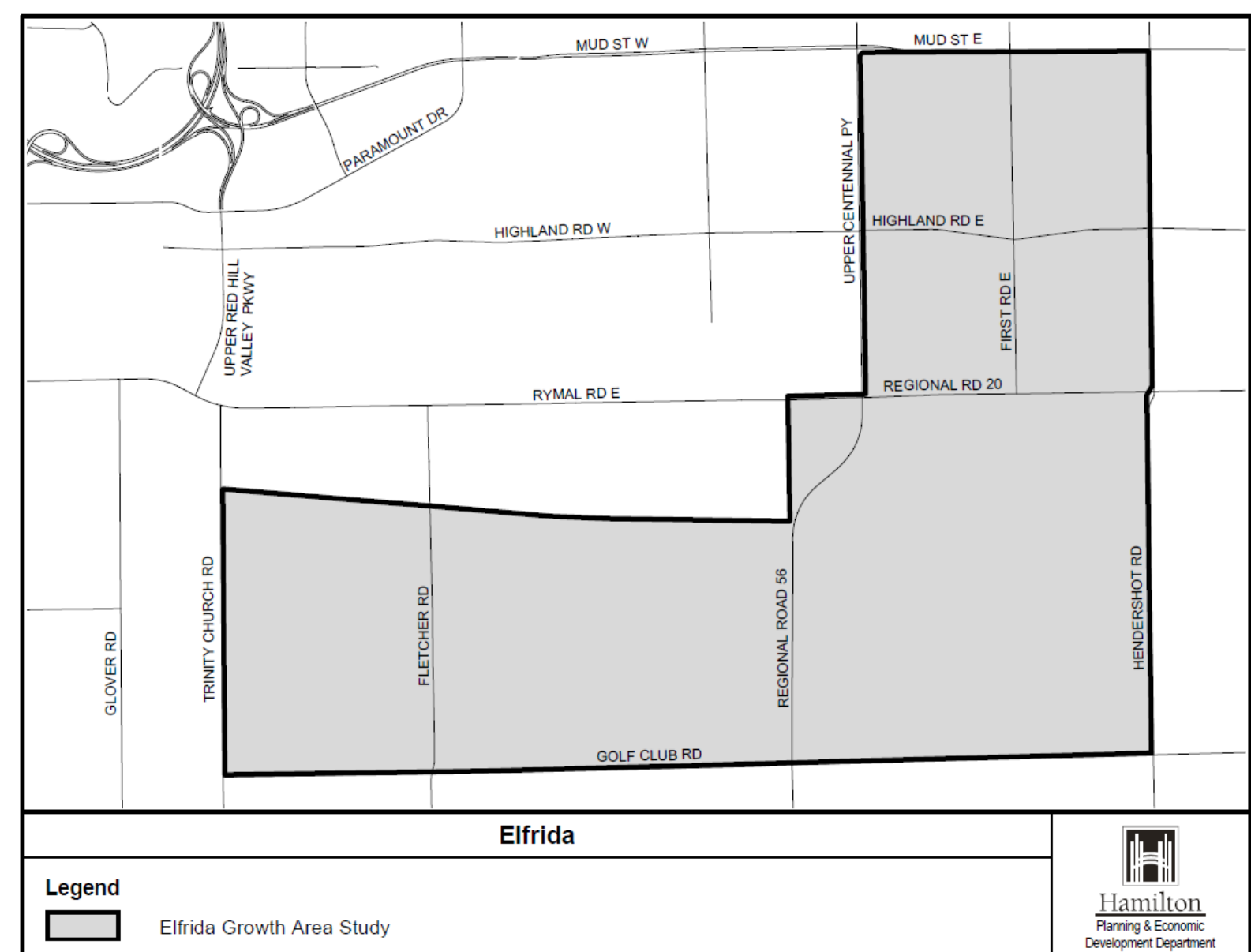
An increase of 100,000 people, for a total population of 780,000 people.



An increase of 40,000 jobs, for a total employment of 350,000 jobs.

Secondary Planning

- A secondary plan is a tool that guides land use planning in a particular geographic area. It's a plan for a specific community within Hamilton.
- The Elfrida area was identified through GRIDS (2006) as the next preferred area to accommodate residential growth. The secondary planning process is currently underway for the area.



Residential Zoning Project

- The City is replacing former municipal zoning by-laws with one updated zoning by-law that applies across the entire city.
- The residential zones are the last phase of the zoning update, establishing new low, medium, and high density residential zones across the city, including new communities like Elfrida.



Big Picture Thinking

Land use planning involves big picture thinking. In addition to policies and zoning, planners consider things like transportation plans, heritage studies, and environmental studies which can all help to paint the picture of an existing area and what's possible in the future, ensuring we are planning great communities.

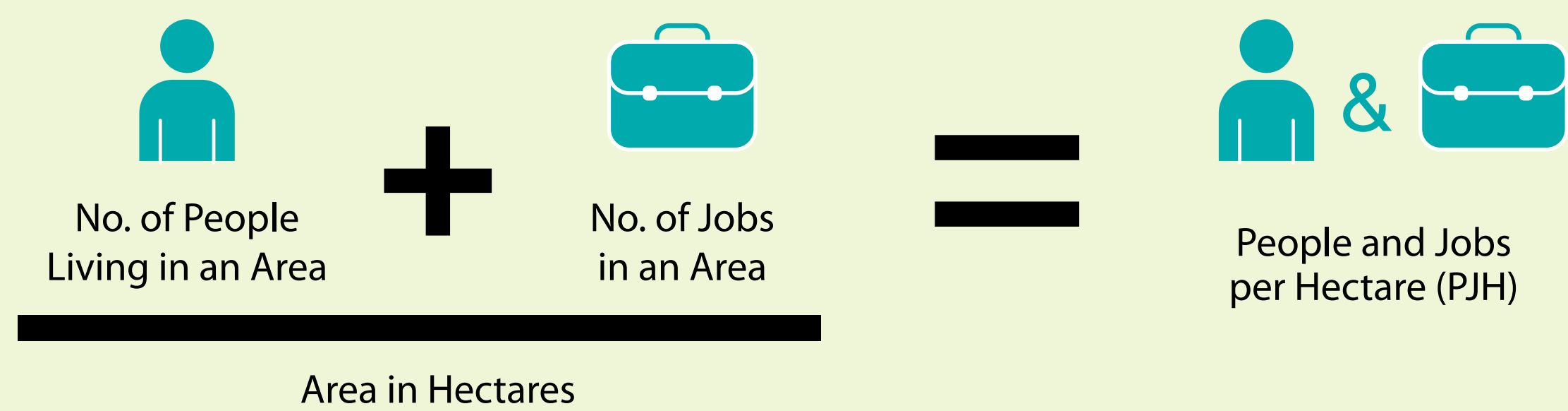
IMAGINING NEW COMMUNITIES

MEASURING DENSITY

Achieving higher density in our City is important because it encourages efficient use of land and the development of complete communities. While density is generally thought of as a measurement of the intensity of a land use in a given area, there are different ways to measure density.

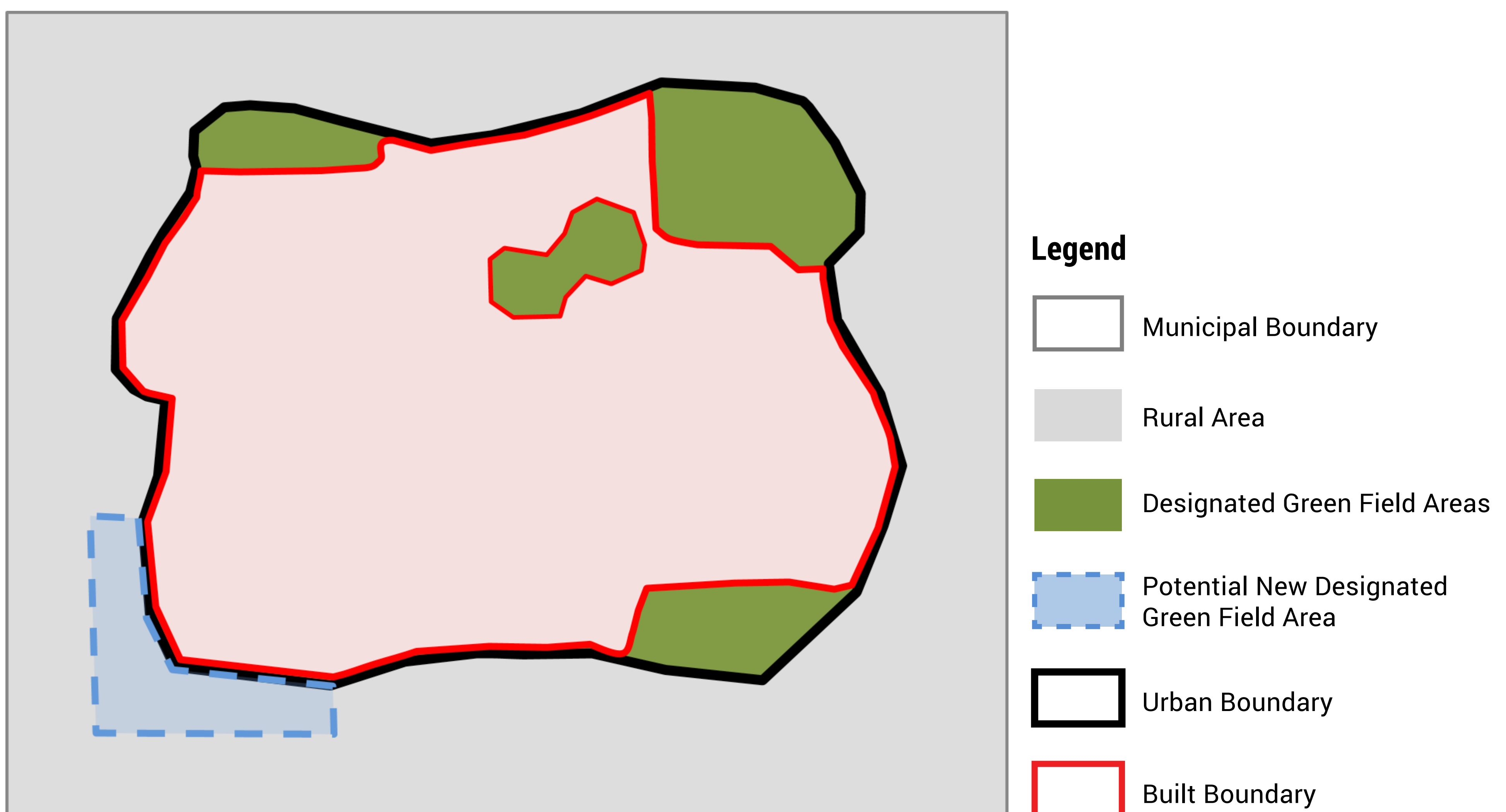
PROVINCIAL REQUIREMENTS FOR DENSITY

The City of Hamilton needs to plan to achieve Provincial density targets that are measured in persons and jobs per hectare. The Province measures density as follows:



This measurement of density is calculated as an average across the entire land area and **not** on a site by site basis.

Within the urban area, the **built boundary** separates the **built-up area** from the **designated greenfield area**. The designated greenfield area is the area that is designated for development to accommodate a portion of the City's forecasted growth. It is possible that new greenfield areas will be identified, and they will be required to meet Provincial density targets.





IMAGINING NEW COMMUNITIES

MEASURING DENSITY



HOW DOES THE CITY PLAN TO MEET PROVINCIAL DENSITY TARGETS?

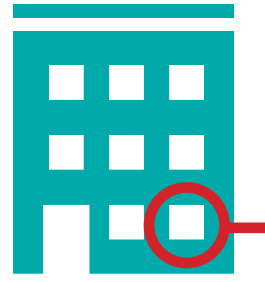

Let's focus on new communities. New communities need to be planned to meet a minimum density target measured in persons and jobs per hectare. The "persons" component of this calculation is the number of residents in a given area. The City measures the density of people in an area in **residential dwelling units per hectare**.

Persons per hectare **does not** equal dwelling units per hectare.

 / hectare \neq  / hectare



The City calculates residential dwelling units per hectare, using a factor to determine how many people, on average, live in a dwelling unit.

1  = **3.39** 
 Single Detached Dwelling persons on average *

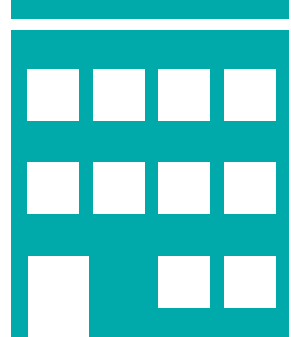

1  = **1.76** 
 Apartment Unit persons on average *

* From 2014 Development Charges Background Study

THEREFORE

25  = **85** 
 Single Detached Houses (Units) on 1 Hectare Persons per Hectare

AND

45  = **80** 
 Apartment Units on 1 Hectare Persons per Hectare

IMAGINING NEW COMMUNITIES

MEASURING DENSITY

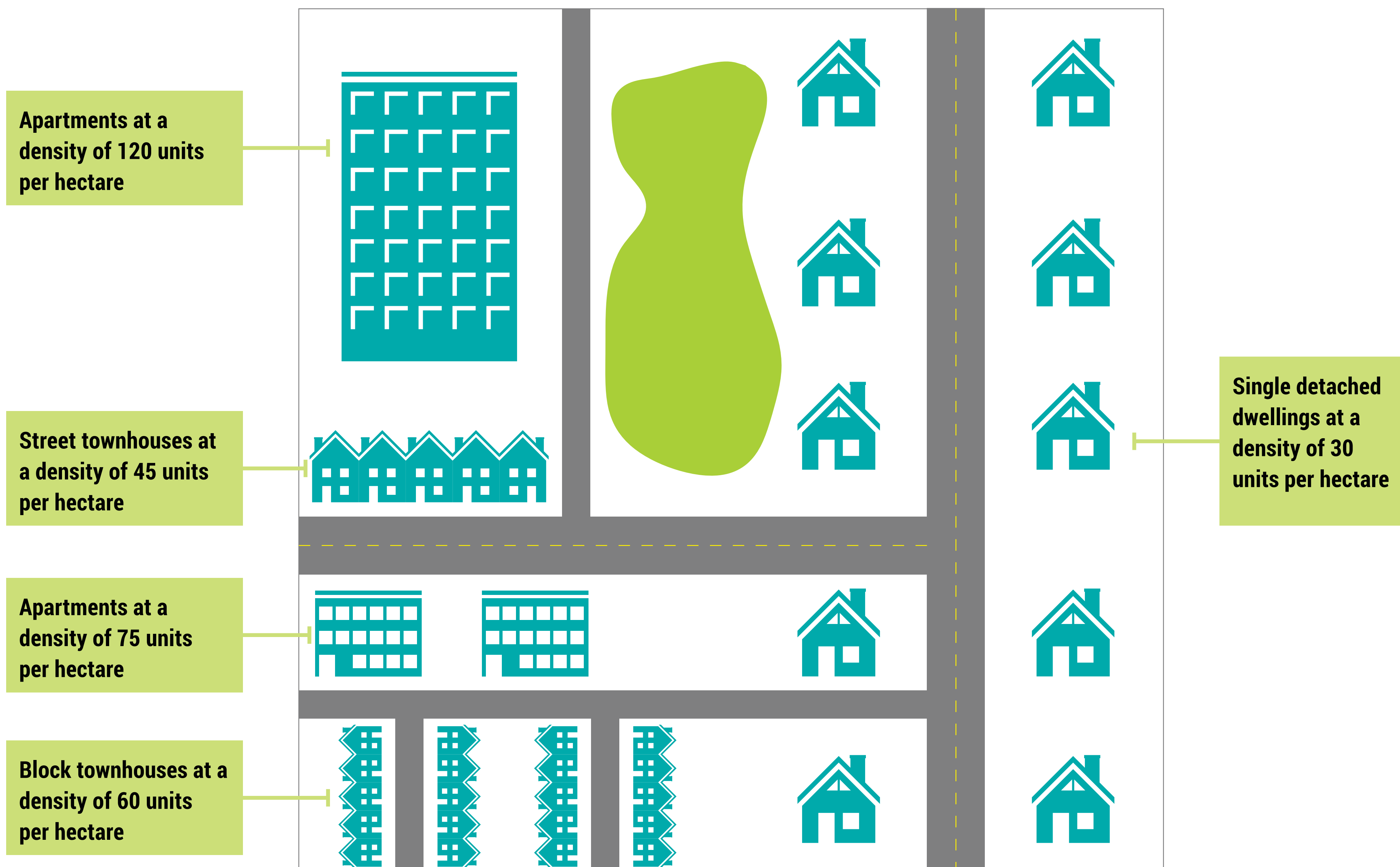
PULLING IT ALL TOGETHER

The City's Official Plan policies guide how many dwelling units should be located in an area and what heights and types are appropriate. These policies help the City to plan to meet the density targets by designating certain lands for low, medium, or high density residential uses.

- **Low Density: Up to 60 units per hectare**
 E.g. Single-detached houses, street townhouses
- **Medium Density: Between 60 and 100 units per hectare**
 E.g. Stacked townhouses, back-to-back townhouses, small apartment buildings
- **High Density: Between 100 and 200 units per hectare (higher in key areas)**
 E.g. Large apartment buildings

Unlike some of our existing neighbourhoods, new communities will have a mix of lower and higher density housing forms. In the example community below, the **overall density is 80 persons and jobs per hectare**, made up of different building types.

While our new Zoning By-Law does not have density requirements on a site-by-site basis, it does implement the direction of Official Plan policies, with height limits and regulations relating to the buildable area on a lot.

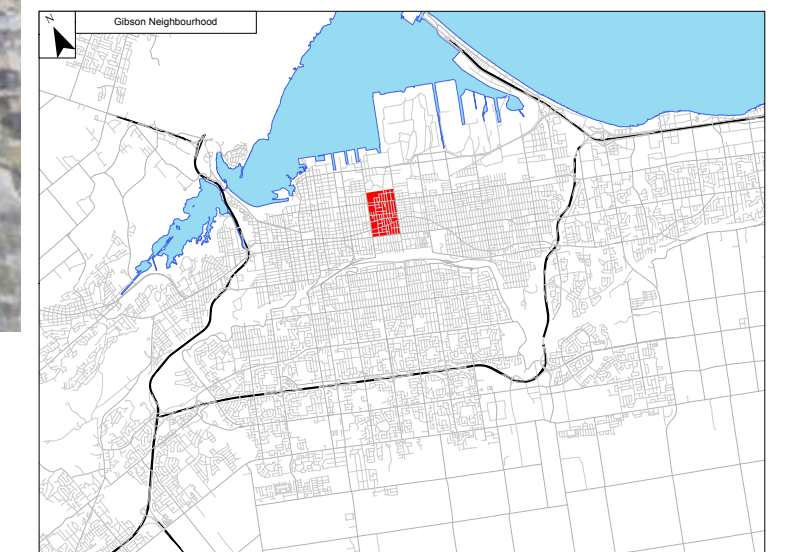
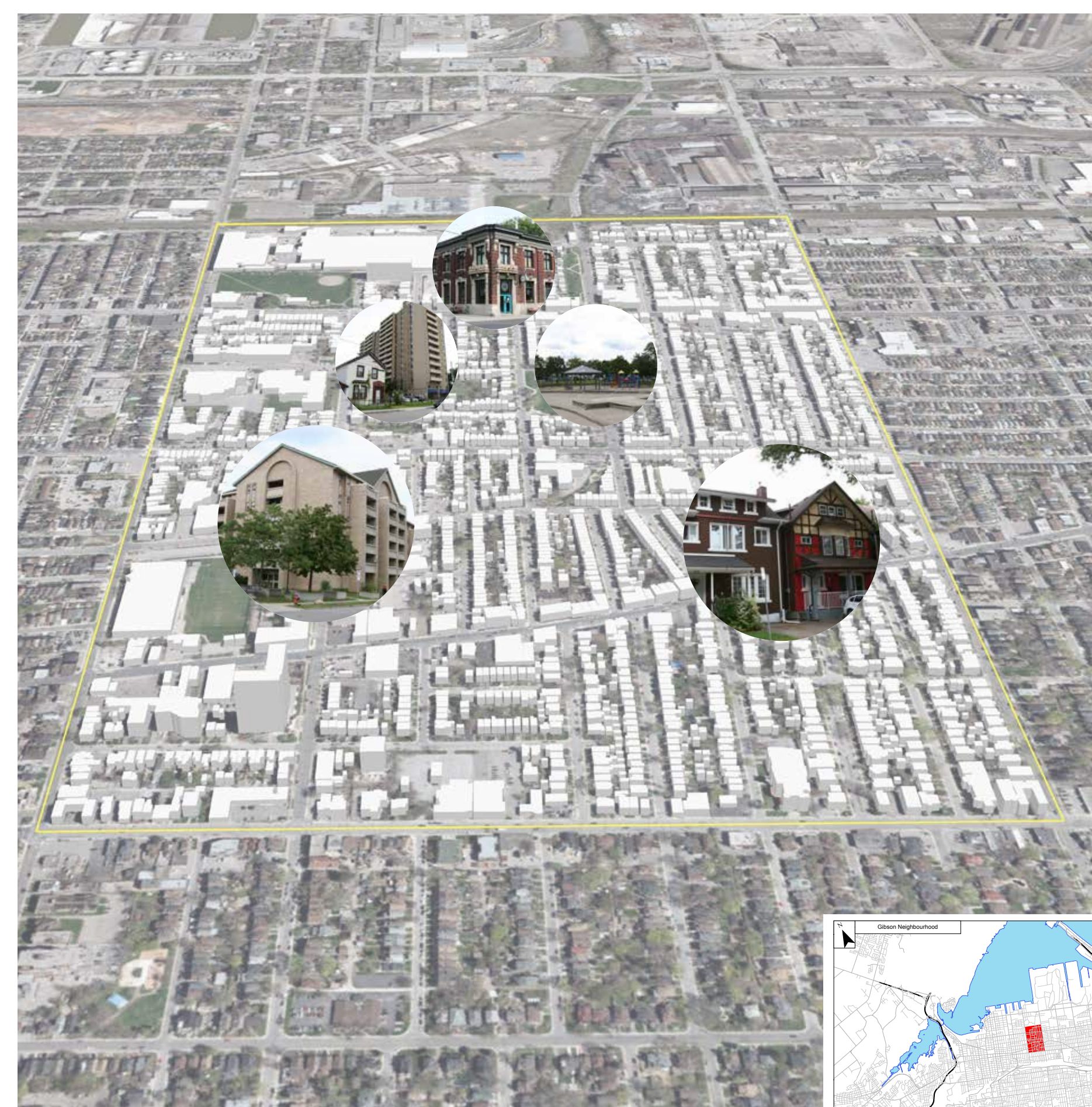
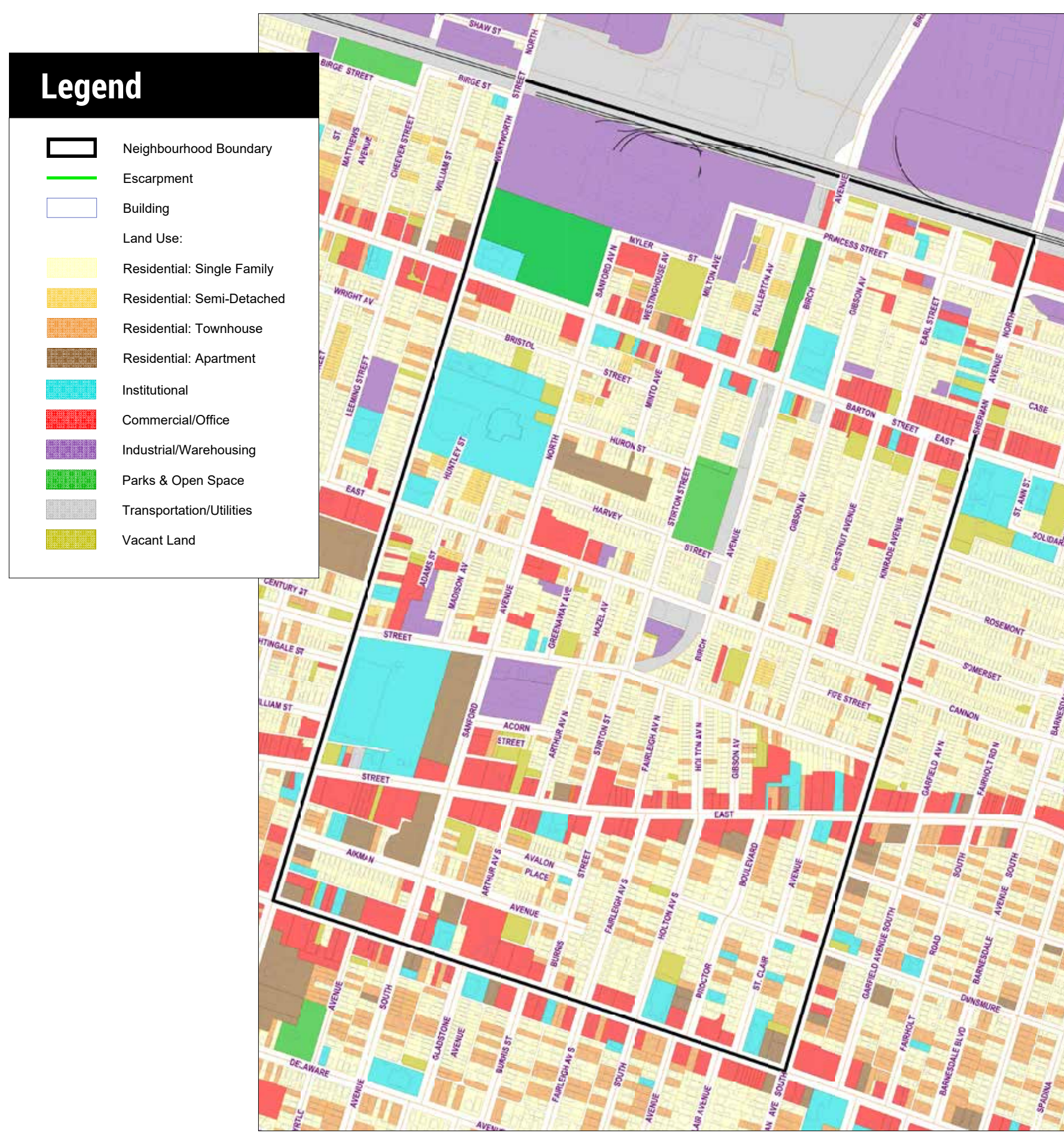


IMAGINING NEW COMMUNITIES

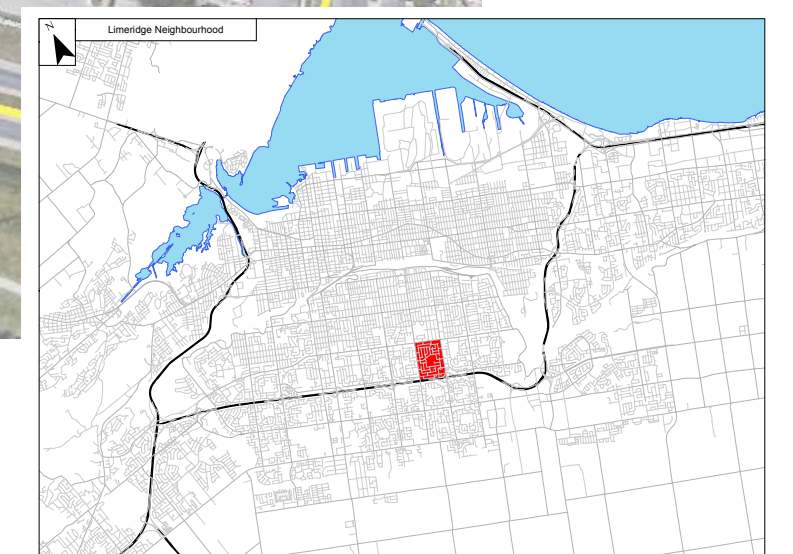
WHAT DOES NEIGHBOURHOOD DENSITY LOOK LIKE?

The City of Hamilton has a wide range of densities in existing neighbourhoods.

GIBSON NEIGHBOURHOOD - 82 PERSONS AND JOBS PER HECTARE



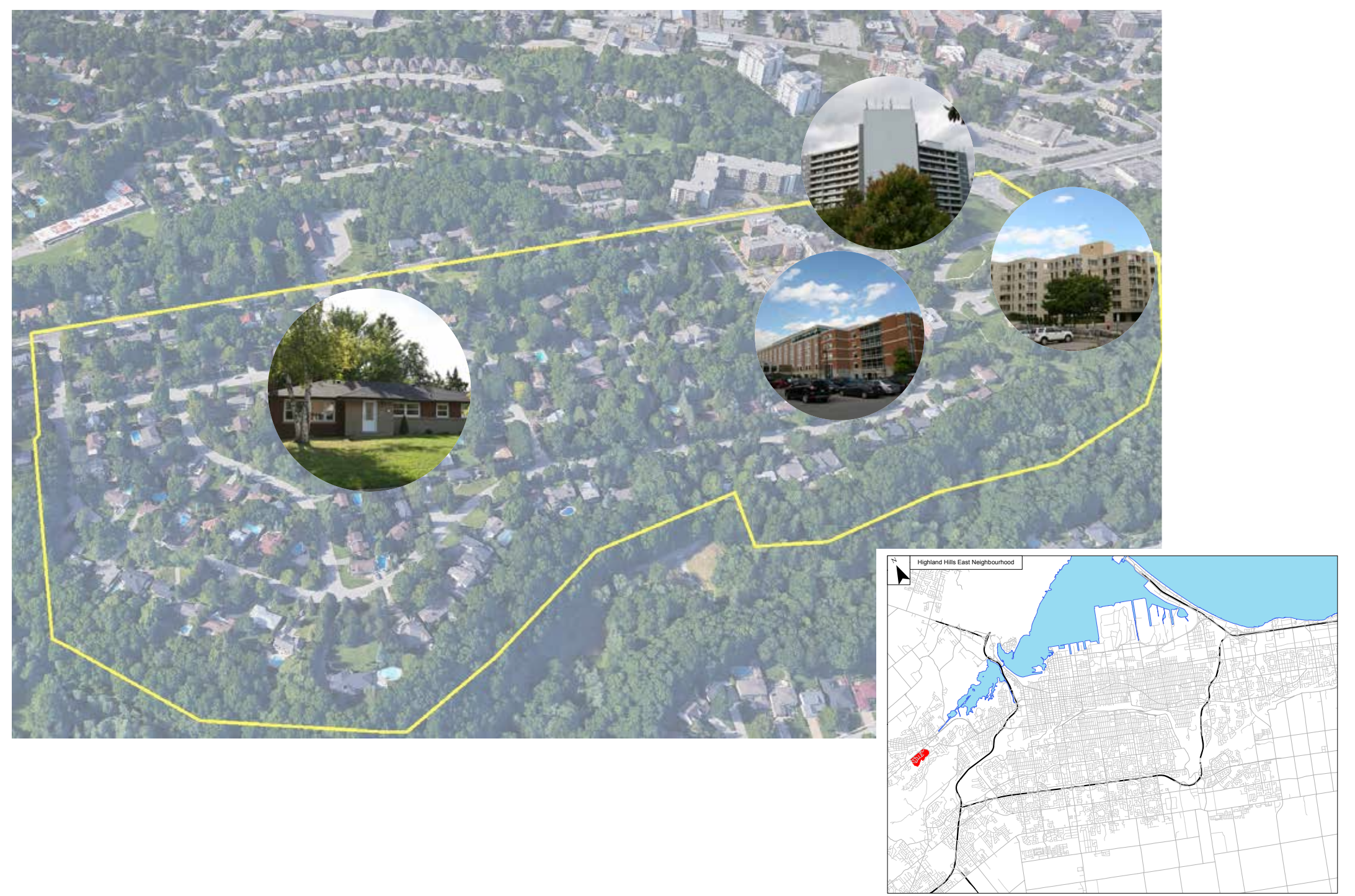
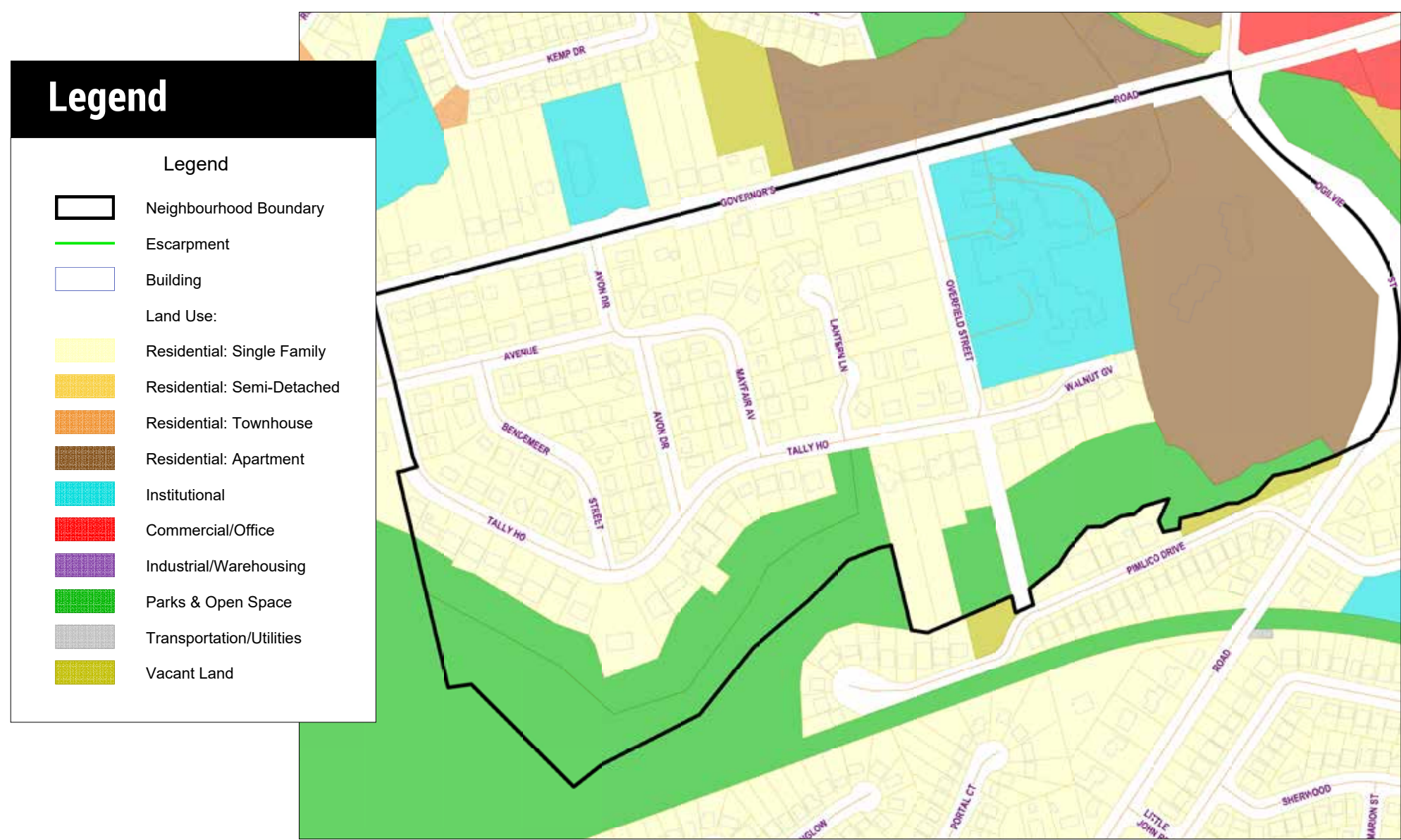
THORNER NEIGHBOURHOOD - 65 PERSONS AND JOBS PER HECTARE



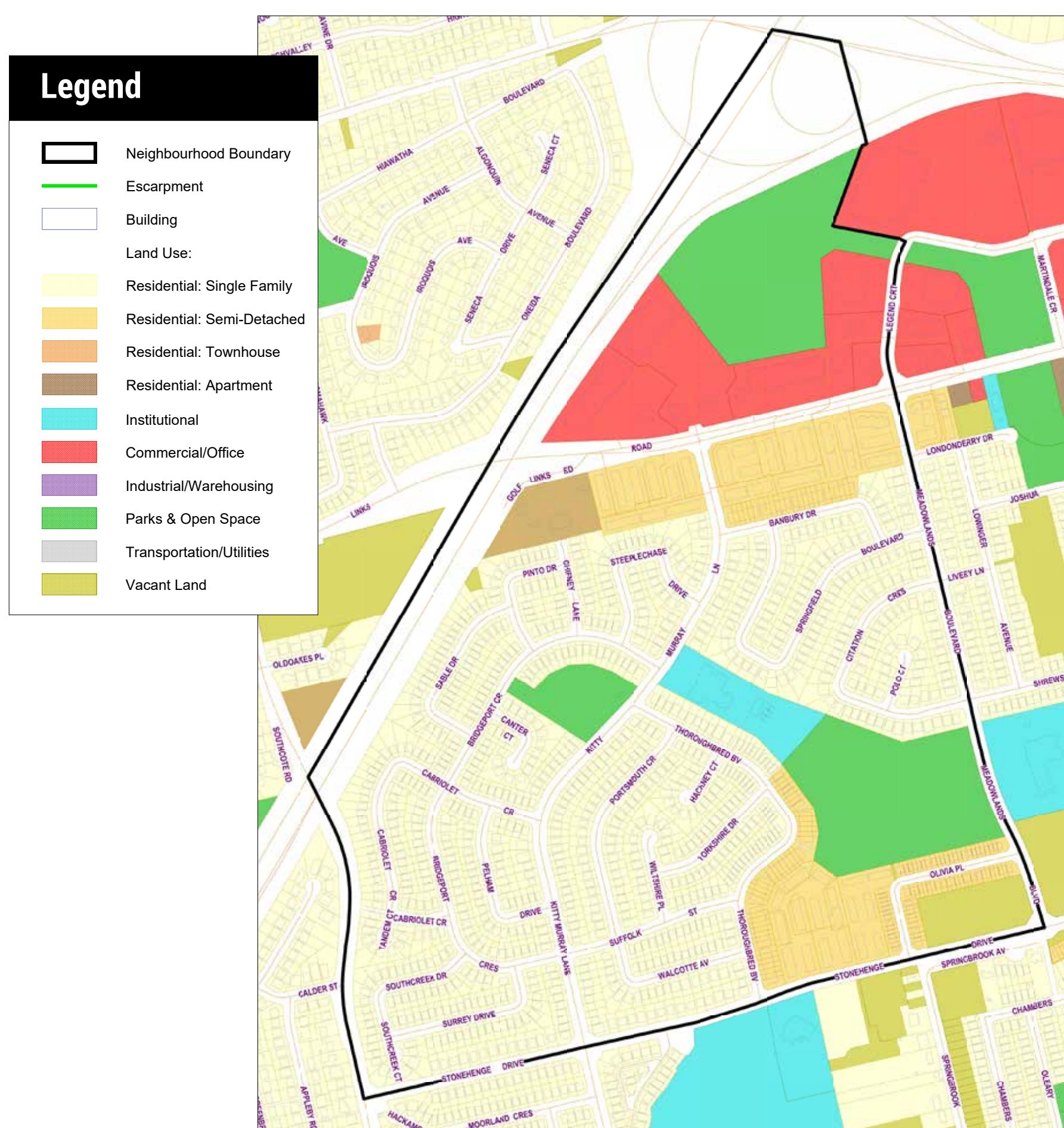
IMAGINING NEW COMMUNITIES

WHAT DOES NEIGHBOURHOOD DENSITY LOOK LIKE?

HIGHLAND HILLS EAST - 62 PERSONS AND JOBS PER HECTARE



OAKES NEIGHBOURHOOD - 30 PERSONS AND JOBS PER HECTARE



IMAGINING NEW COMMUNITIES

CAN YOU GUESS THE DENSITY?

As described earlier, the City is required to plan new communities (such as Elfrida) to meet a minimum density target set by the Province. The City measures density by dwelling units per hectare. Try to guess the number of **dwelling units per hectare** for each of these residential developments.



- Two 24–storey buildings containing 437 units
- Site Area: 1.13 hectares

A 458 **B** 386 **C** 685



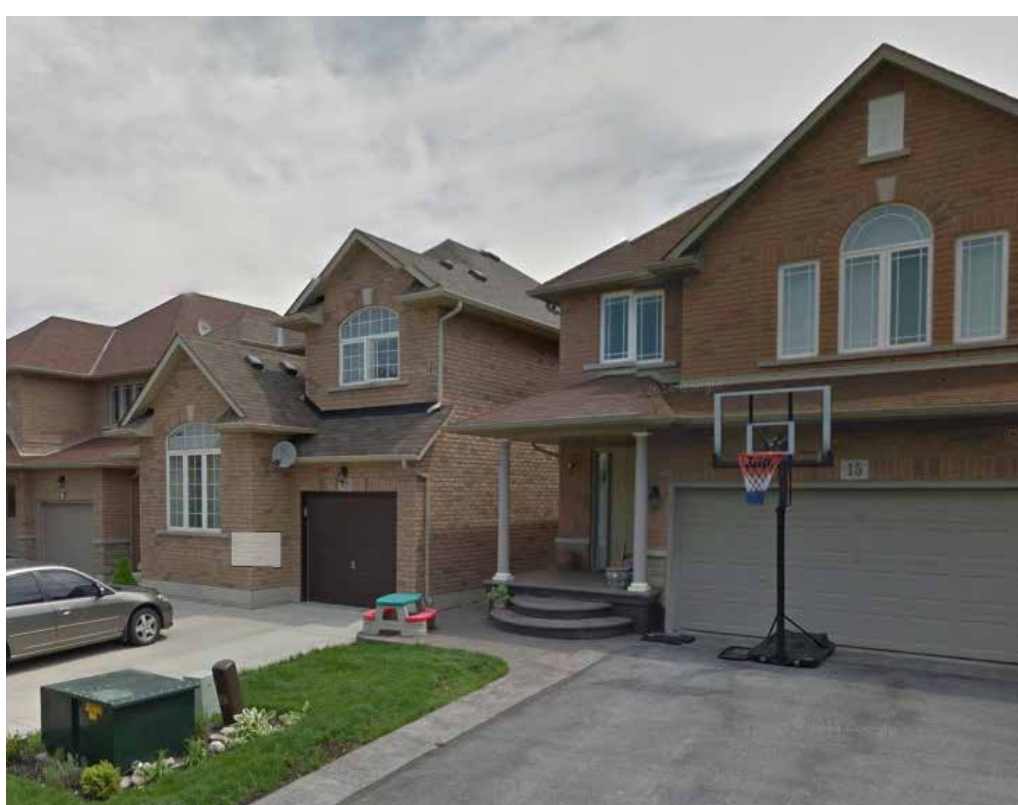
- 7-storey building containing 54 units.
- Site Area: 0.35 hectares

A 154 **B** 112 **C** 260



- 136 back-to-back and stacked townhouses
- Site area: 2.79 hectares

A 77 **B** 38 **C** 49



- 31 single detached homes
- Site area: 1.07 hectares

A 41 **B** 29 **C** 58

It can be helpful to understand the density of different forms of residential development which contribute to complete communities. A community that provides a range of housing types with varying densities offers choice for residents and contributes to meeting Provincial density targets.

IMAGINING NEW COMMUNITIES

WHAT KIND OF HOUSING MAY BE BUILT IN NEW COMMUNITIES?

APARTMENTS



Multi-storey buildings with multiple units which may be rental or condominium ownership. Buildings may also have commercial or office uses on the ground floor.

MIXED USE TOWNHOUSES



Blocks of attached units designed to allow for a mix of residential and non-residential uses. The ground floor is typically designed to accommodate retail, commercial or office uses, while the upper floors are designed as dwelling units.

BACK-TO-BACK TOWNHOUSES/ MAISONNETTES



Blocks of attached units that share a common rear wall in addition to a common side wall.

STACKED TOWNHOUSES



Blocks of attached units with individual entrances that share a common side wall with two or three units stacked vertically.

QUADS OR FOURPLEXES



Four attached units that share a common side and rear wall (square shape).

LANE-BASED TOWNHOUSES



Blocks of attached units that are oriented to the street and provide access to an attached or detached garage located at the rear of the units, from a lane or private drive.

STREET TOWNHOUSES



Blocks of attached units that share a common side wall and are oriented to the street. These units are located on a conventional lot and typically have a back yard.

SEMI DETACHED HOUSES



A dwelling attached to one other dwelling by a common side wall.

SINGLE DETACHED HOUSES



A single dwelling not attached to any other dwelling.

IMAGINING NEW COMMUNITIES

TRENDS IN COMMUNITY PLANNING

ACTIVE TRANSPORTATION AND WALKABILITY

Active transportation helps maintain a healthy lifestyle and reduces road congestion and greenhouse gas emissions. Mixed-use, higher density development helps to facilitate active transportation and walkability.



Safety

COMMUNITY SAFETY, OR PERCEPTIONS OF SAFETY, IMPACT THE WAY PEOPLE FEEL AND INTERACT IN THEIR COMMUNITY.



Aging-in-place

AGING-IN-PLACE IS THE ABILITY TO LIVE IN ONE'S HOME AND COMMUNITY SAFELY, INDEPENDENTLY, AND COMFORTABLY, REGARDLESS OF AGE, INCOME OR ABILITY LEVEL.

MIXED-USE

Mixed-use development is characterized as pedestrian friendly development that combines two or more residential, commercial, cultural, or institutional uses. Mixed-use helps to foster social activity, serve the economy, and create a walkable community.

WHAT MAKES A GREAT COMMUNITY?



Open Space & Parks

PRESERVING OPEN SPACE IN A COMMUNITY HELPS TO IMPROVE THE HEALTH AND WELL-BEING OF ITS RESIDENTS, IMPROVE ITS ENVIRONMENTAL SUSTAINABILITY, AND CONTRIBUTE TO A COMMUNITY'S BEAUTY AND CHARACTER.

HIGHER DENSITY

Higher density development allows for more efficient use of infrastructure and land, greater access to public service facilities, public transit, and local services, shorter commute times and preservation of agricultural lands and the natural environment.

AFFORDABILITY

Affordability in a community provides citizens with a higher quality of life due to access to affordable housing, transportation, and social activities.

Inclusive

AN INCLUSIVE COMMUNITY PROMOTES EQUAL TREATMENT AND OPPORTUNITY TO ALL ITS RESIDENTS AND ENGAGES EVERYONE IN THE DECISION-MAKING PROCESS.



RESILIENCY

Resiliency is a community's ability to be sustainable, even in adverse situations, and to be able to adapt to change, due to a strong foundation of the elements that make a great community.

IMAGINING NEW COMMUNITIES

ZONING AND NEW COMMUNITIES

A zoning by-law can guide future development based around the elements that make a great community, and corresponding land use and built form objectives, including:

PERMITTING VARIOUS LAND USES FOR PEOPLE TO LIVE, WORK, AND PLAY



PARKS AND OPEN SPACE AREAS FOR RECREATION AND ENVIRONMENTAL PROTECTION



PERMITTING VARIOUS HOUSING TYPES



PARKING REQUIREMENTS FOR VEHICLES AND BICYCLES



BUILDING HEIGHTS, SETBACKS, AND YARD REQUIREMENTS



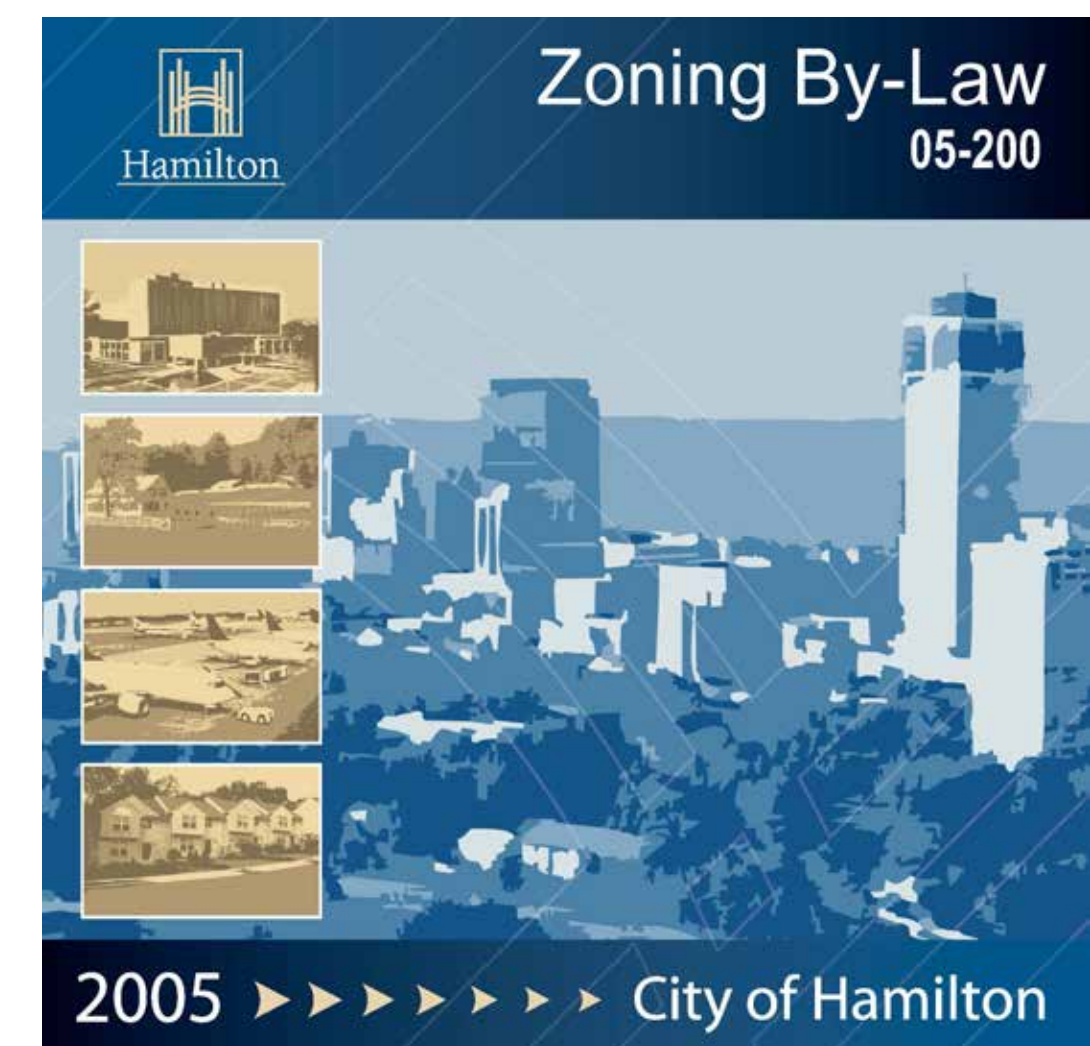
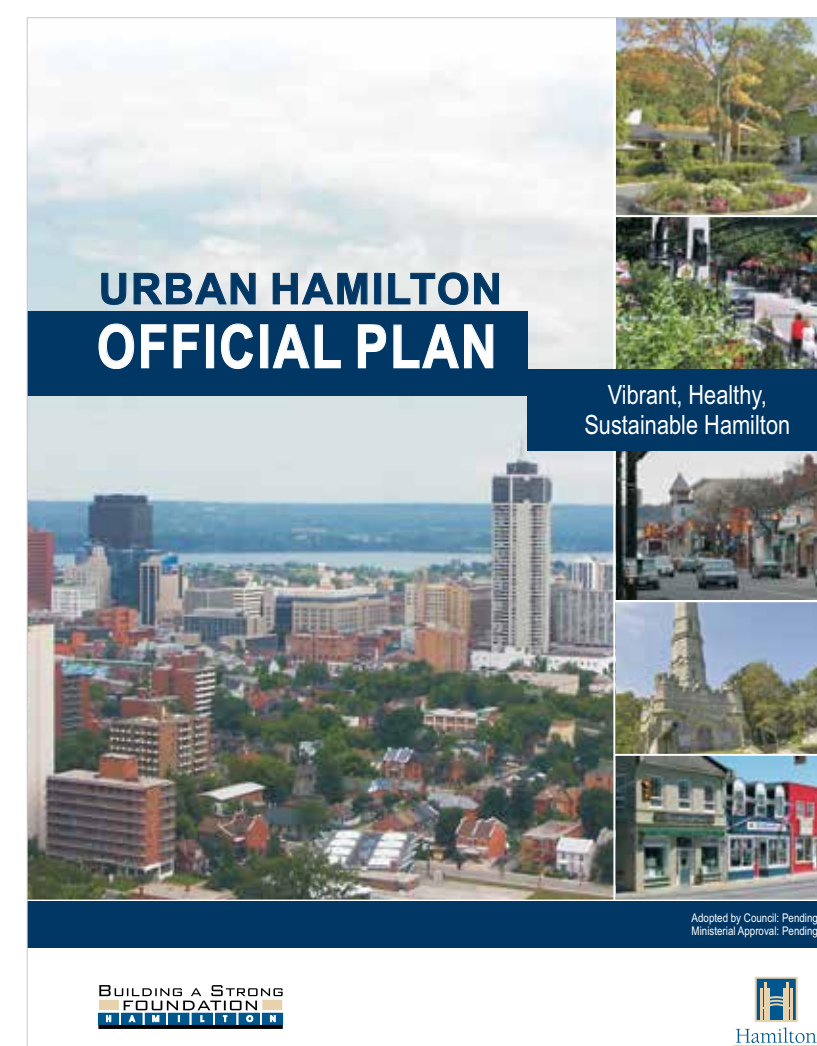
IMAGINING NEW COMMUNITIES

WHAT IS ZONING? WHAT DOES IT CONTROL?

A zoning by-law controls the use of land in a community by establishing rules for:

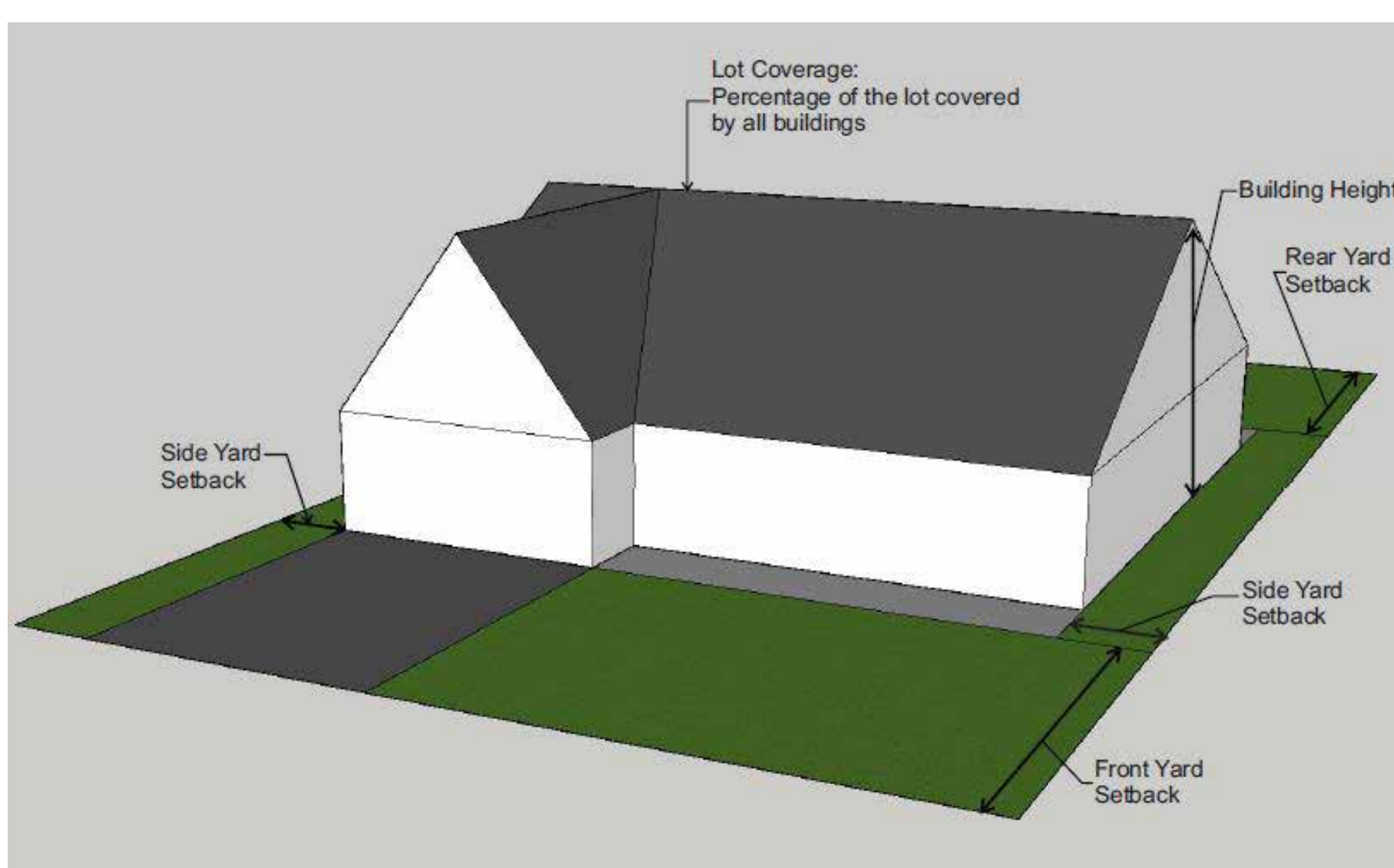
- Uses that are permitted on a property
- The height, size and location of buildings and other structures on a property
- Requirements such as parking and the amount of landscaping

Whereas an Official Plan sets out a municipality's general policies for future land use, the zoning by-law implements the Official Plan and is applied on a property/area specific basis.



“ WE SHAPE OUR BUILDINGS; THEREAFTER THEY SHAPE US. - WINSTON CHURCHILL

The regulations in a zoning by-law establish an as-of-right buildable area that guides where you can build on a property. Below is an example of a residential property and some of the regulations of the zoning by-law.



WHAT ABOUT DENSITY ?

The City's new Zoning By-law does not include density targets. Instead, lot sizes, along with the combination of regulations for setbacks and building height, guide the built form and the density that can be achieved on a property and within an area.

A zoning by-law does not regulate things like:

- Who lives or works in a building
- Architectural style
- Colour of building materials
- Quality of building materials
- Type of landscaping
- Tree retention

The City can guide some of these elements e.g. architectural style, through other tools such as Urban Design Guidelines.

IMAGINING NEW COMMUNITIES

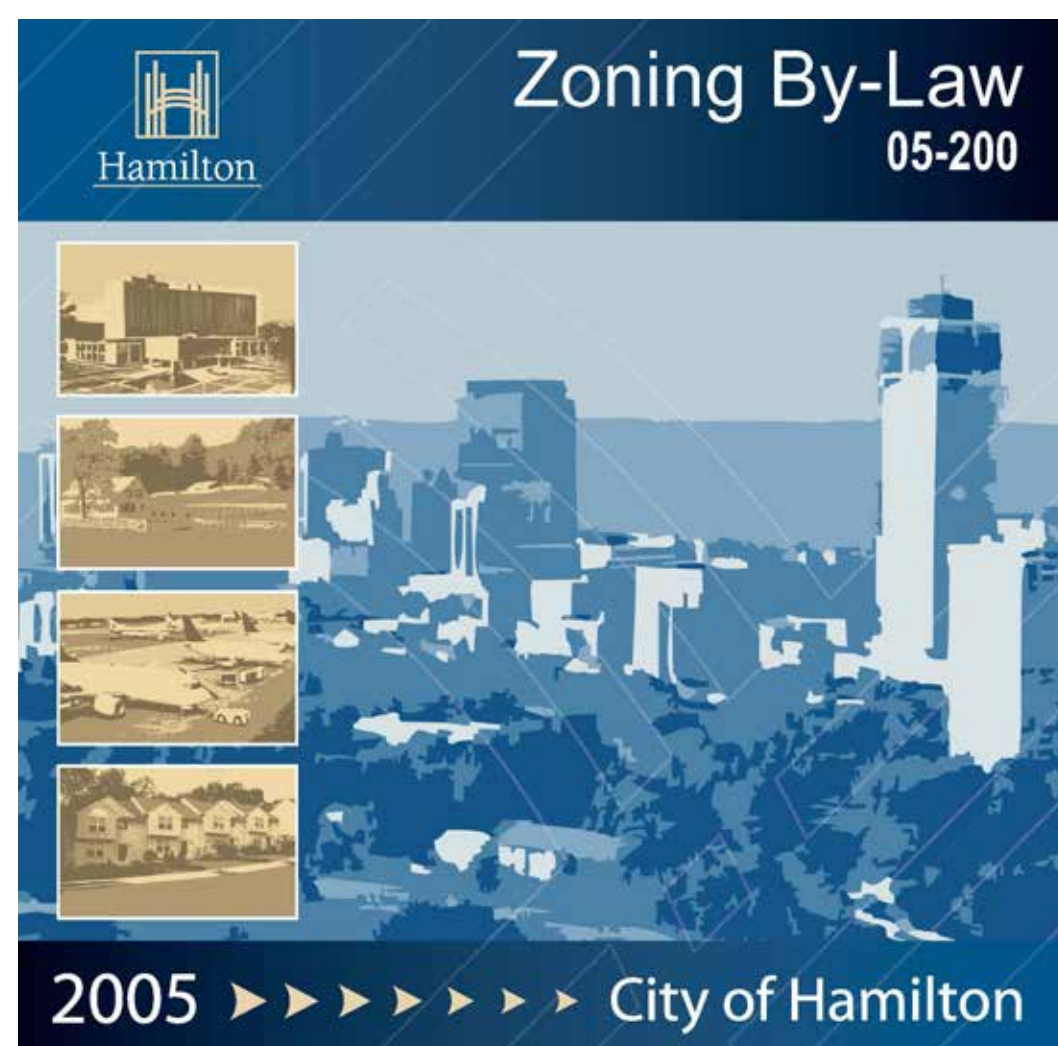
ZONING IN THE CITY OF HAMILTON

Why does the City of Hamilton have so many Zoning By-laws?

- Prior to Amalgamation in 2001, the six former Municipalities each had their own Zoning By-law.
- Each Zoning By-law had its own set of zones, and its own regulations.
- These Zoning By-laws do not reflect contemporary planning practice and may not be consistent with Provincial legislation and Official Plan policies.

In that case, is the City of Hamilton updating the Zoning By-law?

- Yes. Hamilton Zoning By-law No.05-200 was approved in 2005. New zones are being introduced in phases, with residential zones representing the final phase.



ZONES	YEAR APPROVED
Downtown	2005/2018
Parks and Open Space	2006
Institutional	2007
Industrial	2010
Rural	2015
Transit Oriented Corridor	2016/2018
Waterfront	2017
Commercial and Mixed Use	2017
Residential	Initiated

What does Zoning By-law No. 05-200 represent?

- This new Zoning By-law is a living document that will evolve over time as new zones are being introduced.
- It is flexible, up-to-date, and reflects current planning trends and priorities.

“ IN OTHER WORDS, THIS ZONING BY-LAW IS:

Progressive **MODERN** **CONTEMPORARY** **user friendly** **UNIFORM** **ILLUSTRATIVE** **consistent**

FUTURE FOCUSED **evolving** **ADAPTABLE** **resilient** **FLEXIBLE**

IMAGINING NEW COMMUNITIES

VISUAL PREFERENCE SURVEY

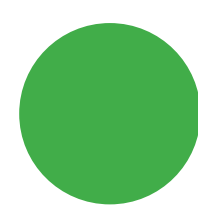


DENSITY WITHOUT DESIGN
EQUALS DISASTER

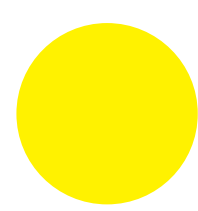
- AUTHOR UNKNOWN

PREFERENCES FOR RESIDENTIAL DEVELOPMENTS

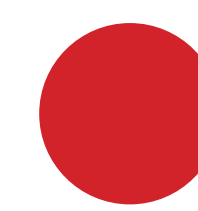
Please help the City as we consider what regulations to include in the new Residential Zones. The next series of panels highlight different elements of various residential developments. Tell us what you like best by ranking each photo based on your preference. Use the coloured dots provided and place one dot per photo.



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= somewhat preferred



= least preferred

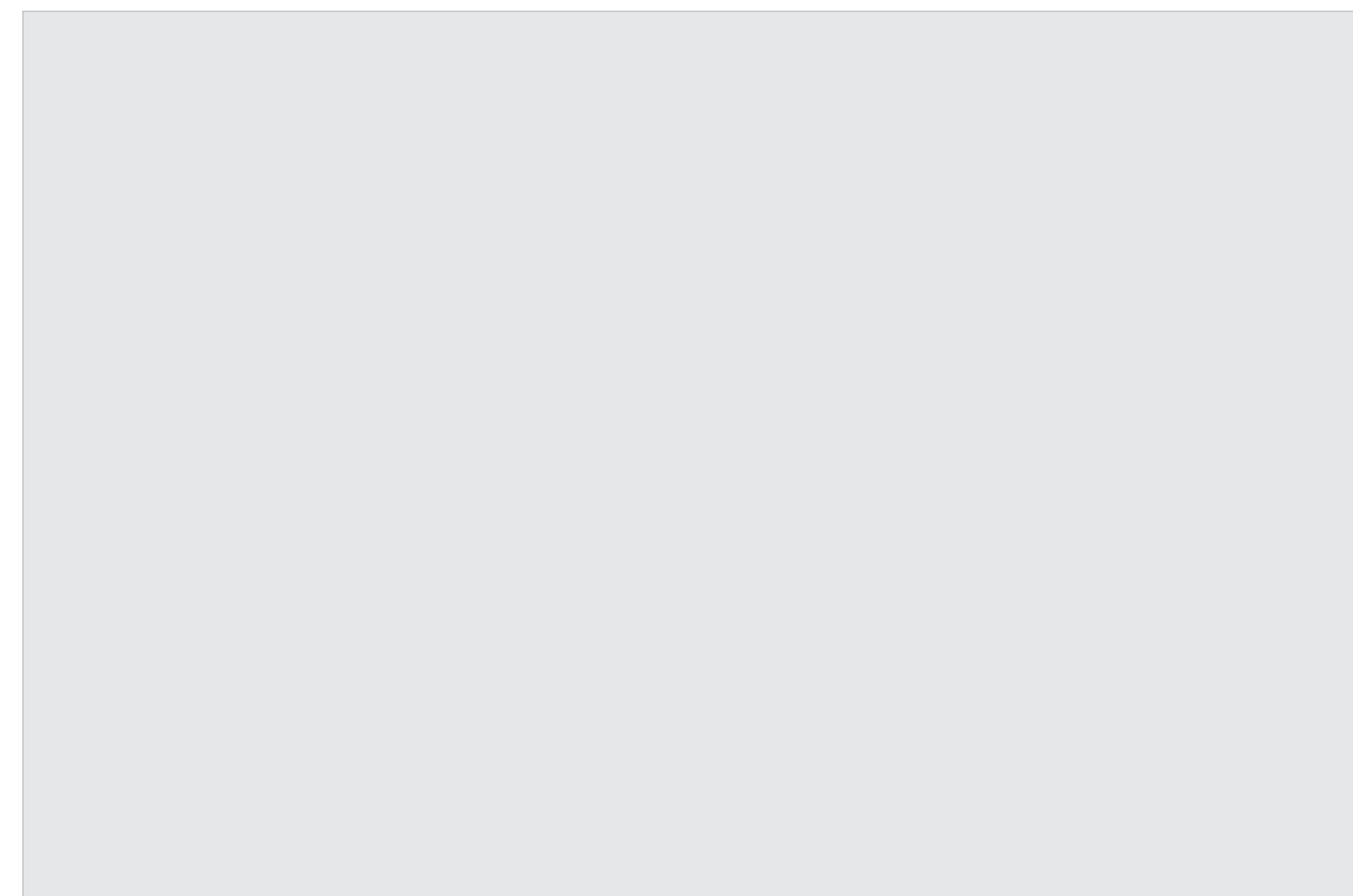
WHAT ELEMENTS DO YOU PREFER?

Let's focus on parking:

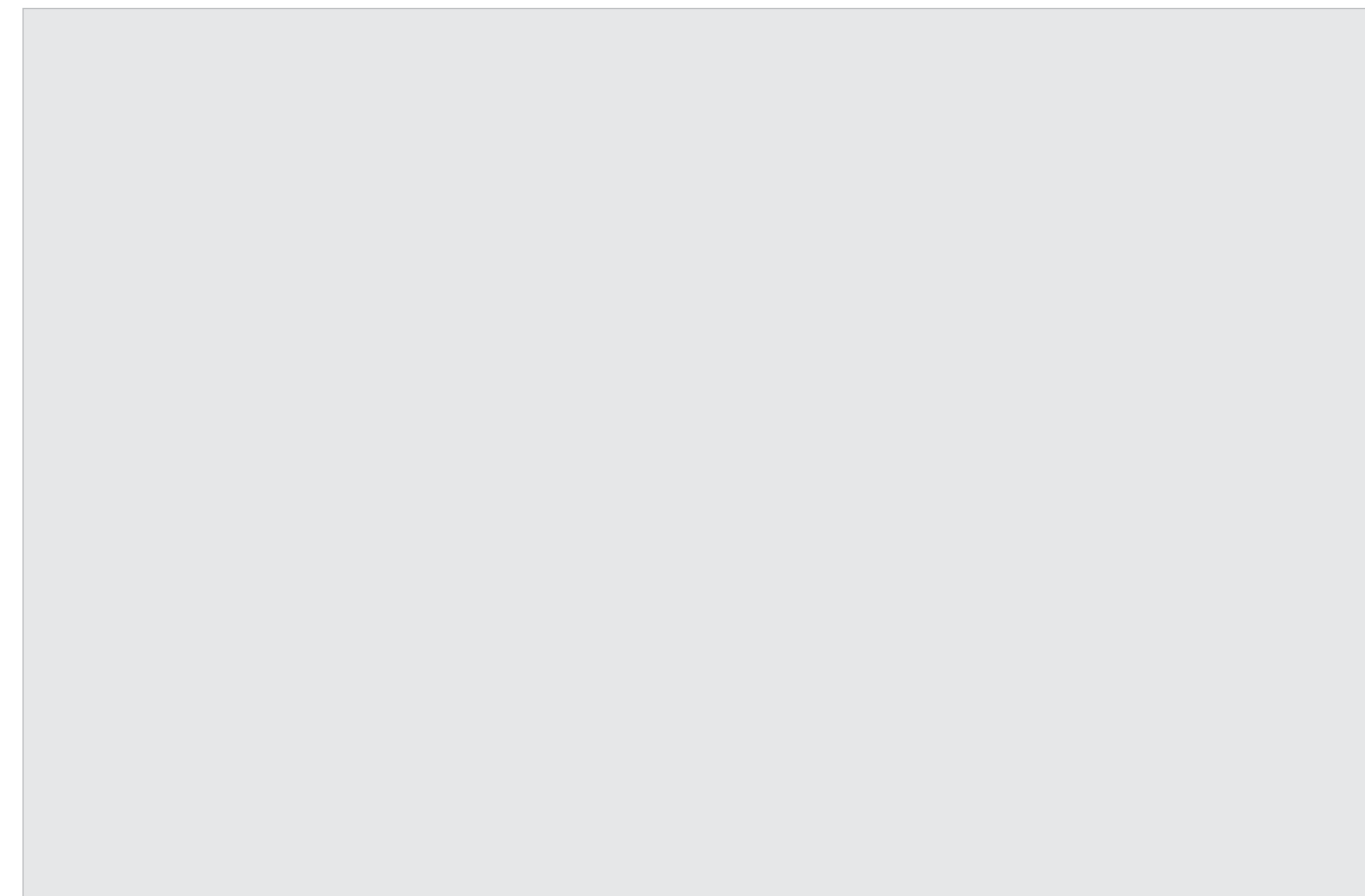
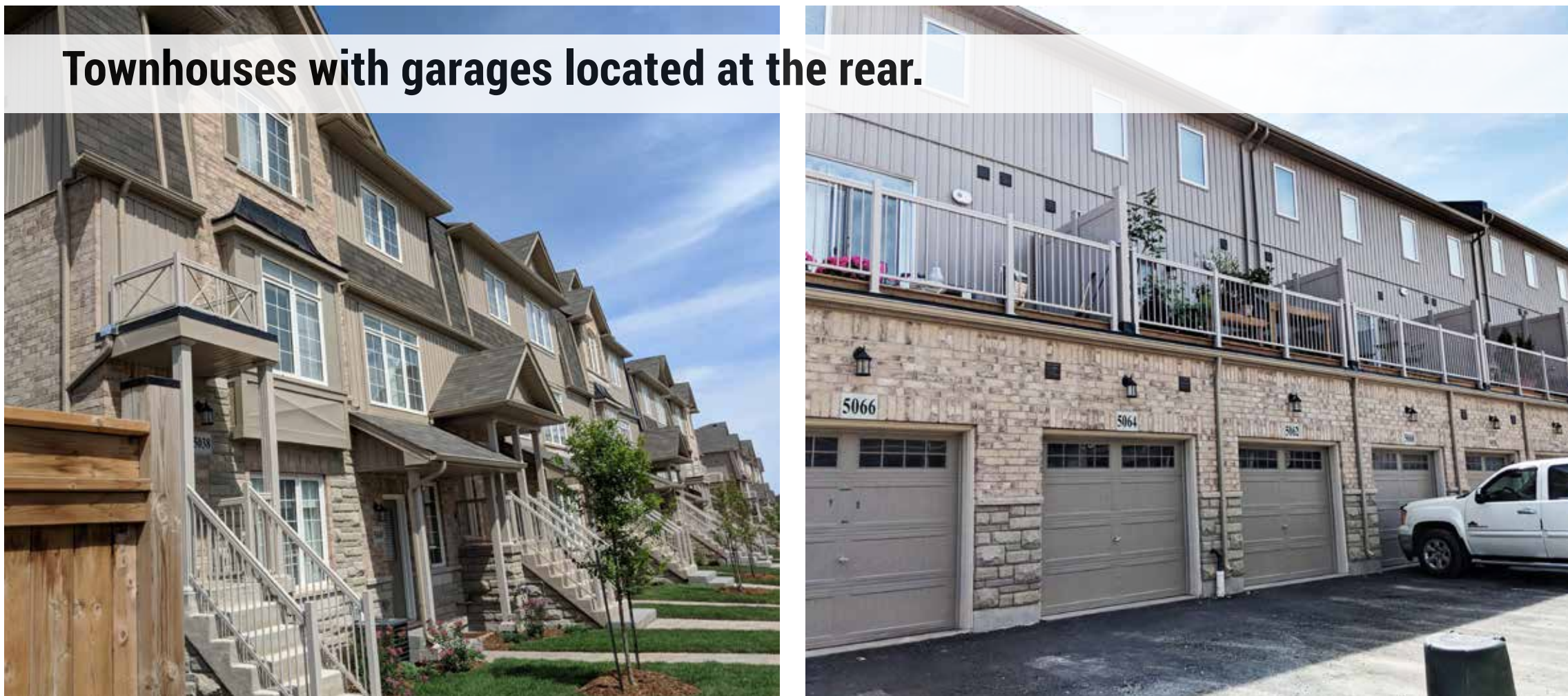
Remember the Zoning By-law **CANNOT** regulate:

- Architecture Style
- Building Design
- Building Material
- Type of Vegetation

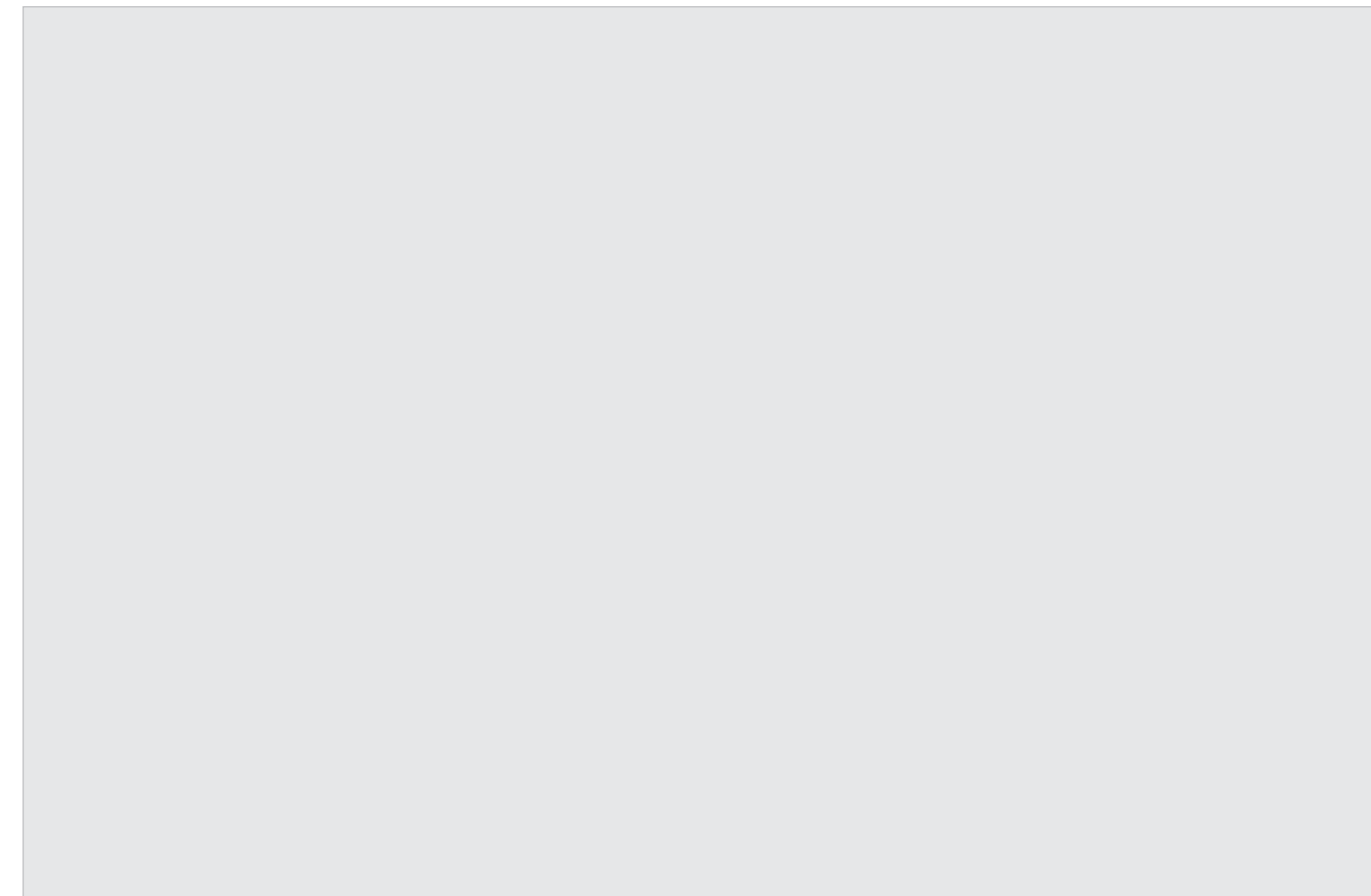
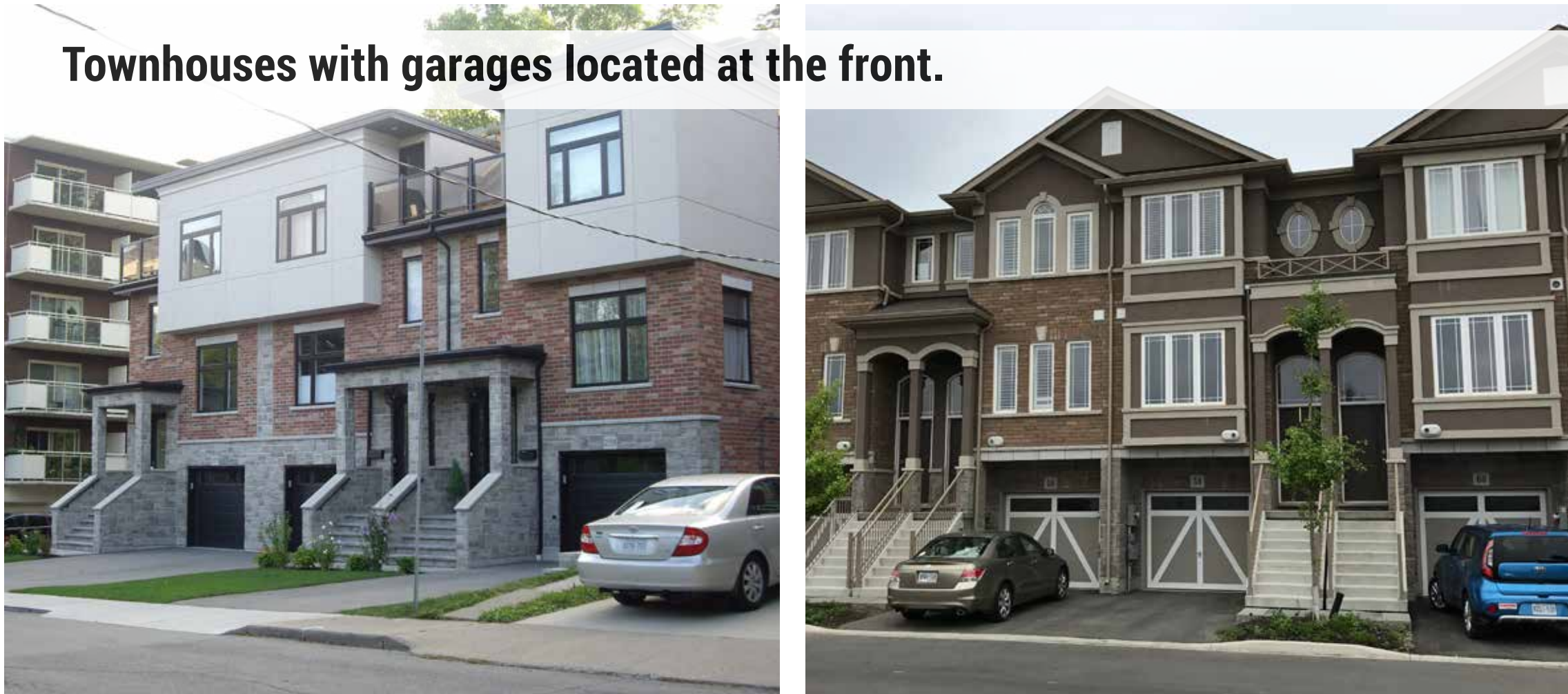
Townhouses with some on-street parking and common parking areas in the rear for residents.



Townhouses with garages located at the rear.



Townhouses with garages located at the front.



IMAGINING NEW COMMUNITIES

VISUAL PREFERENCE SURVEY

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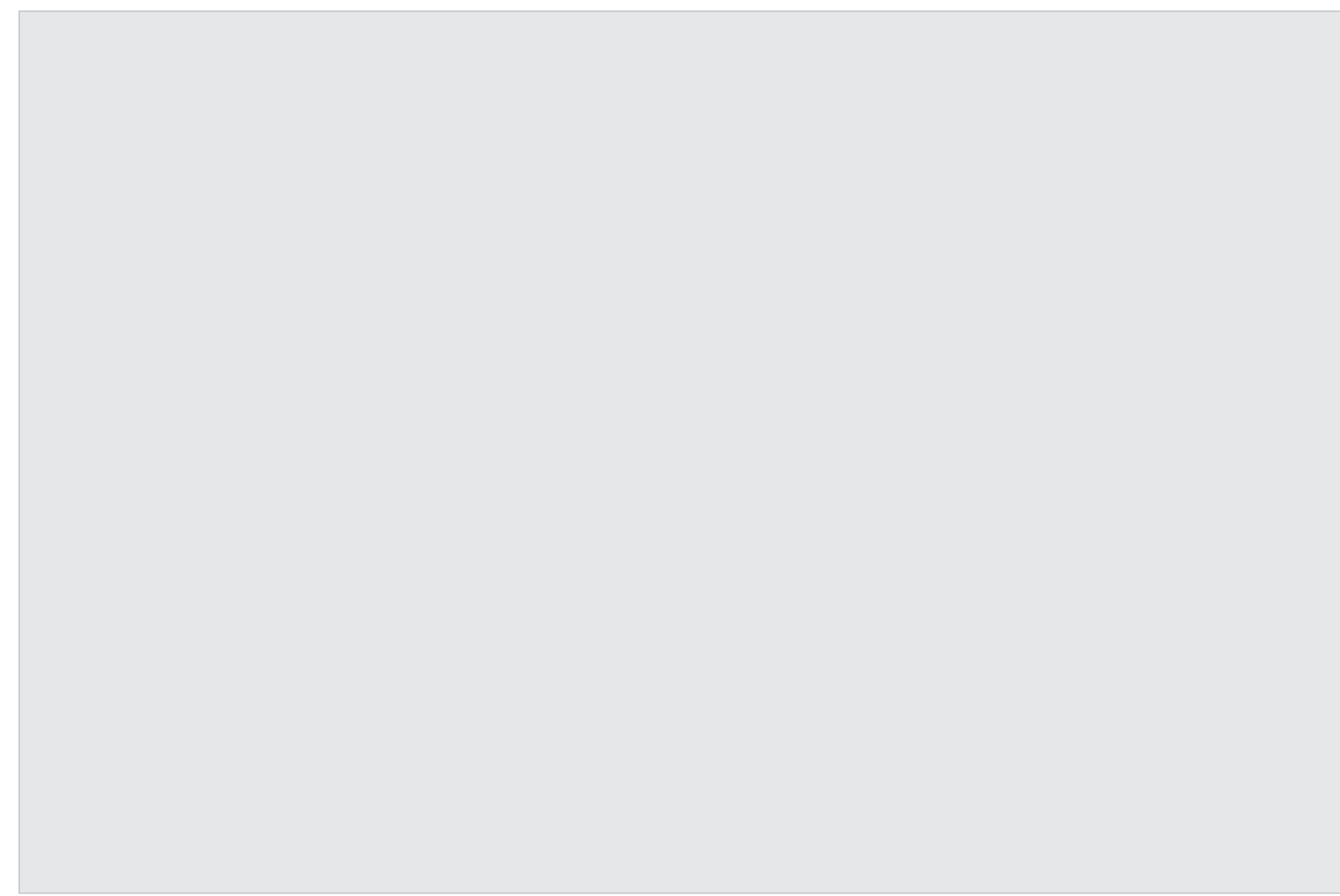
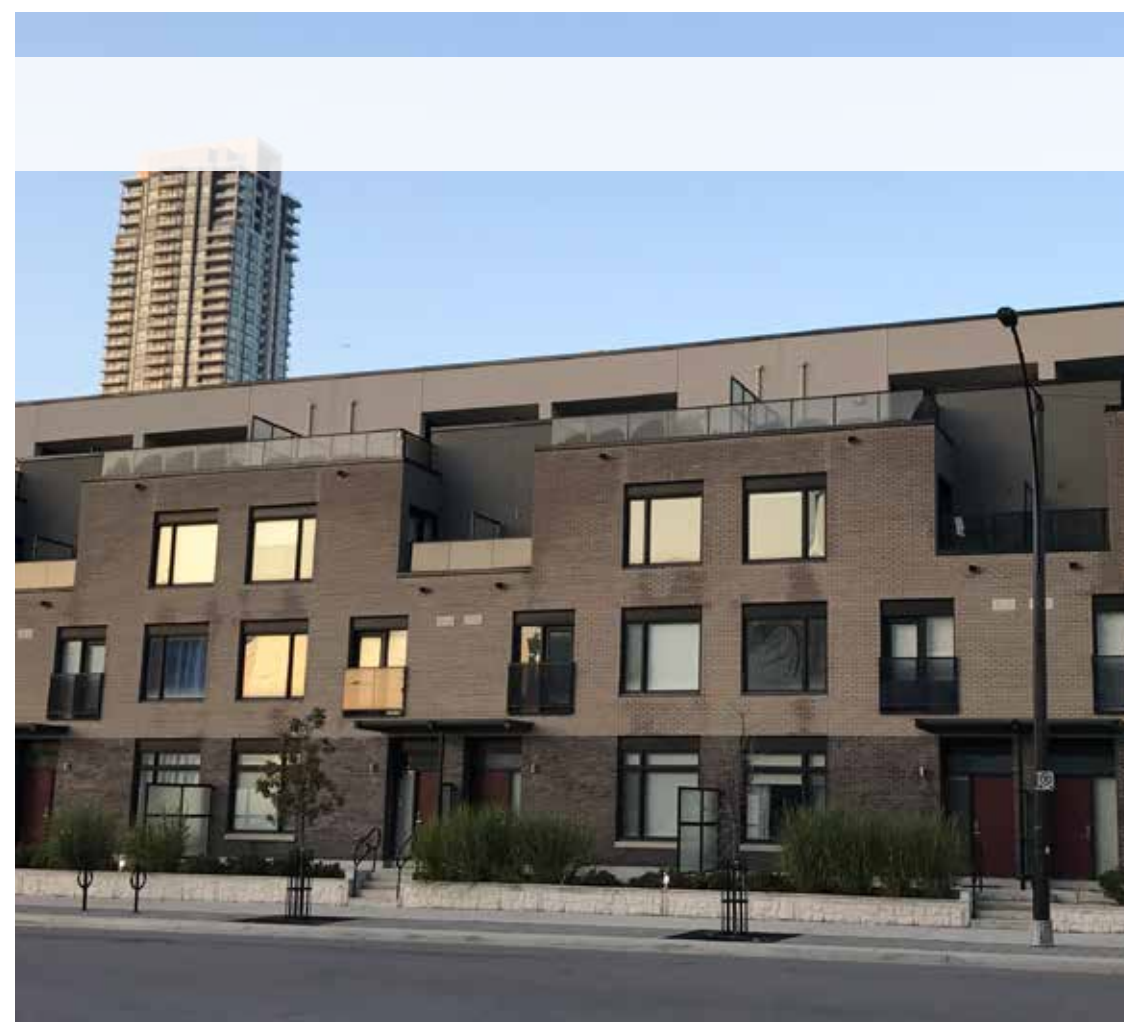
WHAT ELEMENTS DO YOU PREFER?

Let's focus on how a townhouse development interacts with the street:

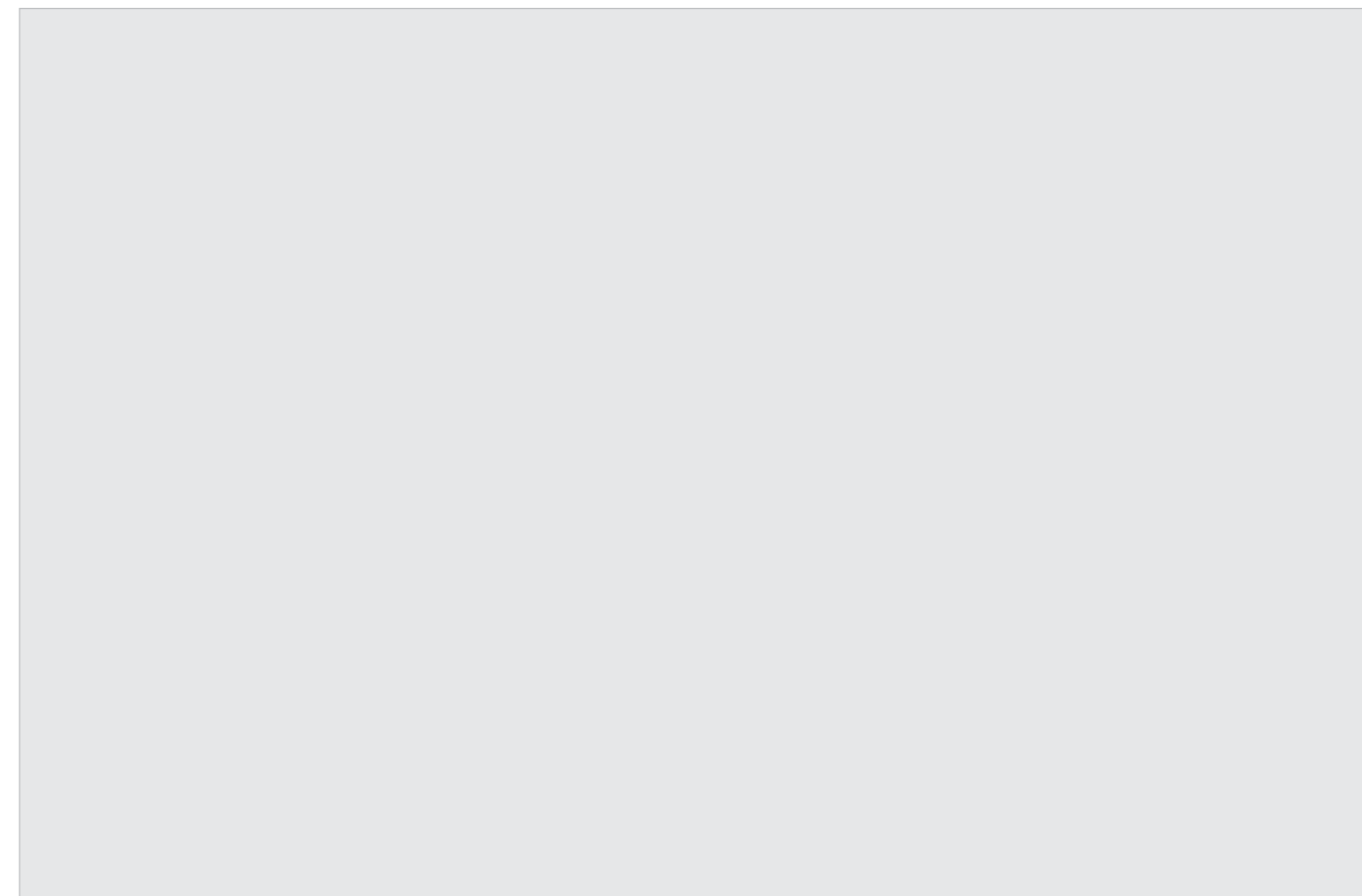
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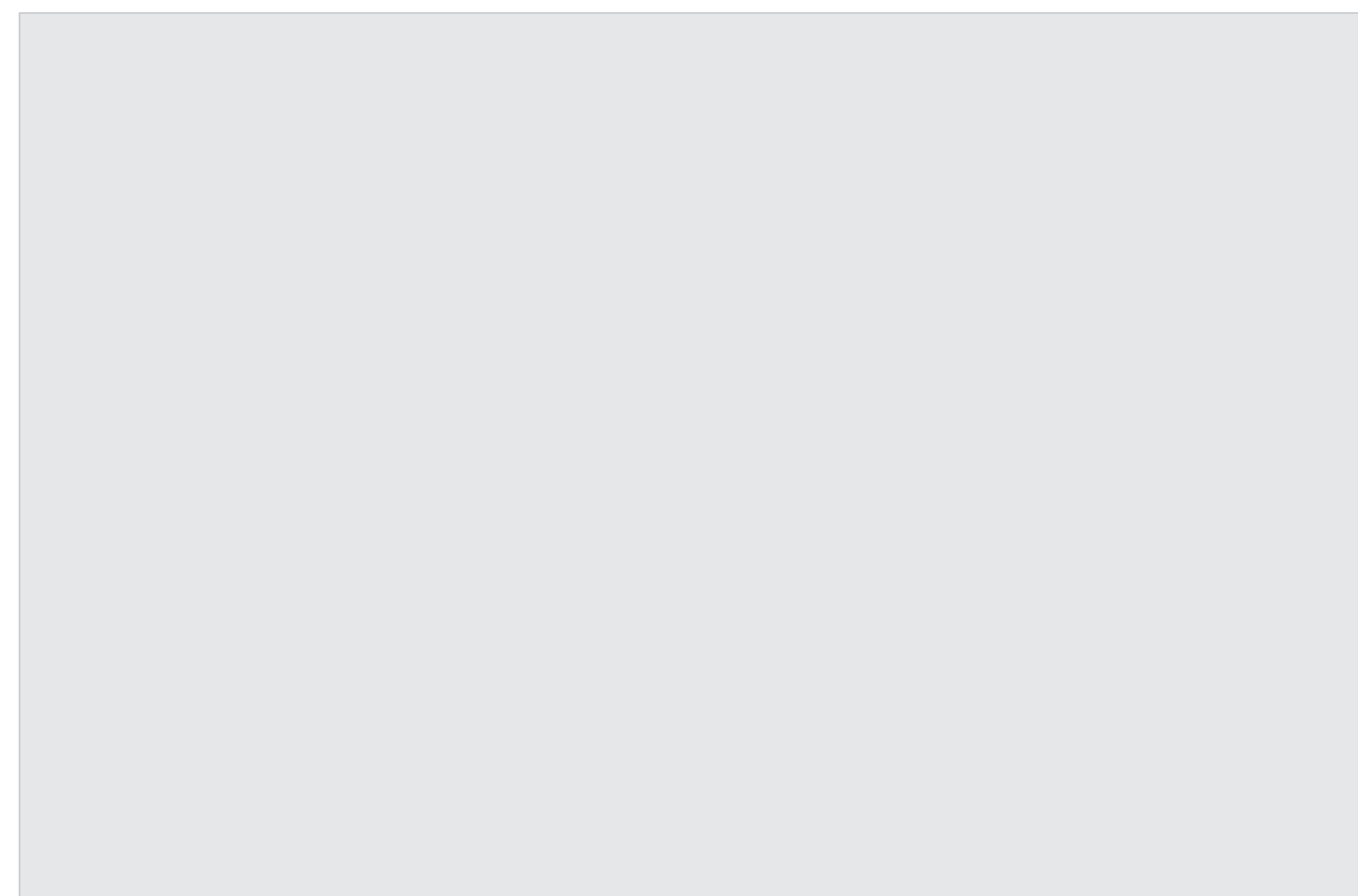
Direct access to the street.



Internal street parallel to an arterial road.



Backyard facing the street.



IMAGINING NEW COMMUNITIES

VISUAL PREFERENCE SURVEY

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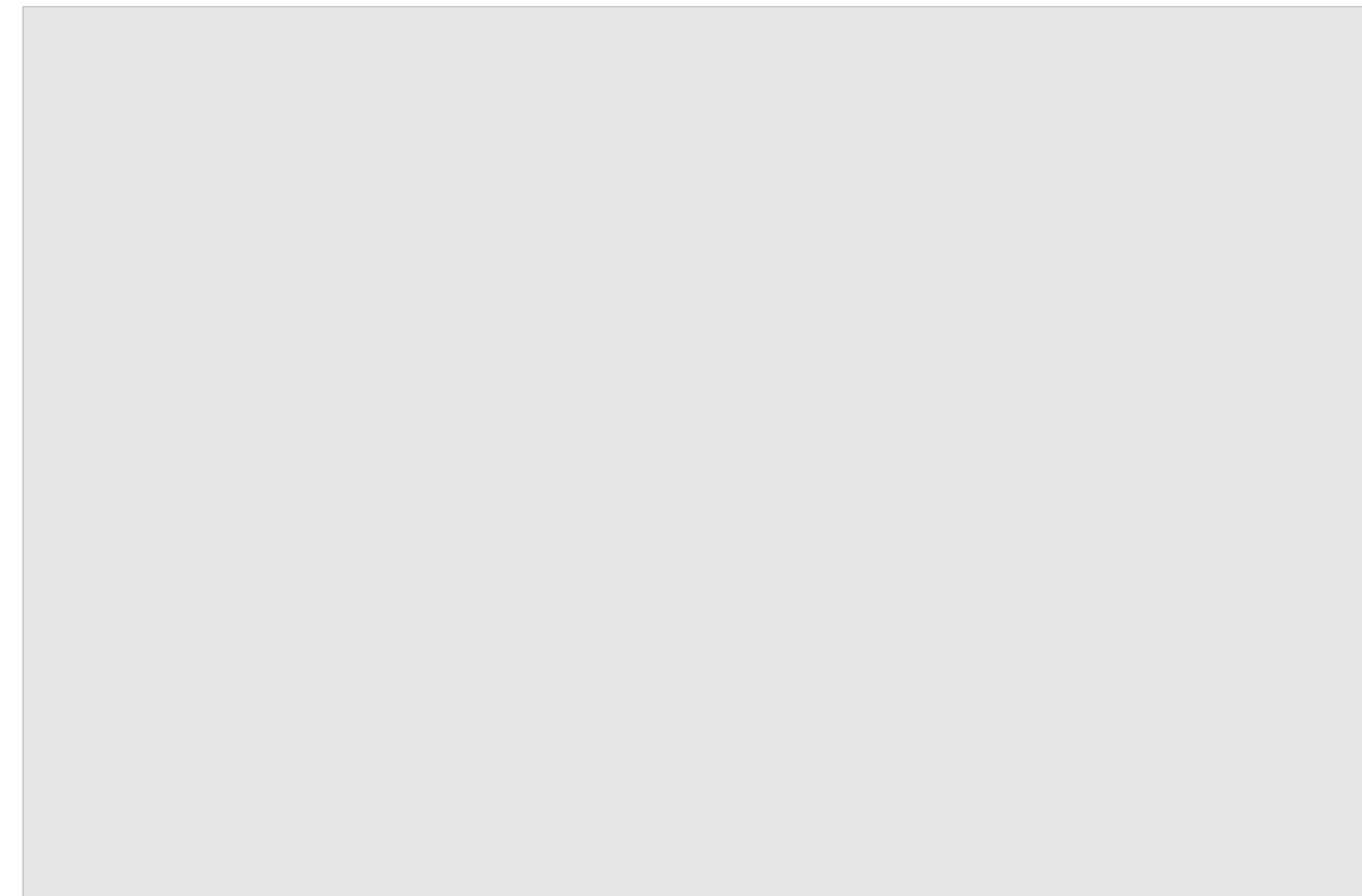
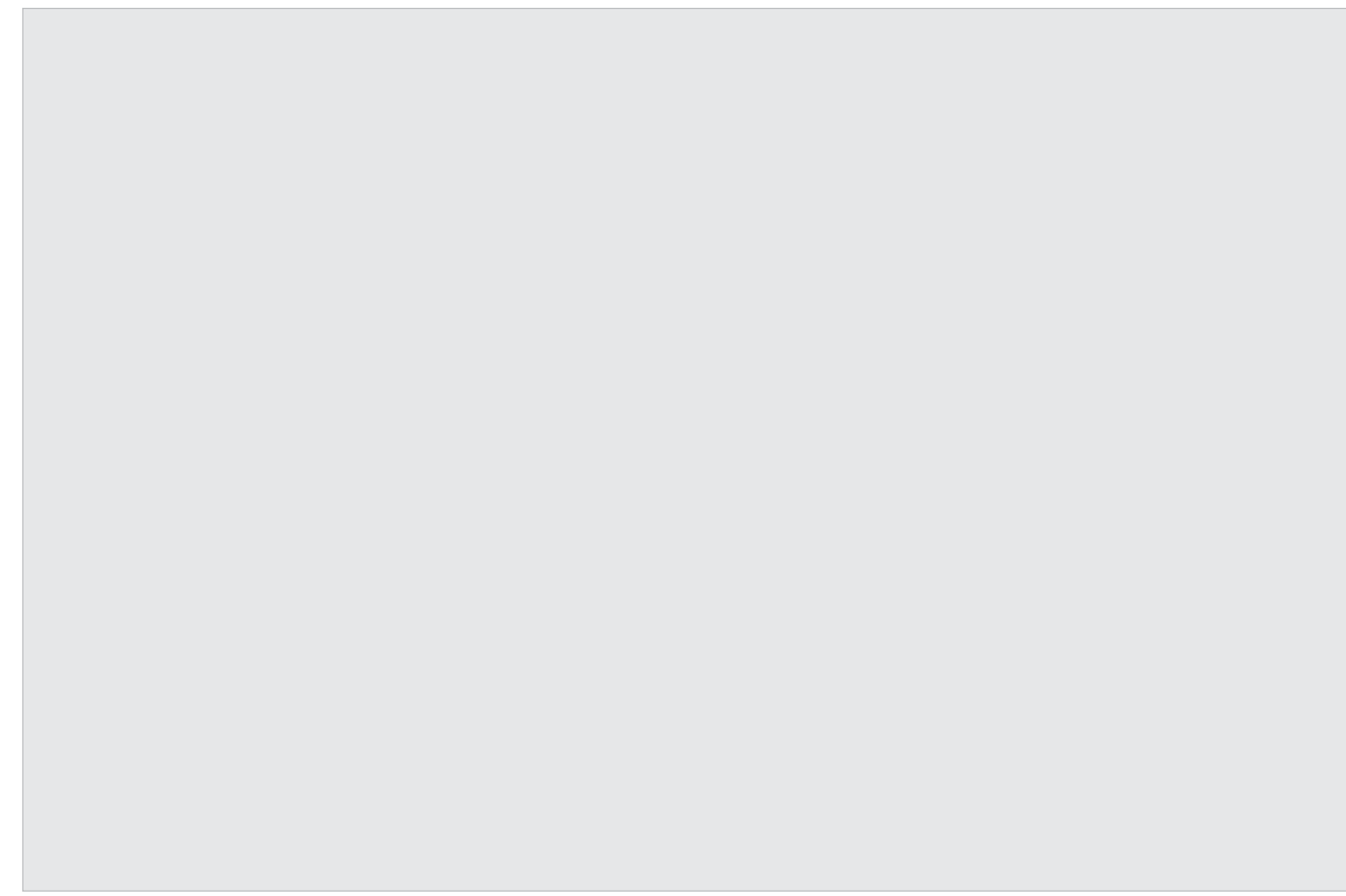
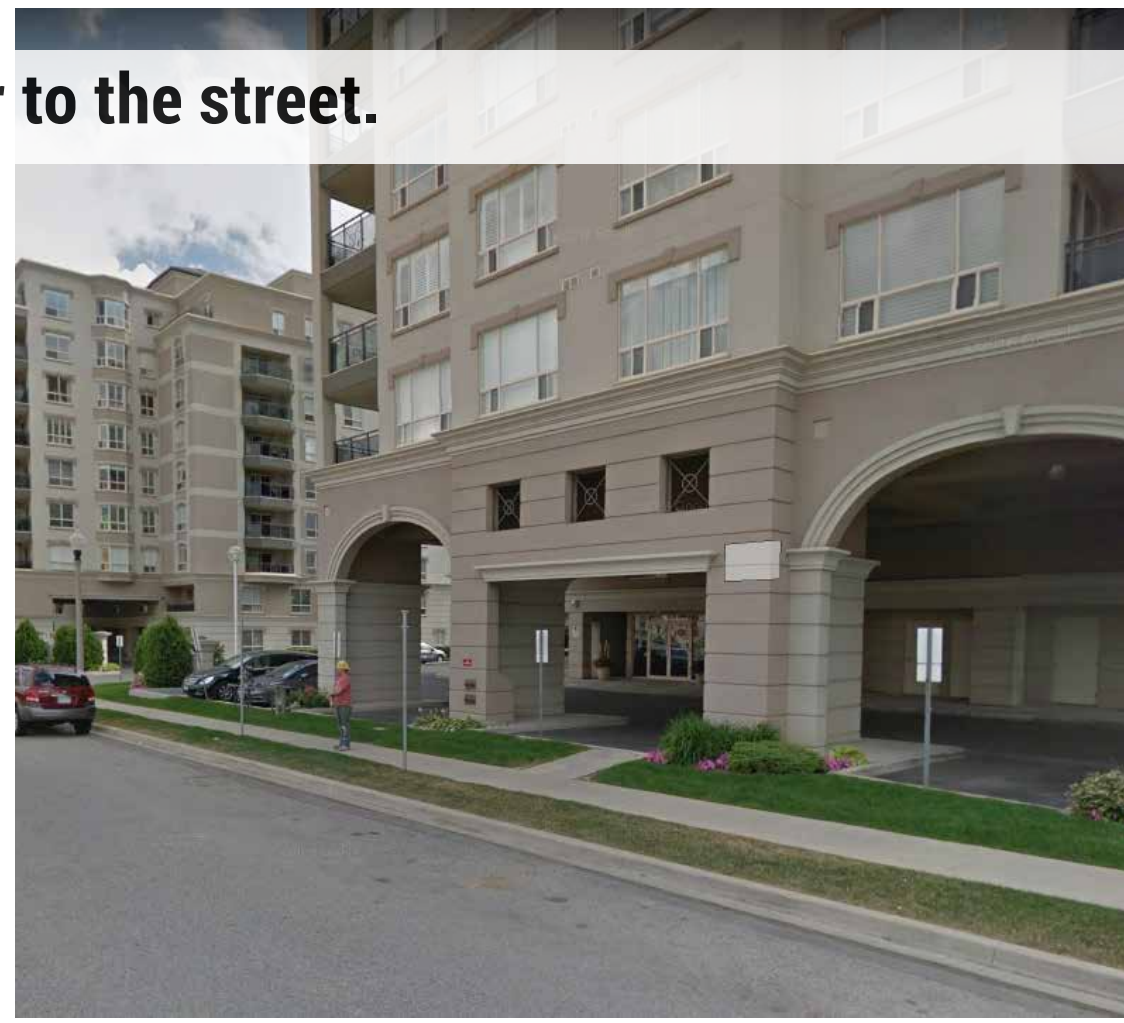
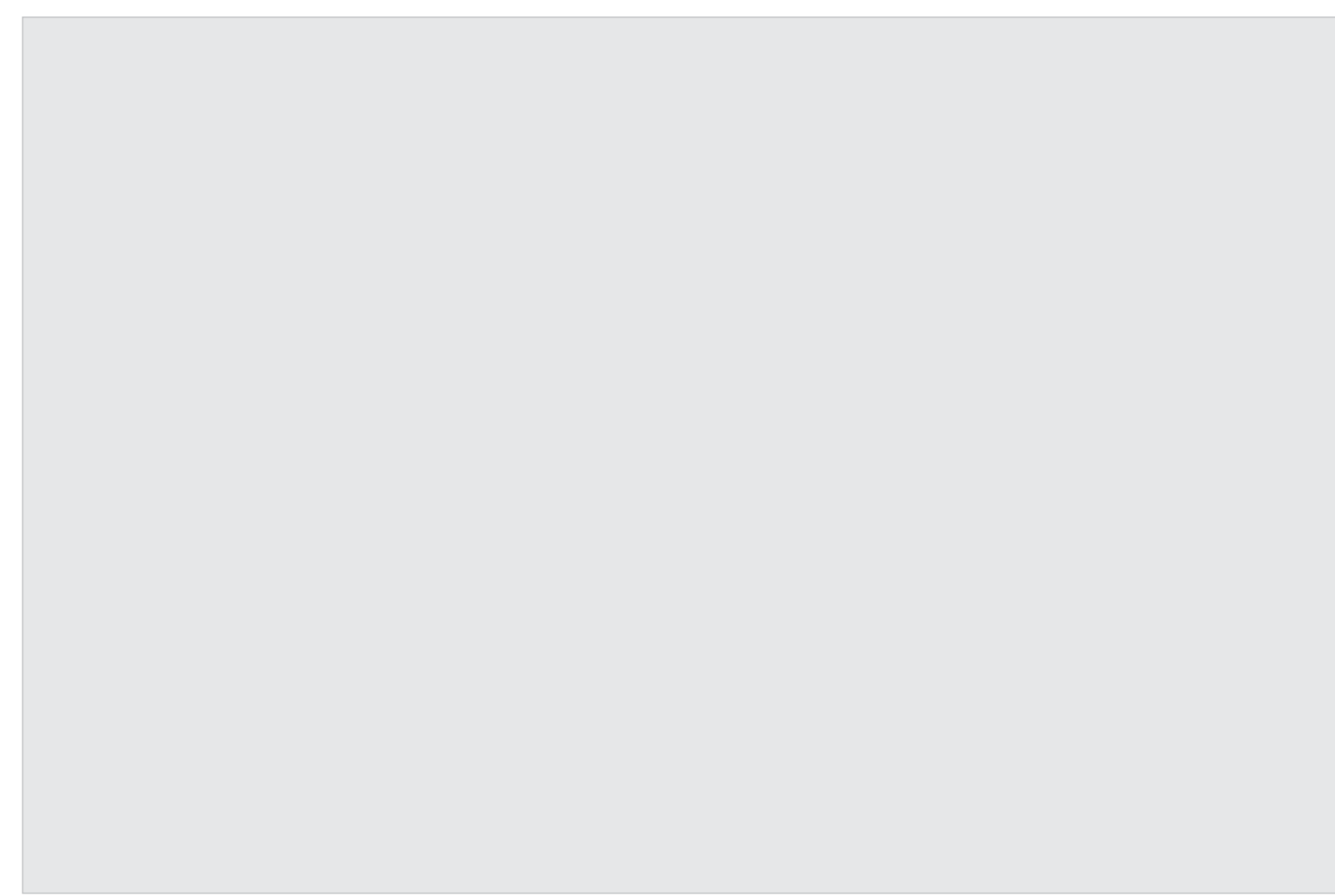
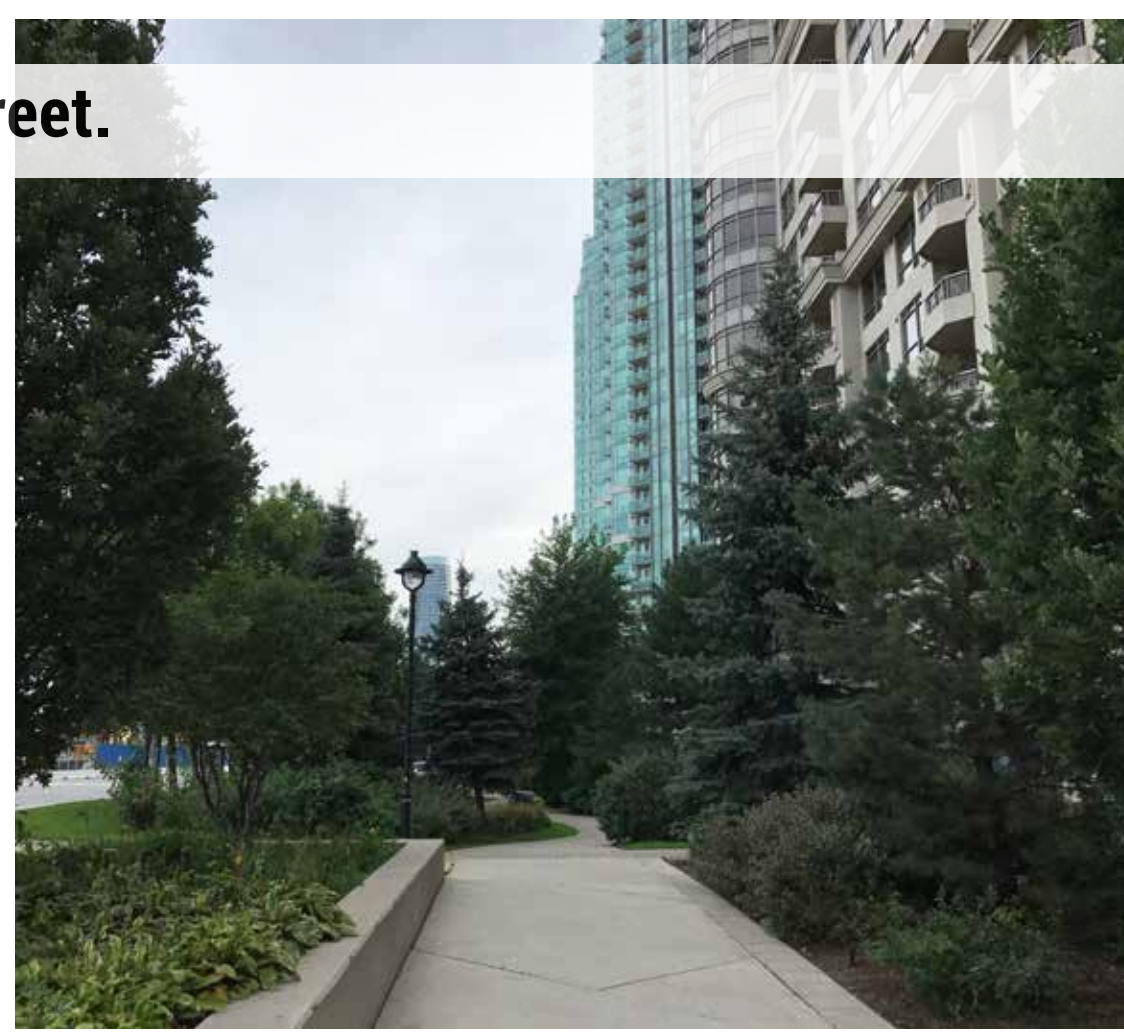
 = least preferred

WHAT ELEMENTS DO YOU PREFER?

Let's focus on how an apartment interacts with the street:

Remember the Zoning By-law **CANNOT** regulate:

- Architecture Style
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- Building Material
- Type of Vegetation



IMAGINING NEW COMMUNITIES

WE'D LIKE TO HEAR YOUR THOUGHTS!

Neighbourhoods and the streets we live on are important. There is pride in a sense of community, and the look and feel of a neighbourhood and street. Things that influence how we feel about our street can include:

- The types and overall look of the houses and other buildings
- Landscaping
- Outdoor spaces – yards, balconies, porches, patios.
- Meeting places, parks, trails
- Streets and parking
- Sidewalks, bike lanes, public transit

PLEASE TAKE A MOMENT TO TELL US A BIT ABOUT WHERE YOU LIVE, AND YOUR LIKES AND DISLIKES ABOUT THE STREET YOU LIVE ON, SO THAT WE CAN GET IT RIGHT IN THE FUTURE!

- Where do you live in the City? (neighbourhood, nearest main intersection, or street name)
- What are 1 or 2 things about the street you live on that you like?
- What 1 or 2 things about the street you live on that you don't like?

FILL OUT A LABEL

IMAGINING NEW COMMUNITIES

PLANNING FOR A CHANGING FUTURE...

New technologies are emerging which will have an impact on how people live, work and play, and therefore on how our communities are planned. Innovative thinkers are challenging the status quo and pushing the limits of science to create technologies which would have seemed unimaginable not too long ago:

- Autonomous (self-driving) vehicles
- Flying cars
- Drones
- 3D Printed Buildings
- Robotics



THE DREAM OF CARS DRIVING THEMSELVES IS BECOMING A REALITY. BEFORE THE QUESTION WAS WHETHER IT WAS POSSIBLE. NOW WE KNOW IT IS.

- SEBASTIAN THRUN

It is important to consider these new technologies and more to come in the future, to ensure that our communities will be adaptable and resilient to the ever-changing technological landscape.

HOW CAN NEW TECHNOLOGIES IMPACT THE PLANNING OF NEW COMMUNITIES?

- **Parking requirements** – may be impacted as shared autonomous vehicles replace the private automobile. Parking lots could be repurposed for other uses.
- **Street design** – reduced right-of-way widths could allow more opportunity to accommodate other modes of travel. Areas for drop off and pick up will be needed.
- **Employment** – automation of all types has an impact on job creation and availability. Planning for employment will need to consider where and how people will be working in the future.
- **Social Equity** – there is a need to ensure that all members of the community will have equal access to new technologies.



DID YOU KNOW ?

- Several companies, including Rolls Royce, Uber, Audi/Airbus and Kittyhawk are designing prototypes for 'flying taxis'
- 3D printed buildings have already been constructed in France, Dubai and China, including a 5 storey apartment building
- A self-driving shuttle bus has been launched in Calgary as a pilot project to carry passengers between two local attractions
- Amazon is experimenting with drone delivery of packages

As these new technologies are still in the emerging stages, the full impacts on community life and design are not yet known. But including these considerations in our planning now will help to ensure that new technologies contribute to making great and livable communities.

IMAGINING NEW COMMUNITIES

NOV 13
2018
PIC No. 7

DAVID BRALEY
HEALTH SCIENCES
CENTRE

VISUAL PREFERENCE SURVEY - RESULTS

“ DENSITY WITHOUT DESIGN
EQUALS DISASTER
- AUTHOR UNKNOWN

PREFERENCES FOR RESIDENTIAL DEVELOPMENTS

The City is considering what regulations to include in the new Residential Zones. The following panels highlight different elements of various residential developments. The public was asked to provide their input by ranking each photo based on preference (placing one dot per photo).

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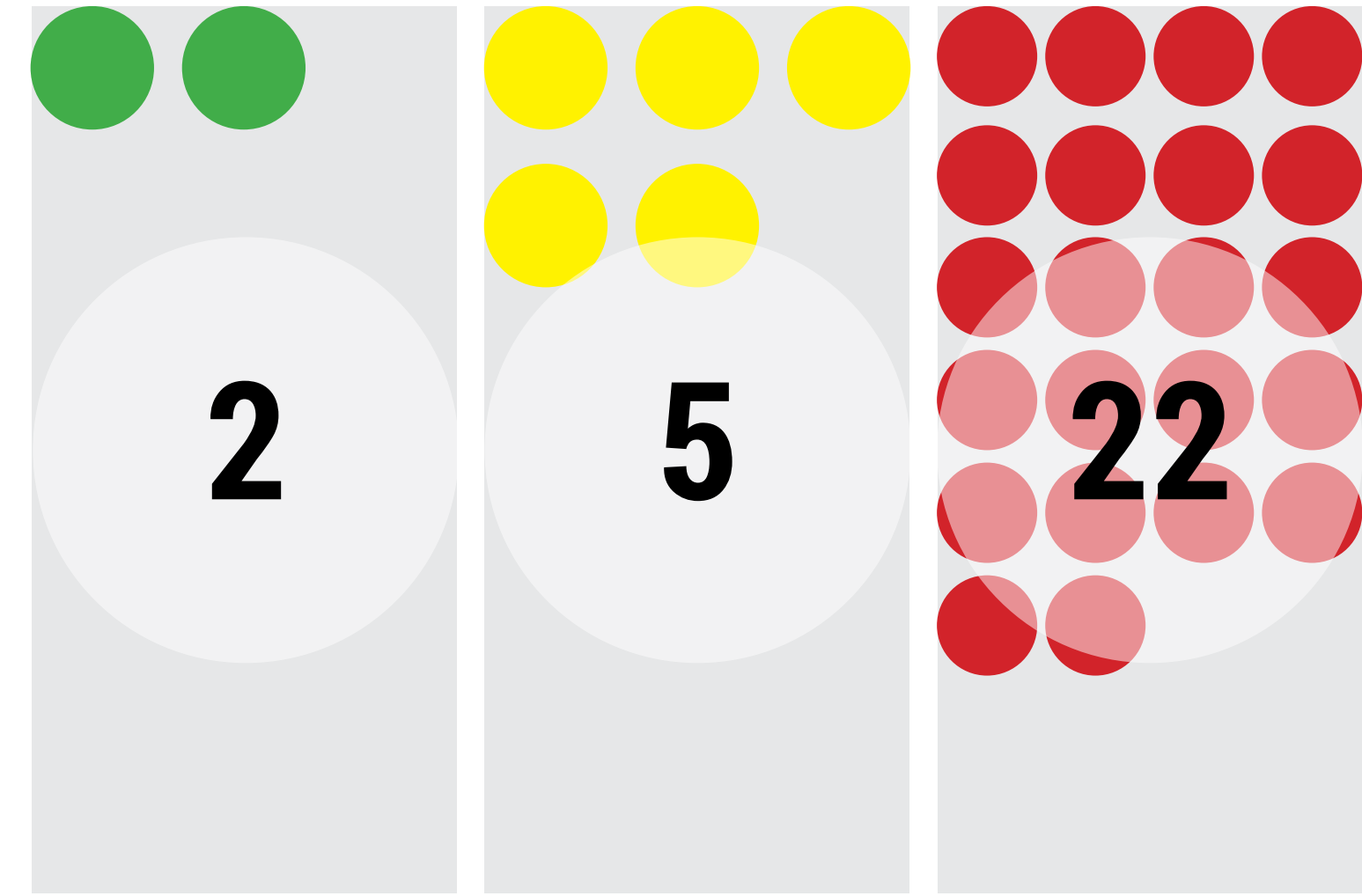
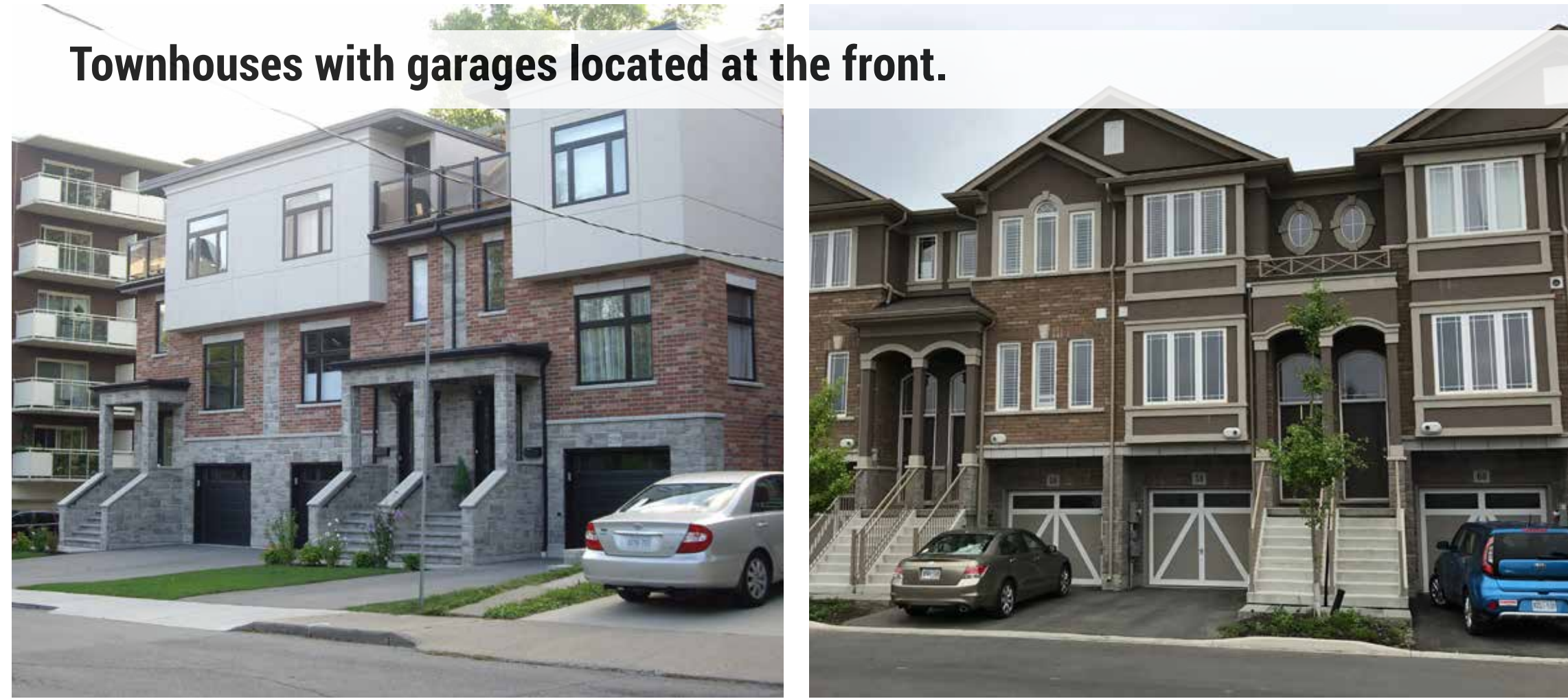
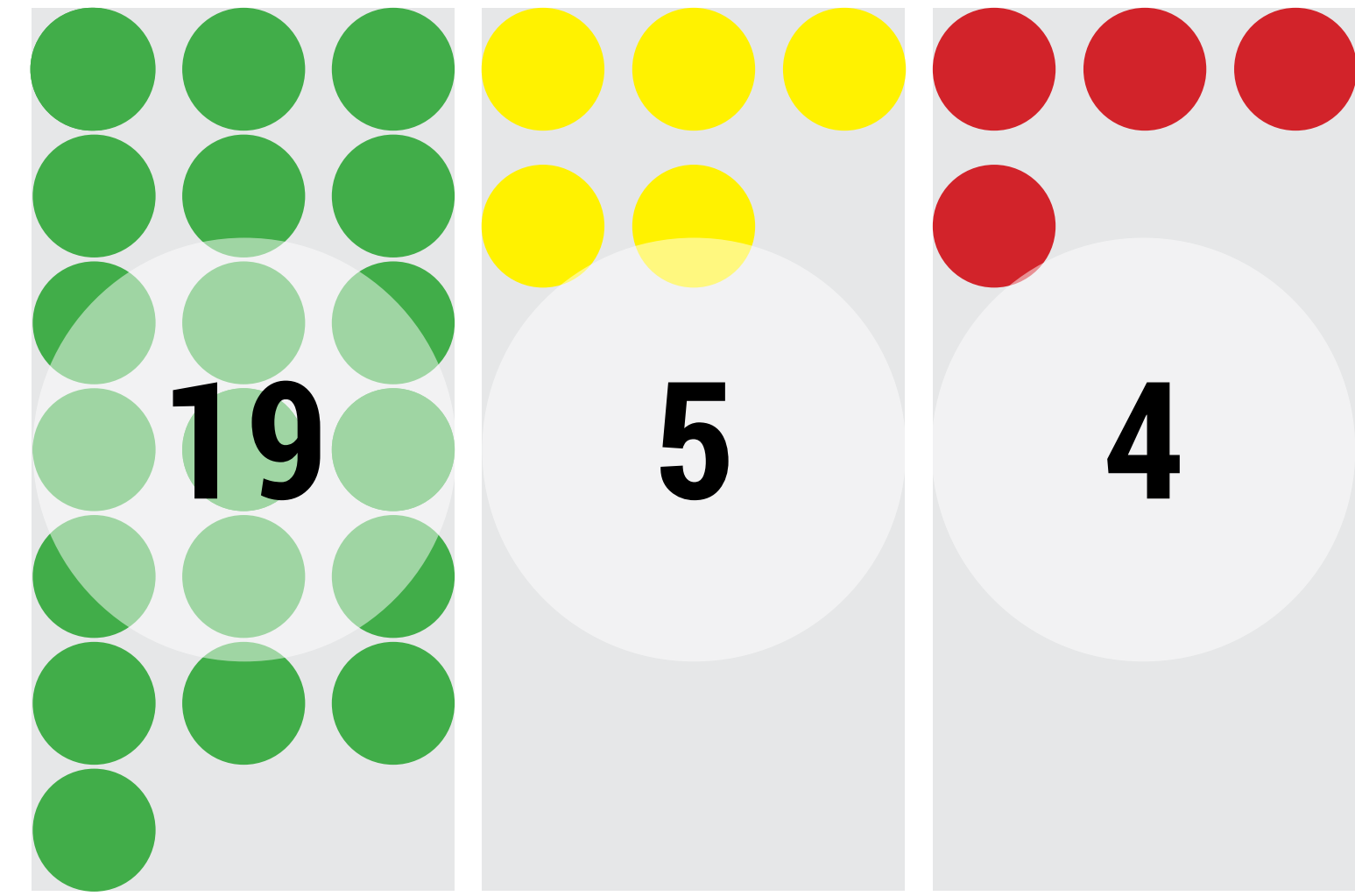
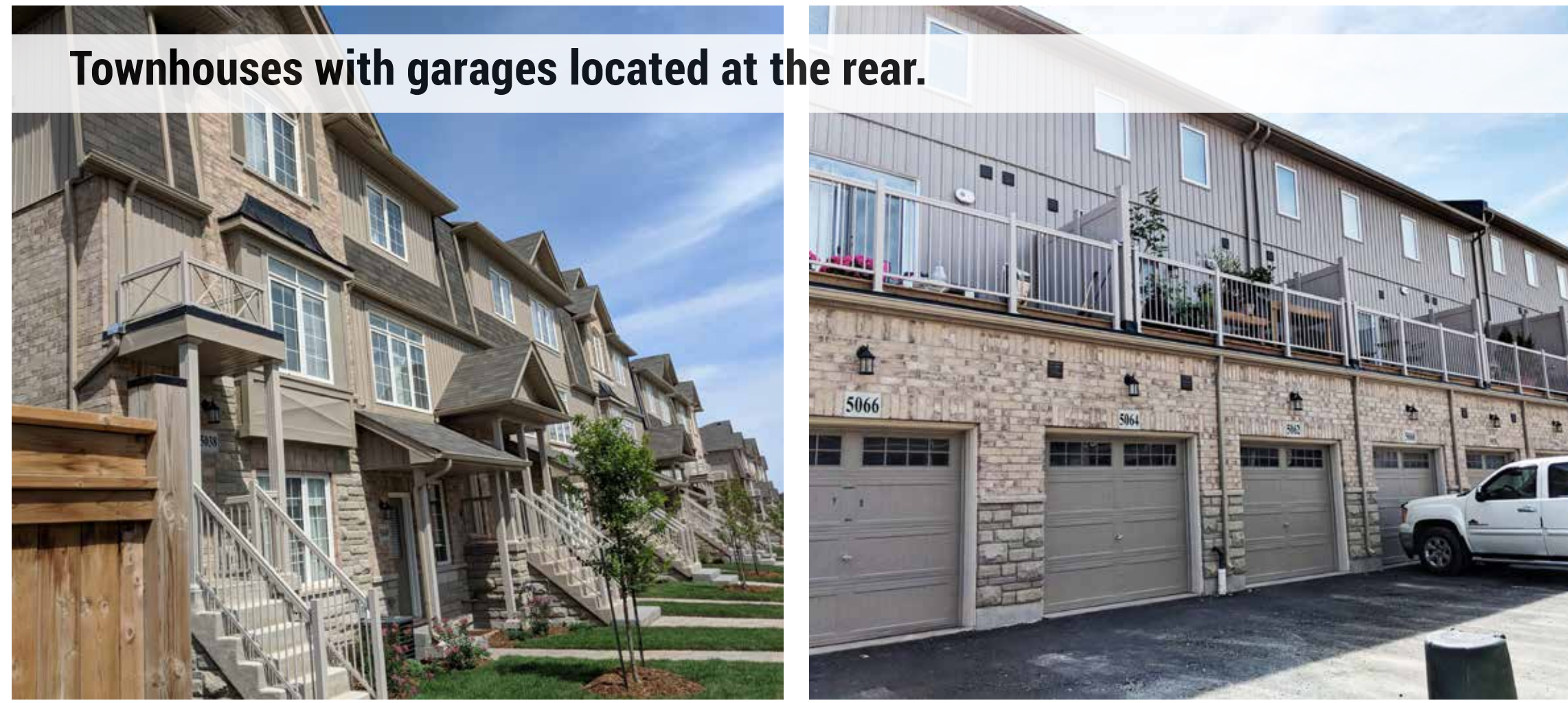
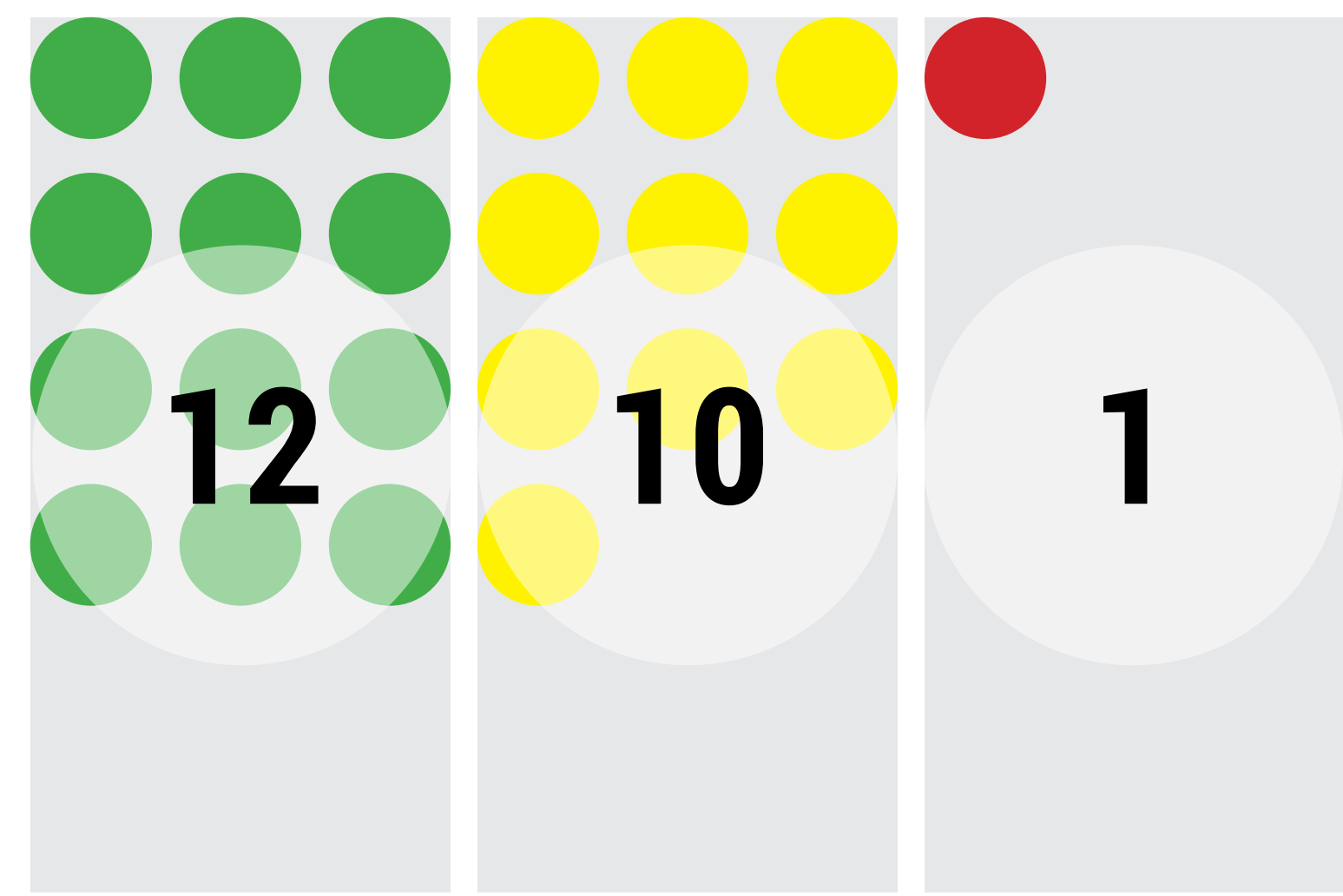
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HERE ARE THE RESULTS:

Let's focus on parking:

Remember the Zoning By-law **CANNOT** regulate:

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- Type of Vegetation



IMAGINING NEW COMMUNITIES

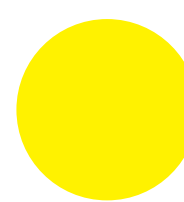
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2018
R1C No. 7

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IMAGINING NEW COMMUNITIES

NOV 13 2018
R1C No. 7

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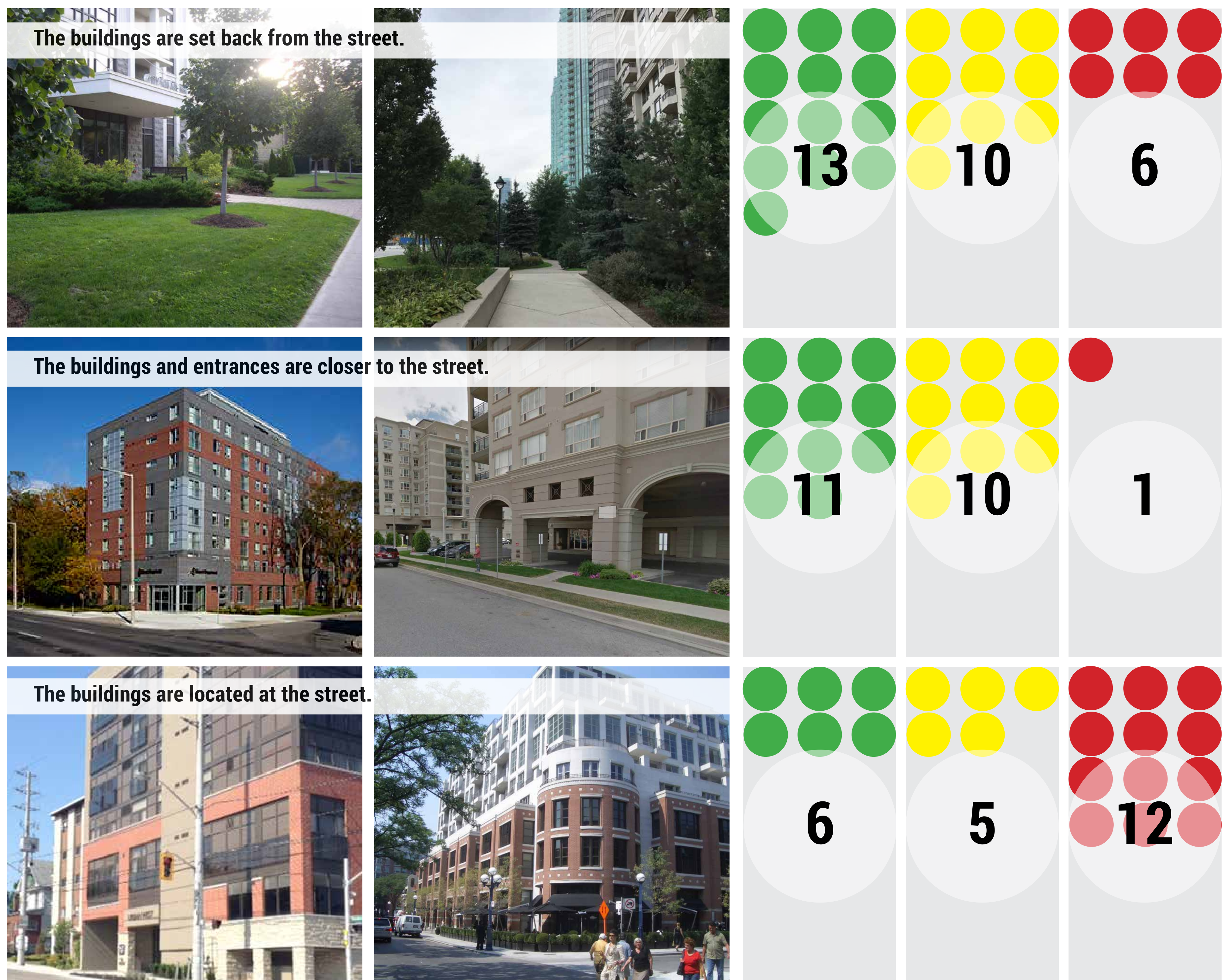
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IMAGINING NEW COMMUNITIES

PIC No. 2 NOV 20 2018 THE ANCASTER FAIRGROUNDS

VISUAL PREFERENCE SURVEY - RESULTS

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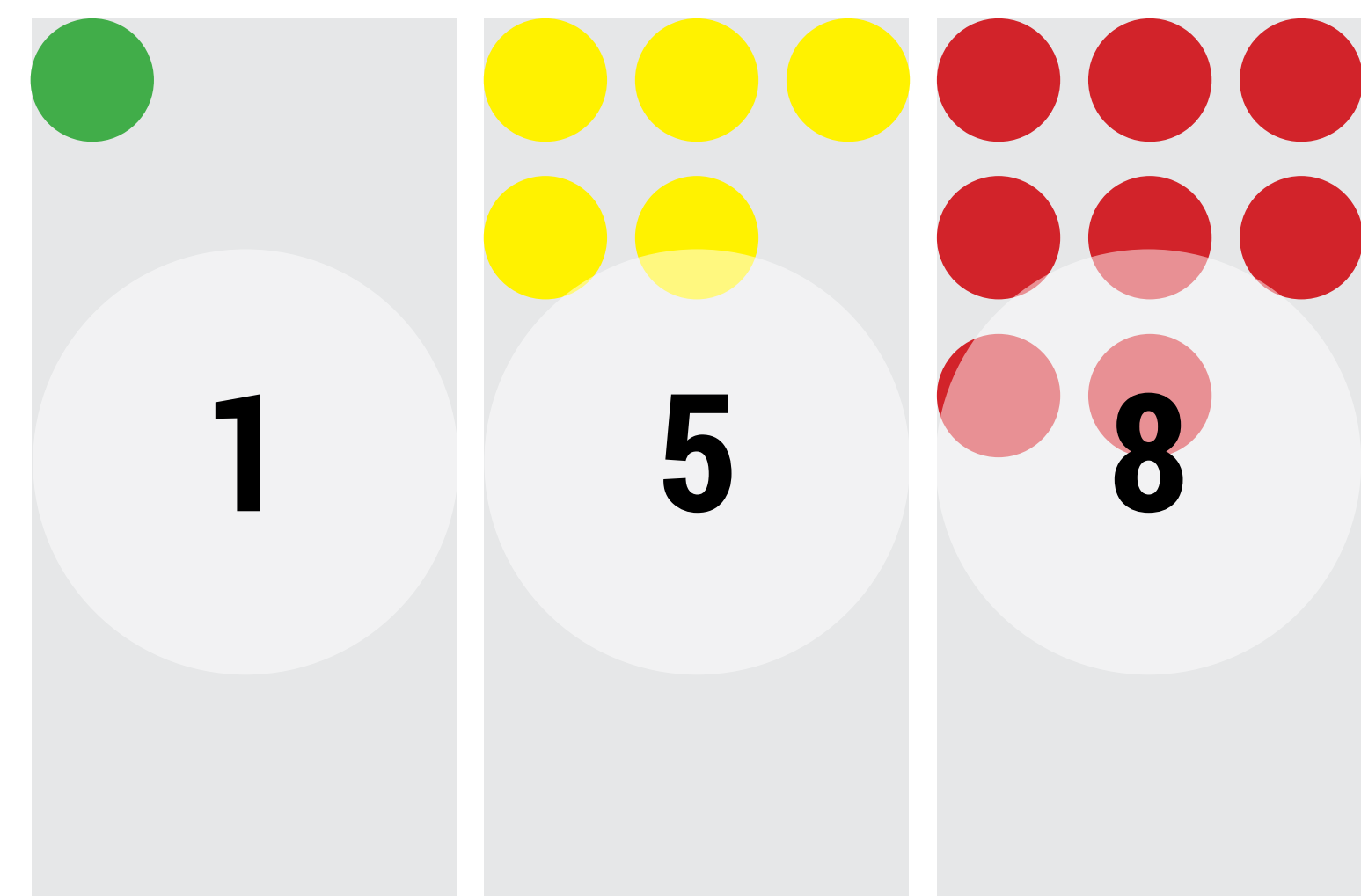
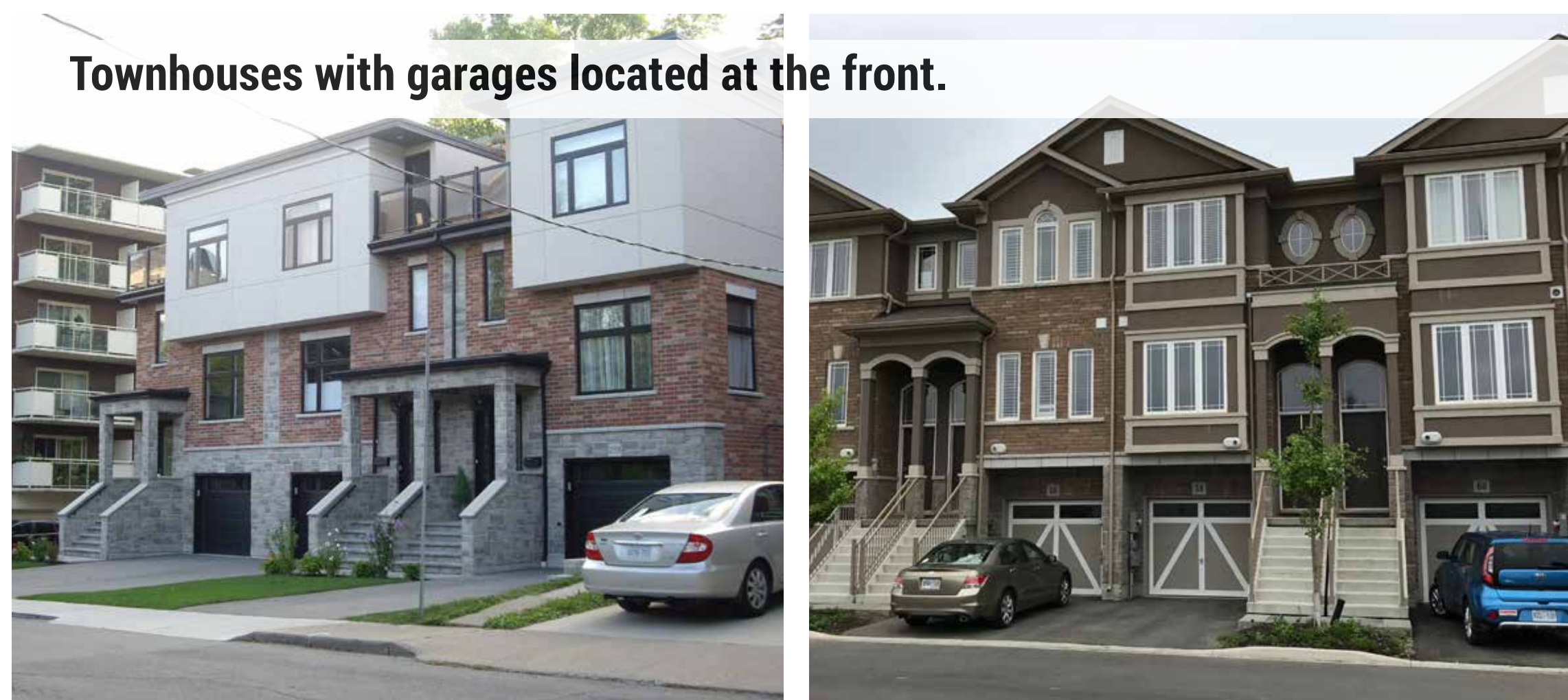
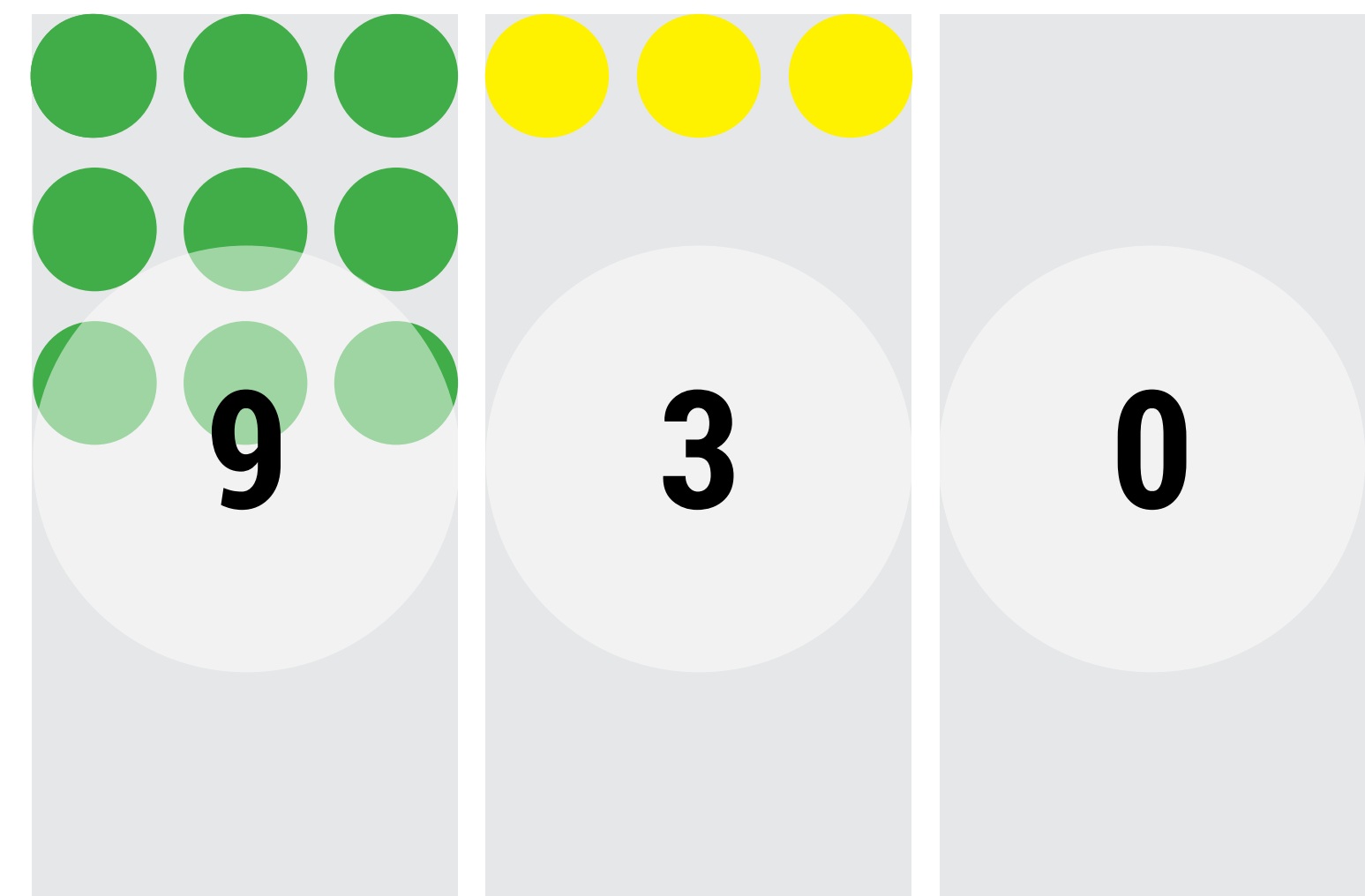
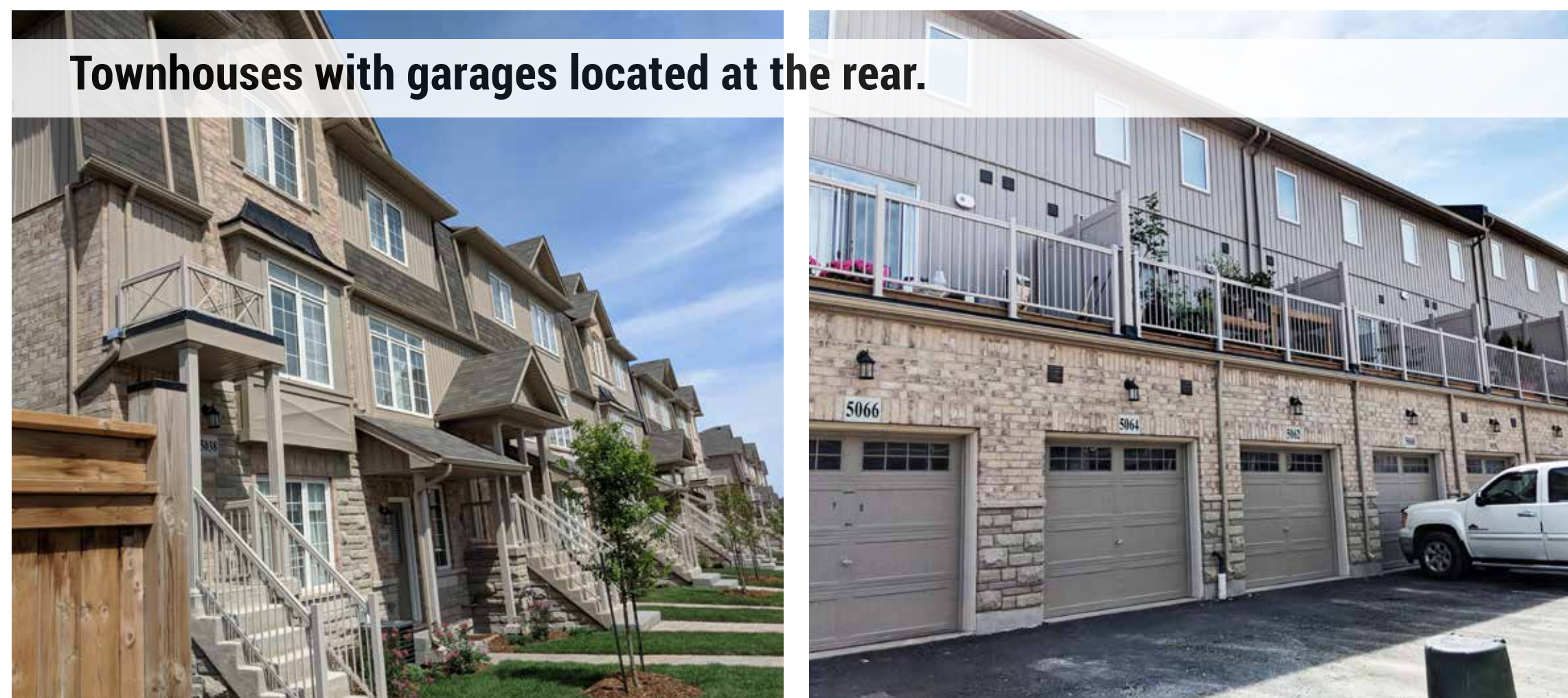
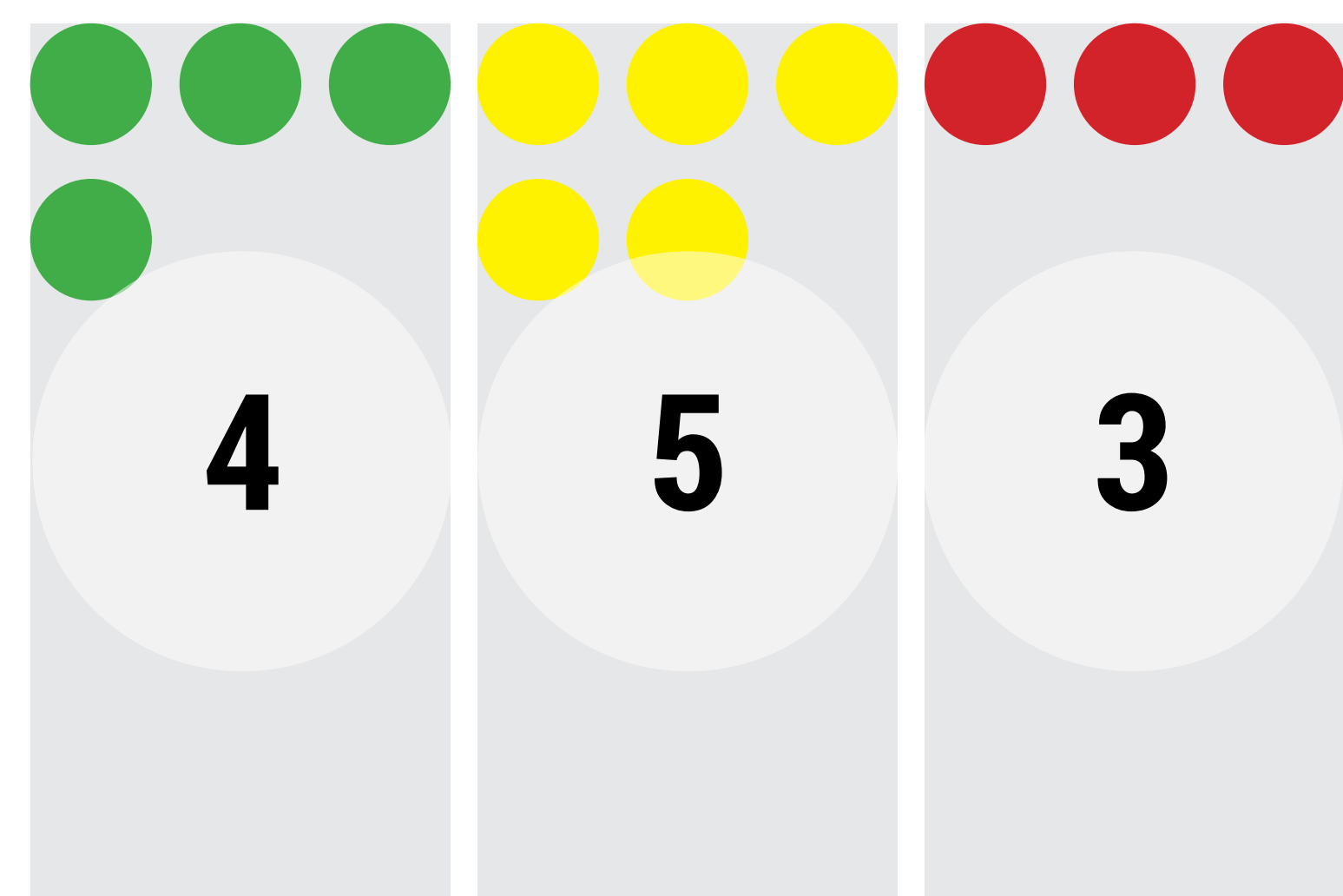
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IMAGINING NEW COMMUNITIES

PIC No. 2 NOV 20 2018 THE ANCASTER FAIRGROUNDS

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IMAGINING NEW COMMUNITIES

PIC No. 2 NOV 20 2018 THE ANCASTER FAIRGROUNDS

VISUAL PREFERENCE SURVEY - RESULTS

The City is considering what regulations to include in the new Residential Zones. The following panels highlight different elements of various residential developments. The public was asked to provide their input by ranking each photo based on preference (placing one dot per photo).

 = most preferred

 = somewhat preferred

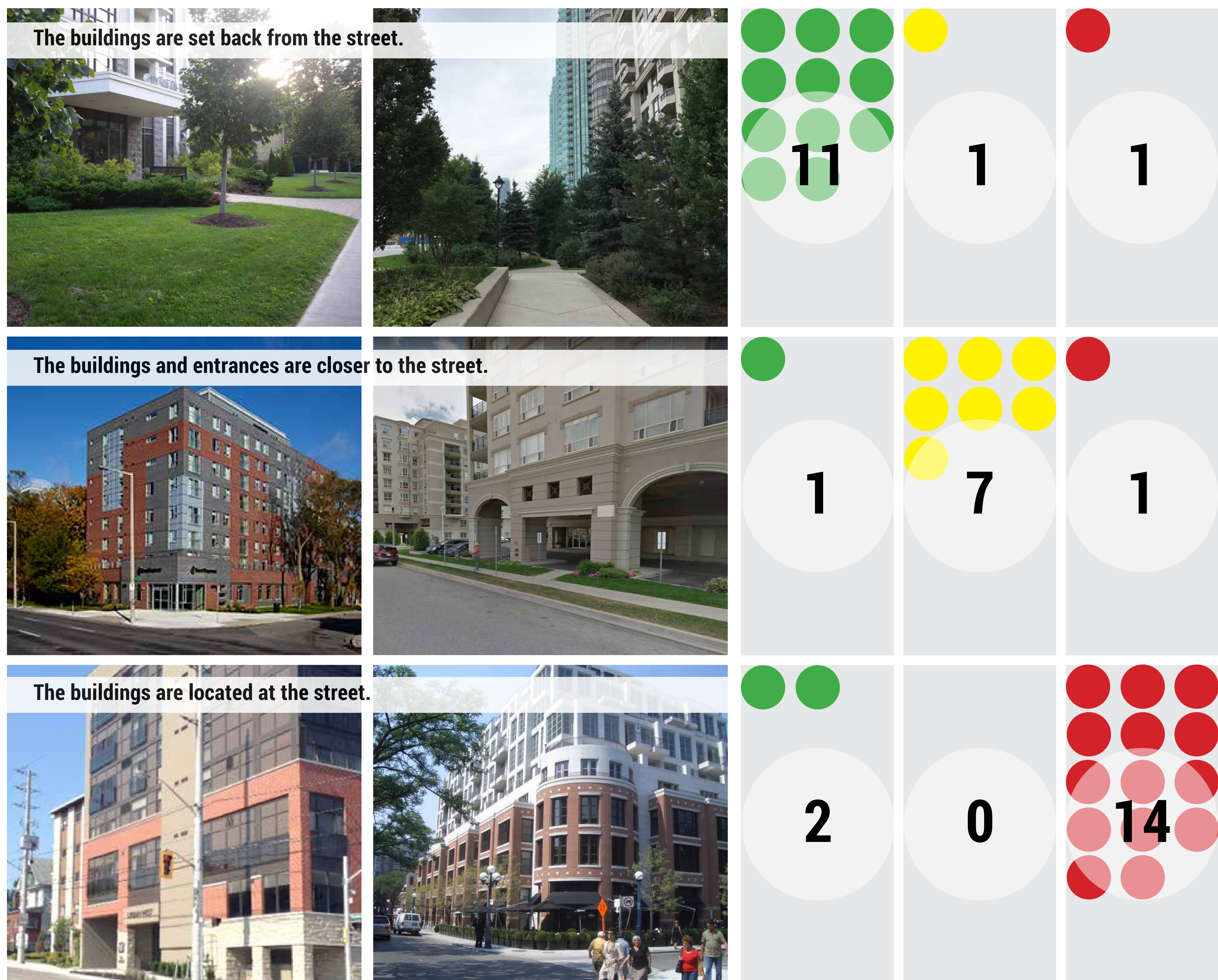
 = least preferred

HERE ARE THE RESULTS:

Let's focus on how an apartment interacts with the street:

Remember the Zoning By-law **CANNOT** regulate:

- Architecture Style
- Building Design
- Building Material
- Type of Vegetation



IMAGINING NEW COMMUNITIES

PIC No. 3 NOV 22 2018 HERITAGE GREEN BAPTIST CHURCH

VISUAL PREFERENCE SURVEY - RESULTS

“ DENSITY WITHOUT DESIGN EQUALS DISASTER ”
- AUTHOR UNKNOWN

PREFERENCES FOR RESIDENTIAL DEVELOPMENTS

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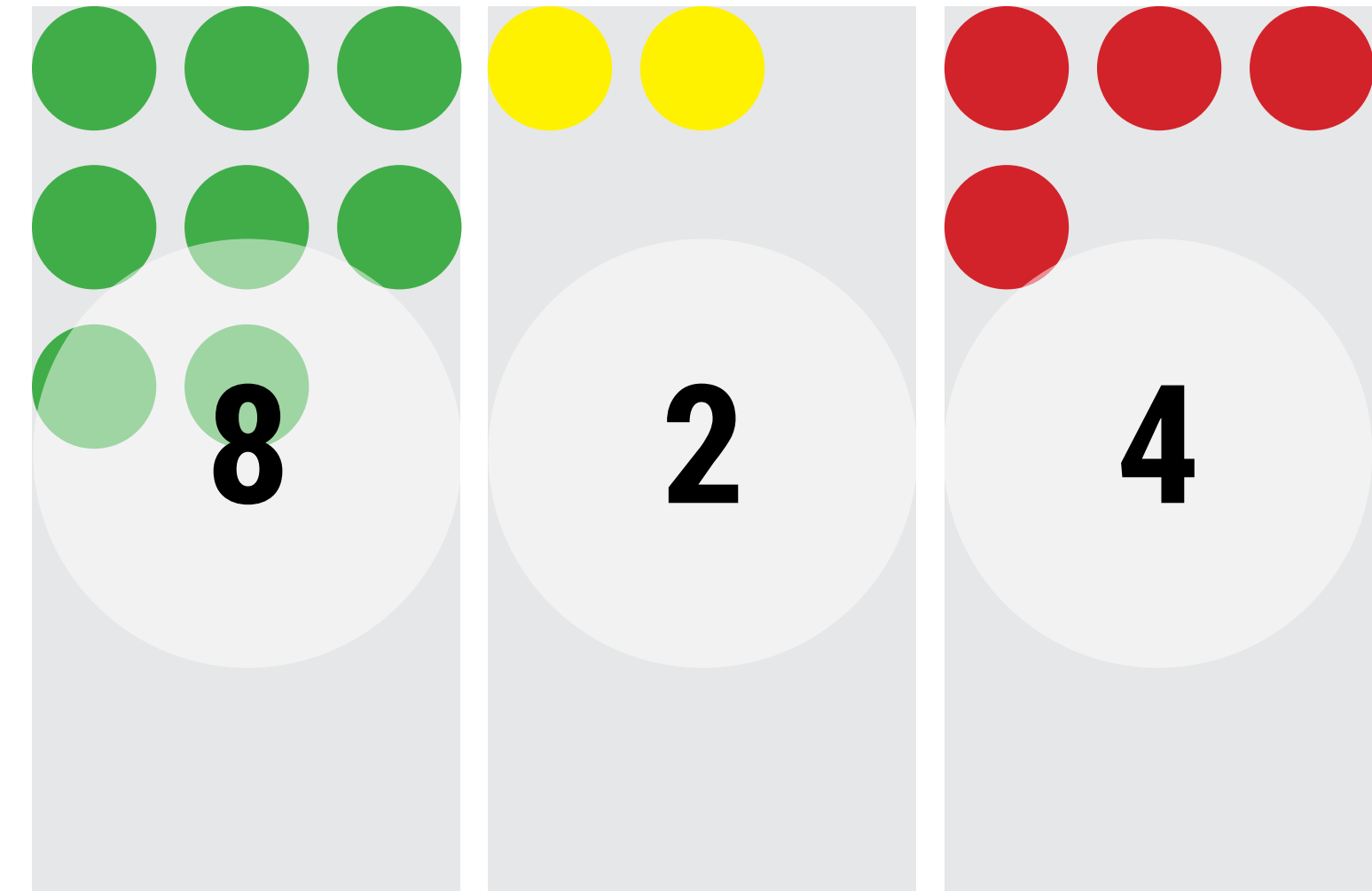
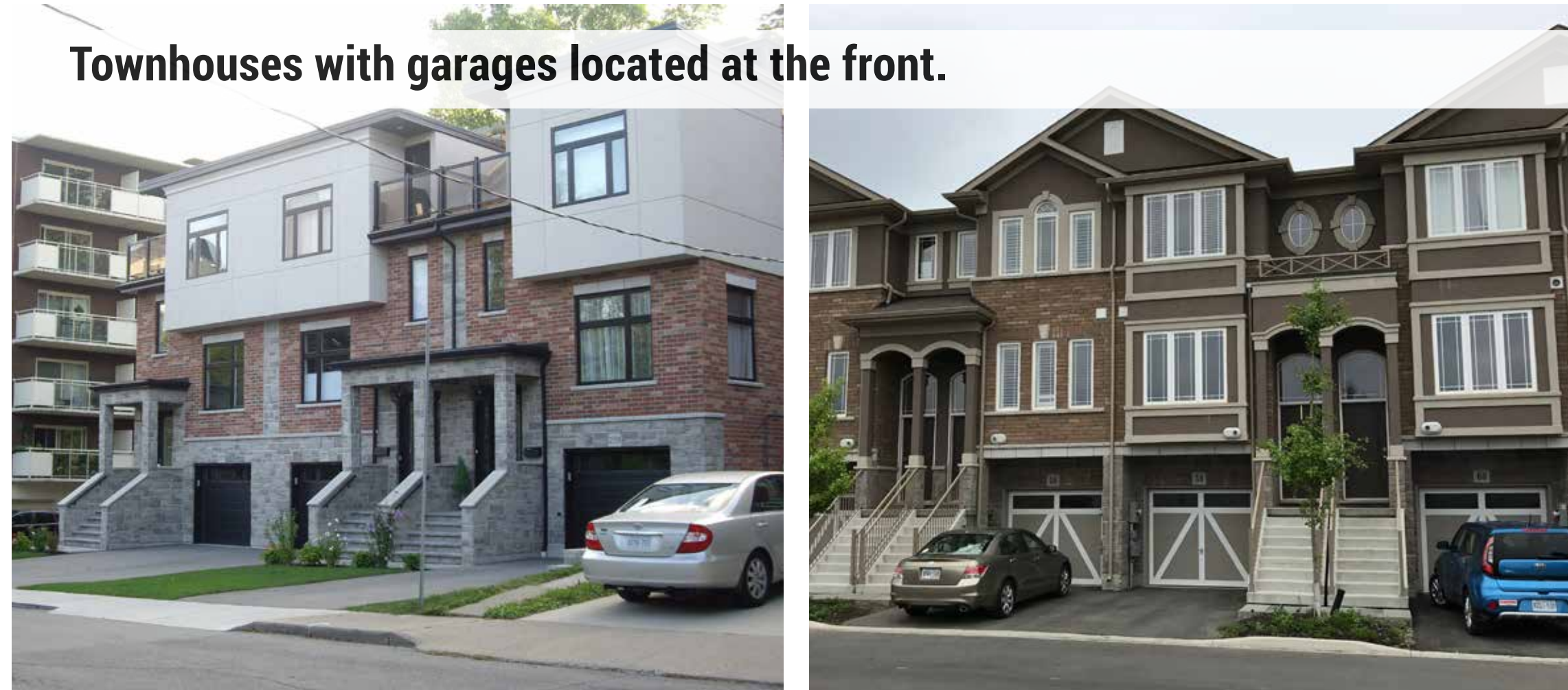
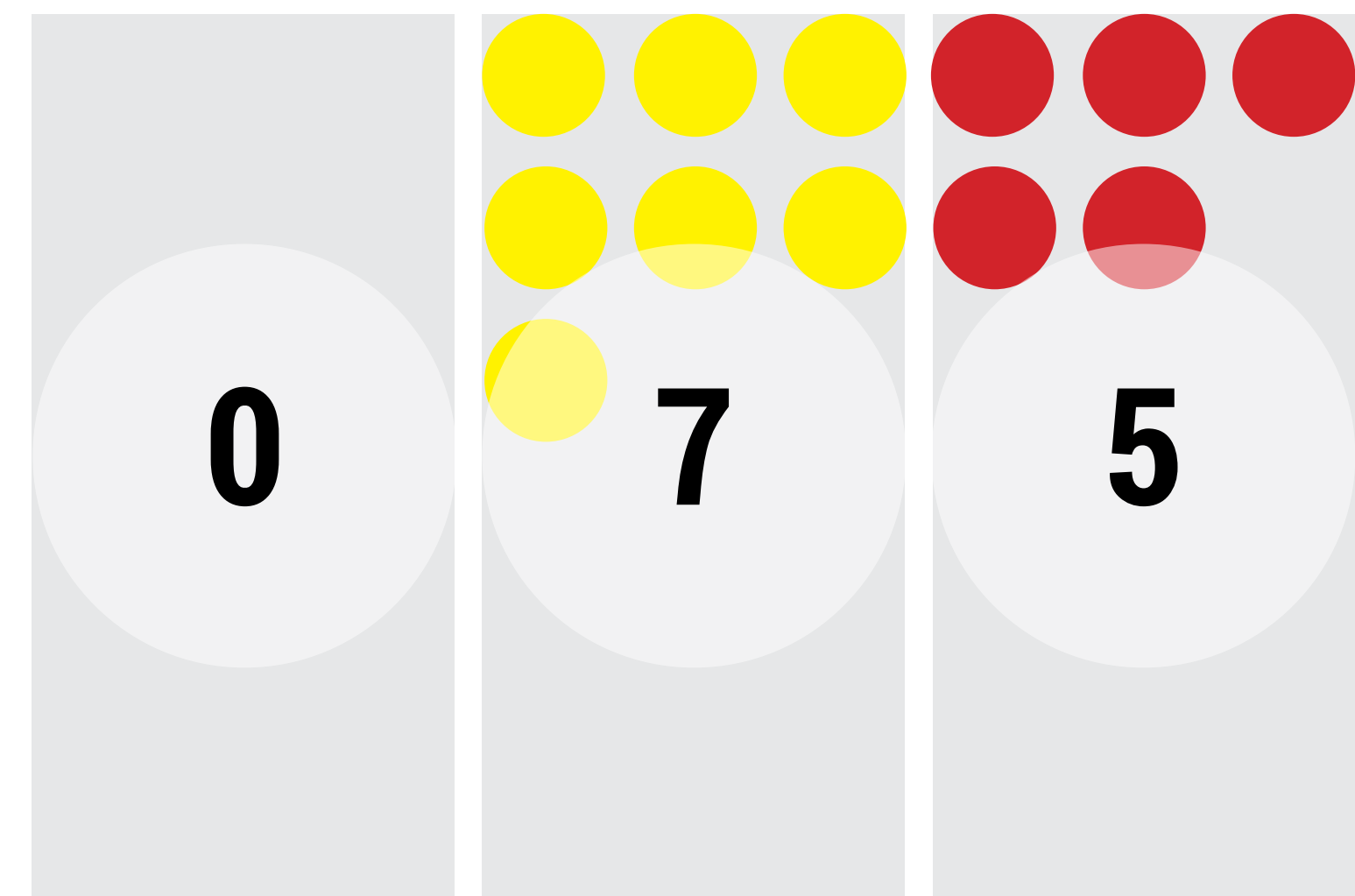
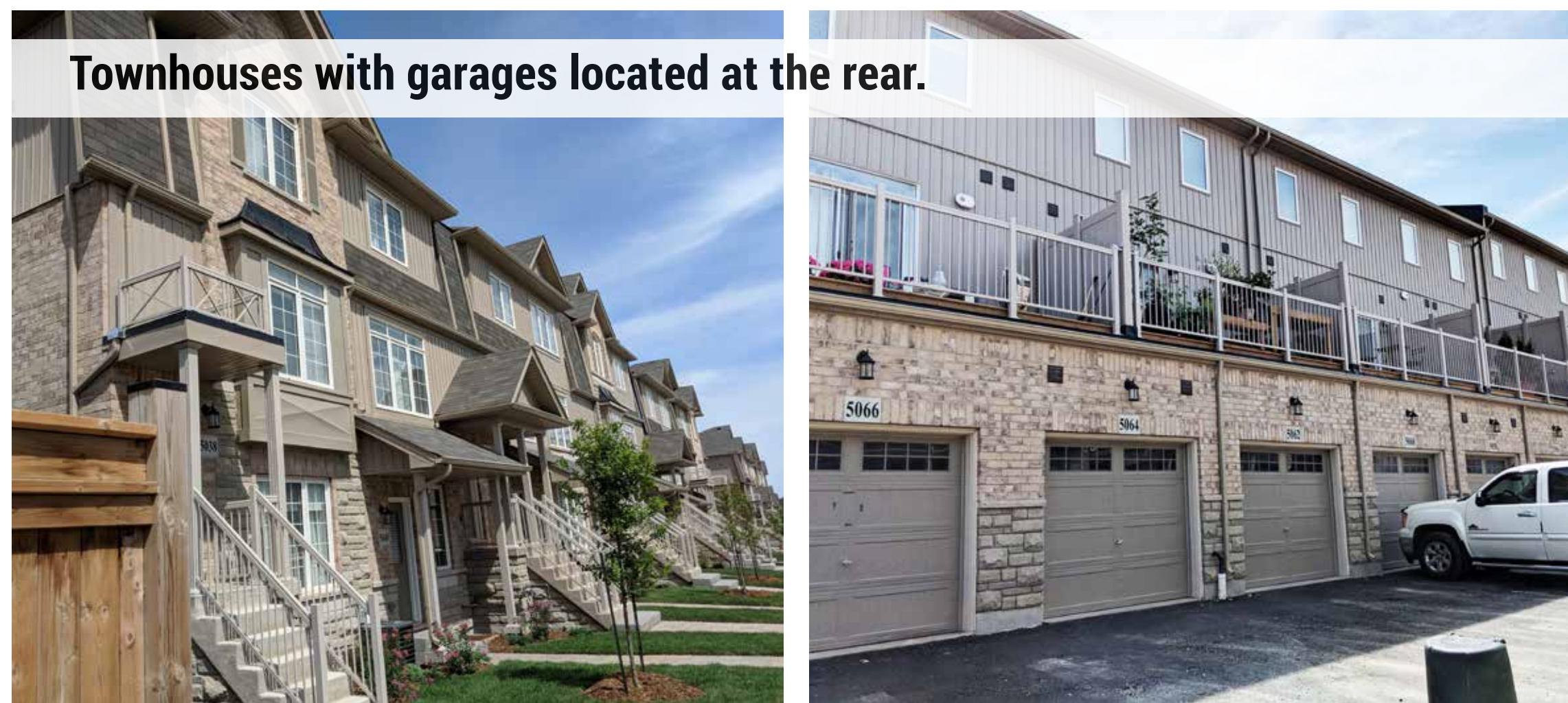
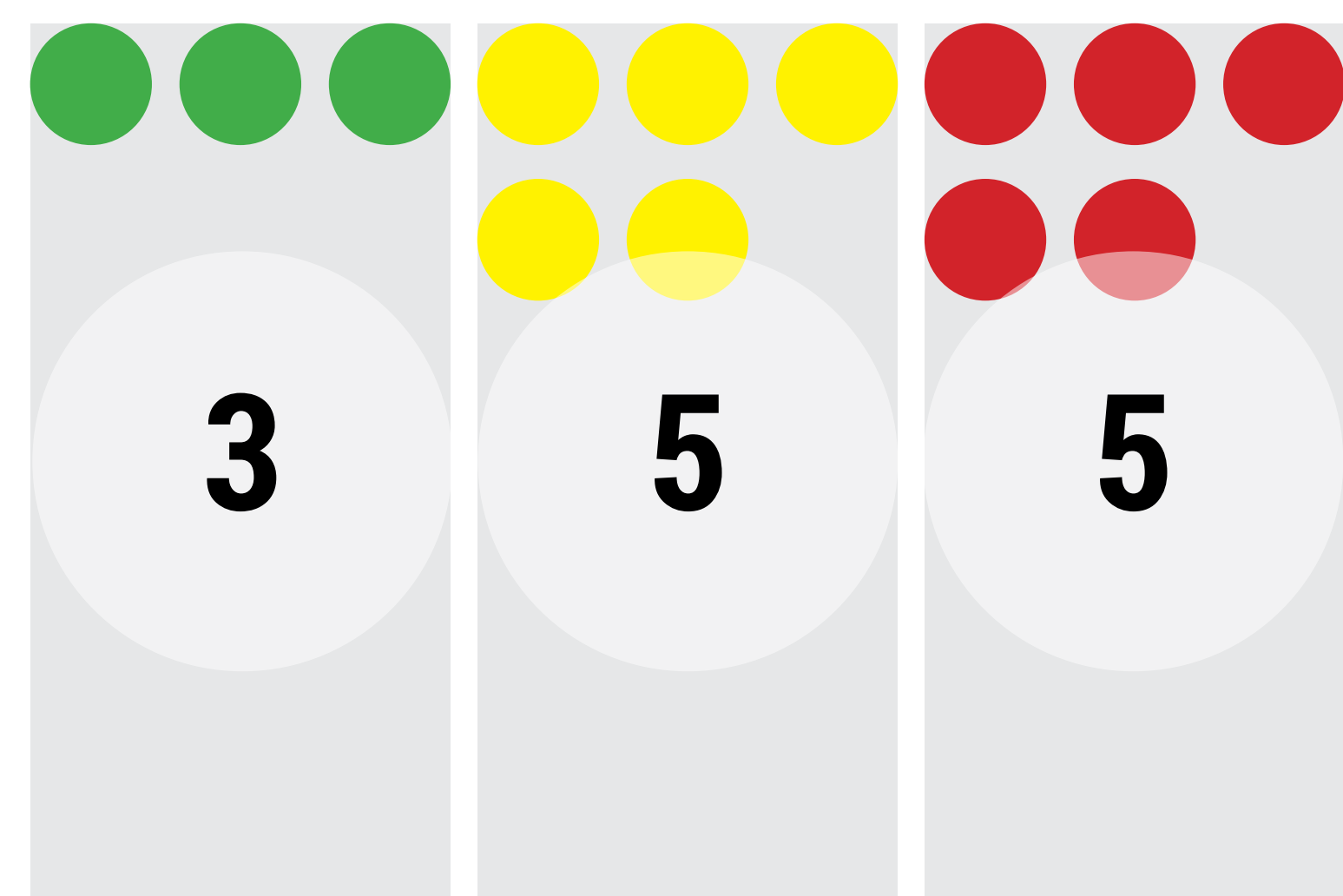
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HERE ARE THE RESULTS:

Let's focus on parking:

Remember the Zoning By-law **CANNOT** regulate:

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- Building Design
- Building Material
- Type of Vegetation



IMAGINING NEW COMMUNITIES

PIC No. 3 NOV 22 2018 HERITAGE GREEN BAPTIST CHURCH

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HERE ARE THE RESULTS:

Let's focus on how a townhouse development interacts with the street:

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- Type of Vegetation



IMAGINING NEW COMMUNITIES

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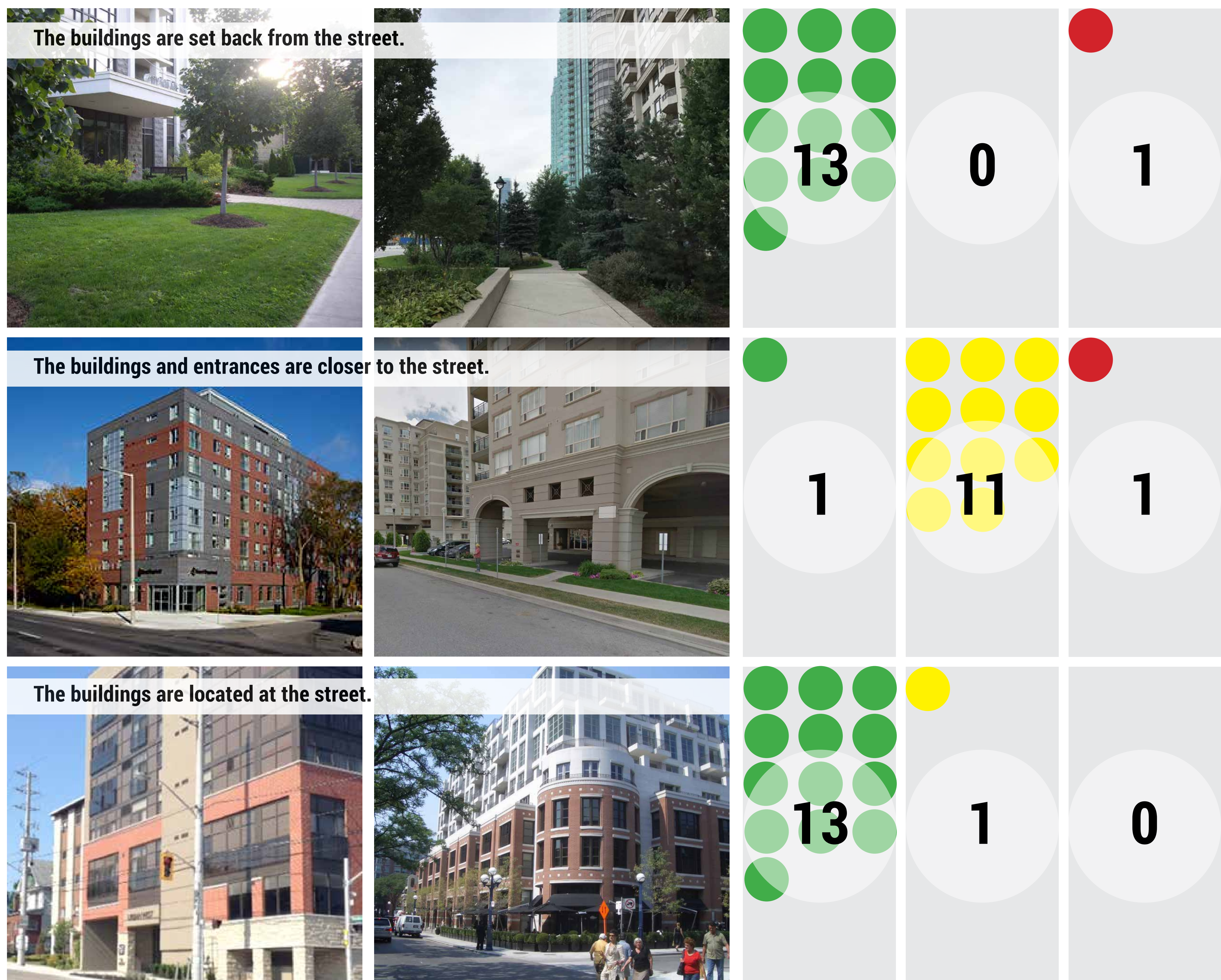
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IMAGINING NEW COMMUNITIES

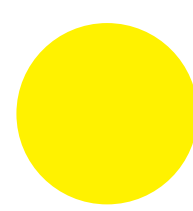
VISUAL PREFERENCE SURVEY - COMBINED RESULTS

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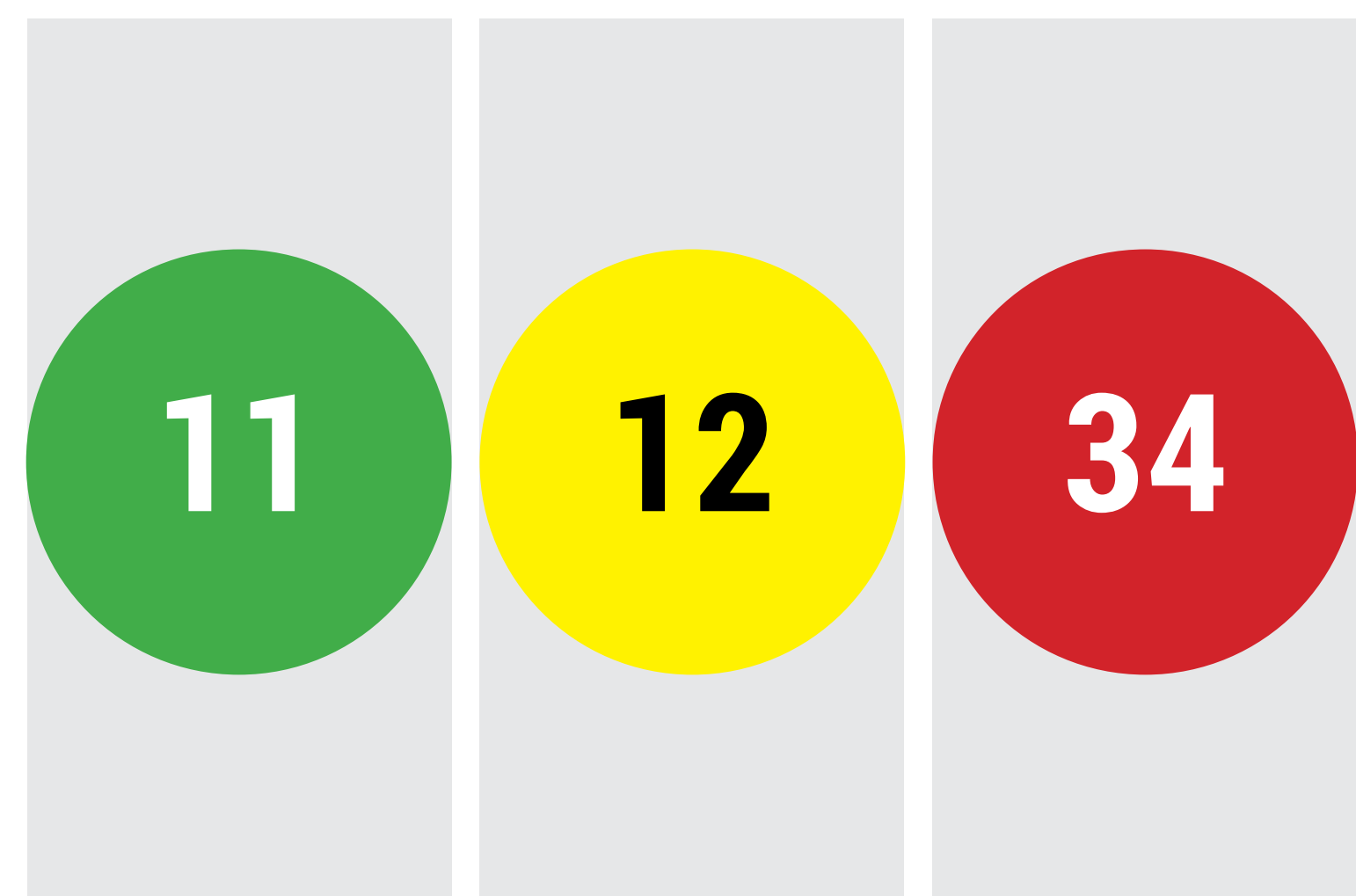
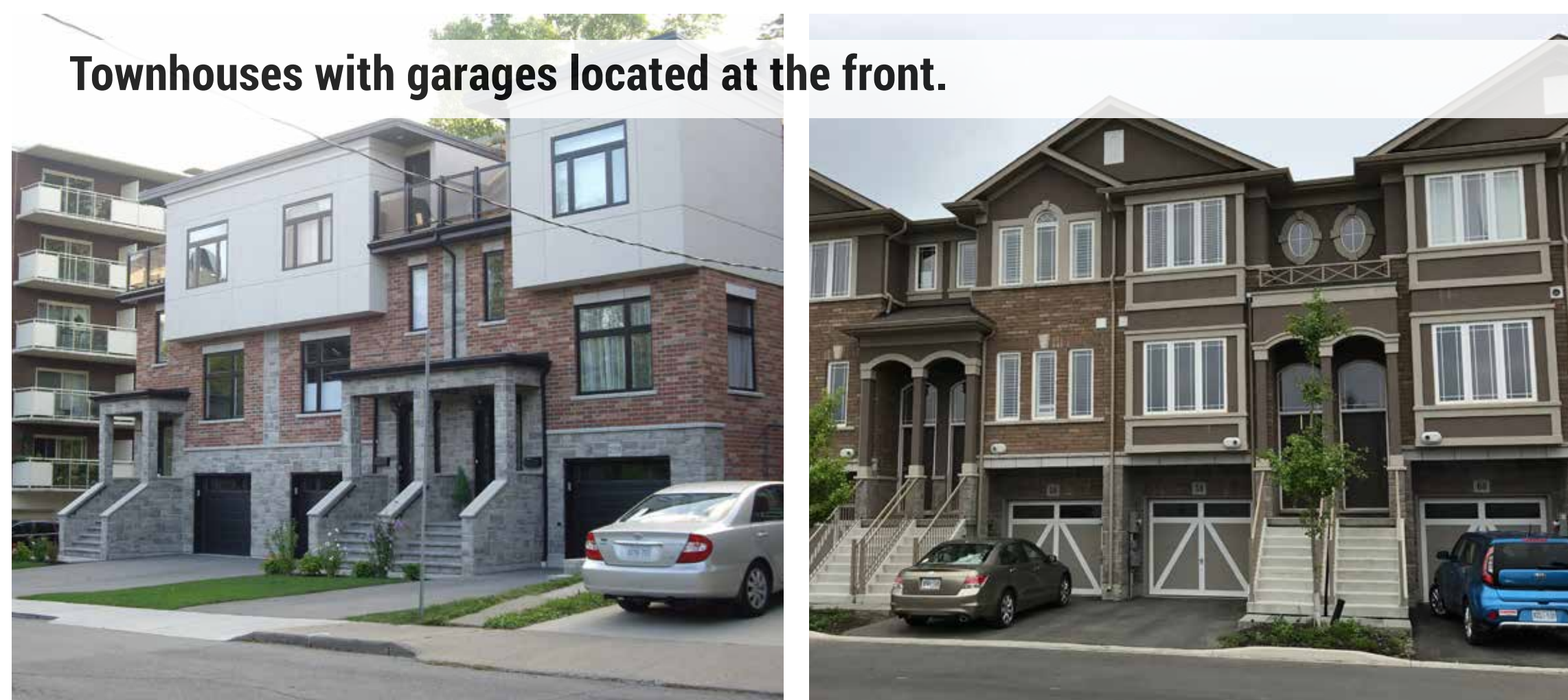
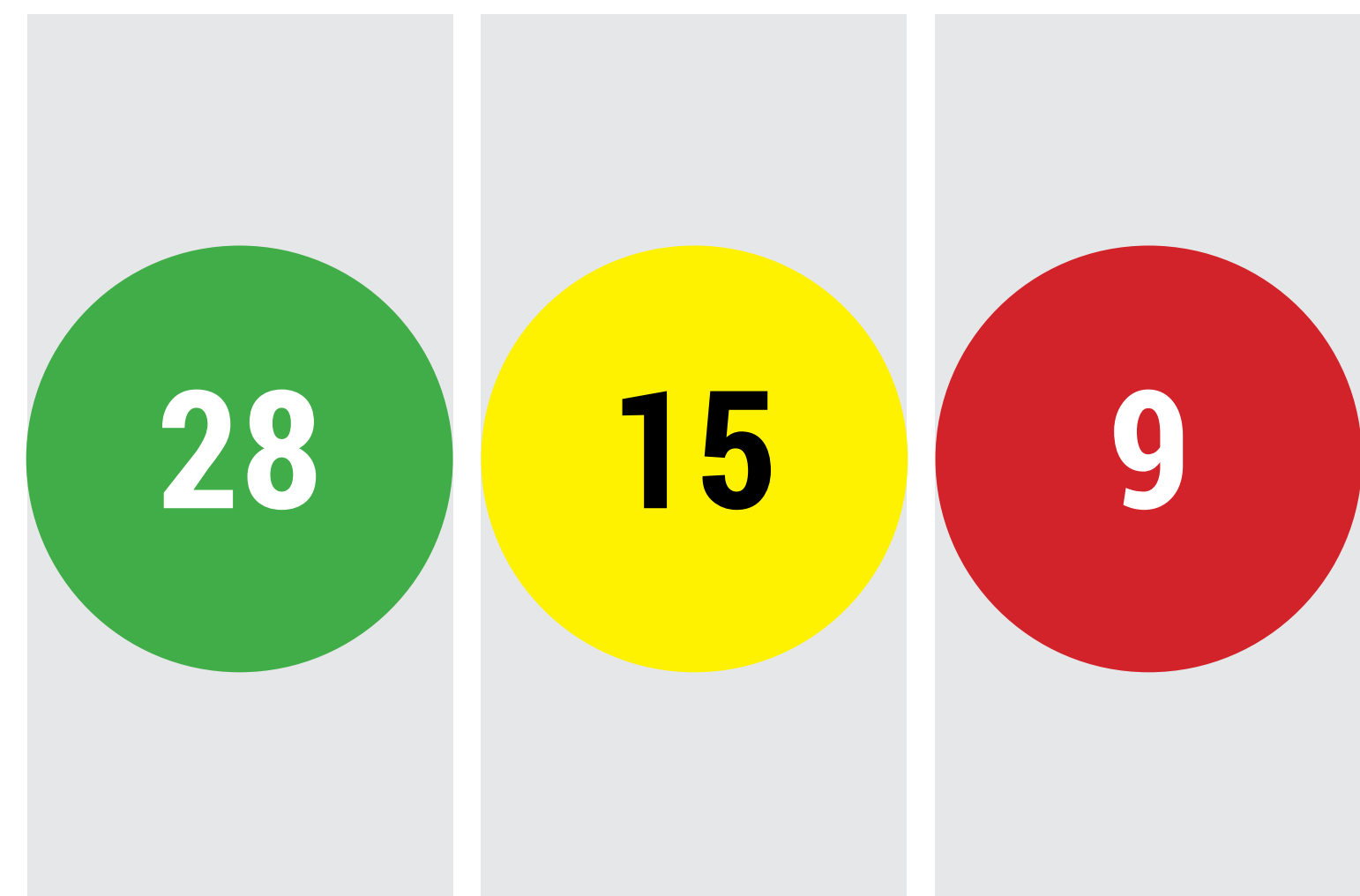
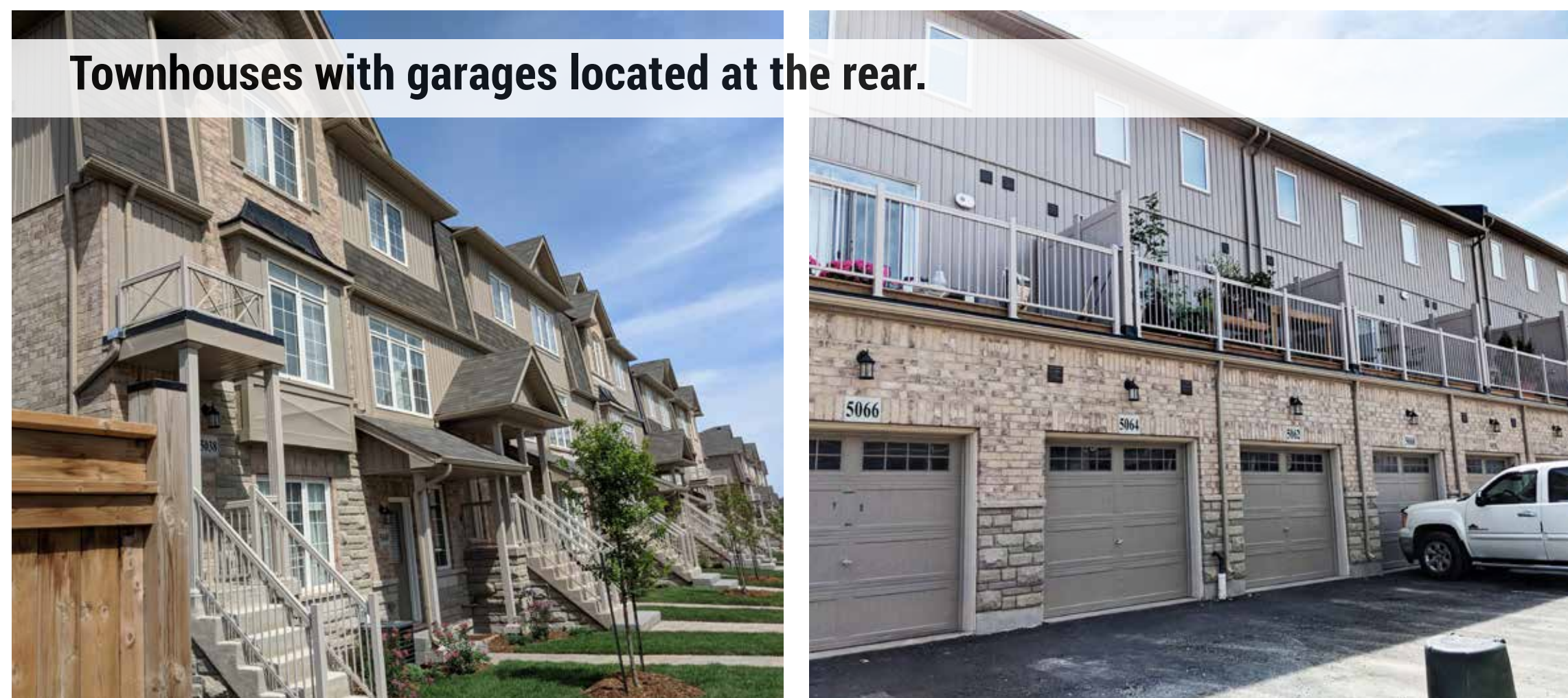
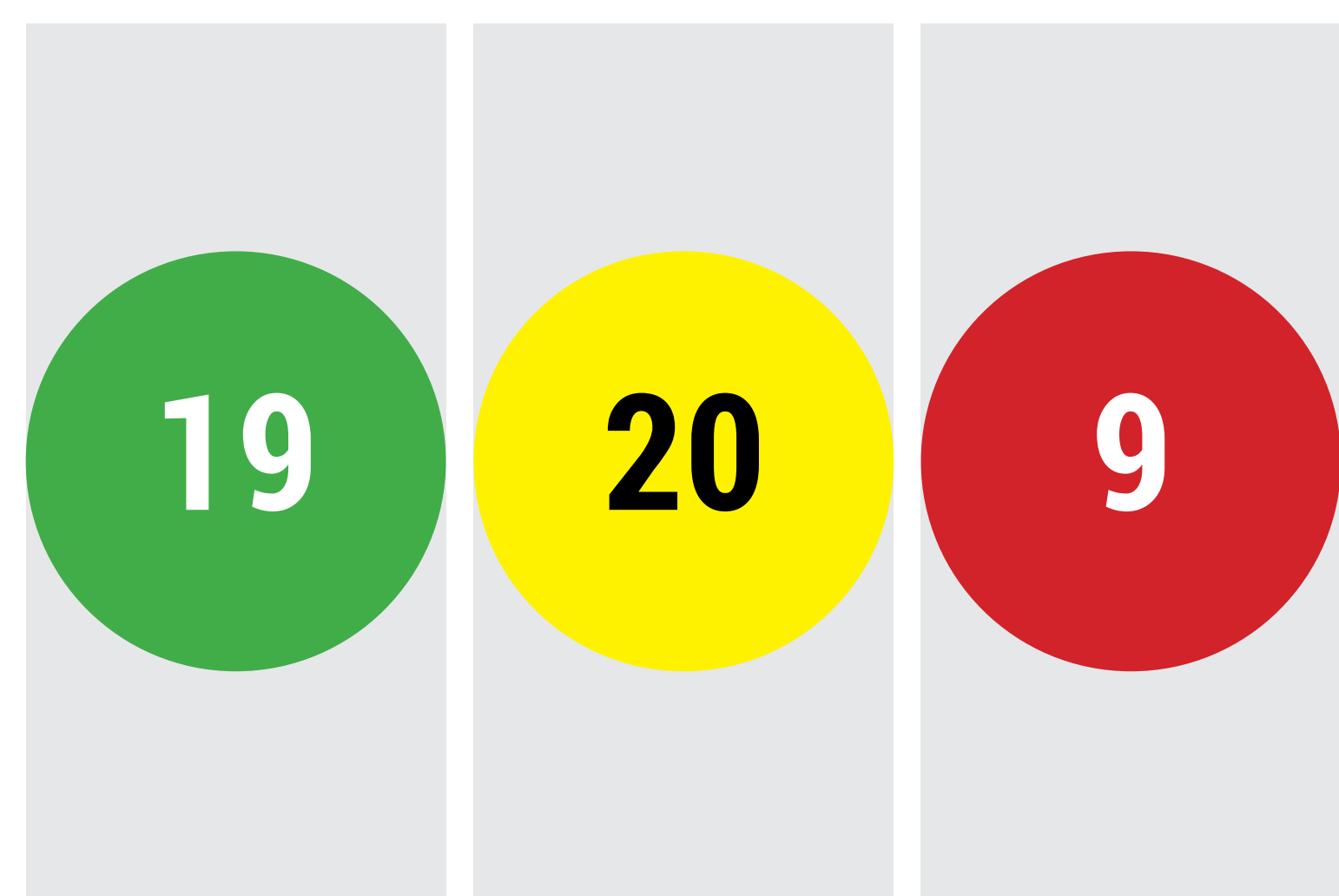
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IMAGINING NEW COMMUNITIES

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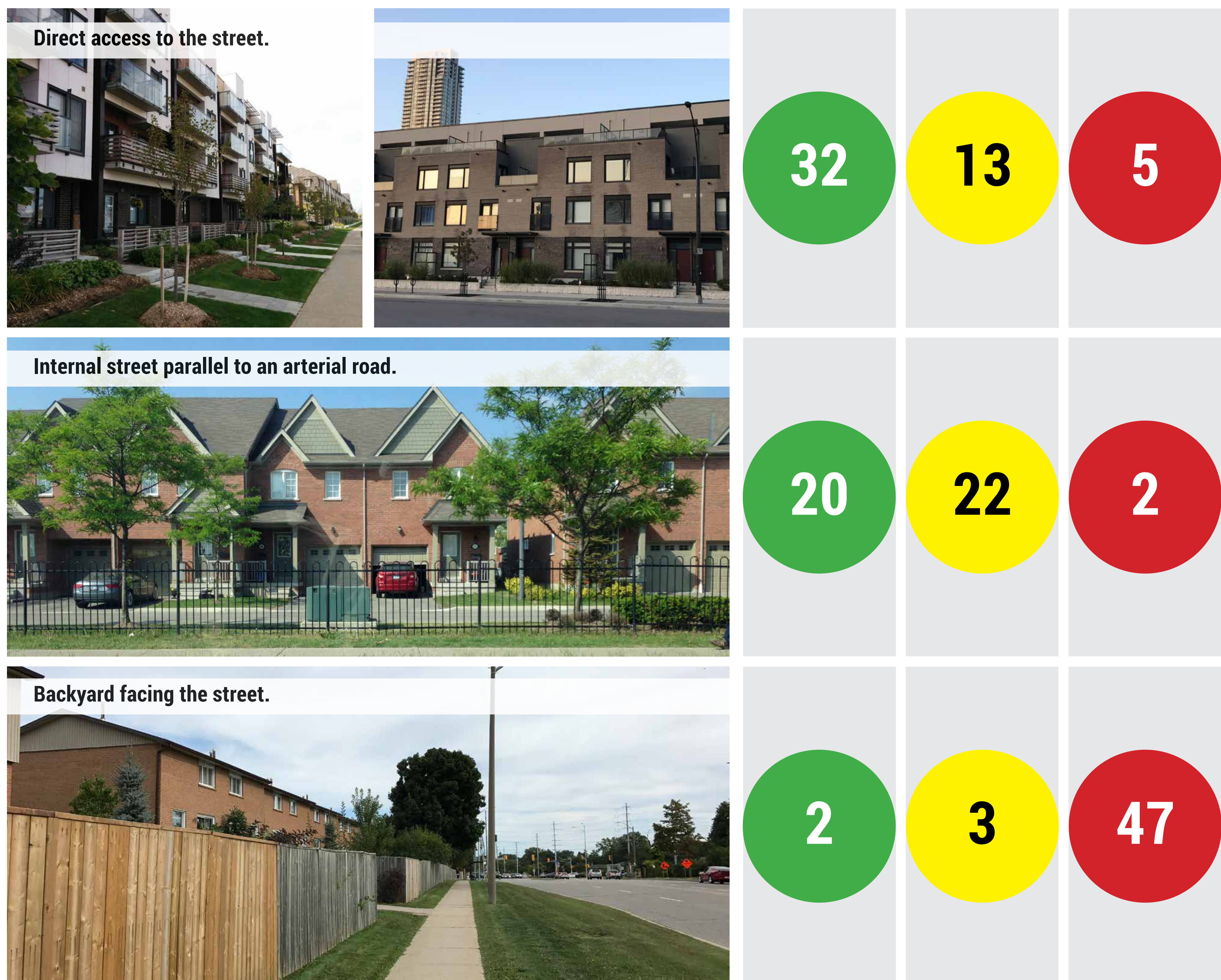
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IMAGINING NEW COMMUNITIES

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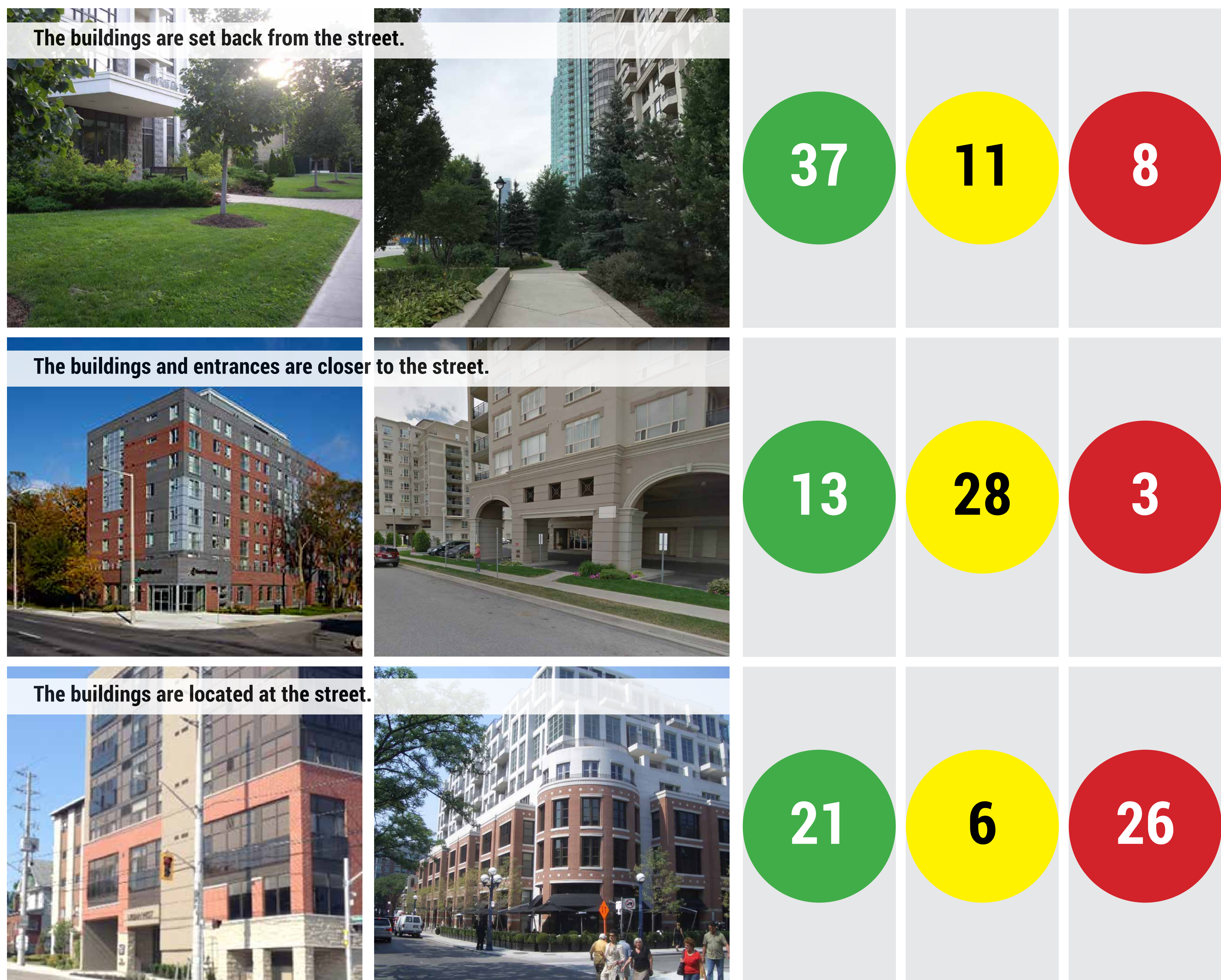
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Public Open House - David Braley Health Sciences Centre
November 13, 2018
Comments Received

No.	Where do you live in the City?	What are 1 or 2 things about the street you live on that you like?	What are 1 or 2 things about the street you live on that you don't like?
1	Durand Neighbourhood (Hamilton)	1. Trees – Mature.	1. Parking lots that cause extremes in temperature and wind. Should be required to have trees around to humanize space.
2	Durand Neighbourhood (Hamilton) – Bay Street South / Duke Street	1. Bicycle lanes. 2. Tree canopy. 3. Parks, shops and a library within walking distance.	1. Cars drive too quickly on Bay Street especially near school zone. 2. Homelessness. We need to find ways to help them.
3	Stroud Road (Hamilton)	1. There are trees.	1. Lack of sidewalks on both sides of the street. 2. Sidewalk is too narrow. 3. There are no bike lanes.
4	Strathcona Neighbourhood (Hamilton)	1. Compact, walkable and cozy. Things are close and it feels human scaled, not huge spaces between things, narrow streets, houses close to streets.	1. Lack of street trees (some streets okay, but others not). 2. Traffic noise (York Boulevard).
5	Durand Neighbourhood (Hamilton) – Robinson Street / MacNab Street South	1. Location – Proximity to downtown and GO Transit. 2. Trees, vegetation.	1. Lack of trees and vegetation. 2. Lighting could be improved for pedestrians.
6	Durand Neighbourhood (Hamilton) - Caroline Street South / Charlton Avenue West	1. Bus Service. 2. Street cleaners. 3. Snow plowing. 4. Lots of trees and vegetation. 5. Nearby park especially good for	1. Parking in the centre of the street! Makes it difficult to get babies and older people's equipment (e.g. strollers, walkers, wheelchairs, etc.), safely out of vehicles and get babies

No.	Where do you live in the City?	What are 1 or 2 things about the street you live on that you like?	What are 1 or 2 things about the street you live on that you don't like?
		children in the neighbourhood. 6. Relatively safe. 7. Close to businesses downtown. 8. Easy walking access.	and older people out safely too. 2. Pedestrian lights, bike lanes, confusing signs, and plethora of signs restricted access all contribute to junking up the streets and information overload! So many activities taking place you'll soon need eyes in the back of your head as pedestrians.
7	Central Neighbourhood (Hamilton) – Bay Street North / Barton Street West	1. Central Park is two blocks away and the GO Station is two blocks away.	1. Boarded up properties for many years and other properties bought for speculation. 2. Traffic concerns (speeding, disregard for signs).
8	Tweedsmuir Avenue (Dundas)	1. Quiet, dead end street with mature trees. 2. Walkability to University Plaza directly adjacent with grocery, bank, etc. for one-stop shopping for daily and weekly needs.	1. Odour from water treatment on Hillside. Large remediation project evidentially not effective.
9	Hannon (Glanbrook)	1. Less traffic	1. Underdeveloped area 2. Lack of traffic lights / city lights
10	Stroud Road (Hamilton)	1. Trees. 2. Usually very quiet. 3. I like the name of the street. 4. I like the close proximity to the Rail Trail.	1. Half the street doesn't have sidewalks. 2. Sidewalks are too narrow. 3. People don't know and/or cannot clear the sidewalks of snow/ice. 4. There are no bike lanes.
11	North End East (Hamilton)	1. Close build form. 2. Multiple family units in single detached house.	1. Parking issues and the area is not very transit user friendly. 2. Heavy traffic truck route on

No.	Where do you live in the City?	What are 1 or 2 things about the street you live on that you like?	What are 1 or 2 things about the street you live on that you don't like?
			Wellington Street North.
12	Stinson Neighbourhood (Hamilton)	<ol style="list-style-type: none"> 1. Higher density provided by closely spaced homes. 2. Bike Lanes. 	<ol style="list-style-type: none"> 1. It's too fast! 2. City removed most of the mature trees so now sun baked all summer & greatly reduced privacy. 3. Dull streetscape.
13	Dewitt Road (Stoney Creek)	<ol style="list-style-type: none"> 1. Wide, treed, under the escarpment. 2. Near nature. 3. Front drive parking makes informal conversation with neighbours easy. 	<ol style="list-style-type: none"> 1. Few places to walk to.
14	Stinson Neighbourhood (Hamilton)	<ol style="list-style-type: none"> 1. The (few) large trees still remaining. 2. The density provided by the multi-family dwellings mixed in with single-family dwellings. 	<ol style="list-style-type: none"> 1. It's too fast! 2. City removed most of the mature trees so now sun baked all summer & greatly reduced privacy, dull streetscape.
15	Near Barton Street	<ol style="list-style-type: none"> 1. Excellent public transit from west to east. 	<ol style="list-style-type: none"> 1. 53 foot long truck traffic. 2. No proper buffer to industrial zone.
16	Durand Neighbourhood (Hamilton) - Bay Street South / Duke Street	<ol style="list-style-type: none"> 1. Bike Lanes. 2. Gorgeous trees. 3. Large homes have been converted into apartment units. 	<ol style="list-style-type: none"> 1. Cars drive too fast especially in the school zone on Bold Street.
17	Durand Neighbourhood (Hamilton)	<ol style="list-style-type: none"> 1. Character of Victorian Homes. 2. 2.5 storey, cottage, mid-rise infill. 	<ol style="list-style-type: none"> 1. Paved parking pads. 2. Removing landscaping. 3. No parking unless you have permit.
18	Gibson Neighbourhood (Hamilton) - Fullerton Avenue	<ol style="list-style-type: none"> 1. Friendly neighbourhood, somewhat cared for with exceptions. 	<ol style="list-style-type: none"> 1. Street safety. 2. Lack of cooperation from City to control traffic. 3. Some bad experiences with by-law.
19	Stadium District (Hamilton)	<ol style="list-style-type: none"> 1. Diverse people, always bustling. 	<ol style="list-style-type: none"> 1. Proximity to industrial polluters without protection.

No.	Where do you live in the City?	What are 1 or 2 things about the street you live on that you like?	What are 1 or 2 things about the street you live on that you don't like?
			2. Lack of greenspaces and trees. 3. Vacant storefronts.
20	Downtown	1. Variety of buildings. 2. Some greenspace. 3. Bike lane now protect pedestrians from speeding cars.	1. Sidewalks are too narrow.
21	Stipley Neighbourhood (Hamilton)	1. Walkable, good proximity to parks and multiple uses (shopping, entertainment). 2. Good tree coverage. 3. Family community.	1. Poorly maintained rental housing. 2. Proximity to one way streets (Main Street, King Street). Would prefer two-way streets to reduce noise and speed. 3. Lots of local stores shut down, especially on King Street.
22	Durand Neighbourhood	1. Historic architecture. 2. Walkable to downtown and transit. 3. Coffee shop. 4. Trees (newly planted after 2012 storm).	1. Narrow sidewalks. 2. Speeding traffic (even after installation of speed bump).
23	Dundas	1. Treed on-street. 2. Access to bus. 3. Sidewalk. 4. Multiple densities. 5. On-property parking. 6. Quiet.	1. On-street parking. 2. Near industrial zone (smelly land).
24	Strathcona Neighbourhood (Hamilton)	1. Walkability, cycling infrastructure, density. 2. Historic architecture, excellent amenities built into the neighbourhood.	1. Not enough street trees. 2. Traffic noise.
25	Strathcona Neighbourhood	1. Narrow, not a lot of traffic.	1. Through traffic trying to avoid

No.	Where do you live in the City?	What are 1 or 2 things about the street you live on that you like?	What are 1 or 2 things about the street you live on that you don't like?
	(Hamilton) - Woodbine Crescent	2. Houses and porches are close to the street. 3. Neighbours know each other because of design. 4. We have a lot of young families.	Dundurn Avenue at rush hour or if there's an accident on the highway. 2. Driving too fast.

Public Open House – The Ancaster Fairgrounds

November 20, 2018

Comments Received

No.	Where do you live in the City?	What are 1 or 2 things about the street you live on that you like?	What are 1 or 2 things about the street you live on that you don't like?
1	Ancaster	1. Near to a park.	1. Nothing, it's nice.
2	High Valley Road (Ancaster)	1. Front lawns. 2. Access to schools and parks.	1. Speed of traffic.
3	Ancaster - Golf Links Road / Southcote Road	1. Dwellings are scaled to street. 2. Low density. 3. Lots of trees.	1. Roads are old & need repaving. 2. Infill of "monster homes" has been increasing too fast.
4	Ancaster	1. Wide street. 2. Mature trees. 3. Restricted building height. 4. Single family homes. 5. Limited street parking. 6. Proximity to <u>natural</u> green space. 7. Large lots.	1. Slow – nominal police response.
5	Rural Binbrook (Glanbrook)	1. Quiet rural setting. 2. Wildlife. 3. Gardens and trees.	1. Speeding cars - back and forth to new surveys in Binbrook. No police enforcement. 2. Garbage and coffee cups, water bottles now strewn along roadways. 3. Loss of water wells due to sewer installation along Highway No. 56.
6	Millgrove Side Road (Flamborough)	1. Easy access to anywhere in any direction.	1. People who buy houses on it try to make it like it is a dead end street not a main road required for commercial and other traffic.
7	Ancaster	1. Sidewalks.	

No.	Where do you live in the City?	What are 1 or 2 things about the street you live on that you like?	What are 1 or 2 things about the street you live on that you don't like?
		2. On-street parking.	
8	Little John Road (Dundas)	1. Quiet, walkability of the neighbourhood. 2. Low reliance on automobile for day to day needs.	1. Needs repaving (the whole neighbourhood).
9	Ancaster	1. Mature trees. 2. Restricted building height. 3. Street width. 4. Single family houses. 5. Large lots. 6. Proximity to natural greenspace. 7. Restricted street parking.	
10	Dundas	1. Proximity to trails. 2. Proximity to schools. 3. Quieter neighbourhood.	1. Cannot walk for shopping needs.
11	Dundas	1. It's walkability and proximity to all the necessities.	1. It's going to change, unless the by-laws are upheld.
12	Garth Trails Crescent (Glanbrook)	1. Backing onto greenspace.	Nothing.
13	Ancaster	1. Spacious lots. 2. Lots of trees.	Nothing.
14	Ancaster	1. Trees. 2. Big lots. 3. Low Density.	1. Close to Highway 403.
15	Stoney Creek (mountain)	1. Trees	1. Overhead utilities.
16	Ancaster	1. Separate. 2. Quiet. 3. Green.	Nothing.

Public Open House - Heritage Green Baptist Church
November 22, 2018
Comments Received

No.	Where do you live in the City?	What are 1 or 2 things about the street you live on that you like?	What are 1 or 2 things about the street you live on that you don't like?
1	James Street South (Hamilton)	<ol style="list-style-type: none"> 1. Accessibility to GO Transit. 2. Accessibility to downtown core (i.e. restaurants, cafés, events, etc.). 	<ol style="list-style-type: none"> 1. Lack of parking (not enough spaces, affordability of parking spots, limited street parking, timed street parking, restrictions on street parking permits). 2. People who live in buildings > 3 storeys cannot have street parking permits.
2	Dickenson Road East, between Upper James Street and French Road – Mount Hope (Glanbrook)	<ol style="list-style-type: none"> 1. Easy access to main traffic connections in all directions. 2. No shoulder to shoulder daily crowding between residents (local). 	<ol style="list-style-type: none"> 1. New development (mostly local and others) have drastically increased traffic for local residents – posted speed limit not been enforced! 2. Large building lots (septic beds and no sewers yet) should in the future be used for multiple residences for facilities.
3	Winslow Way (Stoney Creek)	<ol style="list-style-type: none"> 1. Sidewalks / safe for children. 2. Room for street parking. 3. Nearby trails / parks. 	
4	Hannon (Glanbrook)	<ol style="list-style-type: none"> 1. On-street parking. 	<ol style="list-style-type: none"> 1. On-street parking on the corners obstructing the view. 2. Sidewalk only on one side of street.
5	Glenhollow Drive (Stoney Creek)	<ol style="list-style-type: none"> 1. Trees. 2. Sidewalks on our side. 3. Houses vary in design, size, style. 4. Doesn't feel congested. 	<ol style="list-style-type: none"> 1. Too many stop signs. 2. Speed bumps along major streets.

No.	Where do you live in the City?	What are 1 or 2 things about the street you live on that you like?	What are 1 or 2 things about the street you live on that you don't like?
		5. Paved trails.	
6	Golf Club Road (Glanbrook)	1. Mainly rural (farmland).	1. No sidewalks. 2. Speeding traffic.
7	Dorr Court (Ancaster)	1. Road is a court. 2. Ravine at rear of properties.	1. Limited parking. 2. Smaller lot sizes. 3. Hydro boxes in front yard of properties.

Public Open Houses – November 2018
Summary of General Comments Received

No.	General Comments Received (Summarized)
1	<ul style="list-style-type: none"> • Zoning Feedback: Lack of reference to inclusionary zoning. Where are options for families who can't afford or don't want single family dwellings? • Elfrida represents more urban sprawl. There is no reference to transit plans for the area. Transit plans must be in order before building outwards.
2	<ul style="list-style-type: none"> • It is imperative that an age-friendly community is created, which means a grid pattern of streets allowing bus service and walking. • The Hamilton Street Railway needs to be part of the planning of the neighbourhood.
3	<ul style="list-style-type: none"> • Concern expressed regarding the possibility of losing a grocery store in Dundas.
4	<p>All zoning should consider climate change as a priority consideration.</p> <ul style="list-style-type: none"> • Electrification of most transportation. • Densification of residential areas (no more single family homes). • Higher quality construction to reduce/eliminate energy use (such as for heating, cooling, lighting). • Incorporation of solar panels, thermal water heating, and passive solar. • Incorporation of geothermal heating and cooling. • Greater use of underground space, deeper than current zoning allows. Suggest residential surface, commercial and industrial and some transport underground. • Incorporation of food production, such as with green roofs, greenhouses on rooftops, local community gardens, vertical gardens. • Cooling features such as white on green roofs, trees along sidewalks and in yards and parks. • Inclusion of self-propelled transport options such as bicycles, pedal assist bicycles, and enclosed bicycles. • Mixed Use density such as residential and commercial with potentially limiting occupancy to nearby workers (to reduce commuting). • Minimum social housing density (at least 10%).
5	<ul style="list-style-type: none"> • Concern expressed regarding monster homes and how zoning can address the issue.
6	<ul style="list-style-type: none"> • Need to consider long-term and permanent protection for green space naturally occurring, conservation areas etc. • Must protect agricultural land.

No.	General Comments Received (Summarized)
	<ul style="list-style-type: none"> • When planning new communities, there is an increased need for services – police, hospitals, senior facilities, schools, churches, and other services (community centres, recreation centres), shopping and convenience, restaurants, entertainment, public transit. These are an essential part of creating new communities. • Further consideration of mixing housing densities needs to be done, including issues of noise, traffic, waste collection, property maintenance, and parking. • Road infrastructure considerations are important in planning for new communities – traffic congestion from new developments, proper road access in and out of new developments. There can be significant stress put on the existing road infrastructure.
7	<ul style="list-style-type: none"> • With the projected growth over the next couple decades, how can the City ensure infrastructure, roads, and public safety (emergency response / police) are adequate?
8	<ul style="list-style-type: none"> • Strongly opposed to developing the Elfrida area. • Why is Elfrida targeted for new residential development? There are areas that are much more desirable due to proximity to highways (Hwy 403 / LINC). • Twenty Road West has a lot of available land and is just as “ready” in terms of planning as Elfrida or any other area. It makes more sense to continue to build in the Twenty Road area which is already surrounded by existing housing.
9	<ul style="list-style-type: none"> • Expressed concern with taxes increasing.



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 19, 2019
SUBJECT/REPORT NO:	Ontario Society for the Prevention of Cruelty to Animals (OSPCA) Court Ruling (2019) (PED19062) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Sue Russell (905) 546-2424 Ext. 7999
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

N/A

INFORMATION

The Ontario Society for the Prevention of Cruelty to Animals (OSPCA) has been enforcing animal cruelty and welfare laws for the Province since 1919 when the *Ontario Society for the Prevention of Cruelty to Animals Act* came into effect. On January 2, 2019 the Ontario Supreme Court ruled that policing powers given to OSPCA are unconstitutional because it allows a private agency to enforce public laws without accountability or transparency.

Although the OSPCA has been given police like powers by the Province, they are not a government agency that is subject to the *Police Services Act*, the *Ombudsman Act* and *Freedom of Information and Protection of Privacy Act*. The Judge wrote in the decision that “the OSPCA is opaque, insular, unaccountable, and potentially subject to external influence, and as such Ontarians cannot be confident that the laws it enforces will be fairly and impartially administered.”

The Court challenge was not against the OSPCA but rather a constitutional challenge against the system. Animal protection laws are the only laws in the Province still enforced by a private agency.

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

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

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

**SUBJECT: Ontario Society for the Prevention of Cruelty to Animals (OSPCA)
Court Ruling (2019) (PED19062) (City Wide)- Page 2 of 3**

The OSPCA is a private registered charity that relies mainly on public donations to fund their operation. In 2014, the Province began providing OSPCA with \$5.5M annually to assist with the enforcement costs.

The Ontario Court Judge suspended the ruling for one year in order to allow the Province to rewrite the legislation or create a new system to enforce animal welfare laws. The OSPCA and the Hamilton/Burlington Society for the Prevention of Cruelty to Animals (HBSPCA) have stated that they will continue to work to protect animals from abuse, neglect and distress over the next year. The Province has recently announced that it will appeal the Court's decision.

Last year, the OSPCA announced plans for significant changes to the direction the agency will be taking in regard to enforcement. "If it conflicts with our mission, we'll hand it to another agency to address" Alison Cross, spokesperson for the OSPCA.

In October, it was made public that the OSPCA planned to pull out of investigating cruelty cases involving livestock and horses as part of the agency's restructuring. The agency cited financial shortfalls due to the cost of enforcement and is looking to the Ontario Ministry of Agriculture Farm and Rural Affairs (OMAFRA) to take on this role. However, OMAFRA does not have the interest or authority to enforce the legislation.

Further to this, the OSPCA also advised staff to redirect to the police any cases involving court ordered euthanasia as it conflicts with the agency's mission. "Where legislation conflicts with the mission of the charity, the Ontario SPCA declines to enforce such legislation."

All Provinces and Territories have laws to protect animals. Other Provinces have already taken action to update their animal welfare enforcement structure. Newfoundland and Labrador rescinded similar legislation regarding the SPCA and now have animal cruelty laws enforced by the RCMP, Provincial Police and the Royal Newfoundland Constabulary.

The Ontario Supreme Court Ruling and the final outcome is of interest to the City as it could have an impact on the services provided by the City. The OSPCA has made it clear that enforcing the legislation as written conflicts with their mission. Also, a considerable annual budget is required in order for the agency to properly respond and enforce cruelty legislation for the Province.

The *Ontario Society for the Prevention of Cruelty to Animals Act* does state that police can carry out animal cruelty investigation as well as provide necessities of life for animals in distress. Downloading of duties to the municipalities and local police authority is an option that the Province may consider.

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**SUBJECT: Ontario Society for the Prevention of Cruelty to Animals (OSPCA)
Court Ruling (2019) (PED19062) (City Wide)- Page 3 of 3**

Hamilton Police Services (HPS) does utilize Hamilton Animal Services (HAS) to respond to animal related calls when the HBSPCA is not available. Presently, HAS does attempt to mitigate animal cruelty complaints with HPS after 4:30 pm on weekdays and 24/7 on weekends and holidays.

The HBSPCA responded to 1,407 calls between January 2017 and March 2018. During this 15 month period, 33 warrants were issued, 117 animals were removed and nine charges were laid.

Downloading of the animal welfare duties to the municipalities and local police authority is an option that the Province may consider. The budget and staffing required will have a significant impact on resources.

Some of the impact on the municipality that needs to be considered:

- Significant increase in call volume from the public;
- Additional officers to investigate and respond;
- Cruelty investigation and response training for officers and administrative staff;
- Additional administrative and animal care staff;
- Increase animal impoundment sheltering area;
- Court services;
- Increase in contractual veterinary services for medical response and investigations;
- Rewrite of Municipal By-law(s) to include animal welfare and cruelty; and,
- Public education.

Staff will continue to monitor the outcome of the January 2, 2019 Court ruling and provide Council with a report once the Province's direction has been determined.

APPENDICES AND SCHEDULES ATTACHED

None

KL:SR:st



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 19, 2019
SUBJECT/REPORT NO:	Business Licensing By-law 07-170 Update (PED19064) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Luis Ferreira (905) 546-2424 Ext. 3087
SUBMITTED BY:	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

N/A

INFORMATION

The purpose of this Information Report is to provide an update on the review and rewrite of the Business Licensing By-Law 07-170 which began in February 2016.

The review and rewrite of the By-Law is a key element of the Planning and Economic Development Department's ongoing Open for Business initiative with the primary objective to delete duplication; increase clarity and ease of understanding; clarify intent; remove unnecessary regulation; and improve overall readability. In addition, the rewrites have resulted in new policies, procedures and regulatory processes while addressing emerging issues and new trends.

Since the commencement of this project the By-law has changed substantially. In addition to housekeeping items through the entirety of the By-law, the following Schedules of the By-law have been reviewed and rewritten with additions and deletions to adequately reflect modern industry standards and best practices:

February 24, 2016 Schedule 11 Payday Loan Business was introduced to the Licensing By-law as a new schedule.

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**SUBJECT: Business Licensing By-law 07-170 Update (PED19064) (City Wide) -
Page 2 of 3**

- April 13, 2016 Amendments to the General Provisions of the By-law including the deletion of the following Licensing categories:
- Schedule 5 Building exterior Cleaners;
 - Schedule 10 Mobile Homes and Mobile Home Parks; and,
 - Schedule 24 Sign Posters and Bill Distributors, Etc.
- January 25, 2017 Amendments to the General Provisions of the By-law and the following new schedule introduced:
- Addition of a new category Schedule 24 Personal Transportation Provider i.e. Uber/Lyft; and,
 - Amendments to Schedule 25 Taxicabs.
- March 29, 2017 Amendments to the General Provisions of the By-law and the following:
- Removal of Recreational Camping Establishments from the Licensing By-law;
 - Amendments to Schedule 22 Auctioneers; and,
 - Amendments to Schedule 27 Tobacco Retailers.
- April 26, 2017 Amended Schedule 7 Kennels and Pet Shops.
- June 14, 2017 Amended Schedule 6 Food Service Vehicles.
- June 28, 2017 Amendments to the General Provisions of the By-law and the following:
- Amendments to Schedule 22 Second-Hand Goods, Jewellery and Precious Metals;
 - Removal of Pawnbrokers from Schedule 22 and creating a new stand-alone category Schedule 5; and,
 - Removal of Salvage Business from Schedule 22 and creating a new stand-alone category Schedule 10.
- October 25, 2017 Amended Schedule 21 Food Premises as it relates to Hess Village.
- November 22, 2017 Amended Schedule 8 Limousines as it relates to owners and drivers.
- December 8, 2017 Amended Schedule 25 taxicabs as it relates to vehicle age and new inspection process.

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**SUBJECT: Business Licensing By-law 07-170 Update (PED19064) (City Wide) -
Page 3 of 3**

- February 28, 2018 Amended Schedule 11 Payday Loan Business resulting from new provincial legislation;
Amended Schedule 25 Taxicabs related to adjusting Tariff/Fare Meter and agreement rates; and,
Amended Schedule 25 Taxicabs related to the issuance of additional Accessible Taxicab Plates.
- May 9, 2018 Amended Schedule 21 Food Premises as it relates to Hess Village Paid Duty Police Enforcement.
- August 17, 2018 Amended Schedule 1 Adult Entertainment Establishments by introducing a new exemption to the Licensing By-law for “Burlesque Entertainment”.
- September 12, 2018 Amended Schedule 24 Personal Transportation provider as it relates to vehicle age; and,
Amended Schedule 25 Taxicabs as it relates to vehicle age.
- December 19, 2018 Amended Schedule 21 Food Premises as it relates to mandatory waste receptacles at drive-thru facilities.

Current Projects

Schedules that are currently under review:

1. A framework to create a new Schedule for Tree Service to be included in the Licensing By-law;
2. The removal of Parking Lots from Schedule 16 Public Garages and assign a separate schedule; and,
3. Amend Schedule 16 Public Garages to meet new industry standards.

Future projects

1. Reviewing Schedule 20 Residential Care Facilities;
2. Reviewing Schedule 6 Food Service vehicle to include licensing drivers;
3. Systematically review all licensing schedules that have not been checked to ensure relevance to current standards; and,
4. As appropriate, engage Industry Stakeholders and conduct public consultations.

APPENDICES AND SCHEDULES ATTACHED

None

KL:LF:st



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 19, 2019
SUBJECT/REPORT NO:	Annual Report on Building Permit Fees (PED19069) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Dio Ortiz (905) 546-2424 Ext. 4650
SUBMITTED BY:	Ed VanderWindt Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

The *Building Code Act* (BCA) and the regulations made thereunder (the Ontario Building Code) require that a report be prepared annually on fees collected and costs incurred. Specifically, Article 1.9.1.1 of the regulations state:

- “(1) The report referred to in subsection 7(4) of the Act shall contain the following information in respect to fees authorized under clause 7(1)(c) of the Act:
- (a) total fees collected in the 12 month period ending no earlier than three months before the release of the report;
 - (b) the direct and indirect costs of delivering services related to the administration and enforcement of the Act in the area of jurisdiction of the principal authority in the 12 month period referred to in Clause (a);
 - (c) a break down in the costs described in Clause (b) into at least the following categories:
 - (i) direct costs of administration and enforcement of the Act, including the review of applications for permits and inspection of *buildings*, and

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SUBJECT: Annual Report on Building Permit Fees (PED19069) (City Wide)
SUBJECT: - Page 2 of 3

- (ii) indirect costs of administration and enforcement of the Act, including support and overhead costs, and
 - (d) if a reserve fund has been established for any purpose relating to the administration or enforcement of the Act, the amount of the fund at the end of the 12 month period referred to in Clause (a).
- (2) The *principal authority* shall give notice of the preparation of a report under subsection 7(4) of the Act to every person and organization that has requested that the *principal authority* provide the person or organization with such notice and has provided an address for the notice.”

Revenue Collected

Building permit fees collected during 2018 totalled \$12,865,512.

Costs Incurred

The net operational costs, both indirect and direct, incurred during 2018 were \$11,942,893 as shown in the table below.

Building Services Division
Statement of Activities
For 12 Month Period Ending December 31, 2018

Category	2018 Actual
Building Revenues:	
Permit Fees	\$12,865,512
Administrative Fees	\$2,435
BCA Fines	\$ 131,114
Less Expenses:	
Direct Cost	\$ 11,117,122
Indirect cost	\$ 825,771
Transfer to Building Revenue Stabilization Reserve	\$1,056,168

*Note: Figures rounded to nearest dollar

2018 Unallocated Reserve Balance

\$16,599,920

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SUBJECT: Annual Report on Building Permit Fees (PED19069) (City Wide)
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Building Permit Revenue Stabilization

The starting balance for the Building Permit Stabilization reserve was \$19,426,428. 100% cost-recovery of services for building permit issuance, administration and enforcement of the *Building Code Act* netted a transfer of \$1,056,168 into the reserve. Additional 2018 transactions in the reserve resulted in a net gain of \$1,415,492 which included an accrued interest of \$484,324. \$4.1 million has been allocated for the Digitization of Microfiche Records multi-year project. The Building Permit Revenue Stabilization reserve contained \$20,699,920 with an unallocated balance of \$16,599,920 at the end of 2018.

APPENDICES AND SCHEDULES ATTACHED

Not applicable



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 19, 2019
SUBJECT/REPORT NO:	Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough (PED19042) (Ward 12)
WARD AFFECTED:	Ward 12
PREPARED BY:	Ryan Ferrari (905)-546-2424 Ext. 5865
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAA-18-052, by Neil Vanderkruk Holdings (Owner)**, for a modification to the Agricultural (A1) Zone in order to prohibit the construction of a single detached dwelling and residential care facility as required by the conditions of consent approval as shown on Appendix "A" to Report PED19042, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED19042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Schedule "C" of Zoning By-law No. 05-200;
- (c) That the proposed modification in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP).

EXECUTIVE SUMMARY

The purpose of this Zoning By-law Amendment Application is to rezone the subject lands to prohibit the construction of a single detached dwelling and a residential care

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough (PED19042) (Ward 12) - Page 2 of 10

facility on a portion of the consolidated farm parcel known as 1557 Concession 2 Road West, Flamborough. The requested amendment is required to satisfy the lot creation policies of the Provincial Policy Statement (PPS), the Greenbelt Plan (2017), and the Rural Hamilton Official Plan (RHOP). The amendment will also address Condition No. 2 of Consent for Severance approval FL/B-18:33 to facilitate the severance of a surplus farm dwelling as a result of a consolidation of non-abutting farm parcels.

The proposed application has merit and can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP).

Alternatives for Consideration – See Page 9

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting prior to considering an application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Consent for Severance Application FL/B-18:33

In April, 2018, an application was made to the Committee of Adjustment in order to sever an existing single detached dwelling from the existing farm operation. The application was heard at the Committee of Adjustment meeting on May 10, 2018 and subsequently approved. As a condition of provisional consent, the applicant was required to submit a Zoning By-law Amendment for the purposes of restricting the development of a single detached dwelling on the farmland to be retained. Refer to Appendix “E” to Report PED19042 for the Notice of Decision.

Description of the Subject Lands

As shown on the Location Map attached as Appendix “A” to Report PED19042, the subject lands are zoned Agricultural (A1) Zone and Conservation / Hazard Land – Rural (P7) Zone. The current and future use of the retained lands is Agricultural. The severed lands contain an existing single detached dwelling. Refer to Appendix “D” to Report PED19042 for the proposed severance sketch.

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough (PED19042) (Ward 12) - Page 3 of 10

Proposal

The purpose of Zoning By-law Amendment Application ZAA-18-052 is to rezone the farmed portion of the subject lands from the Agricultural (A1) Zone to a site specific Agricultural (A1) Zone, to prohibit the development of a single detached dwelling and residential care facility in order to satisfy Condition No. 2 of Consent Application FL/B-18:33 where an existing farm dwelling was severed through a non-abutting farm consolidation severance.

Chronology

- May 10, 2018: Consent for Severance application FL/B-18:33 was heard at the Committee of Adjustment and was approved.
- June 7, 2018: Consent for Severance application FL/B-18:33 received final and binding approval.
- October 16, 2018: Application for a Zoning By-law Amendment ZAA-18-052 was received.
- October 23, 2018: Zoning By-law Amendment application ZAA-18-052 was deemed complete.
- October 23, 2018: Zoning By-law Amendment application ZAA-18-052 was circulated to 58 property owners within 120 m of the subject lands.
- November 14, 2018: Public Notice sign was installed on the subject lands.
- February 20, 2019: Public Notice sign was updated to include Public Meeting date.
- March 1, 2019: Circulation of Notice of Public Meeting to 58 property owners within 120 m of the subject lands.

Details of Submitted Application

- Location:** 1557 Concession 2 Road W, Flamborough (see Appendix "A" to Report PED19042)
- Agent:** Chris Van Berkel
- Applicant / Owner:** Neil Vanderkruk Holdings Inc.

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 1557 Concession 2 Road West, Flamborough
(PED19042) (Ward 12) - Page 4 of 10**

Property Description

<u>(Lands to be retained)</u>	<u>Total Lot Area:</u>	53.197 ha (131.45 ac)
As shown on Appendix “D” to Report PED19042	<u>Total Lot Frontage:</u>	157.52m
	<u>Lot Depth:</u>	1341.73 m

Property Description

<u>(Lands to be conveyed):</u>	<u>Total Lot Area:</u>	0.68 ha (1.70 ac)
As shown on Appendix “D” to Report PED19042	<u>Total Lot Frontage:</u>	45.65 m
	<u>Total Lot Depth:</u>	151.13 m

Existing Land Use and Zoning

Subject Lands:

Existing Land Use

Agriculture
Single Detached Dwelling

Existing Zoning

Agriculture (A1) Zone,
Conservation / Hazard Land -
Rural (P7) Zone

Surrounding Lands:

North	Agriculture Single Detached Dwellings	Agriculture (A1) Zone
South	Single Detached Dwellings Place of Worship	Settlement Residential (S1) Zone Settlement Institutional (S3) Zone
East	Agriculture Single Detached Dwellings	Agriculture (A1) Zone Conservation / Hazard Land - Rural (P7) Zone
West	Agriculture Single Detached Dwellings	Agriculture (A1) Zone Settlement Residential (S1) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough (PED19042) (Ward 12) - Page 5 of 10

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

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

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

Greenbelt Plan (2017)

The *Greenbelt Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Greenbelt Plan (2017). As of July 1, 2017, all planning decisions must conform to the new Greenbelt Plan. The Greenbelt Plan (2017) designates the subject lands as "Protected Countryside".

The following policies, amongst others, are applicable:

"4.6.1 f) Lot Creation is discouraged and may only be permitted for:

The severance of a residence surplus to a farming operation as a result of a farm consolidation, on which a habitable residence was an existing use, provided that:

- i. The severance will be limited to the minimum size needed to accommodate the use and appropriate sewage and water services; and,
- ii. The planning authority ensures that a residential dwelling is not permitted in perpetuity on the retained lot of farmland created by this severance. Approaches to ensuring no new residential dwellings on the retained lot of farmland may be recommended by the Province, or municipal approaches that achieve the same objective should be considered."

As per the above policy, it was found through the Consent for Severance Application process (FL/B-18:33) that the proposed severance complied with policy 4.6.1 f) i). With regards to 4.6.1 f) ii), a condition was placed on the Consent Application to rezone the

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough (PED19042) (Ward 12) - Page 6 of 10

farmland to prohibit a residential dwelling in perpetuity on the subject lands to ensure that the retained farm parcel cannot be developed for a single detached dwelling. This application serves to satisfy this requirement, and as such, the recommendation conforms to the Greenbelt Plan (2017).

Rural Hamilton Official Plan

The subject lands are designated “Greenbelt Protected Countryside” on Schedule “A”- Provincial Plans of the RHOP. The subject lands are designated “Agricultural” on Schedule “D” – Rural Land Use Designations in the RHOP. The following policy, amongst others, is applicable:

- “F.1.14.2.8 c) In cases of a farm dwelling made surplus as a result of acquisition as part of a farm operation that does not result in the merging in title of parcels of land, applications for severance of the surplus dwelling shall comply with the following conditions:
- v) Prior to granting of final consent, one of the following conditions shall be met for the retained farm parcel as a result of a surplus farm dwelling severance:
 1. The land owner shall apply for and receive final approval to rezone the farm parcel to prohibit the construction of a dwelling unit; or
 2. The land owner shall grant in favour of the City, a restrictive covenant which prohibits the construction of any dwelling unit.”

It was found through the Consent for Severance Application Process (FL/B-18:33), that the proposed severance complied with the RHOP through restricting the development of a single detached dwelling on the subject lands. Based on the foregoing, this application will satisfy Policy F.1.14.2.8 c) v).

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

The subject lands are zoned Agriculture (A1) Zone and Conservation / Hazard Land – Rural (P7) Zone. The permitted uses are as follows:

Agriculture (A1) Zone

- Agriculture;
- Residential Care Facility;

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- Secondary Uses to Agriculture;
- Single Detached Dwelling; and,
- Veterinary Service – Farm Animal.

Conservation / Hazard Land – Rural (P7) Zone

- Agriculture;
- Conservation;
- Existing Single Detached Dwelling;
- Flood and Erosion Control Facilities; and,
- Recreation, Passive.

The applicant proposes a modification to the Agriculture (A1) Zone in order to prohibit the development of a single detached dwelling and residential care facility on the retained farmland. No changes are proposed for the portion of the lands zoned Conservation / Hazard Land – Rural (P7) Zone.

An evaluation of the proposed modifications is included in Appendix “C” to Report PED19042.

RELEVANT CONSULTATION

The following internal Departments and external Agencies have no concerns or objections with respect to the proposed application:

- Infrastructure & Sourcewater Division, Public Works Department;
- Operations Division, Public Works Department;
- Development Approvals, Growth Management, Planning and Economic Development Department;
- Forestry & Horticulture Division, Public Works Department; and,
- Grand River Conservation Authority.

Public Consultation:

In accordance with the provisions of the *Planning Act* and Council’s Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 58 property owners within 120 m of the subject property on October 30, 2018, requesting public input on the application. A Public Notice sign was also posted on the property on November 14, 2018 and updated on February 20, 2019 with the date of the Public Meeting. Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on March 1, 2019.

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Staff have not received any letters of correspondence from the public to date.

Public Consultation Strategy:

As per the City's Public Consultation and Strategy Guidelines, the applicant proposed a consultation strategy through the notice requirements of the previous Consent to Sever application through which notice was given under Section 53 of the *Planning Act*. Neighbours within 60 m of the subject property were notified of the application. No members of the public attended the Committee of Adjustment Hearing on May 10th, 2018 to express any concerns.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment application has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, and conforms to the Greenbelt Plan (2017);
 - (ii) It complies with the policies of the RHOP; and,
 - (iii) The proposed amendment satisfies Condition No. 2 of Consent for Severance application FL/B-18:33, which was approved by the Committee of Adjustment on May 10, 2018 (see Appendix "D" to Report PED19042).
2. The policies of the PPS and Greenbelt Plan (2017) indicate that a residence may be severed as surplus to a farming operation. It was found, through the Consent Application process, the application was consistent with the PPS and conforms to the Greenbelt Plan. The PPS indicates that the intent of the plan is to maintain agricultural uses for the long-term period of the Plan and the restriction of development of the subject lands is consistent with the PPS. The Greenbelt Plan supports and permits Agricultural Uses on lands located outside of prime agricultural and specialty crop lands as designated within the Plan. Staff are of the opinion that the application is consistent with the PPS and conforms to the Greenbelt Plan (2017) by restricting the development of a single detached dwelling and residential care facility on the subject lands in order to preserve the existing farm practice.
3. The proposal complies with the policies in the Rural Hamilton Official Plan (RHOP) which speak to surplus farm dwelling severances as a result of a farm consolidation. This application is made with respect to fulfilling the requirement that a Zoning By-law Amendment is required as a condition of a surplus farm dwelling severance. Staff note that as a result of the Consent Application, the subject lands will be

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SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough (PED19042) (Ward 12) - Page 9 of 10

reassigned the address of 320 Orkney Road which is reflected in the proposed By-law (see Appendix “B” to Report PED19042).

The proposed modifications to the Agriculture (A1) Zone are discussed in Appendix “C” to Report PED19042.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the conditional approval of Consent Application FL/B-18:33 will lapse, and the applicant will not be able to sever the surplus dwelling from the property. The use of the subject property will continue to be regulated by the existing Agricultural (A1) Zone and the Conservation / Hazard Land - Rural (P7) Zone in the City of Hamilton Zoning By-law No. 05-200.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

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

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

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

Built Environment and Infrastructure

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

Culture and Diversity

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

Our People and Performance

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

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**SUBJECT: Application to Amend the City of Hamilton Zoning By-law No. 05-200
for Lands Located at 1557 Concession 2 Road West, Flamborough
(PED19042) (Ward 12) - Page 10 of 10**

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Draft Amendment to Zoning By-law No. 05-200

Appendix "C" – Zoning Modification Chart

Appendix "D" – Proposed Land Severance Sketch

Appendix "E" – Committee of Adjustment Decision for FL-B/18:33

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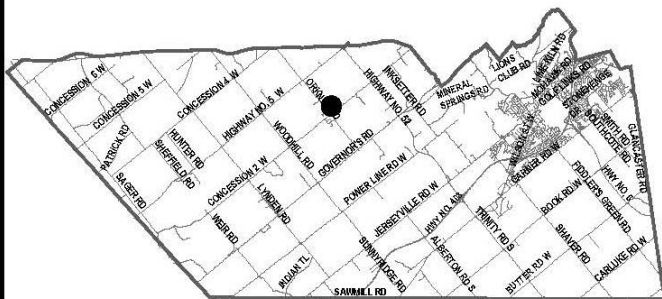
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Appendix "A" to Report PED19042
Page 1 of 1



● Site Location



Key Map - Ward 12

N.T.S. 

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAA-18-052

Date:
January 16, 2019

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
RF/AL

Subject Property

1557 Concession 2 Road West



Change in Zoning from Agriculture (A1) Zone to
Agriculture (A1, 720) Zone

Site Specific Modifications to the Agriculture (A1, 720) Zone

Required	Modification	Analysis
<p>12.1.1 Permitted Uses</p> <p>Agriculture</p> <p>Secondary Uses to Agriculture</p> <p>Veterinary Service – Farm Animal</p>	<p>Remove Single Detached Dwelling and Residential Care Facility from the permitted uses.</p>	<p>In accordance with the provisions of the PPS, Greenbelt Plan and Rural Hamilton Official Plan a condition for Consent to Sever a Non-abutting Surplus Farm Consolidation is to rezone the farm parcel in order to restrict the development of a single detached dwelling and residential care facility on the retained farmland. The application seeks to preserve the primary long-term land use of agriculture within the Agricultural area and the rezoning will satisfy this condition and allow the applicant to clear Condition No. 2 of Consent Application FL/B-18:33 and allow the non-abutting farm consolidation to be completed.</p> <p>Therefore, staff support the modification.</p>

**Appendix “B” to Report PED19042
Page 1 of 3**

Authority: Item ,
Report (PED19XXX)
CM:
Ward: 12

Bill No.

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

**To Amend Zoning By-law No. 05-200 Respecting Lands Located at
1557 Concession 2 West, Flamborough**

WHEREAS Council approved item ___ of Report _____ of the Planning Committee, at its meeting held on the 19th day of March, 2019;

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 Nos. 103, 104, 112 & 113 of Schedule “A” to Zoning By-law No. 05-200 is amended by changing the zoning from the Agriculture (A1) Zone to the Agriculture (A1, 720) Zone, to the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this By-law.
2. That Schedule “C” Special Exceptions, of By-law No. 05-200 is amended by adding an additional exception, as follows:

720. Within those lands zoned Agriculture (A1) Zone, identified on Maps 103, 104, 112 and 113, of Schedule “A” – Zoning Maps and described as:

Property Address	Map Numbers
320 Orkney Road	103, 104, 112, 113

The following special provisions apply:

- a) Notwithstanding 12.1.1, the following uses shall be prohibited:
 - i) single detached dwelling; and,
 - ii) residential care facility.

Appendix “B” to Report PED19042
Page 2 of 3

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*.

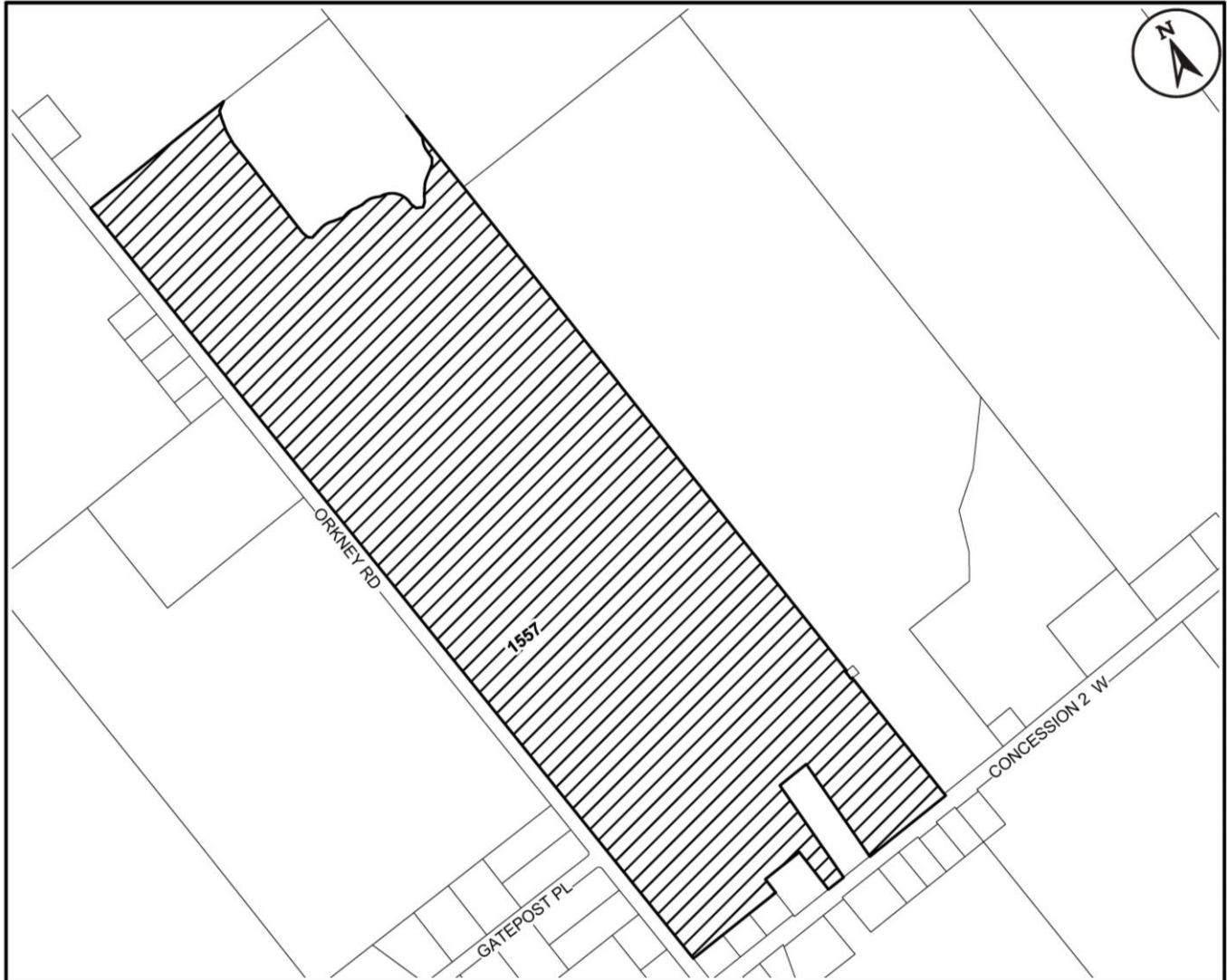
4. That this By-law No. XXX shall come into force and deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

PASSED this March 19th, 2019

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAA-18-052



This is Schedule "A" to By-law No. 19-

Passed the day of, 2019

Mayor

Clerk


Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 05-200
Maps 103, 104, 112 & 113

Subject Property

1557 Concession 2 Road West

 Change in Zoning from Agriculture (A1) Zone to
Agriculture (A1, 720) Zone

Scale:
N.T.S.

File Name/Number:
ZAA-18-052

Date:
March 6, 2019

Planner/Technician:
RF/AL



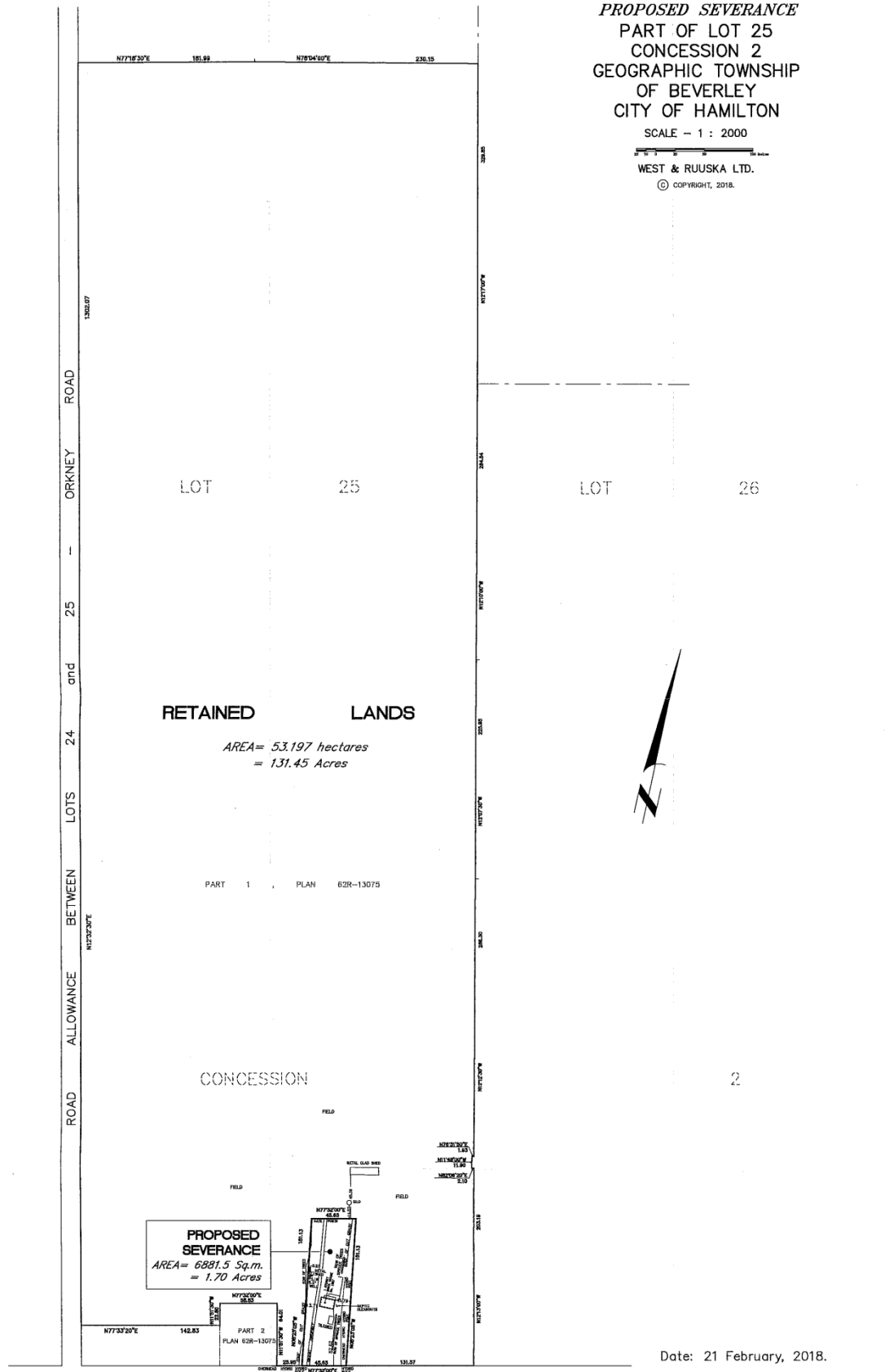
Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Appendix "D" to Report PED19042
Page 1 of 1

METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

SKETCH OF
PROPOSED SEVERANCE
PART OF LOT 25
CONCESSION 2
GEOGRAPHIC TOWNSHIP
OF BEVERLEY
CITY OF HAMILTON
SCALE - 1 : 2000
WEST & RUUSKA LTD.
© COPYRIGHT, 2018.



RETAINED LANDS
AREA = 53.197 hectares
= 131.45 Acres

PROPOSED SEVERANCE
AREA = 6881.5 Sq.m.
= 1.70 Acres

Date: 21 February, 2018.

ROAD ALLOWANCE BETWEEN CONCESSIONS 1 and 2 - SECOND CONCESSION ROAD

Note:
INFORMATION SHOWN HEREON IS COMPILED FROM EXISTING DOCUMENTS.

WEST & RUUSKA LTD.
Land Surveyors
17 NELSON STREET, BRANTFORD, ONTARIO, N3T 2M6
Telephone (519)782-8641
DRAWN BY: JFW / TSK
N170085



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

COMMITTEE OF ADJUSTMENT

NOTICE OF DECISION

APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. FL/B-18:33
 SUBMISSION NO. B-33/18

APPLICATION NUMBER: FL/B-18:33

SUBJECT PROPERTY: 1557 2nd Con. Rd. W. (Flamborough), City of Hamilton

APPLICANT(S): Agent Chris Van Berkel on behalf of the owner Neil Vanderkruk Holdings Inc.

PURPOSE OF APPLICATION: Non-abutting farm consolidation.

Severed lands (surplus farm dwelling):
 45.65m[±] x 151.13m[±] and an area of 6,881.5m^{2±}

Retained lands (to be merged with 1168 Sodom Rd.):
 131.57m[±] x 1,341.73m[±] and an area of 53.197 ha[±]

THE DECISION OF THE COMMITTEE IS:

That the said application, as set out in paragraph three above, **IS APPROVED**, for the following reasons:

1. The proposal does not conflict with the intent of the Rural Hamilton Official Plan.
2. The Committee considers the proposal to be in keeping with development in the area.
3. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in hard copy and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system.
2. The applicant / proponent shall receive final and binding approval of a zoning by-law amendment in order to restrict the development of a single detached dwelling on the retained farm parcel to the satisfaction of the Manager, Development Planning, Heritage & Design.
3. The applicant shall ensure compliance with Ontario Building Code requirements regarding spatial separation distances of any structures to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).

Appendix "E" to Report PED19042


Page 2 of 2


FL/B-18:33


Page 2

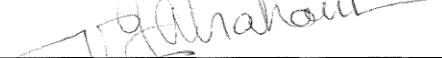
4. The owner shall submit survey evidence that the lands to be severed and/or the lands to be retained, including the location of any existing structure(s), parking and landscaping, conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section).
5. The owner/applicant shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Division – Plan Examination Section).
6. Transportation Planning has no objection to the conveyance and retention of lands relating to this Committee of Adjustment Application provided a road allowance widening is conveyed to the City as per the Rural Official Plan; Chapter C - City Wide Systems and Designations where the maximum basic right-of-way widths for collector roads in rural areas shall be 36 metres to the satisfaction of Public Works Sandra.Lucas@hamilton.ca
7. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
8. The owner submit to the Committee of Adjustment office an administration fee of \$17.70 payable to the City of Hamilton to cover the costs of setting up a new tax account for the newly created lot.

DATED AT HAMILTON this 10th day of May, 2018.



 M. Dudzic (Chairman)



 D. Serwatak


 D. Smith


 V. Abraham


 N. Mleczko


 L. Gaddy


 W. Pearce


 P. Mallard

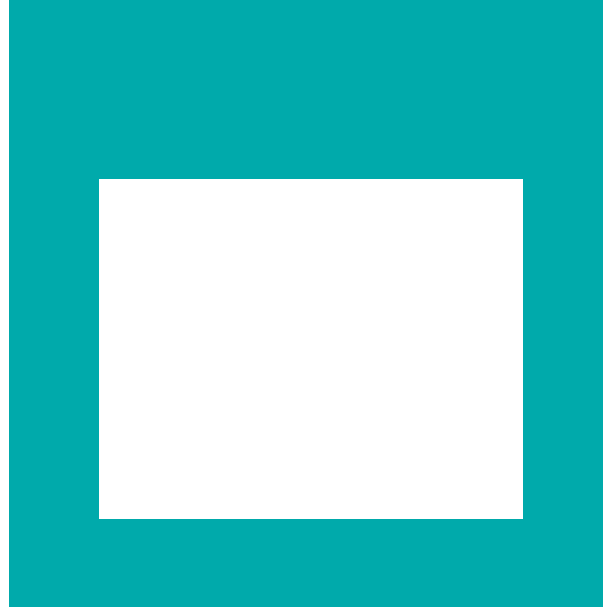

 M. Smith

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS May 17th, 2018.
 HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (May 17th, 2019) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS **June 6th, 2018.**

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

Note: Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will remain as 1557 Concession 2 West and the lands to be retained will be assigned the address of 320 Orkney Road, based on the location of an existing driveway.



WELCOME TO THE CITY OF HAMILTON

PLANNING COMMITTEE

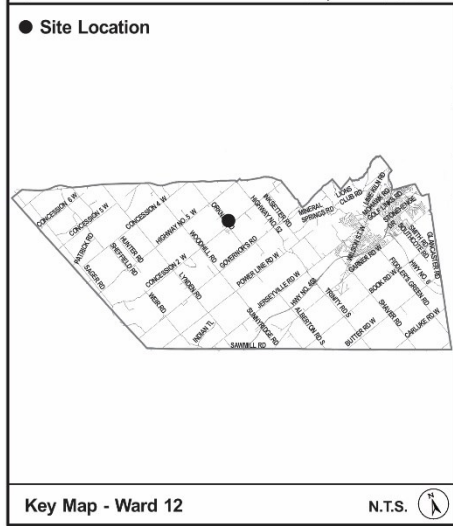
March 19, 2019

PED19042 – (ZAA-18-052)

Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough.

Presented by: Ryan Ferrari





Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

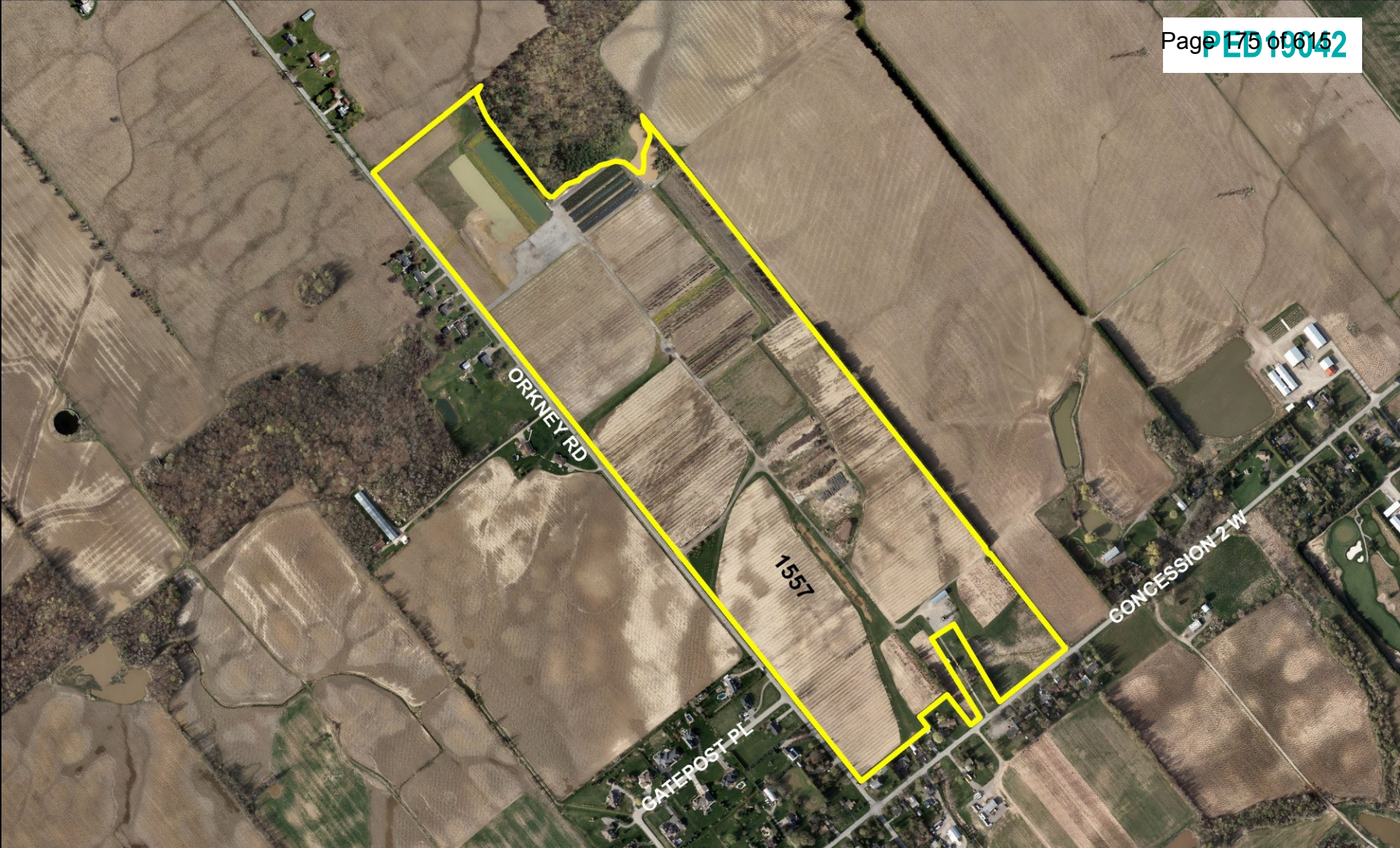
File Name/Number: ZAA-18-052	Date: January 16, 2019	
Appendix "A"	Scale: N.T.S.	Planner/Technician: RF/AL

Subject Property
 1557 Concession 2 Road West

Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 720) Zone

N.T.S.





SUBJECT PROPERTY



1557 Concession 2 Road West, Flamborough





Looking north at the existing farm house (to remain) on Concession 2 Road at 1557 Concession 2 Road W



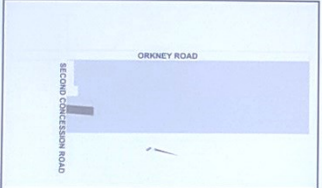
CITY OF HAMILTON
PUBLIC NOTICE
OF COMPLETE APPLICATION FOR A ZONING BY-LAW AMENDMENT AND
PUBLIC MEETING OF THE PLANNING COMMITTEE

OWNER: Neil VanderKruk Holdings Inc.
1155 Highway 5, Dundas, ON

APPLICANT: Chris Van Berkel
1122 Wilson Street West, Ancaster, ON

SUBJECT LANDS: 1557 2nd Concession Rd West, Flamborough

PURPOSE AND EFFECT OF THE PROPOSED ZONING BY-LAW AMENDMENT
The Purpose and Effect of the application is to restrict the construction of a single family residential dwelling in order to facilitate consent application FLB-18-33.



PUBLIC MEETING
DATE: TO BE ANNOUNCED
TIME: TO BE ANNOUNCED
LOCATION: Council Chambers, 2nd Floor
City Hall
71 Main Street West, Hamilton

Inquiries Refer to File: ZAA-18-025
For where and when a copy of the proposed Zoning By-law Amendment and information and where and when additional information and material about the proposed by-law to amend the Zoning By-law will be available for public inspection or for a copy of the Notice of Complete Applications which was mailed to all land owners within 120 meters of the subject lands, please contact Ryan Ferrari at 905.546.242 ext. 5685 or by e-mail at Ryan.Ferrari@hamilton.ca

For more information about this matter, including information about preserving your appeal rights, contact Ryan Ferrari at 905.546.242 ext. 5685 or by e-mail at Ryan.Ferrari@hamilton.ca

Information requested by this application is being collected under the authority of the Planning Act, R.S.O. 1990, c. P.13. All comments and notices submitted to the City of Hamilton on this matter, including the items, address and content description of projects, advertising, comments and notices will become part of the public record and will be made available to the applicant and the general public and will appear on the City's website unless the applicant requests within your communication that any items be kept confidential.

Looking north at an existing farm building (to remain on the retained farm portion)





Looking northeast at the existing farm operation (Nursery)





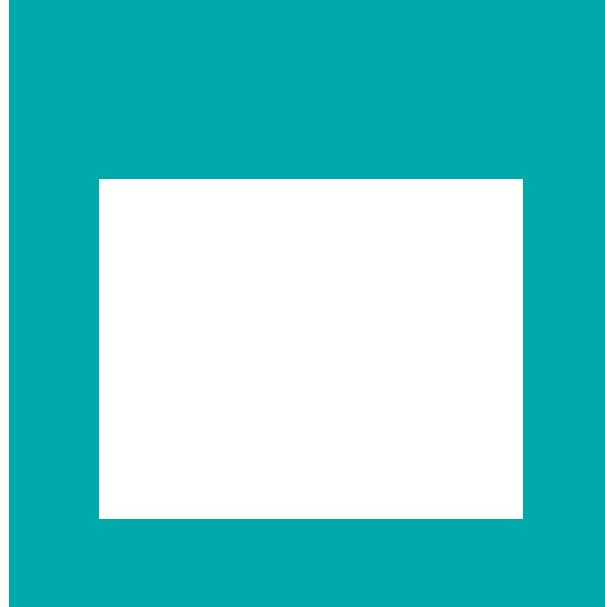
Looking east on Orkney Road at the nursery





Looking north on Orkney Road at the nursery





THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 19, 2019
SUBJECT/REPORT NO:	Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2)
WARD(S) AFFECTED:	Wards 1 and 2
PREPARED BY:	Edward John (905) 546-2424 Ext. 2359
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to Official Plan Amendment (OPA) No. XX to the City of Hamilton Official Plan to amend the 'Commercial' designation within the West Harbour - Setting Sail Secondary Plan to create a Special Policy Area to permit Production Studio as a permitted use for lands located within Barton-Tiffany Area, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED18210(a), be adopted by Council;
 - (ii) That the proposed Official Plan Amendment (OPA) No. XX is consistent with the Provincial Policy Statement (PPS) 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe 2017.
- (b) That approval be given to City Initiative CI-19-A to add a 'Production Studio' use to the site specific Downtown Mixed-Use Pedestrian Focus (D2) Zone in Hamilton By-law No. 05-200, to permit the development of a production studio on lands located within Barton-Tiffany Area (Hamilton), as shown on Appendix "A" to Report PED18210(a), be approved on the following basis:

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

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

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

SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 2 of 20

- (i) That the draft By-law, attached as Appendix “C” to Report PED18210(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe 2017, and complies with the Hamilton Official Plan and West Harbour - Setting Sail Secondary Plan subject to the proposed amendment.
- (c) That the matter respecting the Production Studio within the Barton and Tiffany Lands be identified as complete and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

The proposed Official Plan Amendment and Zoning By-law Amendment are for modifications to the ‘Commercial’ Designation of the West Harbour - Setting Sail Secondary Plan (Official Plan) and a modification to the Downtown Prime Retail Streets (D2) Zone in Hamilton Zoning By-law No. 05-200, to add the use of a Production Studio to the existing range of permitted uses within the Barton-Tiffany lands with conditions. Technical changes are also proposed to the existing Zoning By-law applicable to the lands to update the range of uses consistent with recent changes made to City Wide Zoning By-law 05-200.

To accommodate the proposal, further site-specific modifications are proposed to regulate function and built form consistent with the direction within the West Harbour (Setting Sail) Secondary Plan and Barton Tiffany Urban Design Guidelines. The amending By-law also includes additional holding provisions which further address matters related to Design and Traffic Management.

The proposed modifications have merit and can be supported because it is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the City of Hamilton Official Plan and West Harbour (Setting Sail) Secondary Plan subject to the proposed amendment. The proposal is compatible with existing development in the area and provides for additional commercial uses using existing infrastructure.

Alternatives for Consideration – See Page 19

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

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SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 3 of 20

Staffing: N/A

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

HISTORICAL BACKGROUND

The West Harbour (Setting Sail) Secondary Plan came into effect by way of an Ontario Municipal Board (OMB) decision on December 27, 2012. Setting Sail is the comprehensive land use plan for the West Harbour, with an emphasis on three areas of major change: The Waterfront, the area south of the Canadian National rail yard (Barton-Tiffany), and the former industrial lands along Ferguson Avenue (Ferguson-Wellington Corridor).

City landholdings form a large proportion of the overall Barton-Tiffany area including the Public Works facility on the south side of Barton Street West; Central Park on the south side of Barton Street West; and three large tracts of vacant, former industrial land bounded by Barton Street West, Stuart Street, Tiffany Street and Queen Street North following Council's decision not to locate a new stadium at this location.

More recently the vision of the lands has been considered through the Urban Design Study approved by Planning Committee and subsequent Council in September 2014. The purpose of the study was to provide the design vision for the built form, including building typologies, street networks, street-scaping and other elements.

Previous staff Report PED18210 highlighted the increasing interest from creative cultural uses and a production studio to locate within the subject lands. At the Planning Committee of September 18, 2018, the Committee adopted the following Recommendation:

- “(a) That Planning staff be directed to undertake a review of the West Harbour (Setting Sail) Secondary Plan, the Barton-Tiffany Urban Design Study, and Hamilton Zoning By-law No. 05-200 to assess the alignment of the use of Barton Tiffany lands for creative industries, including but not limited to a Film Production Studio, with the current approved vision for the Barton Tiffany area;
- (b) That staff be directed to undertake community consultation on the review recommended in Recommendation (a) to Report PED18210;
- (c) That the outcome of the review be presented to Planning Committee in the first quarter of 2019.”

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SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 4 of 20

This Report addresses these matters in detail.

Official Plan Amendment

The purpose of the Official Plan Amendment is to allow for the contemplation of a Production Studio use within the existing 'Commercial' designation of the West Harbour – Setting Sail Secondary Plan. Design and built form directions are proposed to ensure the scale and character of the use aligns within the intent of the 'Commercial' Designation.

Zoning By-law Amendment

The purpose of the Application is to add a use to the Downtown Prime Retail Streets (D2) Zone to add as an additional permitted use a Production Studio. Site Specific modifications have been proposed regarding the following:

- Prohibit outdoor storage;
- Gross Floor Area thresholds to ensure range and variety of commercial uses;
- Active frontages through regulations on façade length and location of parking and access; and,
- Minimum front yard setbacks.

The details of the proposed modifications are further discussed in the Analysis and Rationale for Recommendation Section of this Report.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The following policies, amongst others, have been reviewed in consideration and evaluation of this proposal.

Provincial Policy Statement (2014)

These applications have been reviewed against the Provincial Policy Statement (PPS) which came into effect on April 30, 2014. It has been determined that the application is consistent with the policies found in Subsection 1.1.3.1 of the PPS respecting growth in Settlement Areas as well as Subsection 1.1.3.2 respecting land uses patterns within settlement areas.

The proposal is an appropriate example of intensification consistent with Policy 1.1.3.3, as it would facilitate the redevelopment of an underutilized brownfield property. The proposal is contiguous to existing development, situated with immediate proximity to collector and arterial roads, and municipal services which are planned and/or available.

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SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 5 of 20

It is noted that the subject lands are adjacent to existing rail line. To address Policy 1.2.6 – Land Use Compatibility, the lands are recommended to be placed under a holding provision until necessary vibration studies are reviewed and determined.

The Growth Plan for the Greater Golden Horseshoe

The Plan's main objective is to provide direction in developing communities with a better mix of housing, jobs, shops, and services near each other. The subject lands are located within the built-up area.

The proposal satisfies Policy 2.2.3.6 and promotes and facilitates intensification with an appropriate built-form, height, scale, density, and type of development that appropriately complements adjacent land uses. The proposed addition of a Production Studio within the commercial designation is considered to assist in developing a currently vacant underutilised former industrial area with commercial uses that are transit supportive and within a pedestrian friendly environment. The new proposed use achieves the objective to develop as a complete community given the mix of land uses, range and mix of employment and housing types, high quality open space, and convenient access to local stores and services.

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

Urban Hamilton Official Plan

The Urban Hamilton Official Plan (UHOP) was approved by Council on July 9, 2009 and the Ministry on March 16, 2011. There was no decision (Non-decision No. 113) made by the Ministry regarding the adoption of the Setting Sail Secondary Plan into the UHOP because at the time the Ministry was reviewing the UHOP and the Setting Sail Secondary Plan was still under appeal. The lands are currently identified as "subject to future OMB hearing" on Schedule E-1 of the UHOP, as such, the UHOP policies do not apply.

Hamilton-Wentworth Official Plan

The subject lands are not included within the Urban Hamilton Official Plan as they are part of Non-Decision No. 113. As a result, the policies of the Hamilton-Wentworth Official Plan that are applicable to the subject lands remain in effect. In this regard, the subject lands are within the Urban Area of the Hamilton-Wentworth Official Plan.

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SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 6 of 20

Urban Area

“C.3.1 A wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Accordingly, the Plan establishes a land use strategy for the Urban Area that consists of:

- Compact urban form, including mixed use areas.

C.3.1.1 A compact higher density form, with mixed-use development identified Regional and Municipal centres and along corridors, best meets the environmental, economic principles of sustainable development.

Mixed forms of development within an Urban Area is preferable to widespread, low density residential development and scattered rural development, because:

- Growth can be accommodated by building on vacant or redeveloped land, without taking up agricultural lands or natural areas;
- Effective community design can ensure people are close to recreation, natural areas, shopping and their workplace; and,
- A compact community makes walking and bicycling viable options for movement.”

The proposal is consistent with the above policy direction to encourage compact development, to provide mixed uses that serve the local area and contribute to walkable neighbourhoods and therefore complies with the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

As noted previously, the subject lands are not included within the UHOP as they are part of Non-Decision No. 113. The lands are currently designated “West Harbour” on Schedule “A” Land Use Concept of the City of Hamilton Official Plan, identifying the area as the West Harbour (Setting Sail) Secondary Plan.

West Harbour (Setting Sail) Secondary Plan

The Setting Sail Secondary Plan establishes the framework for public improvements and private investment, in the West Harbour. The Plan is guided by eight core principles. These principles provide important criteria against which future proposals

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SUBJECT: Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) – Page 7 of 20

will be evaluated against to ensure the broad public objectives are realized. Those applicable to the proposed amendment include:

Strengthen existing neighbourhoods (Policy A.6.3.2.2)

The proposed amendment would offer the opportunity for land uses that will integrate a mixed-use community upon a former underutilized, brownfield site, which respects and enhances the character of the existing neighbourhoods. It will encourage new commercial uses to serve future and existing local neighbourhood residents, increase activity and vitality of the area through job creation.

Enhance physical and visual connections (Policy A.6.3.2.5)

Currently the lands are vacant and underused. It is considered that the proposed amendment would be a catalyst for development, resulting in improvements to the public realm along sidewalks and public rights of way that would foster and enhance the visual and physical connections.

Promote excellence in design (Policy A.6.3.2.8)

Considerable emphasis has been made on the importance of design within the proposed lands, one that has been informed through a detailed Council approved design guideline (Barton Tiffany Urban Design Study). The requirements and regulations contained with the proposed amendment and zoning by-law will ensure the development of the lands will be consistent with this intent.

Barton-Tiffany Area

The subject lands are identified on Schedule “M-1” as ‘Barton-Tiffany’ Special Policy Area. The Barton Tiffany Special Policy Area is identified as one of three areas of major change with the Secondary plan, over time, it is intended to evolve and intensify into a mixed-use pedestrian oriented area.

With respect to the Barton-Tiffany Area, Policy A.6.3.3.1.16 provides the vision for the area, identifying that development shall help realize this vision. It is considered that the proposed amendment would assist in implementing this vision, providing the opportunity to create a mixed-use area that increases the number of people who work and live within the area.

The Barton Tiffany Special Policy is further divided into three sub-area, a Commercial Area, a Medium Density Residential Area and a Low Density Residential area. The lands subject to this Official Plan and Zoning By-law Amendment are those within the Commercial sub-area and which are designated “Commercial” on Schedule M-2a: Barton Tiffany Area General Land Use. The following is a summary of the Secondary Plan policies applicable to the lands affected by the amendments:

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- “A.6.3.3.1.16.1 Commercial Designation
The area designated Commercial is intended to provide retail and service commercial uses to the immediate neighbourhood. The Commercial area shall contain a range of retail shops and services that serve the need of residents in the surrounding neighbourhoods. The preferred format is a variety of commercial uses, buildings and building sizes.
- A.6.3.3.1.16.1.1 Uses permitted shall provide for a range of retail uses to serve the need to residents in the surrounding neighbourhoods and shall not compete with the retail function of the downtown.
- A.6.3.3.1.16.1.3 The following uses may be permitted on lands identified and designated Commercial on Schedule M-2a:
- i) commercial uses; and,
 - ii) open space uses.
- A.6.3.3.1.16.1.4 The following uses shall be prohibited on lands designated Commercial:
- i) residential uses and other sensitive land uses;
 - ii) auto-oriented commercial uses such as drive-through establishments, gas stations, and auto repair garages; and,
 - iii) hotels”.

The above policies seek to ensure the function of the commercial uses do not compete with the retail function of the downtown and instead secure a variety of commercial uses that serve the needs of the surrounding residents. The addition of a Production Studio would involve the creation of accessory and ancillary retail and office uses that would be geared towards the service commercial needs of residents and the future employees of the area.

It is considered that whereas an amendment would be required to accommodate a use that does not directly serve the needs of the residents in the neighbourhood, the employment and associated uses would satisfy the overall intent to animate the area, provide a mix of uses and maintain a scale and impact that does not compete with the retail function of the downtown.

To facilitate this vision, the Secondary Plan policies contain several policies within the commercial designation that require built form limitations with respect to maximum floor areas and building heights.

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- “A.6.3.3.1.16.1.5 Single retail commercial uses shall be limited to a maximum floor area of 6,000 sq m.
- A.6.3.3.1.16.1.6 The maximum height of building shall be 4-storeys.
- A.6.3.3.1.16.1.8 Office uses on the same lot shall not exceed 3,000 sq m.”

These limitations have been reflected and secured in the proposed Zoning By-law attached as Appendix “C” to Report PED18210(a). In addition, the scale of the more industrial elements of a Production Studio, such as the soundstage (building in which filming takes place) and warehousing have been limited to 2,000 sq m and are required to be built in conjunction with office/retail and other permitted commercial uses to ensure both the scale and function of the area remains commercial in character.

The balance of the policies for the Barton-Tiffany Commercial lands seek to secure appropriate design and built form objectives to create a sense of place and strong pedestrian realm. These policies include, but not limited to, the following directions:

- “A.6.3.3.1.16.1.13 All buildings shall be located up to the street to create a strong pedestrian orientation with the main entrances on a street, and barrier free access at street level.
- A.6.3.3.1.16.1.14 Buildings shall be encouraged to locate up to the street with multiple retail units and multiple entrances oriented to the street, or other similar means to animate the streetscape.
- A.6.3.3.1.16.1.15 The design and massing of buildings shall minimize shadow and wind impacts on the public realm.
- A.6.3.3.1.16.1.16 The design of new developments shall have respect for the light, views, and privacy enjoyed by residents in adjacent buildings and areas.
- A.6.3.3.1.16.1.17 Parking areas shall be provided at the rear of sites, underground and/or in above-grade structures, with access from public streets or laneways, where possible.
- A.6.3.3.1.16.1.18 Above-grade parking structures shall be fronted by retail at the street level.”

The existing Site-Specific By-law that applies secures the built form expectations and will be retained with only minor technical changes to the list of permitted uses (see Appendix “C” to Report PED18210(a).

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Hamilton Zoning By-law No. 05-200

To secure the vision of the area and ensure the development of a production studio achieves the intended mix of commercial uses, the amending By-law will have specific regulations concerning the implementation of this use.

- For every 1.0 sq m of Gross Floor Area (GFA) of production studio developed a minimum of 1.0 sq m of GFA of permitted commercial uses shall be required; and,
- Outdoor storage shall be prohibited.

In addition to the above requirements, additional holding provisions shall be attached to the Production Studio Use. To address these matters, and lift the holding provision, any future applicant shall be required to complete the following:

- Prepare and submit to the satisfaction of the Director of Planning and Economic Development Department an urban design brief and campus masterplan detailing the layout and arrangement of buildings associated with the Production Studio. The design brief and campus masterplan shall be reviewed by the Design Review Panel; and,
- Prepare and submit to the satisfaction of the Director of Transportation Planning and Parking, Planning and Economic Development Department a Traffic Management Plan.

An evaluation of the proposed regulations is included in the Analysis and Rationale for Recommendation section within this Report PED18210(a).

RELEVANT CONSULTATION

Real Estate, Planning and Economic Development Department; and, Community Planning, Planning and Economic Development Department had no comments or objections to the applications.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Public Meeting was advertised in the Hamilton Spectator on March 1, 2019.

In addition, a Public Information Centre was held on November 26, 2018 and advertised in the Hamilton Spectator on November 6, 2018. Comments and considerations arising from the consultation are addressed below.

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Public Consultation

To date, the immediate neighbourhood has been approached on two separate occasions to gauge an initial response. Both the Strathcona and Central neighbourhood association were provided an overview of the Film Production Studio potential on June 18, 2018 and July 16, 2018 respectively. While general support was provided in principal the following concerns were raised:

- Concerns over traffic particularly truck traffic, intersections and traffic calming;
- Concern over the 24/7 activity of a movie studio;
- Noise and lighting concerns;
- Would want to see it interact with the area. Relationship between studio and community important. Warehousing and unattractive fencing is not desirable;
- Would there be an opportunity for live/work units;
- Would need to create a positive public realm;
- Should not look industrial – trying to shift away from that character; and,
- Would need more information to make an informed decision, as there were many years spent on the previous vision.

A Public Information Centre (PIC) was held on November 26, 2018 and over 80 members of the public attended. As part of the PIC, the public were asked to engage in an exercise to determine the strengths, weaknesses, opportunities and threats that the proposed studio may have. A synopsis of the comments are presented below.

Strengths	Weaknesses	Opportunities	Threats
Innovative Hub	Parking	Cycling/GO train infrastructure	Sale vs Lease
Employment	Traffic	Live/work space for artists	Gentrification
Connectivity to Regional transportation (GO Station)	Site Contamination from previous uses	Surrounding Businesses may flourish	Integration with community
Cultural Event space	Design aspect of the warehousing	Affordable space to rent for artists	Affordable housing
Currently an 'eyesore'	Heights not respected	Sanctuary for the homeless	Large scale commercial uses

In addition, individual comments were received and attached as Appendix "E" to Report PED18210(a). The comments which form Appendix "E" to Report PED18210(a) have been summarized below:

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- Opportunity for employment;
- Will detrimentally affect planned vision; and,
- Entrench industrial uses.

It is considered that these matters have been discussed throughout and where necessary addressed through the implementing Zoning By-law.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:

- (i) It is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, which encourages the development of compact communities within built-up areas;
- (ii) It complies with and implements the design and compatibility policies of the West Harbour (Setting Sail) Secondary Plan; and,
- (iii) The proposal represents good planning by providing a compatible development that is in keeping with existing and planned development in the surrounding area and uses existing infrastructure.

2. Production Studio

Hamilton has experienced increasing interest from the Film Industry. Initially as a destination for on-site filming and now more recently, as a candidate for the location of a new film studio and associated pre and post production. Given the area and locational requirements, the need for good access to transportation corridors and proximity to services both retail and commercial, the lands at Barton Tiffany have proven particularly attractive to this industry.

With respect to the industry and the characterisation of the use, staff most recently addressed this through the Creative Cultural Zoning work, which was approved October 25, 2017. The 2017 focused on assessing how uses associated with the creative industry characterization could be introduced into employment/industrial areas without undermining the planned function of the employment/industrial area. This is because, and as noted in the October, 2017 staff report, creative industry uses such as a production studio are hybrid uses with both commercial and industrial components/characteristics. Furthermore, the October, 2017 staff report noted that uses such as a production studio could provide a buffer between land uses (i.e. industrial and residential) and these uses can be considered positive to the vibrancy and interest of the area and character in general. This work identified the numerous commercial and industrial activities associated with this industry and collectively created a new 'Production Studio' definition. Which is as follows:

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- ‘Production Studio** Shall mean the use of land, building or structure or part thereof,
- a) used for the creation and production of motion pictures or audio or video recordings and the associated warehousing, prop and set design and storage.
 - b) Digital media uses such as animation studio, and associated software development and processing.

But shall not include the mass reproduction of film’.

Primarily an employment use with associated commercial operations, film studios often bridge the gap between light industrial type uses and commercial (retail/office) uses. More modern film production studios focus on combining these various roles within a single site creating a campus like setting. Interested groups that have spoken with the City are envisioning between 500 and 2,000 jobs on the site at full build out.

Industrial aspects of this use tend to be involved with the storage and movement of props and studio equipment as well as the large enclosure required to accommodate a sound stage. The commercial components include typical office type settings that focus on pre and post production activities including but not limited to editing/audio recordings and animation. In addition, accessory uses often considered beneficial and complementary given the hours of operation and varied workforce include retail and live/work opportunities either within or nearby the studio. Often residential components such as short stay apartments are incorporated into the film production studio style “campuses”. While residential uses are prohibited within the ‘Commercial’ designation of the Secondary Plan (discussed below), opportunity exists to facilitate such uses in the areas immediately along Barton Street East which are designated residential and which allows for a mix of commercial and residential uses.

With respect to the commercial lands in question, to ensure the Production Studio use can be considered a use appropriate within the commercial areas, restrictions are recommended in the proposed By-law attached as Appendix “C” to Report PED18210(a). These restrictions will limit the scale, design and use of the elements which may be characterized as more industrial in terms of form and function. In this regard, the storage, parking and sound stage have been addressed through the regulations. These matters are discussed further under the ‘Zoning By-law’ section below.

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Furthermore, the addition of the ‘Production Studio’ as a permitted use will not extend to the smaller existing commercially designated lots adjacent the future proposed residential lands to the east (see Appendix “C” of Report

PED18210(a)). Given the size of the lots and the adjacency to the residential uses it was considered appropriate to limit the use to those areas that could clearly accommodate the required built form and locational requirements.

3. West Harbour (Setting Sail) Secondary Plan

The Barton-Tiffany area is an important redevelopment opportunity in the revitalization efforts for the West Harbour area in the north end of the City of Hamilton. The vision for the area is principally articulated through West Harbour (Setting Sail) Secondary Plan approved through an Ontario Municipal Board (OMB) decision on December 27, 2012.

As detailed within the Secondary Plan, the lands subject to this Report and which are predominately owned by the City of Hamilton are located south of Stuart Street, north of Barton Street West, east of Locke Street North and west of Bay Street North attached as Appendix “A” to Report PED18210(a). They are designated within the Secondary Plan as Commercial, attached as Appendix “D” to Report PED18210(a).

The Secondary Plan acknowledges the decline in heavy industry throughout the area and the intent to relocate these uses to more suitable locations. The Barton Tiffany Area is intended to evolve and intensify into a mixed use, pedestrian oriented area.

As detailed in Appendix “D” to Report PED18210(a), the portion of the subject lands designated commercial serve as a buffer between the CN Rail yard and the residential and open spaces identified along Barton Street West. Whereas the Medium Density Residential designation located along Barton Street West is intended to transition between the Commercial uses and the lower density residential uses existing within the neighbourhood.

Commercial

Given the location of the area adjacent to a rail yard, the desire to remove heavy industrial uses and the prohibition of residential uses and alter sensitive land uses in close proximity to the rail yard, commercial uses was the most appropriate designation.

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The Commercial designation is intended to serve the needs of the surrounding neighbourhoods without undermining the commercial function of the downtown through providing a range of retail shops and services through a variety of building typologies. Limitations are articulated through polices of the plan in the form of maximum floor areas and restriction of residential and auto-oriented uses. Further, commercial uses are to be located close to the street to

strengthen the pedestrian realm along the street and to allow pedestrians to access without walking through parking. These restrictions and requirements have been ensured through the proposed regulations contained within the amending By-law. It is noted that elements of a production studio (offices, post production video and sound editing, computer animation and software processing) are commercial activities that are located within office buildings. As such, a production studio is consistent with the Secondary Plan principles of removing incompatible land uses and introducing those uses that would be compatible with existing and planned residential uses.

A Production Studio at this location would satisfy several general policy expectations of the area. The uses allows for the transition away from heavy industry, it would create a transition/buffer between the rail corridor, commercial area and potentially residential (Live/Work) possibilities of the Medium Density Residential designation to the south. As detailed above, office and retail uses will be required but will also be limited in overall GFA to ensure they do not compete with the commercial function of the downtown.

4. Urban Design Study

In accordance with Section A.6.3.8.11 of the Secondary Plan the City was required to initiate an Urban Design study to guide development in the area and assist in ensuring development proposals support the objectives of the Plan. As previously mentioned this was finalized and approved in September 2014. The

study took the framework outlined by the Secondary Plan and illustrated the “look and feel” of this new community, translating Setting Sail Policy text in a visual way to help guide the future development process. Recommendations pertaining to matters such as character, massing, sustainability, circulation, accessibility and programming were developed through consultation with the community.

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In summary the Urban Design Study encapsulated the following design principles:

Commercial

- Integration of the area and easy access by a range of transportation modes;
- Buildings close to the street edge, entrances facing street for strong pedestrian orientation;
- Buildings massed and designed to limit shadow and wind impacts;
- Focus away from parking; and,
- Animated streets.

It is considered that given the range and location of operations, the proposed site would be programmed to achieve the direction contained within the Urban Design Guidelines. The arrangement of built form and strong street edge – would be achieved through the proposed regulations which regulate matters such as minimum setbacks from a street, minimum façade lengths along a street line

and requirement for all principle entrances to have direct access from the public sidewalk.

In addition, parking would not be permitted between a building and a public street and outdoor storage is prohibited. These regulations, in combination with the requirement for an Urban Design Brief and campus masterplan, would ensure any future development of the site would secure the design intent as articulated through the Urban Design Guidelines. Screening of parking and impacts from truck traffic would form an integral part of the assessment. Given the proposed regulations in the amending By-law, all parking areas (including truck parking) would be required to be screened and to exist only on lots that have buildings situated on them.

5. Zoning By-law No. 05-200

The commercially designated lands are currently zoned Downtown Prime Retail Streets (D2 442 (H44)) Zone. The existing uses permitted include a range of commercial uses including ‘Commercial School’, ‘Conference or Convention Centre’, ‘Restaurant’ and ‘Retail’. From a built form perspective, a “Production Studio” and a “Convention Centre” are similar, and that a production studio is less likely to be used in the evening and/or weekends when activities are held at convention centres. As discussed within this Report, policies and directions within the Secondary Plan and Design Guidelines have been secured through the existing By-law through regulations controlling the design and function of the permitted uses.

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The intent of this zoning application is to maintain and carry forward all these regulations and uses (subject to some minor technical updates) but also extend the permitted uses to include a 'Production Studio' for a portion of the lands as detailed previously. In addition, the Production Studio would be subject to further specific restrictions, regulations and holding provision requirements – discussed below.

Production Studio a Prohibited Use in certain properties

As a production studio may contain certain elements of an industrial use, the draft By-law includes a regulation prohibiting a Production Studio on certain lands located on Bay Street North, Stuart Street, and Tiffany Street to prevent the use from further encroaching nearby existing residential uses on the east side of Bay Street North (see Appendix "C" to Report PED18210(a)). Other commercial uses such as office, retail, commercial school, and artist studio are permitted on these lands.

Soundstage/Warehouse/Storage

The soundstage – which can be characterised as the warehouse structure/area in which the filming takes place, will be required to be located wholly within a

building and set back a minimum of 40 m from the Downtown Multiple Residential (D2) Zone located to the south of the subject lands and where sensitive land uses are located (see Appendix "C" to Report PED18210(a)). Development of the soundstage will also be required in conjunction with office and retail space to ensure a commercial campus is created such that for every 1.0 sq m of GFA dedicated to the soundstage, 1.0 sq m of GFA will be required to be dedicated for office and/or retail uses.

With regards to storage, this will only be permitted within a building with outdoor storage being prohibited.

Parking

With regards to parking, parking will not be permitted between a building façade and a public street. It is considered that this will enhance the pedestrian realm and foster appropriate urban design outcomes while allowing for pedestrians to be given access to the building from the sidewalk.

Further, acknowledging the potential amount of parking and loading associated with the production studio, a parking lot, including access driveways and manoeuvring spaces, shall not be located 4.0 m of a street line, and a 4.0 m wide planting strip be provided and maintained between the street line and the parking

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spaces or aisles. This will provide some buffer between the pedestrian realm and the parking area.

Holding Provision

The existing zoning currently has a Holding symbol that would require both a vibration study and Urban Design Study. The Urban Design Study has been approved and therefore can be considered satisfied and removed as a requirement for the amending By-law.

The requirement of a Vibration Study remains and will be required in addition to additional holding provisions attached to the consideration of a Production Studio. These provisions include the following:

- i) Urban Design Brief and Campus Masterplan; and,
- ii) Traffic Impact Study.

It is considered that the Urban Design Brief and campus masterplan will provide the opportunity to consider the plan and design of the Production Studio, detailing the arrangement of buildings, materiality and building typology in line with the expectations and direction of the Urban Design Study. A Traffic

Management Plan will address site circulation and movement patterns within the localised infrastructure.

6. Constraints

Contamination

Given the subject lands former industrial use, as well as the existing rail corridor, contamination remains a concern that would need to be addressed. Through the evaluation as recommended within this Report, it is considered that appropriate assessment and any necessary resolution of this issue would occur prior to the re-development of the lands.

Rail Yard

Beyond contamination, adjacency to the existing CN Rail Line raises potential conflicts with noise and vibration related matters. These would need to be addressed, however, it is noted that the proposed studio use provides opportunity for intervening non-sensitive uses which may foster improved noise environments for existing and future residential and sensitive land uses.

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Parcel Size

As a Production Studio may need a larger lot size to accommodate the various components of the use such as warehousing, filming set, parking and loading, land assembly of several smaller parcels may be required prior to the development of the subject lands. This is in addition to other commercial uses to be accommodated with the Production Studio.

7. Affordable Studio Space

As raised within the public consultation process, affordable studio space was identified as an opportunity to create not only a creative hub at this location but assist in providing much needed studio space to artists within the community.

It is considered that such a consideration has merit and is worthy of further consideration. While securing this intent is not appropriate through a zoning by-law, it is considered that given the City of Hamilton is a significant land owner in the area, such an opportunity exists within any potential future purchase and sale agreement. On this basis and given the considerable community benefit that could be secured, staff are recommending that this potential outcome be explored and secured through a future report (See Recommendation (c) to Report PED18210(a)).

8. Conclusion

It is considered that the addition of the Production Studio Use in addition to the regulations will ensure it is of a scale and character as to deliver on the planned vision for the area and be a catalyst for future development.

ALTERNATIVES FOR CONSIDERATION

Should the proposed OPA and Zoning By-law Amendments be denied, the property would remain under the site specific Downtown Prime Retail Streets (D2) Zone, which permits a range of commercial uses.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

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Economic Prosperity and Growth

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

Culture and Diversity

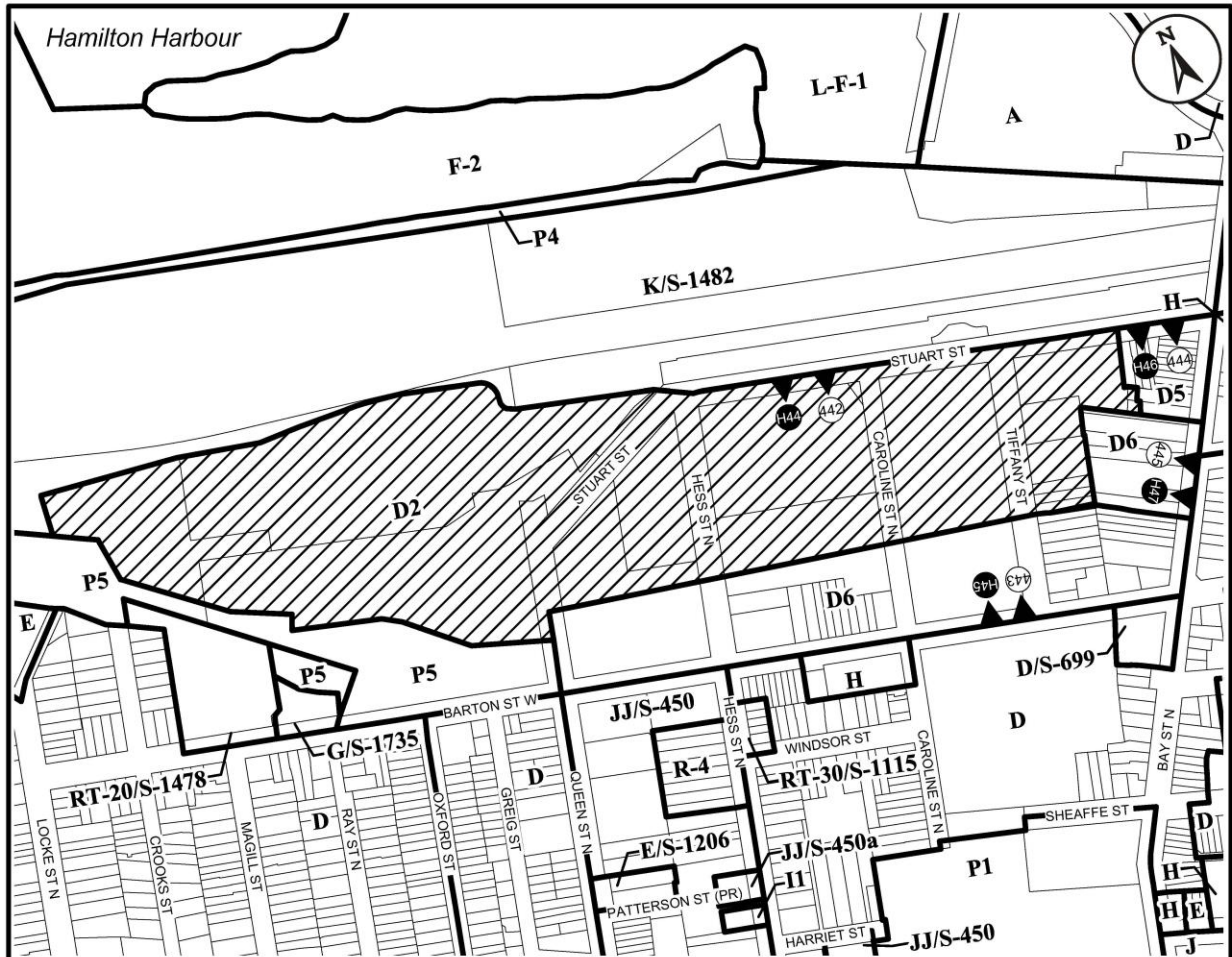
Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

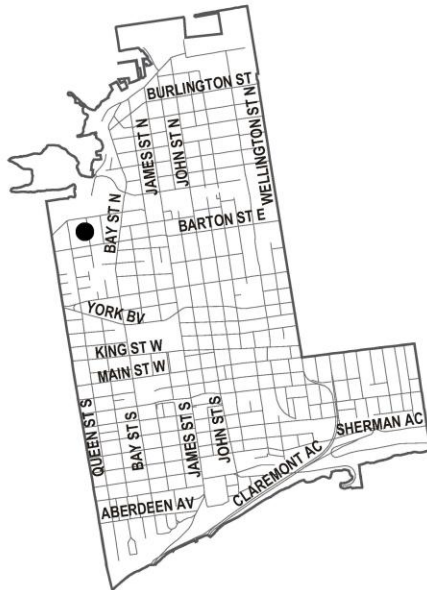
- Appendix “A” – Location Map
- Appendix “B” – Official Plan Amendment
- Appendix “C” – Proposed Zoning By-law
- Appendix “D” – Secondary Plan Land-use Map
- Appendix “E” – Public Submissions

EJ/mo

Appendix "A" to Report PED18210(a)
Page 1 of 1



● Site Location



Key Map - Ward 2

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
Production Studio

Date:
January 31, 2019

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
EJ/JAL

Subject Property



Amendment to the Downtown Mixed Use Pedestrian Focus (D2, 442, 44) Zone, Modified, with a Holding Provision

Schedule “1”

DRAFT City Hamilton Official Plan Amendment No. X

The following text, together with:

Appendix “A” Schedule M-2a: Barton-Tiffany Area General Land Use

attached hereto, constitutes Official Plan Amendment No. **X** to the City of Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to add a site specific policy area to lands designated Commercial within the Barton-Tiffany Special Policy Area to add the use of a Production Studio to the Commercial designation.

2.0 Location:

The lands affected by this Amendment are known municipally as:

Property Address
Part of 271 Bay Street North, Hamilton
Part of 128 Barton Street West, Hamilton
239 and 259 Caroline Street North, 175 Stuart Street, Hamilton
249 Hess Street North, Hamilton
Part of 242 Queen Street North, Hamilton
Part of 243, 245 Queen Street North, Hamilton
107 Stuart Street, Hamilton
Part of 232 Stuart Street, Hamilton
26 Tiffany Street, Hamilton
28 Tiffany Street, Hamilton
30 Tiffany Street, Hamilton
32 and 36 Tiffany Street, Hamilton

3.0 Basis:

The basis for permitting this Amendment is:

- The Amendment complies with Volume 1 of the Urban Hamilton Official Plan; and,

- The proposed Amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

4.0 Actual Changes:

4.1 Text Changes

4.1.1 That Section A.6.3.3.1.16 be amended by adding the following new policy:

A.6.3.3.1.16.1.19

For the lands designated Commercial and shown as Site Specific Policy Area 2 on Schedule M-2a Barton-Tiffany Area General Land Use, the following additional policies shall apply:

- i) In addition to Policy A.6.3.3.1.16.1.3, a *production studio* shall also be permitted;
- ii) A *production studio* shall mean the use of land, building or structure used for creation and production of motion pictures or audio or video recordings and the associated warehousing prop and set design and storage. Digital media uses, such as animation studio and associated software development and processing, but shall not include the mass reproduction of film;
- iii) In addition to Policy A.6.3.3.1.16.1.4, outdoor storage associated with a *production studio* shall be prohibited;
- iv) A *production studio* shall only be permitted if a) the site is developed as a campus setting; and b) if the Production Studios is combined with a range of commercial uses constructed as part of or prior to;
- v) Commercial uses shall be located close to the street to create a strong pedestrian orientation with the *production studio* located interior to the site;
- vi) The implementing Zoning By-law shall identify the following requirements:
 - a. appropriate setbacks for the *production studio* to regulate function and built form;
 - b. the location of parking;

- c. minimum gross floor area thresholds required for commercial development to ensure a range and variety of commercial uses are built at the same time or in advance of the *production studio*; and
 - d. Phasing and timing of commercial uses in association with the *production studio*.
- vii) In accordance with Section F.1.19 – Complete Application Requirements and Formal Consultation of Volume 1, the urban design brief submitted as part of a development application shall include:
- a. A campus masterplan detailing the layout and arrangement of buildings associated with the *production studio* and commercial uses shall address matters such as the following:
 - 1. Vision as contained within the Urban Design Guidelines;
 - 2. Massing and articulation of all buildings;
 - 3. shadow and wind impacts;
 - 4. circulation;
 - 5. street animation;
 - 6. sustainability;
 - 7. Accessibility;
 - 8. Compatibility with adjacent land uses; and
 - 9. Publicly accessible open space areas.
 - b. A Traffic Impact Study.

4.2 Map/Schedule Changes:

4.1.2 Schedule M-2a – Barton Tiffany Area General Land Use

- a. That Schedule M-2a – Barton-Tiffany Area General Land Use – West Harbour Secondary Plan be amended by adding Site Specific Area X, as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

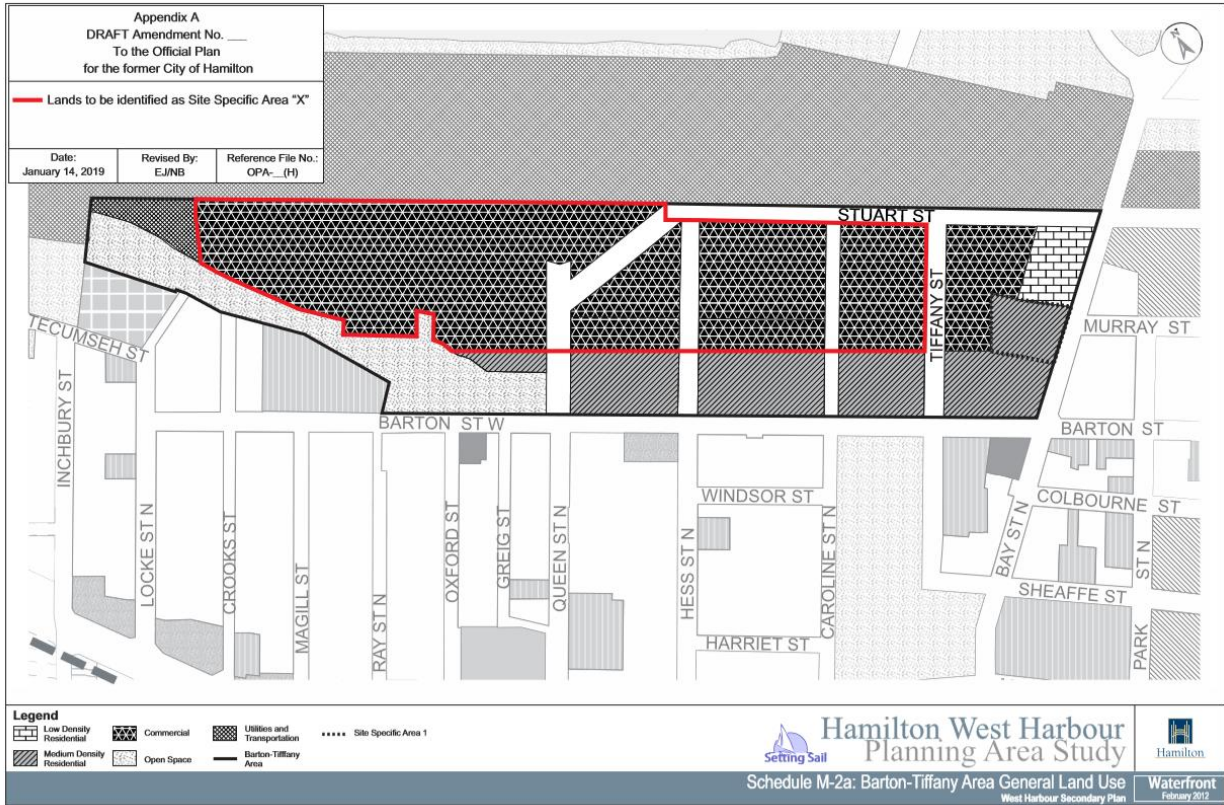
An implementing Zoning By-Law Amendment and Site Plan Control will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the ___th day of ___, 2019.

The
City of Hamilton

F. Eisenberger
MAYOR

J. Pilon
Acting CITY CLERK



Appendix “C” to Report PED18210(a)
Page 1 of 8

Authority: Item,
 Report (PED18210(a))
 CM:
 Ward: 1, 2

 Bill No.

CITY OF HAMILTON

BY-LAW No. [REDACTED]

**To Amend Zoning By-law No. 05-200,
 Respecting Lands Located within Barton Tiffany (Hamilton)**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report [REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2019, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the *Planning Act* on June 1, 1982.

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

1. That Map No. 867 and 868 of Schedule “A” – Zoning Maps, to Zoning By-law No. 05-200 be amended by amending the following zone:
 - a) Downtown Mixed Use – Pedestrian Focus (D2) Zone the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”:
2. That Schedule “C” of By-law 05-200 is amended by repealing and replacing Special Exception 442 to include amended uses and regulations as follows:
 - “442. Notwithstanding Section 6.2, on those lands zoned Downtown Mixed Use – Pedestrian Focus (D2) Zone, identified on Maps 867 and 868 of Schedule “A” – Zoning Maps and described as:

Appendix “C” to Report PED18210(a)
Page 2 of 8

Property Address	Map Number
Part of 271 Bay Street North	868
Part of 128 Barton Street West	868
239, 259 Caroline Street North, 175 Stuart Street	868
249 Hess Street North	868
Part of 242 Queen Street North	868
Part of 243, 245 Queen Street North	867, 868
107 Stuart Street	868
Part of 232 Stuart Street	867, 868
26 Tiffany Street	868
28 Tiffany Street	868
30 Tiffany Street	868
32, 36 Tiffany Street	868

The following provisions shall apply:

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within the Downtown Mixed Use – Pedestrian Focus (D2) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the following prescribed regulations.

a) **PERMITTED USES**

- Artist Studio
- Commercial Entertainment
- Commercial Parking Facility
- Commercial Recreation
- Commercial School
- Conference or Convention Centre
- Craftsperson Shop
- Financial Establishment
- Medical Clinic
- Office
- Personal Services
- Performing Arts Theatre
- Production Studio
- Recreation
- Restaurant
- Retail
- Tradesperson’s Shop

b) **RESTRICTED USES**

i) In addition to Section a) PERMITTED USES the following uses shall only be permitted in accordance Section c) and the

Appendix “C” to Report PED18210(a)
Page 3 of 8

following additional restrictions:

- A) Commercial Parking Facility
 - 1) Shall only be contained within a building; and,
 - 2) With the exception of an access driveway to the parking facility, the ground floor of the facility which faces any street shall only be used for uses listed in Section a), other than parking.

- B) Production Studio
 - 1) The soundstage/warehousing associated with a Production Studio shall only be permitted in conjunction with office and retail use(s).
 - 2) The soundstage/warehousing associated with a Production Studio shall only be contained within the building of the site.

- C) Permitted Uses in the portion of the Building abutting the Street

Notwithstanding Section a), the portion of the building(s) that is within the minimum and maximum building setback from a street line shall be limited to the following uses:

- Artist Studio
- Commercial Entertainment
- Commercial Recreation
- Commercial School
- Craftsperson Shop
- Financial Establishment
- Medical Clinic
- Office
- Personal Services
- Performing Arts Theatre
- Production Studio
- Recreation
- Restaurant
- Retail

- c) PROHIBITED USES

- i) Notwithstanding Section a), the following uses are prohibited even as an accessory use:

Dwelling Unit(s)

Appendix “C” to Report PED18210(a)
Page 4 of 8

Drive Through Facility
Hotel

- ii) Notwithstanding Section a), the following uses are prohibited except as an accessory use:

Garden Centre
Dry Cleaning Plant

- iii) Notwithstanding Subsection a), a Production Studio shall be prohibited on the following properties:

271 Bay Street North
107 Stuart Street
26 Tiffany Street
28 Tiffany Street
30 Tiffany Street
32, 36 Tiffany Street

d) REGULATIONS

- | | | |
|-------|---|--|
| i) | Building Setback from a Street Line | <p>A) Minimum 3.0 metres; and,</p> <p>B) Maximum 4.5 metres.</p> <p>C) Clause d)i)A) shall not apply for any portion of a building that exceeds the requirement of Clause d)ix)A).</p> |
| ii) | Minimum Rear Yard | 6.0 metres abutting a Residential Zone property line; |
| iii) | Minimum Interior Side Yard | 3.0 metres abutting a Residential Zone property line; |
| iv) | Maximum Building Height | 15.0 metres; |
| v) | Maximum Gross Floor Area for each Retail Unit | 6,000 square metres; |
| vi) | Maximum Lot Coverage for Retail Uses | 20 percent; |
| vii) | Maximum Floor Area Ratio for Retail Uses | 0.2; |
| viii) | Maximum Gross Floor Area for Office Uses within each Building | 3,000 square metres; |

Appendix “C” to Report PED18210(a)
Page 5 of 8

- | | | |
|-----|--|---|
| ix) | Built Form for New Development | <p>In the case of buildings constructed or alterations to the exterior of existing buildings, excluding any alterations to façade, fenestration or doors, after the effective date of this By-law:</p> <p>A) For an interior lot, corner lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 25% of the measurement of the front lot line and shall exclude access driveways and lands within a required yard.</p> <p>B) No parking, driveways or aisles shall be located between a building façade and the public street</p> <p>C) A minimum of one principal entrance shall be provided:</p> <ol style="list-style-type: none"> 1) within the ground floor façade that is set back is closest to a street; and, 2) shall be accessible from the building façade with direct access from the public sidewalk; and, 3) A walkway shall be permitted in a Planting Strip where required by the Bylaw. |
| x) | Maximum Gross Floor Area for Soundstage/ Warehouse associated with a Production Studio | 2,000 square metres |
| xi) | Minimum Gross Floor Area of Permitted Uses in | For every 1.0 square metres of gross floor area dedicated |

Appendix “C” to Report PED18210(a)
Page 6 of 8

- | | |
|--|---|
| Conjunction with the Soundstage/Warehouse associated with a Production Studio | to a soundstage/warehousing associated with a Production Studio, a minimum of 1.0 square metres of gross floor area must be dedicated to any use identified in Subsection a). |
| xii) Minimum Distance of soundstage/warehousing associated with a Production Studio from a Public Street | The soundstage/warehousing associated with a Production Studio shall be no closer than 40.0 metres from a Downtown Multiple Residential (D6) Zone. |
| xiii) Visual Barrier Requirements | A visual barrier is required along any yard abutting a Downtown Residential (D5) or Downtown Multiple Residential (D6) Zone, except where a building is located or the area used for an access driveway, in accordance with Section 4.19 of this By-law. |
| xiv) Outdoor Storage | <p>A) No outdoor storage of goods, materials or equipment shall be permitted.</p> <p>B) Notwithstanding Clause xi) A), the display of goods or materials shall be permitted.</p> |
| xv) Accessory Buildings | In accordance with the requirements of Section 4.8 of this By-law. |
| xvi) Parking | <p>A) In accordance with the requirements of Section 5 of this By-law.</p> <p>B) Notwithstanding Subsection 5.1a)v)a), parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall not be located within 4.0 metres of a street line.</p> |

Appendix “C” to Report PED18210(a)
Page 7 of 8

C) Notwithstanding Subsection 5.1a)v)b), a 4.0 metre wide planting strip and visual barrier being required and permanently maintained between the street line and the parking spaces or aisle.

3. That Schedule “D” – Holding Provisions of By-law 05-200 be amended by amending Holding Provision No. 44:

“44. That notwithstanding Section 6.2 and Special Exception No.442 of this By-law, on those lands zoned Downtown Mixed Use - Pedestrian Focus (D2) Zone, identified on maps 867 and 868 of Schedule “A” – Zoning Maps no development shall be permitted until such time as:

- (i) A Vibration Study, prepared by a qualified Professional Engineer, completed to the satisfaction of the Director of Planning, Planning and Economic Development Department.
- (ii) An Urban Design Brief and Campus Masterplan, to the satisfaction of the Director of Planning, Planning and Economic Development Department.

That notwithstanding Section 6.2 and Special Exception No.442 of this By-law, on those lands zoned Downtown Mixed Use - Pedestrian Focus (D2) Zone, identified on maps 867 and 868 of Schedule “A” – Zoning Maps no development of a Production Studio shall be permitted until such time as:

- (i) A Traffic Management Plan, to the satisfaction of the Director of Transportation Planning and Parking, Planning and Economic Development Department.

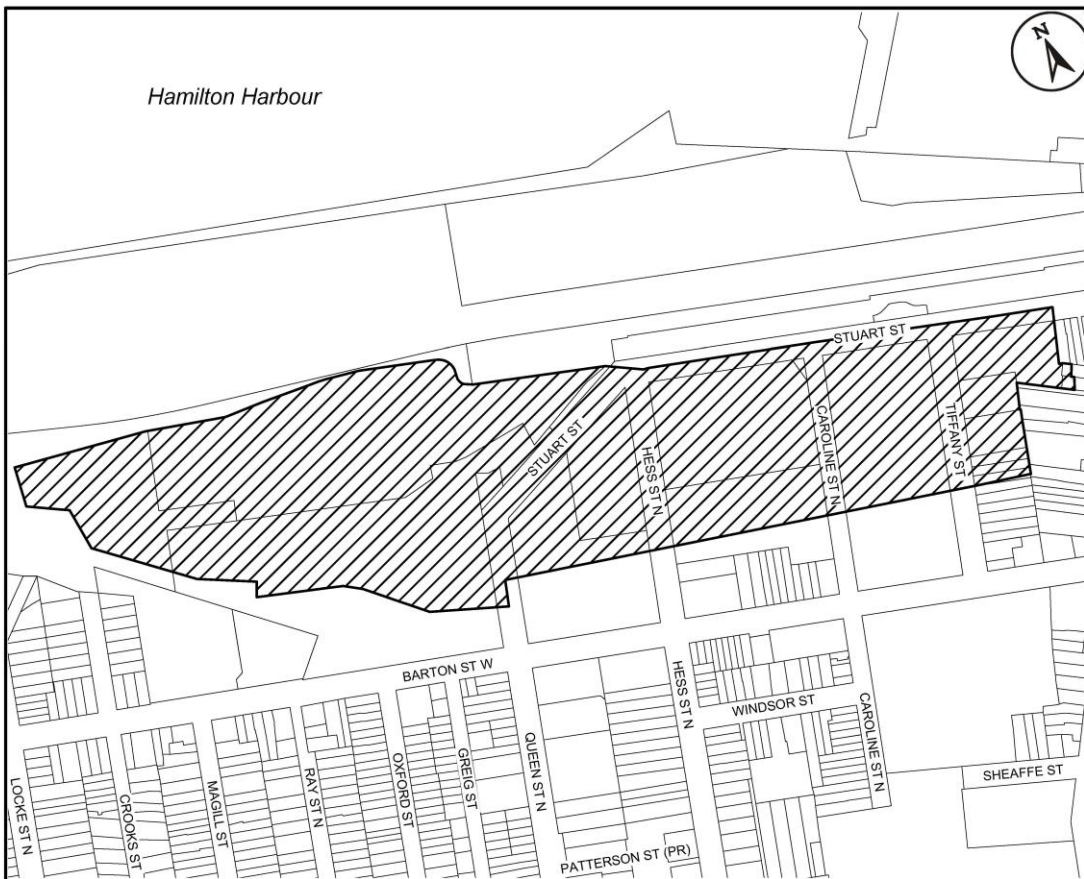
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this ██████ day of ██████, 2019.


Mayor
Fred Eisenberger

Acting City Clerk
J. Pilon

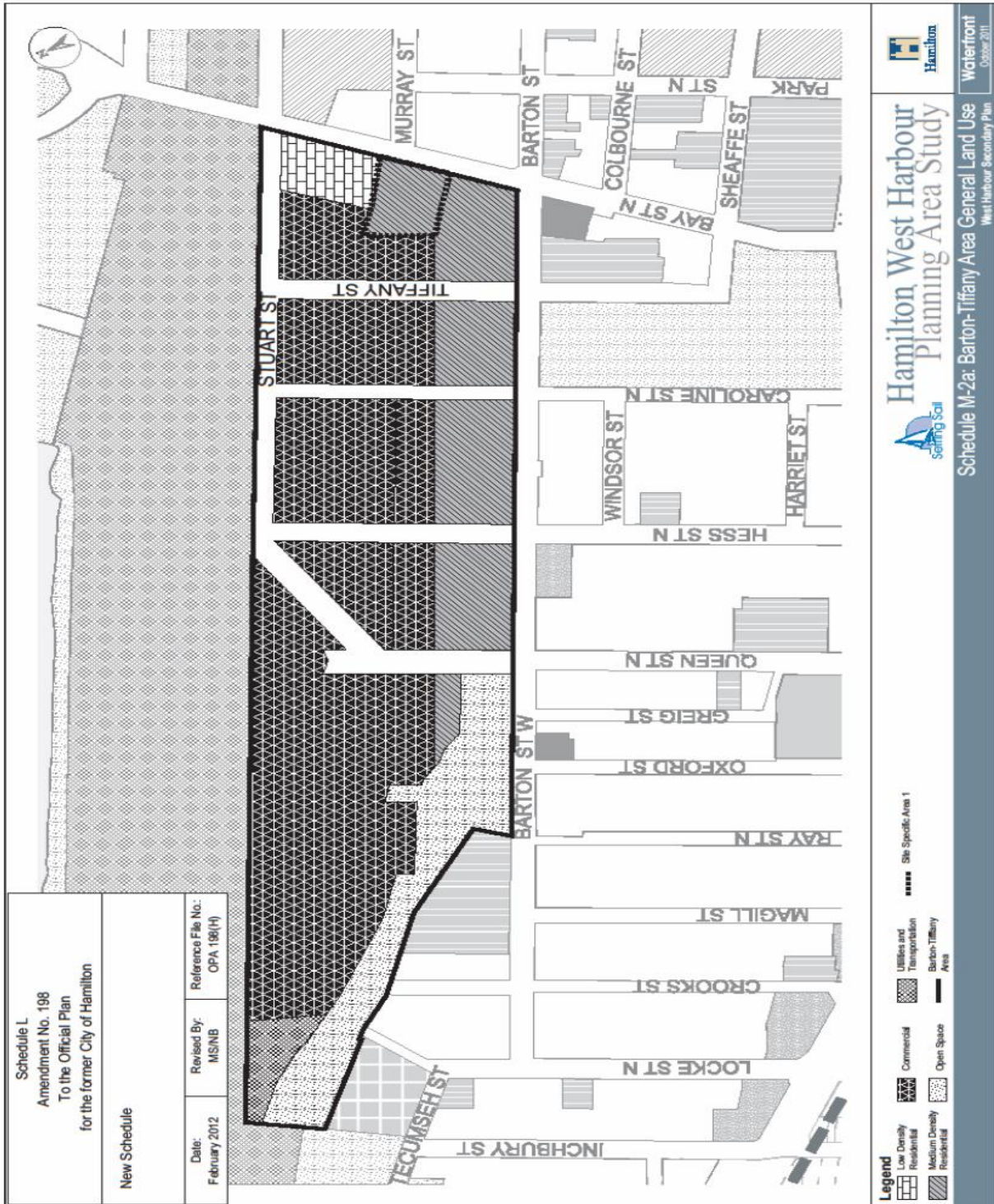
Appendix "C" to Report PED18210(a)
Page 8 of 8



<p>This is Schedule "A" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A"</h2> <p>Map Forming Part of By-law No. 19-_____</p> <p>to Amend By-law No. 05-200 Maps 867 & 868</p>		<p>Subject Property</p> <p> Amendment to the Downtown Mixed Use Pedestrian Focus (D2, 442, 44) Zone, Modified, with a Holding Provision</p>
<p>Scale: N.T.S.</p> <p>Date: Jan. 31, 2019</p>	<p>File Name/Number: Production Studio</p> <p>Planner/Technician: EJ/AL</p>	 Hamilton
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Schedule M-2a



Appendix "E" to Report PED18210(a)
Page 1 of 9**John, Edward**

From: Charlene Chua <[REDACTED]>
Sent: November-16-18 12:45 PM
To: John, Edward
Subject: Re: Creative cultural uses within the Barton-Tiffany lands

Hello Mr. John

With regards to the meeting about 'Creative cultural uses within the Barton-Tiffany lands', I regret that I will probably not be able to attend the meeting.

However, I do live near to the area in the discussion. I am not sure if this counts towards the public consultation, but I am all for something to be developed on that land. It is currently vacant and an eyesore. If it can be used for a creative industry, all the better. The only concern I would have is whether a facility such as a film studio would affect the amount of traffic in the neighbourhood. Specifically, if big trucks need to come in and out on a regular basis, can they do so without creating congestion.

Otherwise I think it would fantastic if something were done with that land, instead of it sitting around vacant and collecting piles of snow/dirt during winter.

Rgds

Charlene Chua

Appendix "E" to Report PED18210(a)
Page 2 of 9

John, Edward

From: Claire Snelling <[REDACTED]>
Sent: November-13-18 8:33 AM
To: John, Edward
Subject: support for Barton-Tiffany land use

Hello,

I am writing this email to support the proposal of using the Barton-Tiffany lands for Creative Cultural uses, including the development of a production studio. I think this potential use of land is a positive option - Hamilton has a large and continuously growing art and cultural scene already, and this would be a great addition to what is already in place in the city. In addition, I think there would be a number of positive outcomes including increased jobs and continued gentrification in the area.

Thank you,
Claire Snelling

[REDACTED]
[REDACTED]

Appendix "E" to Report PED18210(a)
Page 3 of 9**John, Edward**

From: Tom Snelling / Cynthia Lea [redacted]
Sent: November-05-18 12:34 PM
To: John, Edward
Subject: Barton - Tiffany lands

Mr. John,

I viewed the City of Hamilton notification in the Spectator this morning and thought I would comment on the proposal to allow Creative and Cultural uses for the Barton – Tiffany lands.

I think this is a fantastic opportunity to bring a long lasting and creative industrial tax base to the area that will support employment, training in new technologies, and provide an opportunity to diversify land use. The area would benefit from good paying jobs and allow for a growth industry base in the area.

I own a rental property in the immediate area, my daughter lives in the area, and my nephew and his wife moved into the area from Toronto last year. My nephew and his wife in particular are employed in the film industry and currently commute to studios in Mississauga and Toronto. They often do scene work in Hamilton when production allows it. The designation of these lands to studio properties would be an amazing local asset and would increase spending in a variety of local businesses including catering , set, design, lighting, accommodation, service industries, etc.

Please put me down as being in full support of this initiative as opposed to simply condo construction of which there is already an enormous amount of announced builds underway.

Tom Snelling
[redacted]

Appendix "E" to Report PED18210(a)
Page 4 of 9

John, Edward

From: Bob Manojlovich [REDACTED]
Sent: November-26-18 3:17 PM
To: John, Edward
Subject: Feedback - Barton Tiffany lands

As owner of the house at 187 Barton St West (a rental home between Caroline and Hess), I fully support creative cultural uses (including Production Studios) within the Barton-Tiffany lands.

Unfortunatley I wil not be able to attends tonights meeting

Bob Manojlovich
[REDACTED]

Appendix "E" to Report PED18210(a)
Page 5 of 9**John, Edward**

From: Robert Bowers [mailto:rbowers@att.net]
Sent: November-26-18 12:55 PM
To: John, Edward
Subject: some additional thoughts

Hi John

It was nice to meet you. It was a little overwhelming in many ways but not the least of which was the refreshing clarity and extent of your ideas. Based on past experience I really hadn't expected it but the fact that you took the time to have a chat should have been a clue.

I've been kicking the "indoor park" idea around for years. The benefits are pretty obvious but there are some benefits that may not be immediately obvious. I think it would positively change the image of Hamilton to outsiders as well as serving as a forward-looking model for students of urban studies. If the renewable energy industries could be brought in to showcase their technologies in construction, lighting, heating and building, perhaps even at no cost to the taxpayer, a fresh face of responsible environmental vision could be realized. Hamilton is known for its environmental problems but not for its advanced and spirited embrace of technologies that engage the environmental disasters coming our way if we fail to act now. If the park were set up with wi-fi it would be a major bonus and other services, such as the city client meeting option, especially for folks caring for small children and the elderly might also be of service to small, spur-o- the-moment meetings for business residents or anyone. I forgot to mention that a small, low-cost hotel, in the Barton/Tiffany setting would be a bonus for film people. I'm thinking lots of very small rooms.

I am not going to carry on about the cable car idea but I think it's going to sneak up on you one day...

thanks again,

Robert


Appendix "E" to Report PED18210(a)
Page 6 of 9

John, Edward

From: Bill Curran [REDACTED]
Sent: November-26-18 12:30 PM
To: John, Edward
Cc: Farr, Jason; Maggie & Bob Carr; Kathy Renwald; [REDACTED]@progressiveprime (H)
 Maryanne
Subject: Barton-Tiffany Lands for a film studio ?

Hi Edward,

Hope all is well with you !!
 Sorry I can't make the meeting tonight as I teach Mondays in Toronto.

Here is the Progressive North End Neighborhood Residents Association (PNERA) position on this matter:

The current approved plan for the Barton and Tiffany lands is a mixed use, medium density residential and commercial neighborhood extension of the Central neighborhood.
 Hopefully the City will someday resume efforts to push CN to relocate the rail yard.
 This will allow all this prime waterfront land to be developed as an even better more mixed use, higher medium density residential and commercial neighborhood, with generous access to the waterfront.
 As enshrined in the Setting Sail study, this development should be a strong linkage from downtown to the waterfront.

The previous uses were one storey industrial buildings with extensive surface parking lots.
 The proposed film studio would be a one storey, windowless, likely less than attractive industrial building with extensive surface parking lots, and outdoor storage.
 I know this from working on the design of the Showline Film Studios at 915 Lake Shore Blvd. E., Toronto which can give you a very good precedent of what this will look like.
 Please look it up on Google Earth and Streetview to see what kind of facility you are considering here.

This is an anti-urban building use, an incompatible building form and is entirely inappropriate for this site.
 This will not enhance the Central Neighborhood, nor will it enhance Central Park.
 This is totally at odds with the long established Setting Sail Plan, Official Plan, Secondary Plans and Urban Design Studies.
 It also would be a total waste of the significant potential for much higher quality uses with much greater community benefit.

A film studio can be readily accommodate elsewhere on the many vacant and underutilized industrial sites elsewhere in the lower city.
 It should go on lower value land, and it could go on brownfields sites even without clean up.
 The Stelco lands are but one example of soon to be available land, and the Port Authority has suitable lands.

Please do not pursue allowing a film studio on the Barton Tiffany lands.
 The community does not support it.

Ciao,

Bill

Appendix "E" to Report PED18210(a)
Page 7 of 9**John, Edward**

From: Andrew Bezuk-Greig [mailto:andrew.bezuk-greig@torontofilm.com]
Sent: November-26-18 5:19 PM
To: John, Edward
Subject: Proposed land usage in the Barton St area

Follow Up Flag: FollowUp
Due By: November-27-18 8:47 AM
Flag Status: Flagged

Hello there. My name is Andrew Bezuk-Greig and I am unable to attend the meeting regarding the proposed land development in the Barton area because I am currently working in Toronto on a television series, but I was hoping I could throw in my two cents as a representative of the film industry.

I wholeheartedly throw in my hat as a Hamiltonian who would proudly support a film studio being built in Hamilton.

I have lived in Hamilton my entire life, graduating from Bishop Ryan Secondary School back in 2001, serving my city and country proudly in the Canadian Armed Forces for 11 strong years with the Argyll and Sutherland Highlanders of Canada (Princess Louise's). After my medical discharge I found myself working where I felt I have always belonged: in film.

Although the commute to Toronto, where the majority of local productions take place, has been exhausting, grueling and often times dangerous, I am completely satisfied with this new career that I have embarked upon.

The film industry in Canada has grown significantly over the past couple of years, being recognized as "Hollywood North" by our American neighbours. With notable directors like Guellermo Del Toro, while filming scenes from "Shape of Water", commenting on the positive character and allure of Hamilton as a filming location, I feel it behooves us as a city to take that to heart.

Some quick pros as to why I feel a film studio would be beneficial to Hamilton:

- new job opportunities for those interested in the industry (both behind and in front of the camera)
- shorter commute for local Hamiltonians already in the industry working in Toronto, which given our long filming hours helps to negate dangerous drives, improve family-work balance, as well as smog emissions from vehicles

Appendix "E" to Report PED18210(a)
Page 8 of 9

- local transit to the proposed area helps those who normally have difficulty getting to their productions in Toronto - on that note, most people who yearn to be in the industry are hampered by the lack of a vehicle, so local transit would be able to assist with this
- features like "It Chapter 2" have injected upwards to \$1.6 million dollars directly into local businesses and the populace of small towns like Port Hope over the course of a few months for filming purposes

I could go on and on, but this is already a long-winded email and I must get back to work. I hope that this has helped to lend a voice from the industry that I have embraced for a few years now.

Thank you for your time.

Sincerely,
Andrew Bezuk-Greig
Locations Production Assistant

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Page 9 of 9

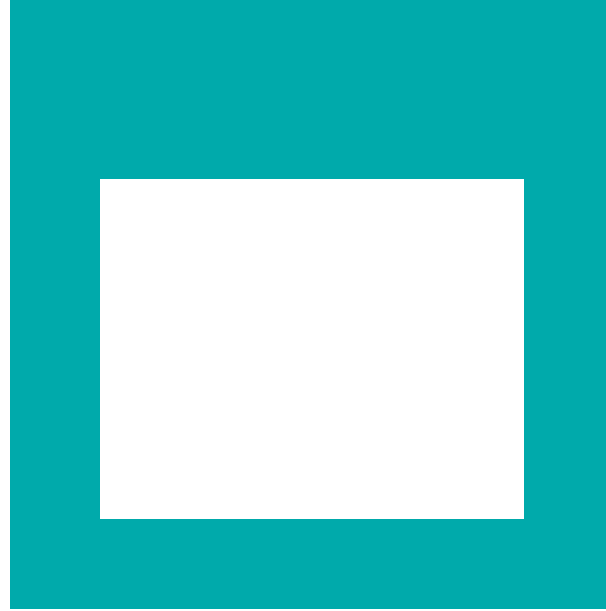
John, Edward

From: [REDACTED]
Sent: November-26-18 2:49 PM
To: 'Paul Copcutt'
Cc: John, Edward
Subject: FW: Barton-Tiffany Lands for a film studio ?

Hi Paul

Sorry I cannot attend this evening's meeting due to a family birthday. However, I, personally, am in favour of the film studio, for what's worth. As they say, "a bird in the hand, is worth two in the bush."

Allyson Wenzowski
289 Bay Street North



WELCOME TO THE CITY OF HAMILTON

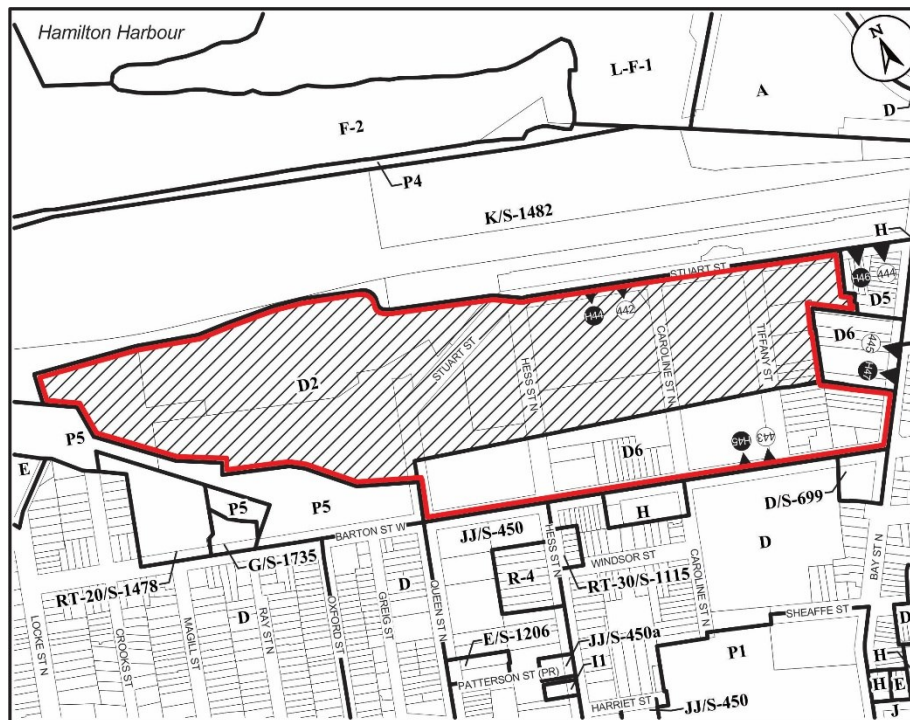
PLANNING COMMITTEE

March 18, 2019

PED18210(a)

Creative industries and film production studios on the Barton Tiffany lands, Hamilton.

Presented by: Edward John



● Site Location



Key Map - Ward 2

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:

Production Studio

Date:

January 31, 2019

Appendix "A"

Scale:

N.T.S.

Planner/Technician:

EJ/JAL

Subject Property



Amendment to the Downtown Mixed Use Pedestrian Focus (D2, 442, 44) Zone, Modified, with a Holding Provision

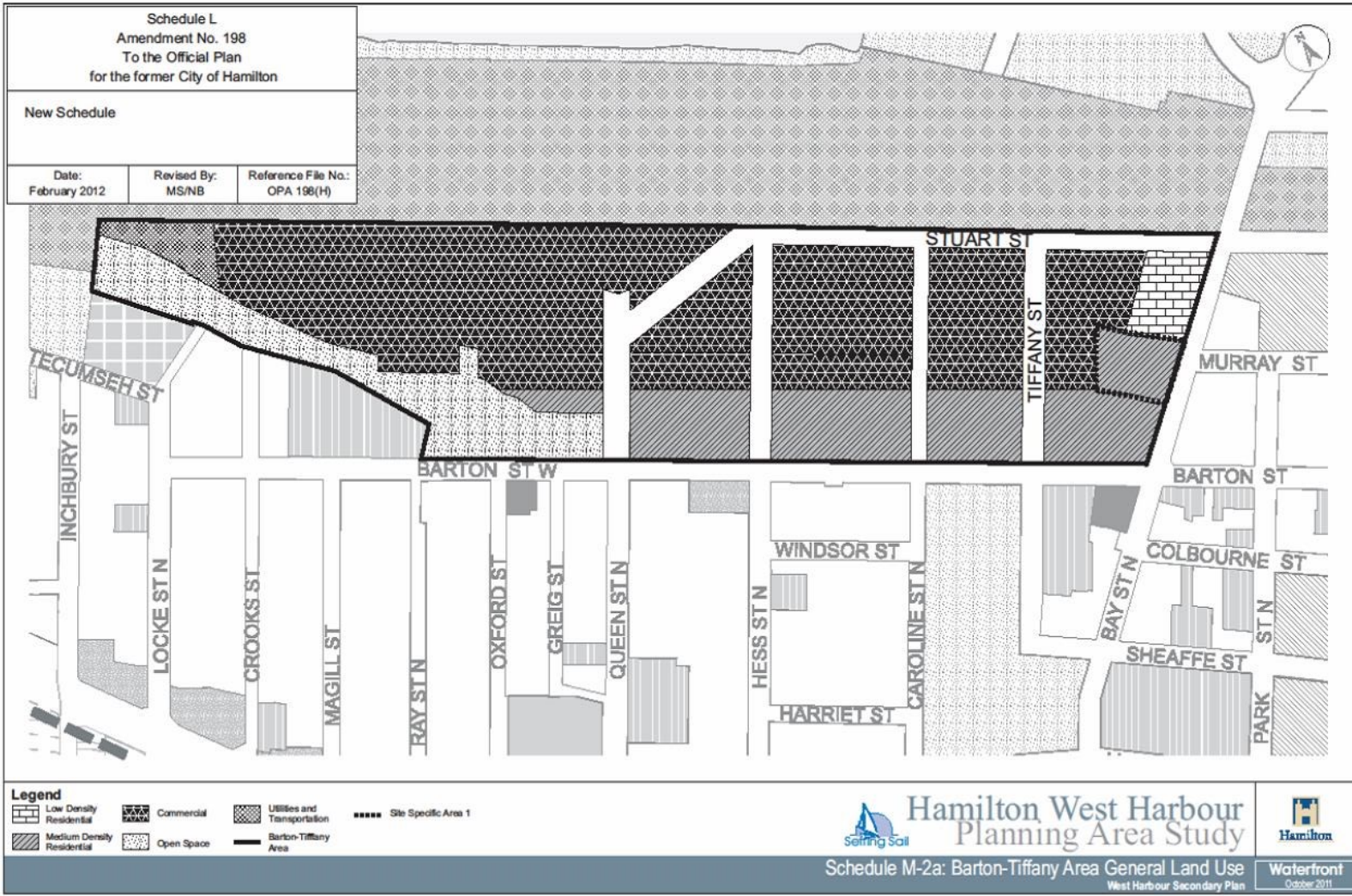


SUBJECT PROPERTY



Barton Tiffany Lands, Hamilton

Schedule M-2a



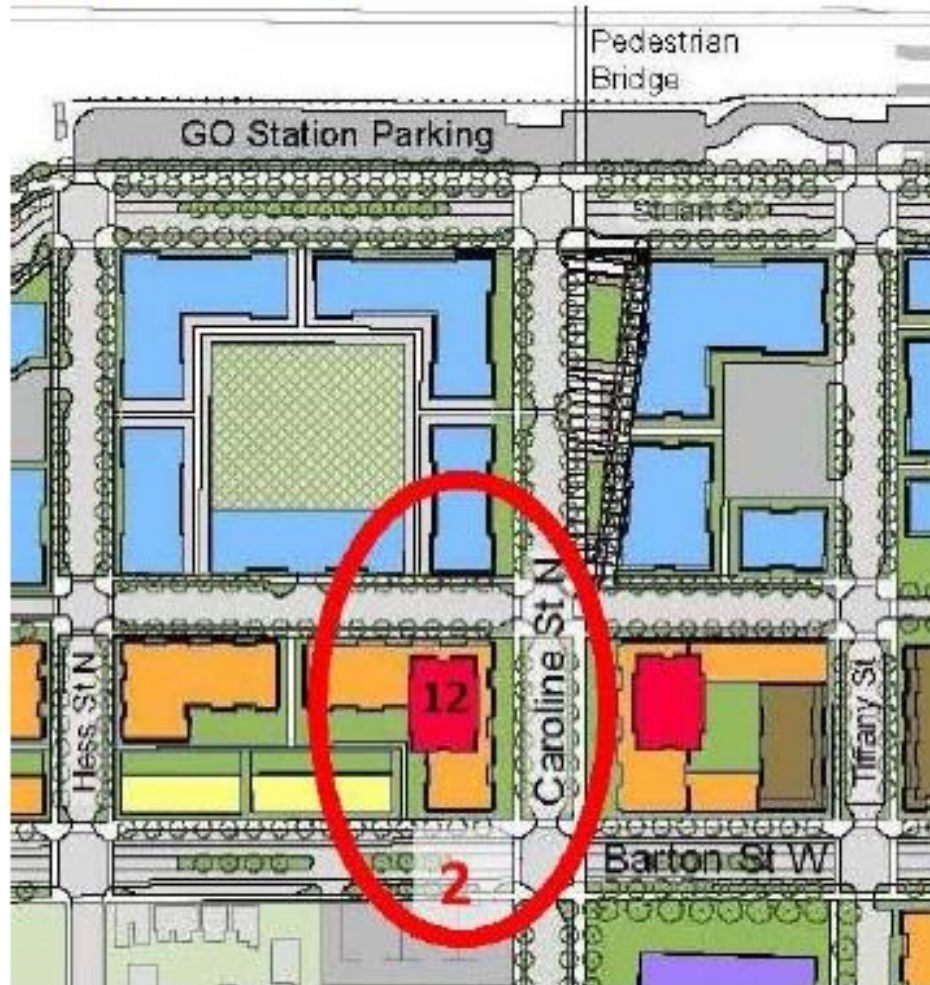
Recommendation (b) 1

180, 182 and 198 Barton Street West (north side), between Hess Street North and Caroline Street North: Reduce building height from four storeys (Secondary Plan designation) to three storeys



Recommendation (b) 2

239 Caroline Street North (west side) at intersection with proposed East-West road:
Increase residential density from Medium Density to High Density; Increase building height from eight storeys to twelve stories



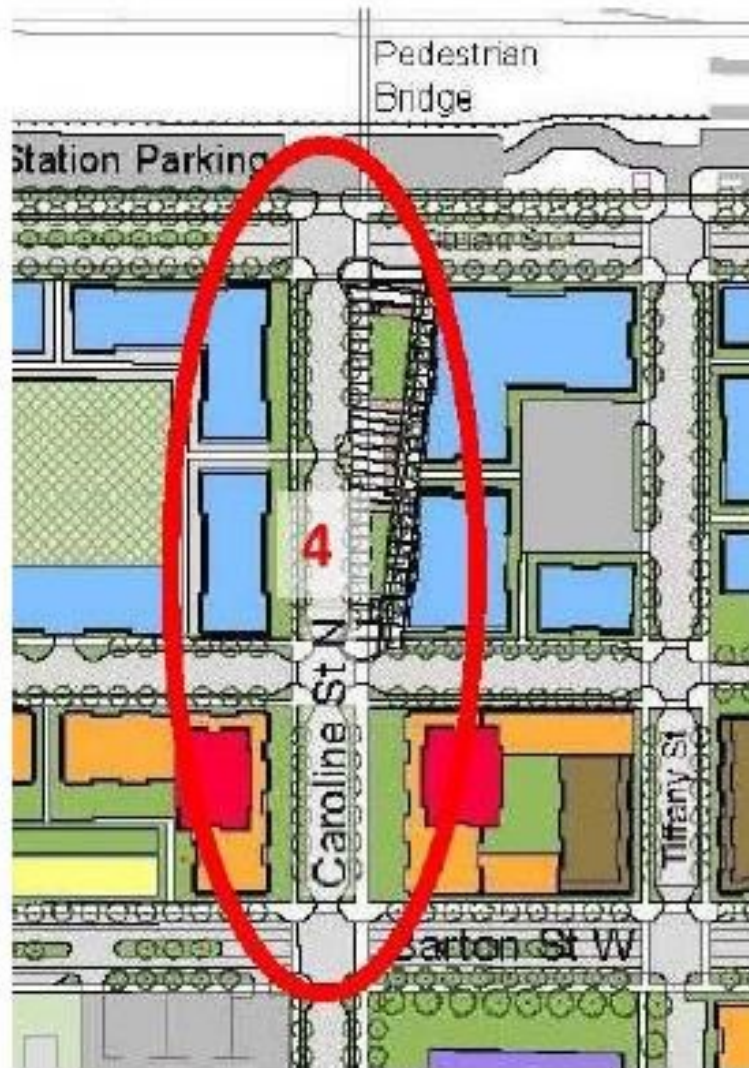
Recommendation (b) 3

128 Barton Street West (lands fronting onto Caroline Street North) at intersection with proposed East-West road: Increase residential density from Medium Density to High Density; Increase building height from eight storeys to sixteen storeys



Recommendation (b) 4

Caroline Street North, between Barton Street West and Stuart Street: Increase front yard and building setbacks to a range between four to ten metres



Design Considerations

Commercial Parking Facility

- Ground Floor of the Commercial Parking Facility shall be used for commercial uses
- Commercial Parking Facility shall be contained within a building

Ground Floor façade facing the front lot line

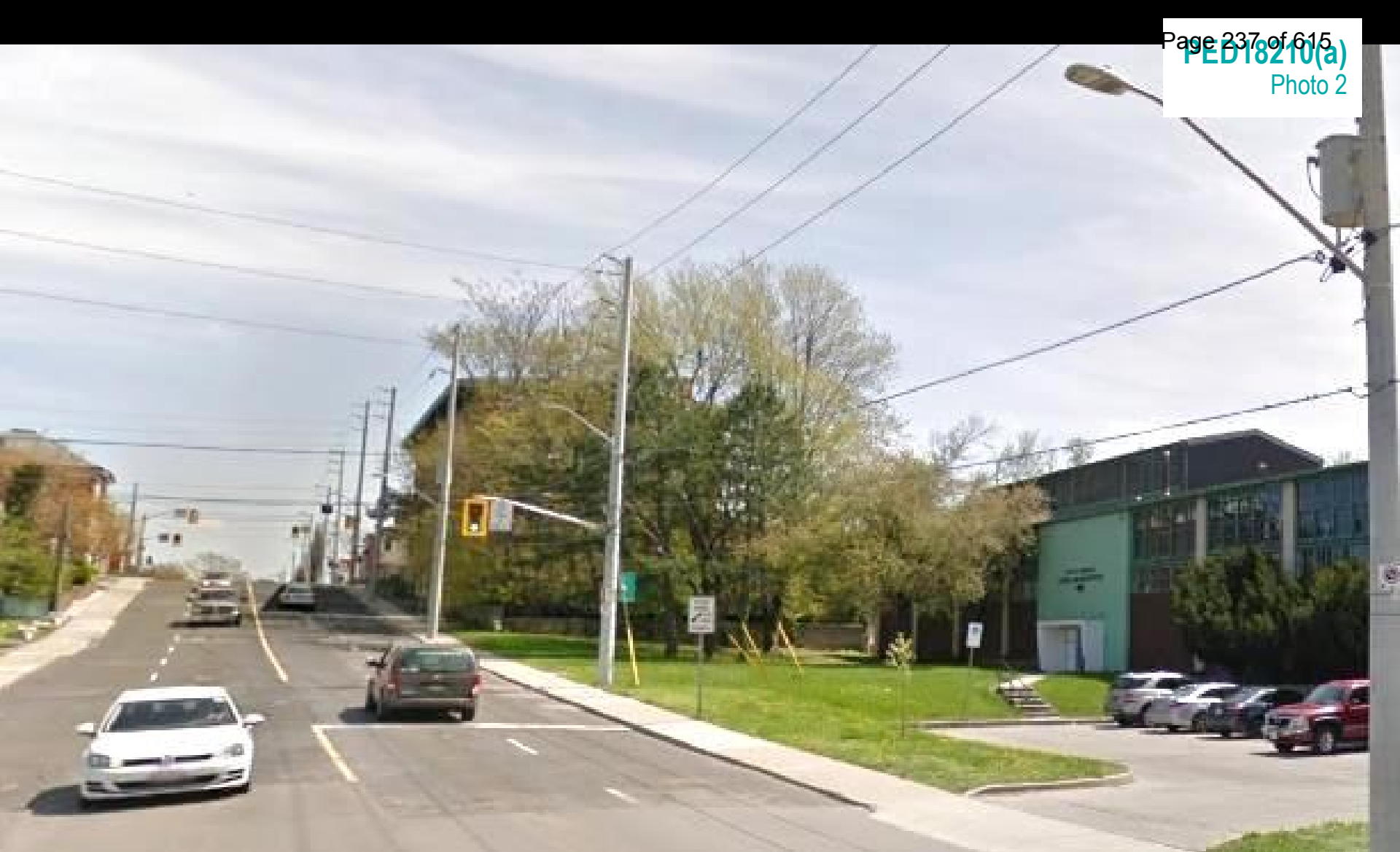
- For an interior, corner, and through lot, Minimum 25% of the ground floor façade shall be within the minimum and maximum front and flankage setback
- No parking, driveways, and aisle between the building and public street

Production Studio

- Soundstage and Warehousing no closer than 40.0 metres from a Downtown Multiple Residential (D6) Zone
- Planting strip of 4.0 metres between the street and the parking lot



View north from Barton Street West



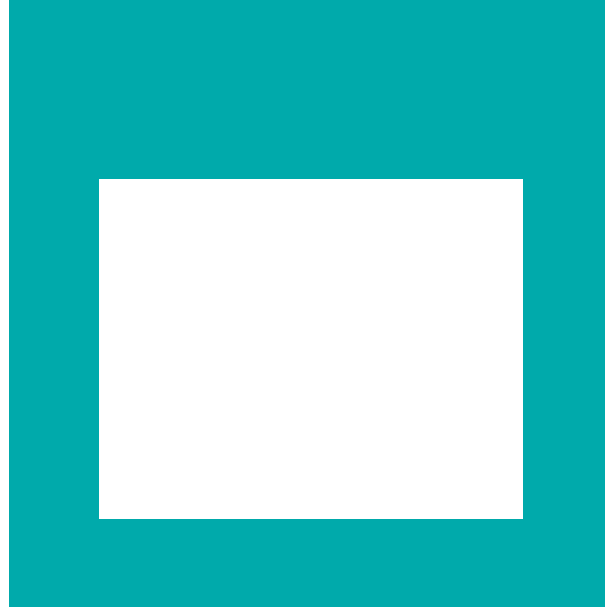
View east along Barton Street West



View west along Barton Street West



View north along Hess Street from Barton Street West



THANK YOU FOR ATTENDING

THE CITY OF HAMILTON PLANNING COMMITTEE



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 19, 2019
SUBJECT/REPORT NO:	Durand Neighbourhood Character Study Review (PED19017) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Madeleine Giroux (905) 546-2424 ext. 2664
SUBMITTED BY:	Stephen Robichaud Director of Planning and Chief Planner Planning and Economic Development Division
SIGNATURE:	

RECOMMENDATION(S)

- (a) That Appendix "A" attached to Report PED19017 respecting the Peer Review and Recommendations on Zoning: Durand Neighbourhood Character Study be **RECEIVED**;
- (b) That the recommendations of the Peer Review of the Durand Neighbourhood Character Study Final Report be referred to the new Residential Zoning project;
- (c) That staff be directed to use the Durand Neighbourhood Character Study Final Report as a tool for assessing character within *Planning Act* applications in the Durand Neighbourhood, until such time as a Durand Neighbourhood Secondary Plan and new zoning are adopted.

EXECUTIVE SUMMARY

The Durand Neighbourhood Association (DNA) has a strong interest in protecting and preserving neighbourhood character and has dedicated substantial resources to ensuring that there is community oversight in decisions that affect the neighbourhood. The DNA has conducted thorough background research on streetscape character preservation and the planning tools available, and through this exercise, their planning team has identified a number of streetscape character elements that Planning staff will weigh heavily in developing the new Residential Zones for Zoning By-law No. 05-200.

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Civicplan was retained by the DNA to prepare a report on zoning and neighbourhood character. The report is entitled “Durand Neighbourhood Character Study Final Report”. City of Hamilton Planning staff have retained GSP Group to conduct a Peer Review of Civicplan’s report to evaluate the applicability of the Ottawa SCA tool. The Peer Review focused on areas zoned “C” (Urban Protected Residential, Etc.) District, “D” (Urban Protected Residential – One and Two Family Dwellings) District, and “DE” (Low Density Multiple Dwellings) District and excluded review of areas zoned “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District, “E-1” (Multiple Dwellings, Lodges, Clubs, Etc.) District, and “E-3” (Multiple Dwellings) District, as well as any lands currently zoned under Zoning By-law No. 05-200. The purpose of these exclusions is related to meeting Provincial policy requirements for intensification, as discussed in greater detail in the Policy Implications and Legislated Requirements Section of this Report.

Through this Peer Review, it was determined that a Streetscape Character Analysis tool and zoning overlay similar to the City of Ottawa’s approach is not appropriate for the Durand Neighbourhood at this time.

However, it was determined that there is strong merit to a character-based zoning approach. There is significant opportunity to review established neighbourhood patterns, built form, and character, and to develop context-specific zone regulations which would guide appropriate infill development and redevelopment. This exercise would be undertaken through the development and implementation of Residential Zones in Zoning By-law No. 05-200 which is occurring at the present time. In addition, the work undertaken by the DNA through this process will be used to support staff evaluation of *Planning Act* applications within the Durand Neighbourhood in advance of the new Residential Zoning and the adoption of any other planned municipal policy documents (eg. a future Secondary Plan).

Alternatives for Consideration – See Page 13

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

Council Direction

At the Planning Committee meeting of September 5, 2017, members of the Durand Neighbourhood Association presented the “Durand Neighbourhood Character Study

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Final Report”. The Study, prepared by Civicplan, is intended to identify the Durand Neighbourhood context and make recommendations for future policy to help maintain character through periods of change (see Appendix “B” to Report PED19017). The following Motion was approved by Planning Committee:

- “(a) *That the Durand Neighbourhood Character Study prepared for the Durand Neighbourhood Association be received and referred to Planning staff to review and for inclusion as a resource associated with the pending Durand Neighbourhood Association Secondary Plan work plan;*
- (b) *That after consultation with the Ward Councillor on the results of Planning staff’s review of the study, if immediate changes to Zoning By-law No. 6593 applicable to the Durand Neighbourhood are warranted to create a zoning overlay to maintain neighbourhood character, then Planning staff be directed and authorized to schedule a Public Meeting of the Planning Committee, no later than Q1/2018, to consider proposed Zoning By-law changes.”*

Planning staff subsequently commissioned a Peer Review of the Durand Neighbourhood Character Study Final Report. The Peer Review was conducted by GSP Group and the conclusions and recommendations are outlined below (see also Appendix “A” to Report PED19017).

Following completion of the Peer Review, the DNA opted not to pursue the implementation of a zoning overlay at this time. Instead, it requested that the Character Study be endorsed by Council and that Council direct staff to use the study as a tool to evaluate future planning applications in the Durand Neighbourhood as per the resolution below.

“That Durand Neighbourhood Association request that Councillor Farr (Ward 2) formally present the Durand Neighbourhood Character Project to Planning staff as a Planning tool for assessing all future City of Hamilton Planning applications in the Durand Neighbourhood effective immediately and until such time as the Durand Neighbourhood Secondary Plan be officially completed and ultimately adopted.”

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Policy Statement (PPS) 2014 and the Growth Plan for the Greater Golden Horseshoe 2017 do not expressly address infill development or redevelopment requirements. However, they contain policies that direct the City to accommodate more residential uses in existing urban areas (through intensification). Through Policies 1.4.3 e) and 1.7.1 c) and d), the PPS calls for a balance between meeting projected density

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requirements and ensuring that new development contributes to the well-being of the area as a whole:

“1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:

- e) establishing development standards for *residential intensification, redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.7.1 Long-term economic prosperity should be supported by:

- c) maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets;
- d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*.”

More detailed policies regarding intensification are defined by the municipality through the Official Plan. Accordingly, the Urban Hamilton Official Plan contains specific policies to address the location and compatibility for how this intensification should occur.

Any proposed changes in zoning must be consistent with the PPS, 2014 and conform to the Growth Plan, 2017.

Urban Hamilton Official Plan (UHOP)

The Durand Neighbourhood is subject to the following designations on Schedule “E-1”:

- “Downtown Mixed Use Area” for the portion south of Main Street West, north of Hunter Street West, east of Queen Street South, and west of James Street South. This portion is also subject to the Downtown Hamilton Secondary Plan (DHSP);
- “Downtown Mixed Use Area” for the properties fronting James Street South between Hunter Street West and Charlton Avenue West. This portion is also now subject to the DHSP pursuant to the 2018 DHSP updates;
- “Neighbourhoods” for the remainder of the developed area.

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This Peer Review focussed only on lands within the Neighbourhoods Designation; changes will not be made to the new zoning which was recently approved for the DHSP area.

When preparing new zones or amending existing zones, support for the changes can be derived from UHOP policies as follows:

Residential Intensification

“B.2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

B.2.4.2.2 When considering an application for a residential intensification *development* within the Neighbourhoods designation, the following matters shall be evaluated:

- b) *compatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;

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- d) the consideration of transitions in height and density to adjacent residential buildings;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;”

Built Form

With respect to built form, the following policies are referenced:

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

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

B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.

B.3.3.3.4 New *development* shall define the street through consistent setbacks and building elevations.”

The policies of the UHOP direct that new development is to be compatible with and complementary to established neighbourhood patterns, built form, and character. The UHOP defines “compatibility” to mean “land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. *Compatibility* or *compatible* should not be narrowly interpreted to mean ‘the same as’ or even as ‘being similar to’”.

The UHOP speaks to compatibility in terms of the building’s location on the lot and integration of the building into the existing streetscape through use, scale, form and character (staff note that this should not be interpreted to mean that new built form should be identical to existing built form). Staff also note that the policies of the UHOP support diversity in building materials, landscaping, architectural design (eg. roof pitches), etc. as these features facilitate the use of innovative and creative urban design techniques.

There is significant opportunity to establish regulations in the implementing Zoning By-law to address the relationship between new and existing built form. This approach includes consideration of height, massing, scale, block lengths, setbacks, and

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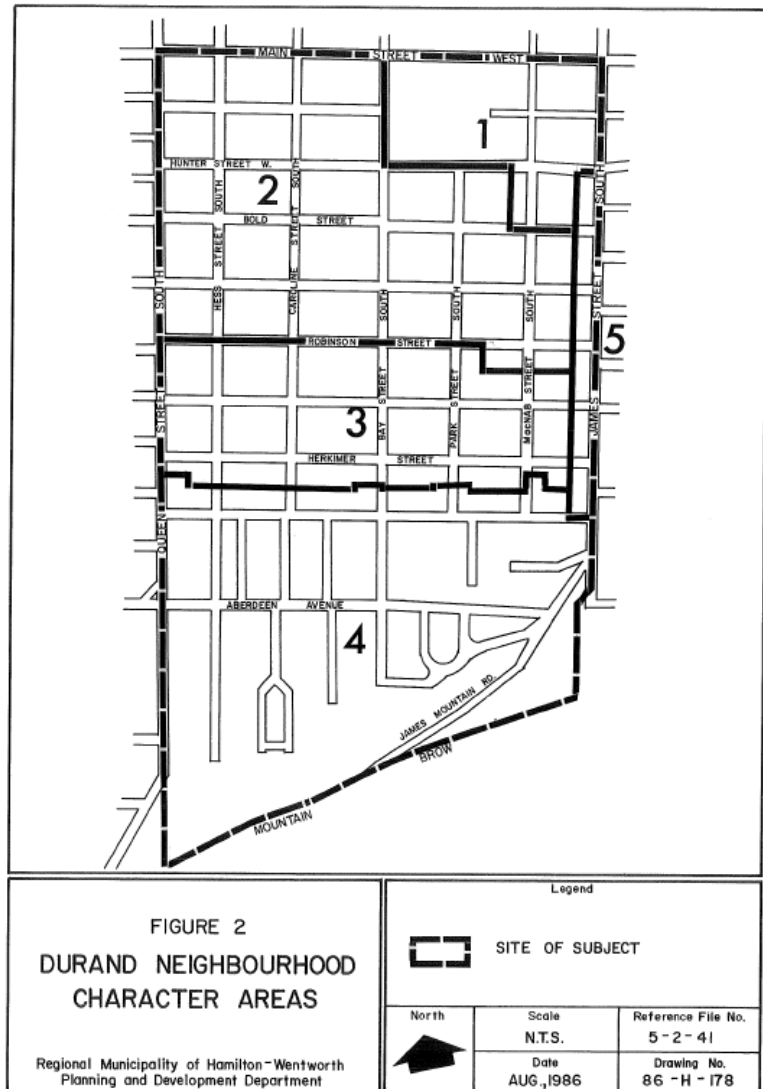
appropriate building separations. It also means that where higher-density land use permissions exist as-of-right adjacent to lower density built forms, an appropriate transition can be established between the two types of uses / built forms to ensure that infill development and redevelopment are compatible with the character of the neighbourhood.

It should be noted, however, that the Municipal policy framework implements Provincial direction in terms of density requirements (among other things). The Provincial policy framework establishes minimum density targets, and the UHOP establishes how and where intensification should occur (eg. low density uses should be directed to the interior of neighbourhoods (Policy E.3.4.1), medium density uses should be directed to the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads (Policy E.3.5.1), and high density uses should be directed to the periphery of neighbourhoods in proximity to major or minor arterial roads (Policy E.3.6.1)). Staff will develop new residential zones in the context of the UHOP.

The UHOP supports a character-based zoning approach. Accordingly, when developing the new Residential Zones in Zoning By-law No. 05-200, direction can be taken from the UHOP to create regulations that respond to established neighbourhood patterns, built form, and character.

Durand Neighbourhood Plan

The Durand Neighbourhood Plan sets out five distinct areas of land use and character (see Figure 2 below). Areas 1 and 5 consist predominantly of existing civic, commercial and institutional uses. Area 2 consists of high density residential uses constructed in the 1960s and 1970s (generally extending from Main Street south to Robinson Street). This



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area is predominantly zoned “E” and “E-1” (Multiple Dwellings, Lodges, Clubs, etc.) Districts and “E-3” (High Density Multiple Dwellings) District in Zoning By-law No. 6593.

Area 3 consists of a transition area between Robinson Street and just south of Herkimer Street. This area is intended to serve as a medium density residential transition area between the high density area to the north and the low density area to the south. Lastly, Area 4 consists of a low density area, predominantly comprised of single detached, semi-detached and street townhouse dwellings. This area extends from south of Herkimer Street to the Niagara Escarpment and is predominantly zoned “C” (Urban Protected Residential, Etc.) District and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District in Zoning By-law No. 6593.

The goals of the Neighbourhood Plan include providing a mix of housing types and densities to meet the needs of all components of housing demand, including providing high density residential opportunities and preserving low density residential uses in areas which are currently zoned for high density residential uses.

The Neighbourhood Plan further sets policies to achieve a variety of housing densities and types. These policies include encouraging higher densities to be located on the periphery of the neighbourhood (where possible), maintaining low density residential areas south of Charlton Avenue, promoting a variety of housing types including single detached, townhouse, and apartment units, and preserving the stability of existing residential neighbourhoods by ensuring that development proposals are compatible with the existing character of the neighbourhood.

Staff generally take direction from the Council-adopted Durand Neighbourhood Plan when evaluating proposals for development and redevelopment.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Durand Neighbourhood Character Study Final Report (Civicplan)

The Durand Neighbourhood Association (DNA) has a strong interest in protecting and preserving neighbourhood character. It has dedicated substantial resources (both financial and time) to ensuring that there is both community oversight in decisions that affect the neighbourhood, and a fair and objective way to avoid one-size-fits-all Zoning By-law regulations which detract from historic built form and development patterns. Planning staff commend the DNA for their background research on streetscape character preservation, and their familiarity with the planning tools available. The DNA and their planning team have identified a number of streetscape character elements that Planning staff will weigh heavily in the development of the new Residential Zones for Zoning By-law No. 05-200.

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Civicplan prepared the Durand Neighbourhood Character Study Final Report on behalf of the DNA (see appendix “B” to Report PED19017). The purpose of the report is to present a neighbourhood street audit and resident survey related to maintaining neighbourhood character.

The Civicplan Report recommends the following:

- Establishing a new Durand Neighbourhood Secondary Plan;
- Reviewing the existing zoning under Zoning By-law Nos. 6593 and 05-200 to determine whether any immediate amendments should occur; and.
- Evaluating the Ottawa Streetscape Character Analysis (SCA) tool (zoning overlay) with the intent of applying it in the Durand Neighbourhood’s context.

A primary neighbourhood concern was that some of the applicable zones within Zoning By-law No. 6593 permit heights that would significantly alter the character of neighbourhood streets (eg. the “E” and “E-1” (Multiple Dwellings, Lodges, Clubs, Etc.) Districts, “E-2” (Multiple Dwellings) District and “E-3” (High Density Multiple Dwellings) District which permit single detached dwellings at 2.5 storeys, but also permit multiple dwellings ranging from eight (8) to 18 storeys). The neighbourhood concern appears to relate primarily to where existing single detached dwellings could be demolished and the lands could be redeveloped as-of-right with multiple dwellings.

The Civicplan Report particularly focuses on Ottawa’s SCA tool and applies a modified version to portions of the Durand Neighbourhood to demonstrate how it would function in the local context. The SCA tool was accordingly the primary focus of GSP’s Peer Review, as discussed below.

Peer Review and Recommendations on Zoning (GSP Group)

GSP Group was retained by the City’s Planning staff to undertake a Peer Review of the Durand Neighbourhood Character Study Final Report (see Appendix “A” to Report PED19017). The purpose of the Peer Review is to critically evaluate the suitability of the Ottawa SCA tool (zoning overlay) within the Durand Neighbourhood context. The Peer Review uses modelling and graphics to visually demonstrate the function of the Ottawa SCA tool, as well as the weaknesses of the existing zoning with respect to character preservation. It provides the following conclusions on the applicability of Ottawa’s model to Durand:

- Ottawa’s SCA tool inherently offers many benefits. It offers a level of transparency and flexibility in the Zoning By-law because it does not provide a one-size-fits-all approach. Regulations would depend on existing prevailing landscape patterns surrounding the property (eg. “your street gives you your

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rules”). It also provides a level of design control for development which would not otherwise be controlled through a *Planning Act* mechanism.

- The Peer Review perceives the Durand Neighbourhood’s primary concern to be the location and design of taller and more intense residential forms within the neighbourhood fabric rather than concerns related to inappropriate low-rise infill development. The latter is the focus of Ottawa’s SCA tool. The SCA tool only applies to low-rise residential buildings of four storeys or less, in any zone where residential uses are permitted. It does not apply to any part of a mid-rise or high-rise apartment dwelling that is four storeys (14.5 m) or less.
- There have not been levels of low-rise infill development similar to levels experienced in Ottawa. Therefore, a character-based zoning approach in Durand would be proactive rather than reactive. Character-based zoning does have benefits as a tool for directing low-rise infill development and redevelopment in Durand. However, an effective character-based zoning approach does not mean a recommendation for Ottawa’s overlay approach.
- The context of the Durand Neighbourhood and Ottawa’s overlay area are different:
 - The overlay targets specific low-rise infill development issues that were significantly out of character with the neighbourhood. Characteristics include garage-dominated facades and driveway-dominated front yards among other similar things (see pp 10-11 of Appendix “A” to Report PED19017). Similar infill developments have not been observed in Durand.
 - The Ottawa Overlay applies to a broad geographical extent (including the downtown core) and surrounding urban residential neighbourhoods). The overlay’s extent includes neighbourhoods with different compositions of housing age, forms and patterns. This diversity presents a logical application of an overlay because establishing neighbourhood-specific zoning regulations is difficult on such a scale.
 - The Ottawa overlay functions with a parking exemption for residential buildings with 12 units or less. This exemption was applied based on walkability, transit service levels, and car ownership rates. Hamilton’s Zoning By-law has higher parking rates than Ottawa’s Zoning By-law. If the predominant streetscape character prohibits a front driveway, Hamilton’s parking requirements (which range from 0.8 to 2.0 spaces or more per dwelling unit depending on location, type of dwelling unit, and number of habitable rooms) would preclude development on lots that do

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not abut rear lanes. This preclusion undermines the strengths of the SCA overlay approach.

- The Peer Review finds that given the above conditions, a zoning overlay and SCA tools is not appropriate for the Durand Neighbourhood. However, certain character-based zoning regulations are appropriate for the Durand Neighbourhood to ensure that streetscape character is maintained in future:
 - *Front Yard Setback:* pronounce differences in front yard setback between abutting properties can be detrimental to the streetscape. A degree of variation is positive; however, differences resulting from buildings setback considerably closer to or farther from the street can be undesirable.
 - *Front Yard Patterns:* maximum driveway widths and minimum front yard landscaping widths relative to the width of the lot are a strong tool to preserve streetscape character.
 - *Garage Orientation:* there is opportunity to investigate feasibility of garages only being accessed from the rear lot line for lots abutting a “travelled” rear lane. There is also merit to requiring that front-facing garages reduce prominence by being aligned with the front wall of the dwelling, or recessed further than the front wall of the dwelling.

It is important to note that the Ottawa SCA tool does not regulate architectural design, landscaping materials, or construction materials, as a Zoning By-law does not have authority to regulate these things under the *Planning Act*. All of these elements inform neighbourhood character but are outside the realm of what a municipality is permitted to control.

Residential Zones in Zoning By-law Nos. 6593 and 05-200

As discussed above, there is merit to establishing character-based zoning to protect existing streetscape character and to ensure that the future development is compatible and complementary to existing development within the Durand Neighbourhood.

Currently, the City of Hamilton Zoning By-law No. 6593 establishes provisions for building setbacks, parking location, and front yard landscaping, among other things. Required parking for a single detached, semi-detached or triplex dwelling constructed after December 1971 is not permitted in a required front yard. However, required parking for the same uses constructed prior to December 1971 is permitted within the front yard. In both cases, a minimum of 50 percent of the front yard shall be used for landscaping.

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Additionally, the “C” (Urban Protected Residential, Etc.) and “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) Districts both require a minimum front yard depth of 6.0 metres. Section 18 (3) (iii) of the Zoning By-law facilitates some character-based performance standards by permitting infill development to take the average yard depth of the two adjacent properties to a maximum of 30 percent. This regulation would require a minimum front yard depth of 4.2 metres even if the adjacent properties had no front yard setback.

Further, as discussed above, Zoning By-law No. 6593 requires a minimum of 0.8 to 2.0 parking spaces per dwelling unit, depending on the location and type of residential use (more than 2.0 if a single detached dwelling has more than 8 habitable rooms). These parking rates require further investigation to determine whether they continue to meet the parking needs of the Durand Neighbourhood. Parking rates and the parking location requirements on the lot impact front yard setback and landscaping opportunities in the Zoning By-law because not all properties have rear lane access or even the ability to provide parking on-site.

Although it was determined that an SCA tool / zoning overlay similar to Ottawa’s approach is not considered appropriate for the Durand Neighbourhood, there is significant opportunity to review established neighbourhood patterns, built form, and character, and to develop context-specific zoning regulations which would guide appropriate infill development or redevelopment. This character-based zoning approach will be a key component of the Residential Zoning project in Zoning By-law No. 05-200, and significant direction can be taken from the work that the DNA has conducted to-date. Character-based zoning will ensure that development proposals will integrate better into the existing neighbourhood fabric than the current Zoning By-law No. 6593 regulations afford.

Staff are also concerned that developing an interim overlay in advance of the new residential zones will detract from staff’s time and resources that are set aside for the residential zoning project, and would ultimately duplicate the work that would be done.

In this regard, it is premature to facilitate a change to Zoning By-law No. 6593 specifically for the Durand Neighbourhood in the interim because the number of future residential zones, the format of the zones, and the regulations to be included in the zones are unknown. Part of the Residential Zoning project will evaluate what uses will be permitted in each zone category (eg. some zones will only permit certain types of dwellings). Significant consultation will occur as part of the Residential Zoning project and will afford neighbourhood residents the opportunity to actively participate in the zones’ development.

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Durand Neighbourhood Character Study and Proposed Development

The Durand Neighbourhood Character Study Final Report provides a number of recommendations to address compatible infill development and character preservation. These principles can be codified through future Secondary Plan policies. However, in the current absence of a Secondary Plan, there is still opportunity for Planning staff to apply these general principles when reviewing development proposals within the neighbourhood until such time as a Secondary Plan is adopted. The Study included a neighbourhood audit to identify building stock and location with respect to building heights (1, 1.5, 2, 2.5, 3, 3.5 and 4-6 storeys), housing types (single detached, semi-detached, rowhouses / townhouses, multiple dwellings), façade material (brick, stone, stucco, wood, vinyl siding), front door orientation, landscaping and location of mature trees, and the impact of parking and garages on streetscapes. The Study also engaged citizens on their neighbourhood character perceptions related to the above-mentioned character features. The outcomes of these audits and the citizen survey can inform various development review and planning decisions.

Accordingly, it is recommended that Council direct staff to use the Character Study as a planning tool when evaluating *Planning Act* applications within the Durand Neighbourhood to ensure that a balance is struck between character preservation, Provincial policy direction, and resident interest.

ALTERNATIVES FOR CONSIDERATION

- Option 1: Planning Committee / City Council could recommend the development of a Zoning Overlay similar to the City of Ottawa's Streetscape Character Analysis for the existing City of Hamilton Zoning By-law No. 6593.
- Option 2: Planning Committee / Council could recommend that the existing zones that apply to the Durand Neighbourhood be amended directly to integrate character zoning.
- Option 3: Planning Committee / City Council could recommend that no changes be made to the existing zones. The existing zones contained within the City of Hamilton Zoning By-law No. 6593 would remain in effect.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

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Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” – Peer Review and Recommendations on Zoning: Durand Neighbourhood Character Study (Prepared by GSP Group)
- Appendix “B” – Durand Neighbourhood Character Study Final Report (Prepared by Civicplan)

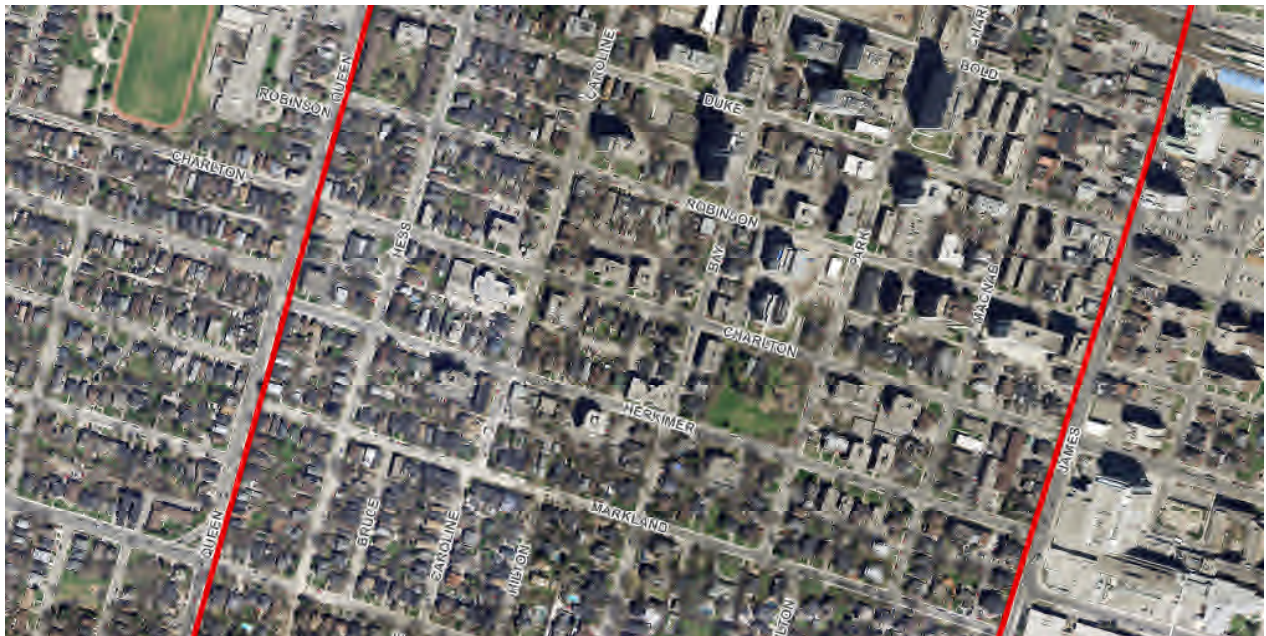
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Peer Review and Recommendations on Zoning

Durand Neighbourhood Character Study



City of Hamilton
January 2019



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1. Introduction

1.1 Background and Purpose

GSP Group was retained by the City of Hamilton to undertake a Peer Review of the Durand Neighbourhood Character Study prepared by Civicplan dated April 2017 (referenced throughout this Peer Review as the “Character Study”). The Durand Neighbourhood is an older neighbourhood in central Hamilton that is bounded by Main Street to the north, Queen Street to the west, James Street to the east, and the Escarpment to the south (**see Figures 1 and 2**). The Character Study was prepared on behalf of the Durand Neighbourhood Association to “*understand the neighbourhood context and make recommendations for future policy to help maintain neighbourhood character through periods of change*”.

The Character Study describes the context, character and planning and development issues with the Durand Neighbourhood. It provides a comprehensive description of the history and context of the Durand Neighbourhood, outlines the applicable planning policy and regulatory framework directing growth and development in the area, and it summarizes an inventory of existing conditions and audit of neighbourhood preferences in the area. The Character Study culminates with a series of recommendations related to the planning documents and mechanisms applicable to the Durand Neighbourhood, which includes recommendations concerning official plan policy and zoning for the area.

Specific to zoning, the Character Study recommends considerations for the formulation of the residential zones as part of the City’s ongoing comprehensive zoning by-law process. This includes recommendations for the use of a recent City of Ottawa zoning tool related to streetscape character zoning and analysis for low-rise residential forms, which provides additional considerations for established neighbourhoods where sensitivity to existing character is particularly pronounced. The purpose of this Peer Review is to review the suitability of the Ottawa approach applied to the Durand Neighbourhood context and provide recommendations to the City of Hamilton to inform the comprehensive zoning update process relating to the formulation of residential zones for the Durand context.

1.2 Area of Study

This Peer Review focuses on those areas of the Durand Neighbourhood zoned “C” (Urban Protected Residential) District, “D” (Urban Protected Residential – One and Two Family Dwellings) District or “DE” (Low Density Multiple Dwellings) District in City of Hamilton Zoning By-law No. 6593. These areas are where low-rise residential redevelopment or infill development would be principally expected, ensuring a comparable assessment to that of the Ottawa character zoning approach. Areas that are subject to the “E” (Multiple Dwellings, Lodges, Clubs, Etc) District, the “E-1” (Multiple Dwellings, Lodges, Clubs, Etc) District, the “E-2” (Multiple Dwellings) District, or the “E-3” (High Density Multiple Dwellings) District within By-

law No. 6593 are excluded as they have been largely developed as mid-rise and high-rise residential developments. Areas that are subject to the City of Hamilton's Comprehensive Zoning By-law No. 05-200 have been excluded as these areas are either within the downtown zones that are not intended for low-rise residential infill development or institutional and park zones that do not permit residential uses (**see Figure 3**).

1.3 Scope

This Peer Review focuses on those sections of the Character Study related to zoning and the application of the Ottawa character zoning approach. This includes Section 2.0 ("The Ottawa Approach) describing Ottawa's approach and its application to Durand; Section 4.3 ("Resident Survey") which outlines factors influencing streetscape character; and Section 5.2 ("Zoning") concerning zoning recommendations and Ottawa's Streetscape Character Analysis tool. There are five general questions that this Peer Review specifically explores per direction from City of Hamilton staff:

1. Appropriate Characteristics: which of the characteristics identified in the Character Study would be appropriate to add as additional zoning requirements for use in the Durand Context?
2. Applicable Dwelling Types: which areas and what types of buildings should be subject to these characteristics?
3. Parking: how should required parking be dealt with for subject properties where there is no accommodation for parking in the front or rear yards?
4. Evaluation Extent: how far should the character evaluation extend around subject properties, and should it solely include residentially zoned properties?
5. Heritage Influences: should any additional requirements apply for lands that are within the Durand-Markland Heritage Conservation District?

1.4 Contents

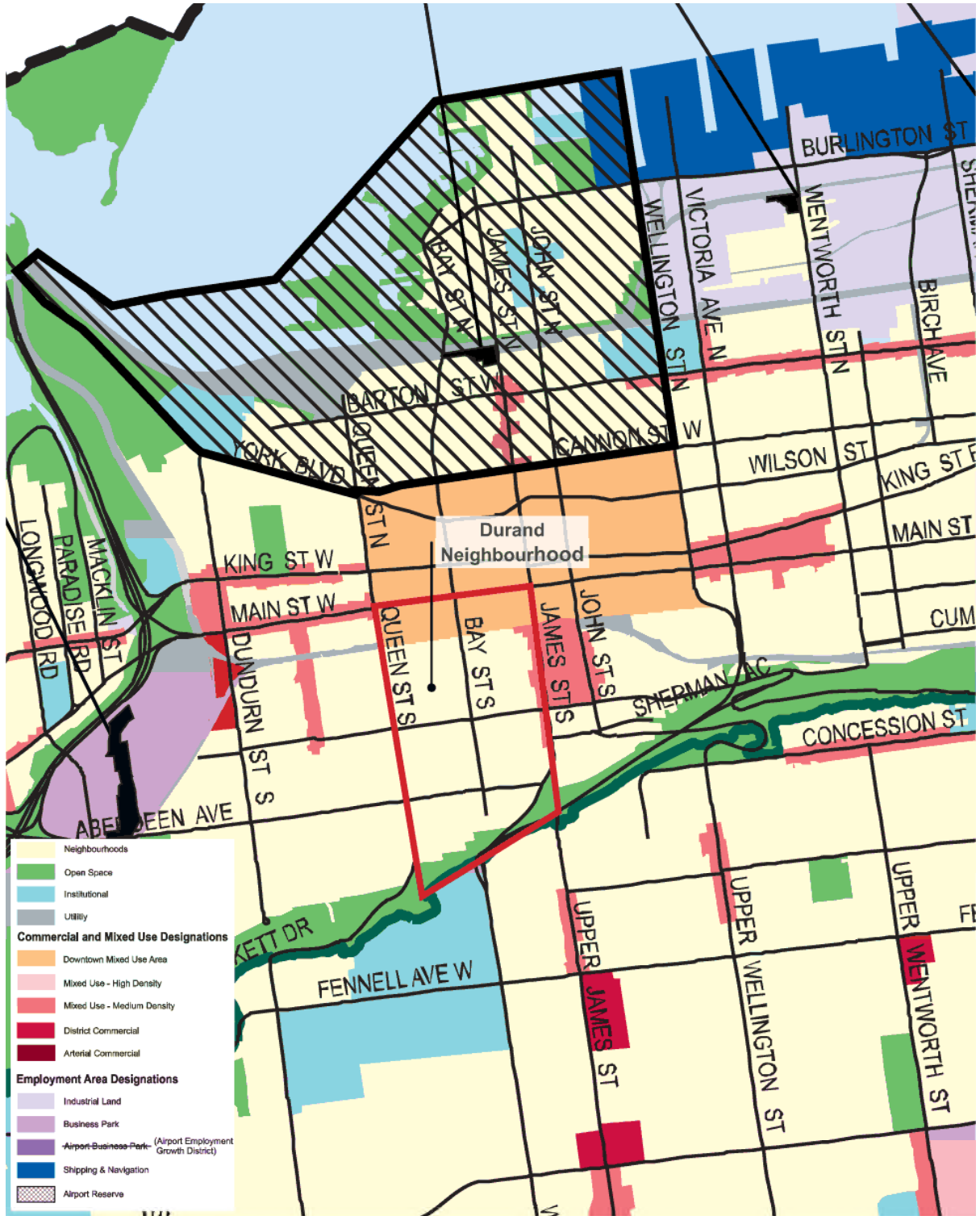
This Peer Review is organized with the following structure:

- o Section 2 summarizes the key findings of the Character Study as they inform zoning,
- o Section 3 outlines the mechanics of Ottawa's approach to character zoning and analysis,
- o Section 4 applies the Ottawa streetscape character analysis tool to six different streets segments within the Durand Neighbourhoods to test its application to the Durand context and shed light on suitability and efficacy,
- o Section 5 assesses the above five questions in the review scope and provides recommendations for zoning in respect to each, and,
- o Section 6 provides a summary of the recommendations resulting from this Peer Review.



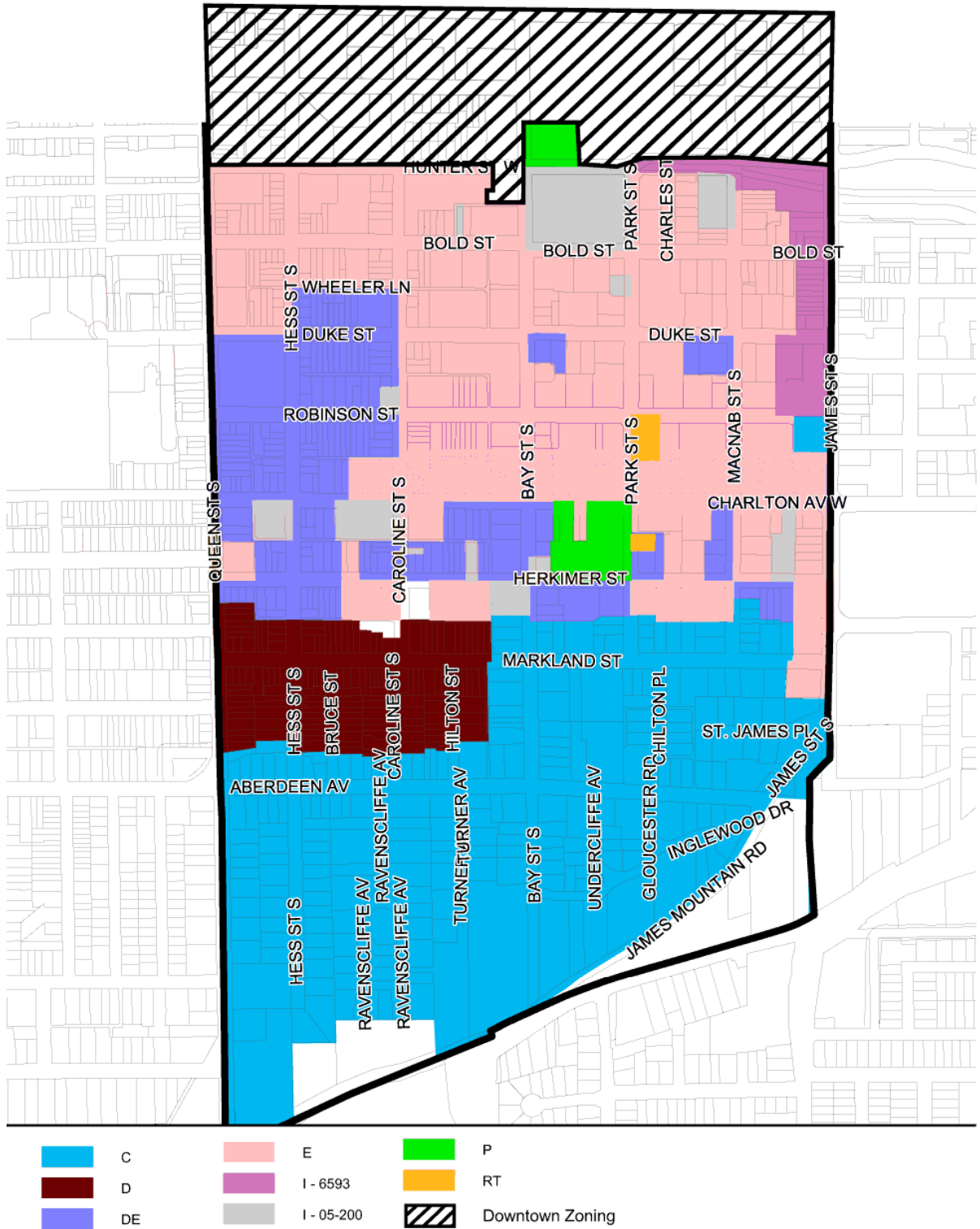
Durand Neighbourhood Location
Source: Google Aerial Imagery (2017)

Figure
1



Urban Hamilton Official Plan - Land Use
 Source: City of Hamilton Official Plan Schedule E-1 (April 2014)

Figure
2



Durand Neighbourhood Zoning
 Source: City of Hamilton (September 2017)

Figure
3

2. Key Character Study Findings

2.1 Ottawa Approach (Section 2.0)

Section 2.0 of the Character Study provides an illustration of the application of the “Ottawa Character Analysis” tool to a selection of four streets within the Durand Neighbourhood. The streets include Charlton Avenue between James Street and Bay Street, Hess Street south of Aberdeen Street, Robinson Street between Hess Street and Caroline Street, and Wesanford Place east of Caroline Street. There is no clearly distinguished method in the Character Study for selecting these street sections; however, it appears that factors of land use composition, property sizes, building age, and building height are meant to show four different sections of varying character.

These demonstrations apply three considerations of the Ottawa Character Analysis (front yards, parking and driveways, and main door) to the applicable properties surrounding a property along each street section. The “Dominant Character” for each of these considerations was identified through site audits. This demonstration does provide insights into the composition of varying character experienced in Durand and the application of the character analysis tool to the Durand context, but acknowledges that these demonstrations are an “initial sample” and are not meant to evaluate the suitability and efficacy of the Ottawa approach for Durand.

2.2 Streetscape Character Factors (Section 4.3)

Section 4.3 of the Character Study outlines the “Streetscape Character Factors” that are identified as influencing street character in the Durand Neighbourhood. These factors were characterized through site audits and their importance to residents evaluated through resident surveys. The Character Study found:

- Mature Trees: 95% see it as a positive influence,
- Landscaped Front Yards: 95% see it as a positive influence,
- Front Entrance Location: 86% see it as a positive influence,
- Dwelling Heights (1-3 Storeys / 4-6 Storeys / 7+ storeys): the positive influence of height diminishes between the height categories, from 69% to 41% to 29%,
- Similarity in the Type of Housing: 53% see it as positive influence,
- Garages: 43% see it as neutral influence and 35% as a negative influence,
- Front Yard Parking: 29% see it as neutral influence and 37% as a negative influence, and,
- Similar Façade Materials: 57% see it as a positive influence.

2.3 Study Recommendations for Zoning

Section 5.2.2 of the Character Study recommends using the findings from the audits and surveys as part of the residential zones in the ongoing Comprehensive Zoning By-law No.05-200 process. This section specifically identifies how the “*dominant lower heights (e.g. 2.5 storeys) around many parts of the neighbourhood* could inform an update to where larger scale development is allowed and not allowed (e.g. up to 10-12 storeys)”. This section also speaks to other character-defining elements being incorporated into the zoning by-law update. It does not, however, outline those elements except to reference approved general sections of By-law No.05-200 regarding parking that needs to fit with the intended character approach for Durand.

Section 5.3.3 of the Character Study recommends exploring the opportunity for a new Durand Neighbourhood Zoning Overlay based on the Ottawa model as part of the residential zones in Comprehensive Zoning By-law No.05-200. It specifically highlights the concept of context-specific zoning regulations that respond to neighbourhood character and transparency in the application of rules. It identifies that while the Ottawa approach uses three character elements that “*additional character factors could be managed through other mechanism and policies (e.g. secondary plan, zoning)*” could be used in the context of the Durand Neighbourhood.

3. Mechanics of Ottawa Character Zoning

3.1 Background

The City of Ottawa undertook a comprehensive Infill Study process further to their Infill Design Guidelines prepared in 2009. This Infill Study was initiated largely given the limitations of design guidelines concerning projects not requiring site plan approval and in the interests of reducing the number of undesirable infill development conditions within the city. The Infill Study included Parts I and II, each of which resulted in zoning by-law amendments to the City's Comprehensive Zoning By-law No. 2008-250.

Part I of the Infill Study resulted in the "Mature Neighbourhoods By-law" (2012-147) that was approved in May 2012. It dealt with those publicly-visible elements of residential development such as front setbacks, front projections, physical elements of the building, location of parking, and hard and soft surfaces. It established "streetscape character" changes to the zoning regulations within the lower intensity residential zones of the Zoning By-law. The by-law was appealed to the Ontario Municipal Board and following revisions, additional consultation, and endorsement by City Council in 2014 was ultimately approved by the Board in May 2015.

Part II of the Infill Study resulted from a Council direction to staff further to the Part I Mature Neighbourhood By-law. It was meant to investigate height, massing, rear/side setbacks and projections within the above mature neighbourhoods as well as surrounding neighbourhoods. Resulting from Part II, the "Infill II By-Law (2015-228)" was approved by City Council and appeals against this by-law were resolved by June 2016. These regulations complement those of the Part I by-law that addressed the front interface along the streetscape.

The City of Ottawa is currently monitoring the performance of these regulations and will be considering adding other mature neighbourhoods where warranted.

3.2 Mature Neighbourhoods Overlay

Section 139 and 140 of Zoning By-law 2008-250 contain the "Mature Neighbourhoods Overlay". The Overlay applies to all properties zoned Residential First Density Zone (R1), Residential Second Density Zone (R2), Residential Third Density Zone (R3), and Residential Fourth Density Zone (R4) within a delineated area of central Ottawa. The Overlay establishes that the regulations for development on a property are tied in part to the prevailing dominant patterns on that property's surrounding street ("*Your street gives you your rules*"). Specifically, the purpose of the Overlay is "*to regulate the character of low-rise residential development in order to recognize and reflect the established character of the streetscapes within the area of the Overlay*". The Overlay requires a context-specific documentation of the streetscape, known as a "Streetscape Character Analysis" as described in Section 3.3 of this Peer Review, to determine the prevailing patterns and direct the application of the regulations.

The Overlay's regulations apply to residential dwellings that are four storeys or less on properties zoned R1 through R4 within the identified Overlay area. Further to the regulations of the R1 through R4 Zones, the Overlay additionally regulates five elements that are tied to the prevailing patterns with the property's context. These five elements and their principal zoning mechanisms are as follows.

1. **Yard setbacks for yards abutting streets:** the building must align with the front yard setbacks for the buildings on the immediately abutting properties (generally the average setback for an interior lot and lined up for a corner lot), but in no case do setbacks need to be greater than 6 metres.
2. **Landscaping of yards other than rear yards:** the landscaping of front yards must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis. Landscaping includes different patterns of landscaping types (hard versus soft), walkways, driveways, dwelling placement, and/or projections. The Character Groups include:
 - Character Group A: Fully landscaped front yard,
 - Character Group B: Landscaped front yard in front of the principal dwelling,
 - Character Group C: Landscaped front yard in front of a portion of the principal dwelling, and,
 - Character Group D: Small or no landscaped front yard.

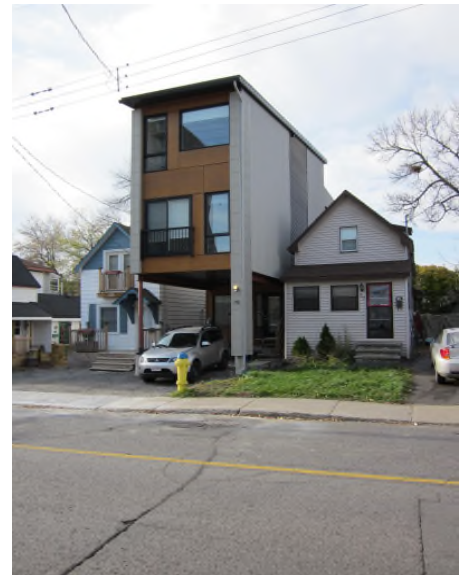
Walkways in front or corner side yards are only permitted where they either provide access between a driveway and a dwelling entranceway (1.25 metre maximum depth) or extend from the street right-of-way to the dwelling without abutting the driveway (1.25 metre maximum width).

3. **Location and width of driveways:** the location and access arrangements of driveways must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis. The Character Groups include:
 - Character Group A: No streetscape impact from on-site parking,
 - Character Group B: Driveways are less than or equal to one-third in width than the actual lot width,
 - Character Group C: Driveways are more than one-third but no more than half of the actual lot width, and,
 - Character Group D: Driveways measure half or more of the actual lot width.



Photos: Examples of infill and redevelopment projects in established neighbourhoods of Ottawa that the Streetscape Character Analysis zoning method was established to address. These examples illustrate driveway elements that are out of character with the surrounding context (source: Google Earth and City of Ottawa).

Photos: Examples of infill and redevelopment projects in Ottawa that the Streetscape Character Analysis zoning method was established to address. These examples illustrate building forms and parking orientations that are out of character with the surrounding context (source: Google Earth and City of Ottawa).



Together with regulations concerning driveway locations, maximum driveway widths (shared, single, or and potentially double driveways) are tied to the lot width. Lots must be at least 6 metres wide to be permitted a single driveway and 15 metres wide to allow a double driveway, subject to the location considerations of the Streetscape Character Analysis.

- 4. Location and size of all parking spaces, garages, and carports:** the Overlay does not require parking for buildings with less than 12 dwelling units. Where parking is provided, it must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis, per the Character Groups for driveways above. The location and size of parking and garages is further regulated by the following:
- Parking for lots that abut a travelled rear lane must be accessed from the rear lane, and may not be in the front, interior side, or corner side yards.
 - The maximum width of the attached car garage doors and carport entranceways where they are permitted by the SCA is three metres for a single garage or six metres for a double garage.
 - Garages or carports may not extend closer to the front or corner lot lines than the residential building's walls, regardless of the determined dominant pattern.
 - The following are not permitted unless they are determined as a dominant pattern through an SCA: garages and carports that are in line with the dwelling's front wall; legally-established front yard parking; and, front yard parking spaces created where a driveway ceases to function as an access to legal parking that is outside the front or corner side yards.
- 5. Orientation of principal entranceways:** the orientation of a dwelling's principal entranceway must be of a pattern consistent with the dominant Character Group as confirmed by a Streetscape Character Analysis. This applies to each dwelling unit in detached dwellings and street townhouse dwellings and at least one dwelling unit in semi-detached and duplex dwellings that faces the front lot line. For all dwellings types, a dwelling's first floor must contain at least 40 square metres of habitable floor space. The Character Groups include:
- Character Group A: Principal entranceway is located along the front wall of the dwelling; and
 - Character Group B: Principal entranceway is not located along the front wall of the dwelling.

3.3 Streetscape Character Analysis

Section 139(2) of the Mature Neighbourhoods Overlay requires approval of a Streetscape Character Analysis (“SCA”) for zoning by-law amendment, minor variance, site plan, or building permit applications in respect to:

- a new dwelling on a new lot or an existing lot,
- a change in permitted residential building type,
- an addition to an existing residential building that abuts the front yard or corner side yard;
- the incidental use of lands (including a new driveway or parking space) within front interior side and corner side yards, and,
- to establish a new, or relocate an existing, driveway that was not undertaken at the same time as development approval and building permit approval of the dwelling.

Section 139(5) requires documenting the respective Character Group for three factors (front and corner yards, driveways and parking, and main door) along the street. Documentation includes lots on either side of and opposite the respective property. The actual number of surrounding lots required for documentation varies between 11 and 21 lots, largely depending on whether the property is located mid-block or end-block on the street.

Section 139(1) defines the dominant Character Group as *“most frequently occurring Group as detailed in Section 140, inclusive of the various patterns that constitute it, for each of the attributes being documented in a Streetscape Character Analysis”*. Where there is a “tie” between two Character Groups, it is considered a multiple dominant character and the allowed patterns of either Character Group are permitted on the affected lot. Lots that are vacant or developed with institutional, office, or open space uses must be documented, but may not be counted towards determining the dominant character of the streetscape.

3.4 OMB Proceedings

The Mature Neighbourhoods By-law 2012-147 was the subject of a comprehensive appeal at the Ontario Municipal Board (“OMB”) between 2013 and 2015. At the outset, the appeal focused on the legislative basis of the Mature Neighbourhood By-law, and whether the City of Ottawa had the authority under the *Planning Act* to regulate “character” through a zoning by-law. The appellants challenged the method of zoning (particularly related to use of “averaging” of surrounding properties); the legislative support for the municipal zoning authority (such as location or alignment of parking spaces; architectural elements like doors and windows; driveways and parking spaces; walkways; and landscaping); and the jurisdiction for adopting zoning related to aesthetics.

The OMB ordered in its March 2013 interim order that the municipality did have the authority to regulate “character” if it was grounded in prominent existing streetscape patterns found in context and did have the authority to regulate ancillary functions such as parking and landscaping as part of their regulation of “use”. Also, it found that “aesthetic” matters are allowed for municipal consideration within the zoning process. Concerning the By-law’s content as originally approved, the OMB determined that:

- The municipality did have the jurisdiction to regulate many of the challenged provisions. This included the averaging formula; the direction and location of parking; the treatment of balconies and other projections; the treatment of other architectural elements provided they are part of the streetscape pattern; and driveways, walkways, hard surfaces, and landscaping.
- That some of the provisions appeared to be applied independently of the streetscape pattern, and thus were not supportable under the “character” definition in the legislation. This includes the direction of carports and garage doors, garage setbacks in relation to the main façade setback, and garage door widths. The OMB referred this provision back to the City for further consideration.
- It was not satisfied that the matter of ground floor glazing was sufficiently addressed at the time for the interim order, and that it warranted further consideration.
- There was no demonstrated basis for municipal authority through zoning to regulate whether doors have direct access to a dwelling (meaning directly to the interior areas of the dwelling rather than through a garage).

Further to this interim order, the planning merits of the Mature Neighbourhoods By-law remained under appeal before the Board as the City revised the by-law for further consideration. This revised by-law was endorsed by City Council in May 2014 further to significant additional consultation with stakeholders. Through Board-assisted mediation, consensus was reached on the substantive content of the by-law in January 2015 and the OMB approved the revised by-law in May 2015. In the end, the intent of the Mature Neighbourhoods By-law largely survived the appeal challenge, although the content and mechanics of application were refined through the process.

4. Demonstration of Ottawa Zoning

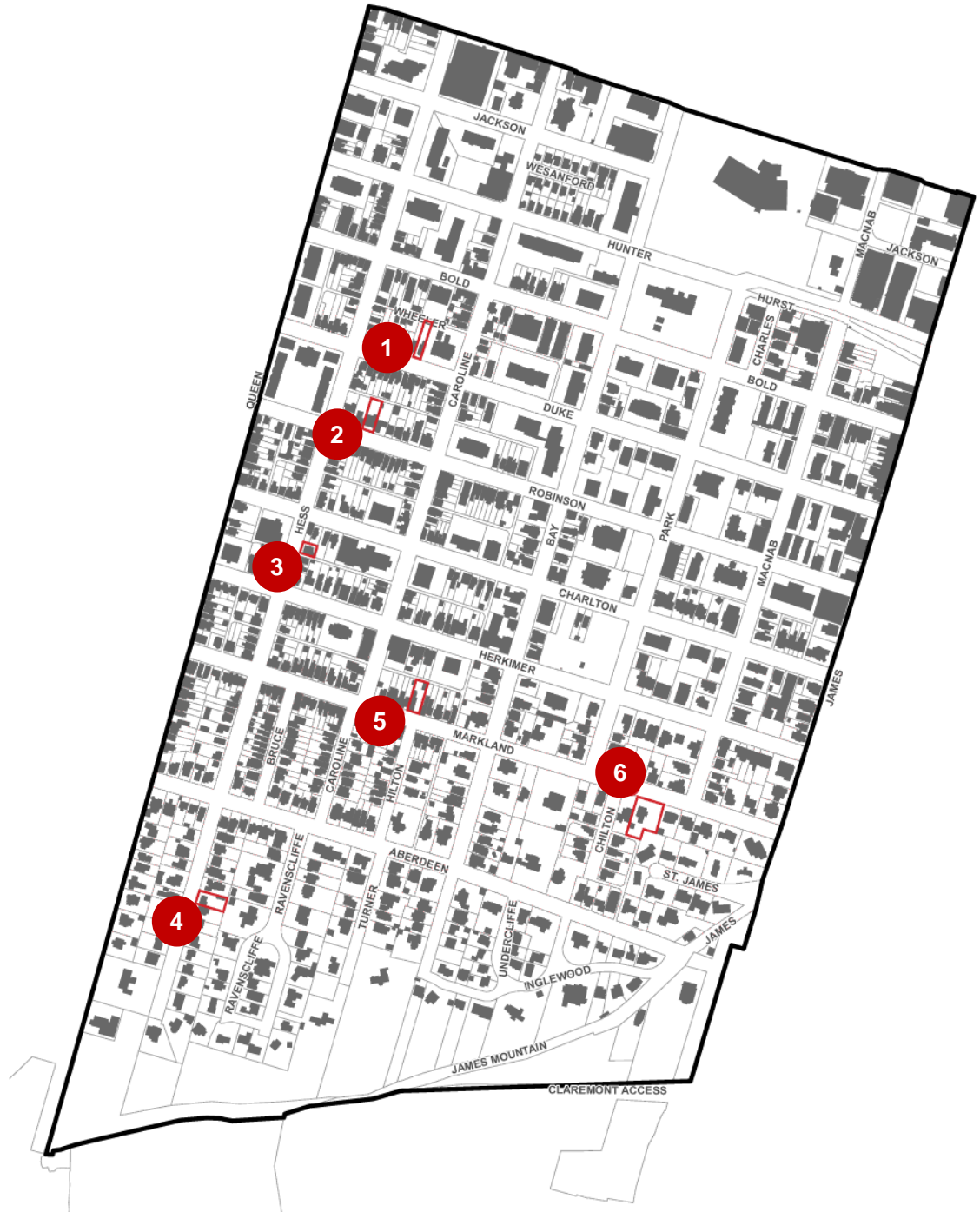
4.1 Method

This section seeks to understand the application of Ottawa's Streetscape Character Analysis ("SCA") approach to the Durand Neighbourhood. The Character Study undertook a general characterization using the SCA method for different blocks within the Durand Neighbourhood. It did not, however, assess the applicability and suitability of the SCA approach in terms of the effects on infill developments. This section of the Peer Review takes the characterization further by applying the entirety of the Ottawa SCA zoning to various blocks throughout the Durand Neighbourhood to demonstrate a comparison to the in-effect zoning to assess the suitability for Durand.

Six sites within the Durand Neighbourhood were selected to demonstrate the application of the SCA zoning. The selected sites illustrate different compositions of streetscape character elements to show a breadth of application, including sites on blocks that are more "uniform" in composition to those that are more "diverse". The sites were selected considering their context within the block (middle versus end block sites), the presence of rear lanes, the nature and placement of buildings, parking arrangements and access, and landscaping treatments. The selected sites for demonstration (**see Figure 4**) are:

- Site 1: Duke Street between Hess Street and Caroline Street,
- Site 2: Robinson Street between Hess Street South and Caroline Street,
- Site 3: Hess Street South between Charlton Street and Herkimer Street,
- Site 4: Hess Street South south of Aberdeen Avenue,
- Site 5: Markland Street between Caroline Street and Hilton Street, and
- Site 6: Markland Street between Chilton Place and James Street.

These six demonstration sites show hypothetical scenarios for redevelopment or building additions that compare the existing in-effect zoning to the additional regulations of the Ottawa SCA zoning. They are not meant to support the feasibility or suitability of a development scheme on these properties but rather are intended to inform recommendations concerning the suitability and efficacy of the SCA zoning approach for Durand.



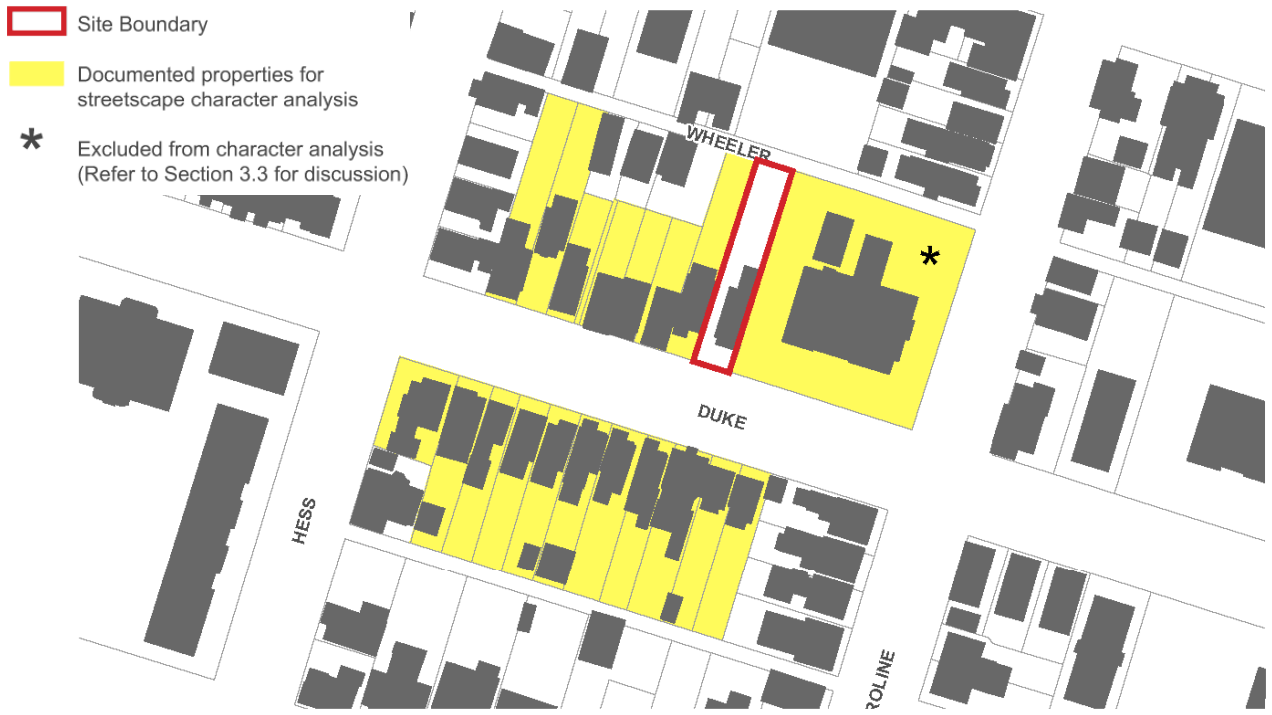
Streetscape Character Analysis -
Demonstration Sites
Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure
4

4.2 Site 1 (Duke)

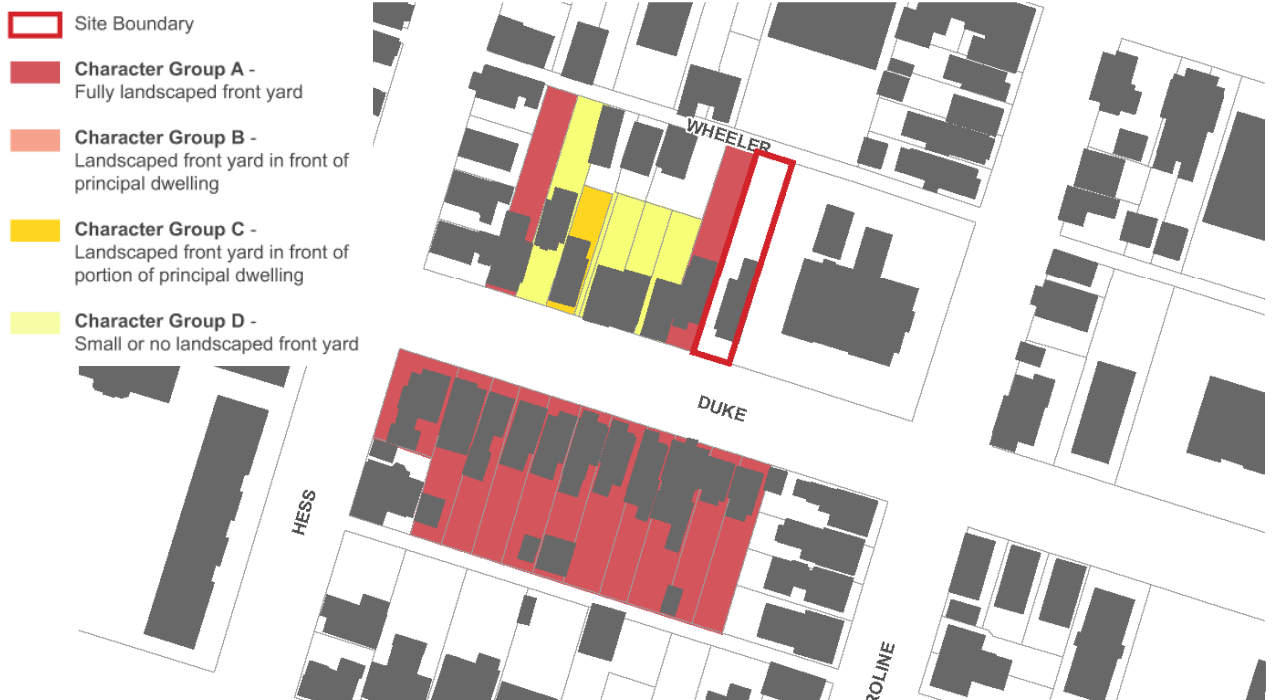
Site 1 is situated on the north side of Duke Street between Hess Street and Caroline Street. The site is approximately 465 square metres in total area and is approximately 9.25 metres wide and 50 metres deep. The site abuts Wheeler Lane to the north, an assumed rear lane for access and parking. It contains a two-and-a-half-storey detached dwelling set back approximately 5.75 metres from the front lot line, a landscaped front yard, and rear yard parking accessed from Wheeler Lane.





Site 1: Duke Street Property
Property Location Figure 5a

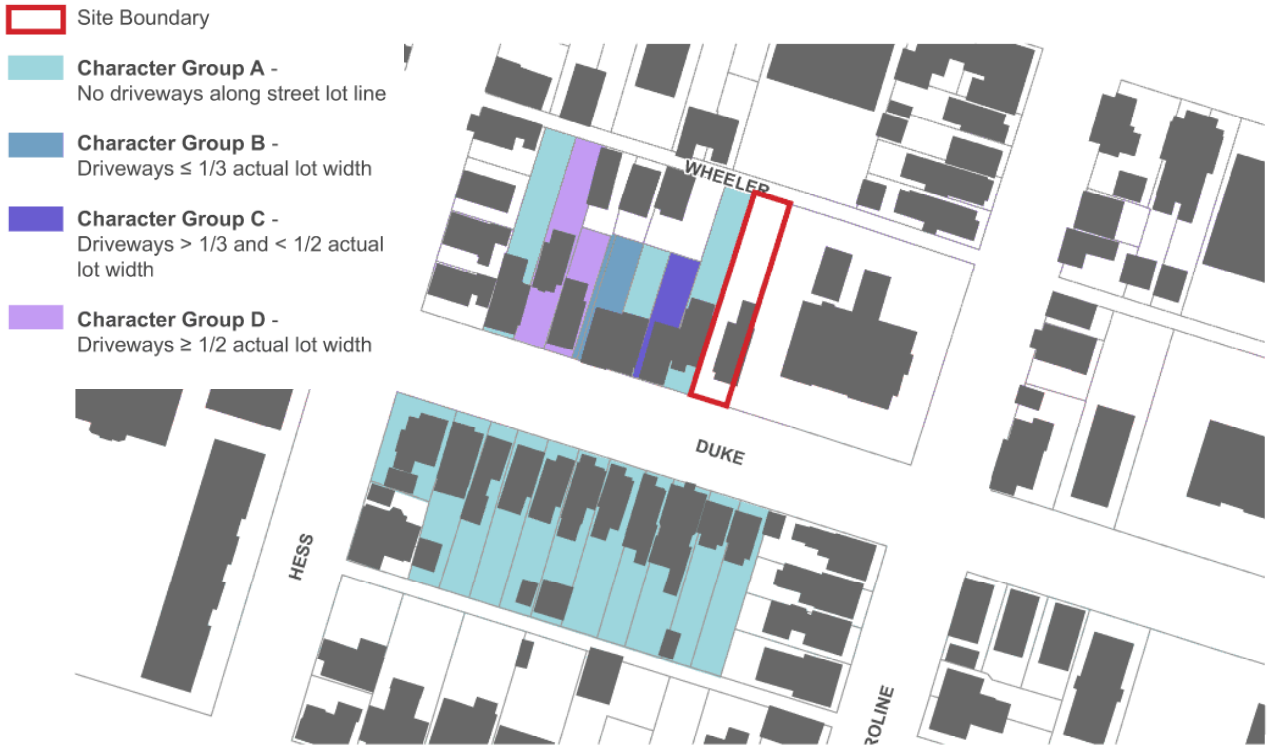
Source: City of Hamilton Data (2018), GSP Group (March 2018)



Site 1: Duke Street Property
Front Yard Patterns Figure 5b

Source: City of Hamilton Data (2018), GSP Group (March 2018)





Site 1: Duke Street Property
Parking Access and Parking Space Patterns

Figure
5c

Source: City of Hamilton Data (2018), GSP Group (March 2018)

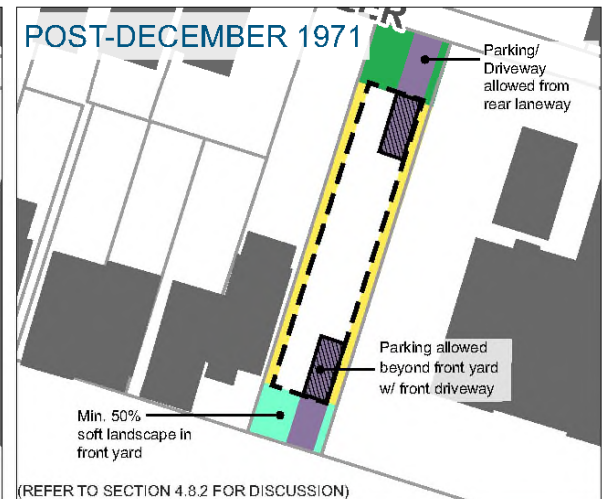
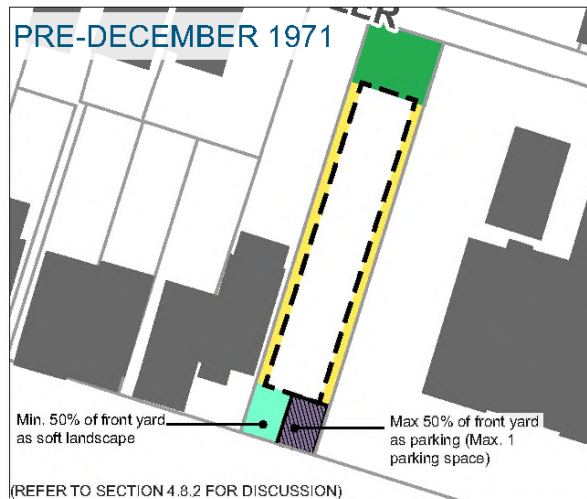
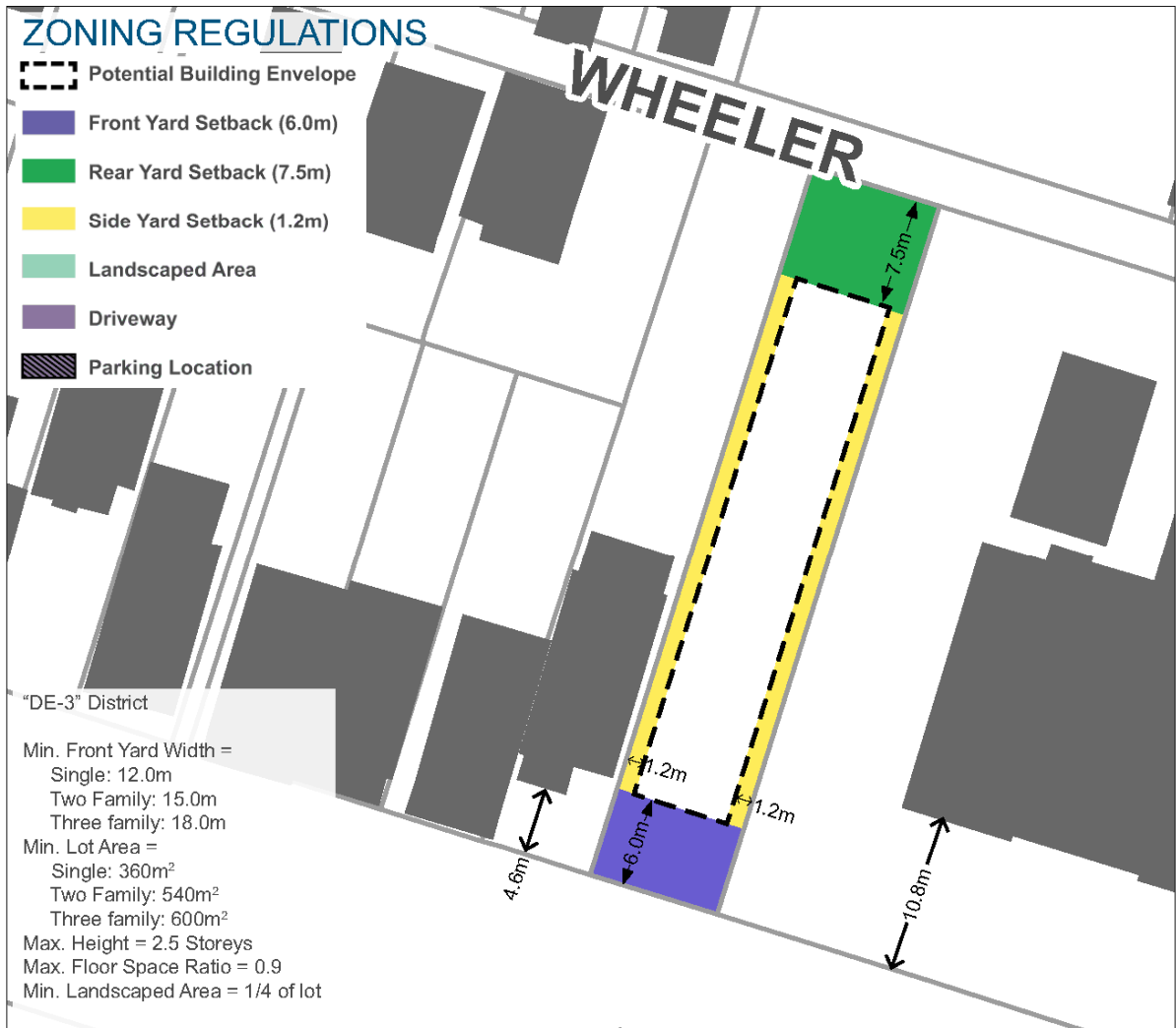


Site 1: Duke Street Property
Entranceway Patterns

Figure
5d

Source: City of Hamilton Data (2018), GSP Group (March 2018)





Site 1: Duke Street Property
 As-of-Right Zoning

Figure 5e

Source: City of Hamilton Data (2018), GSP Group (March 2018)

4.3 Site 2 (Robinson)

Site 2 is situated on the north side of Robinson Street between Hess Street and Caroline Street. It is approximately 650 square metres in total area and is approximately 15.5 metres wide and 42 metres deep. It abuts an assumed rear lane to the north for access and parking. The site contains a one-storey detached dwelling set back approximately 5 metres from the front lot line, a landscaped front yard, and rear yard parking accessed from the rear lane.





Site 2: Robinson Street Property
 Property Location

Figure 6a

Source: City of Hamilton Data (2018), GSP Group (March 2018)



Site 2: Robinson Street Property
 Front Yard Patterns

Figure 6b

Source: City of Hamilton Data (2018), GSP Group (March 2018)



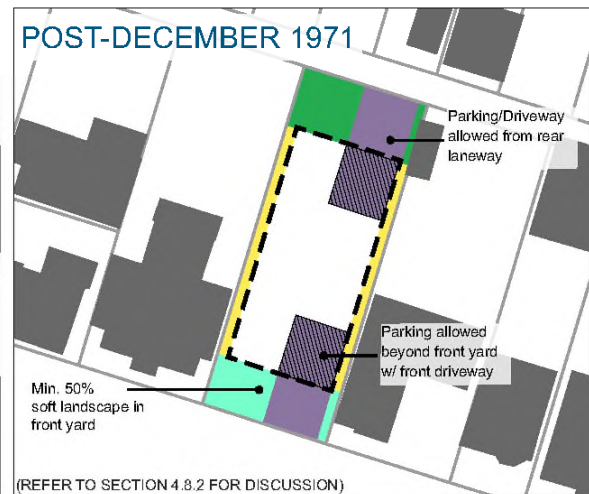
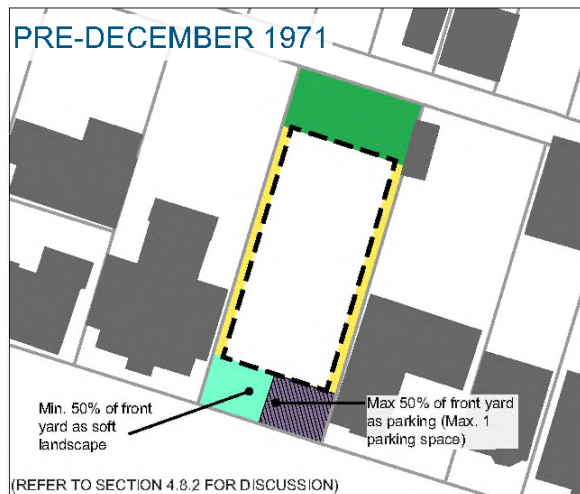
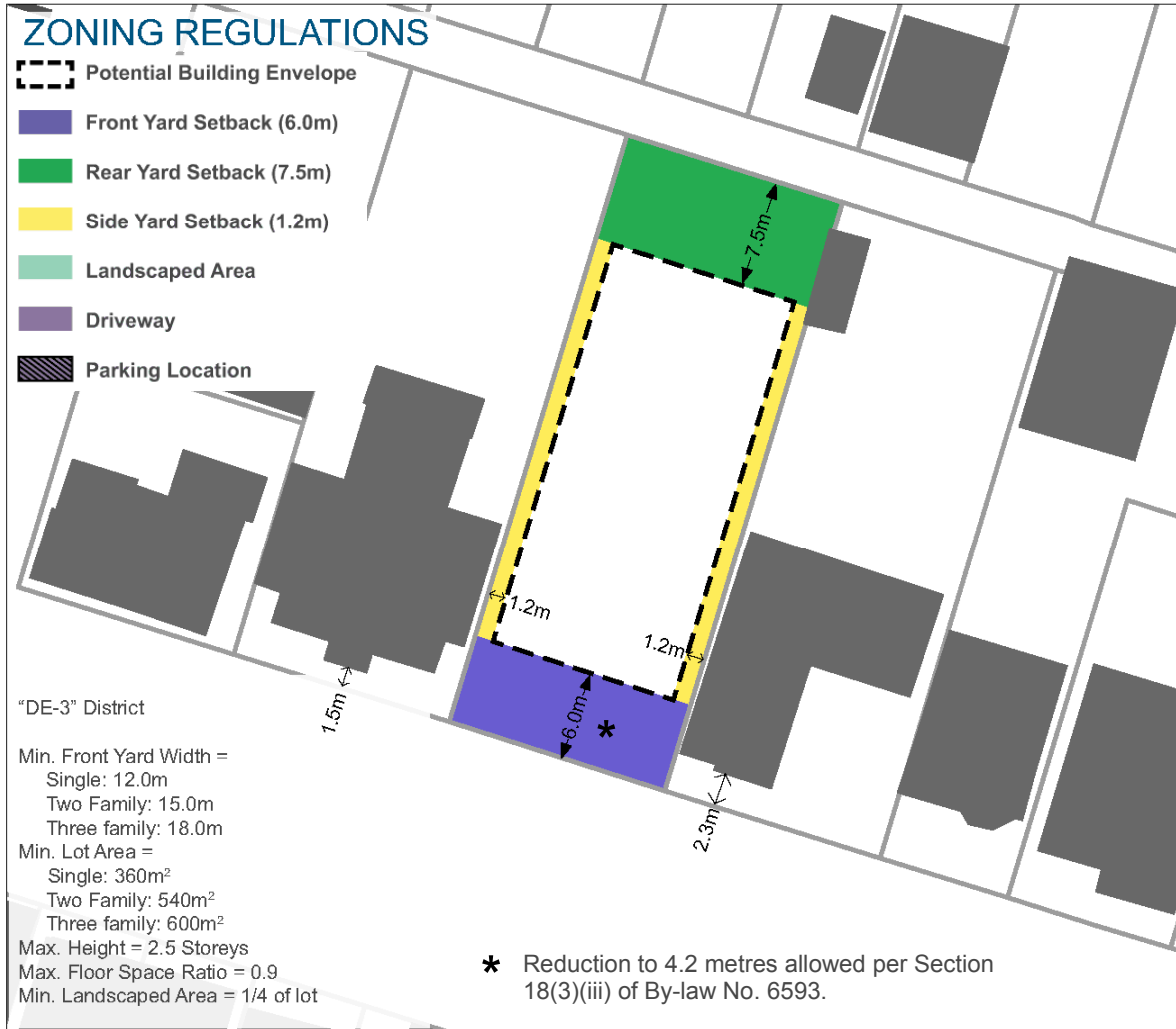


Site 2: Robinson Street Property Figure 6c
Parking Access and Parking Space Patterns
 Source: City of Hamilton Data (2018), GSP Group (March 2018)



Site 2: Robinson Street Property Figure 6d
Entranceway Patterns
 Source: City of Hamilton Data (2018), GSP Group (March 2018)





Site 2: Duke Street Property
 As-of-Right Zoning



Figure
6e

Source: City of Hamilton Data (2018), GSP Group (March 2018)

4.4 Site 3 (Hess between Herkimer and Charlton)

Site 3 is situated on the east side of Hess Street South between Charlton Avenue West and Herkimer Street. It is approximately 285 square metres in total area and is approximately 15 metres wide and 19 metres deep. It flanks an assumed rear lane to the south for access and parking. The site contains a two-and-a-half-storey detached dwelling set back approximately 4 metres from the front lot line (with additional porch projections), a hardscaped front yard, and a driveway on the north side yard.



-  Site Boundary
-  Documented properties for streetscape character analysis





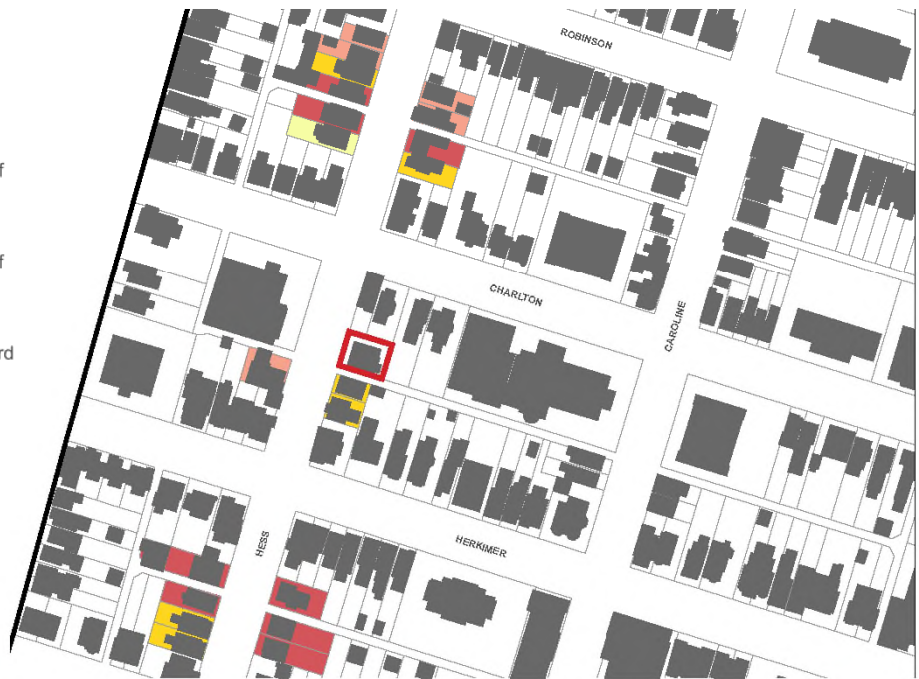
Site 3: Hess Street Property
 Property Location

Figure

7a

Source:: City of Hamilton Data (2018), GSP Group (March 2018)

-  Site Boundary
-  **Character Group A -**
Fully landscaped front yard
-  **Character Group B -**
Landscaped front yard in front of principal dwelling
-  **Character Group C -**
Landscaped front yard in front of portion of principal dwelling
-  **Character Group D -**
Small or no landscaped front yard



Site 3: Hess Street Property
 Front Yard Patterns

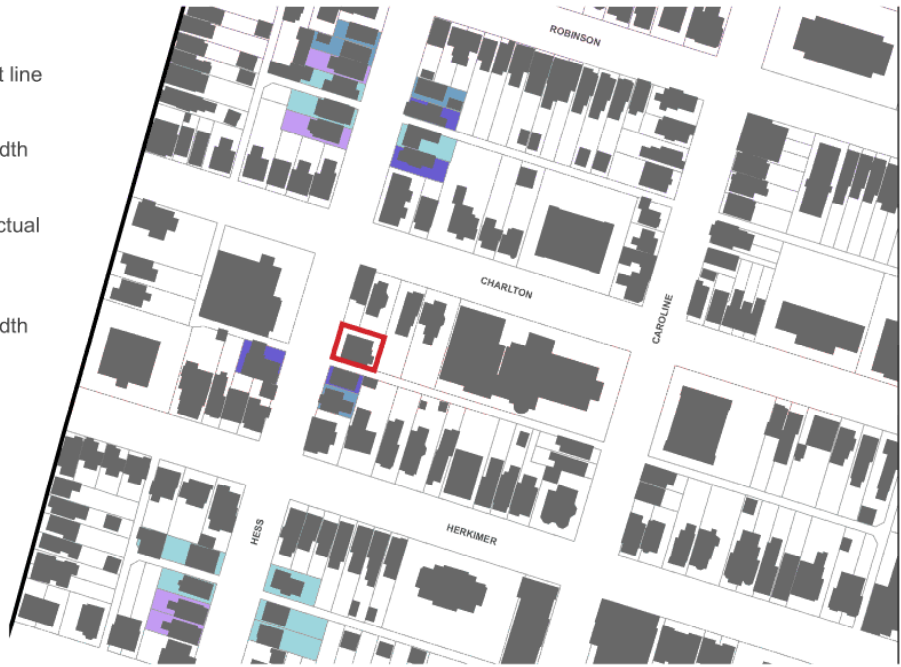
Figure

7b

Source:: City of Hamilton Data (2018), GSP Group (March 2018)



- Site Boundary
- Character Group A** -
No driveways along street lot line
- Character Group B** -
Driveways \leq 1/3 actual lot width
- Character Group C** -
Driveways $>$ 1/3 and $<$ 1/2 actual lot width
- Character Group D** -
Driveways \geq 1/2 actual lot width



Site 3: Hess Street Property
Parking Access and Parking Space Patterns
 Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **7c**

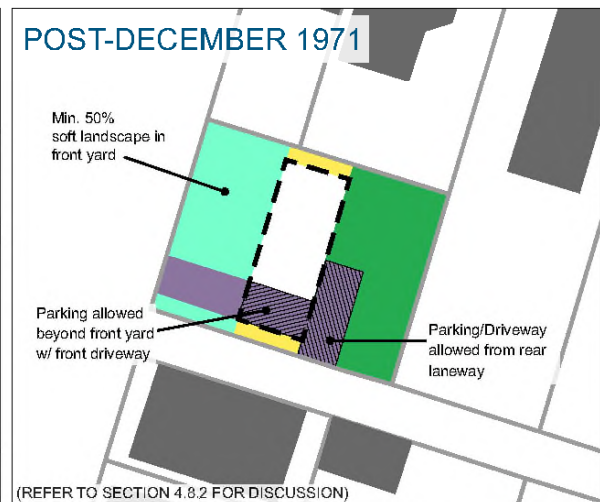
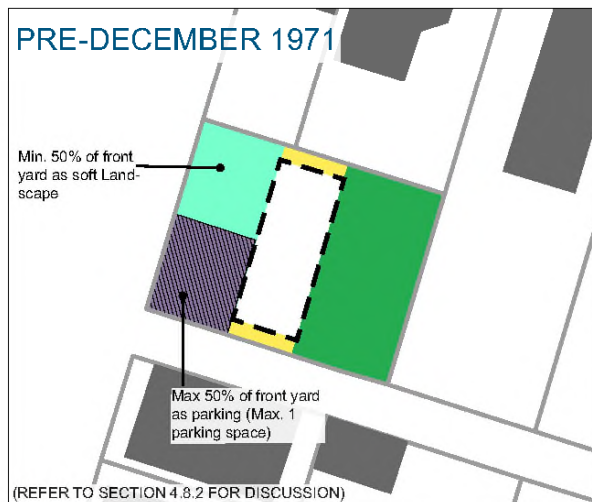
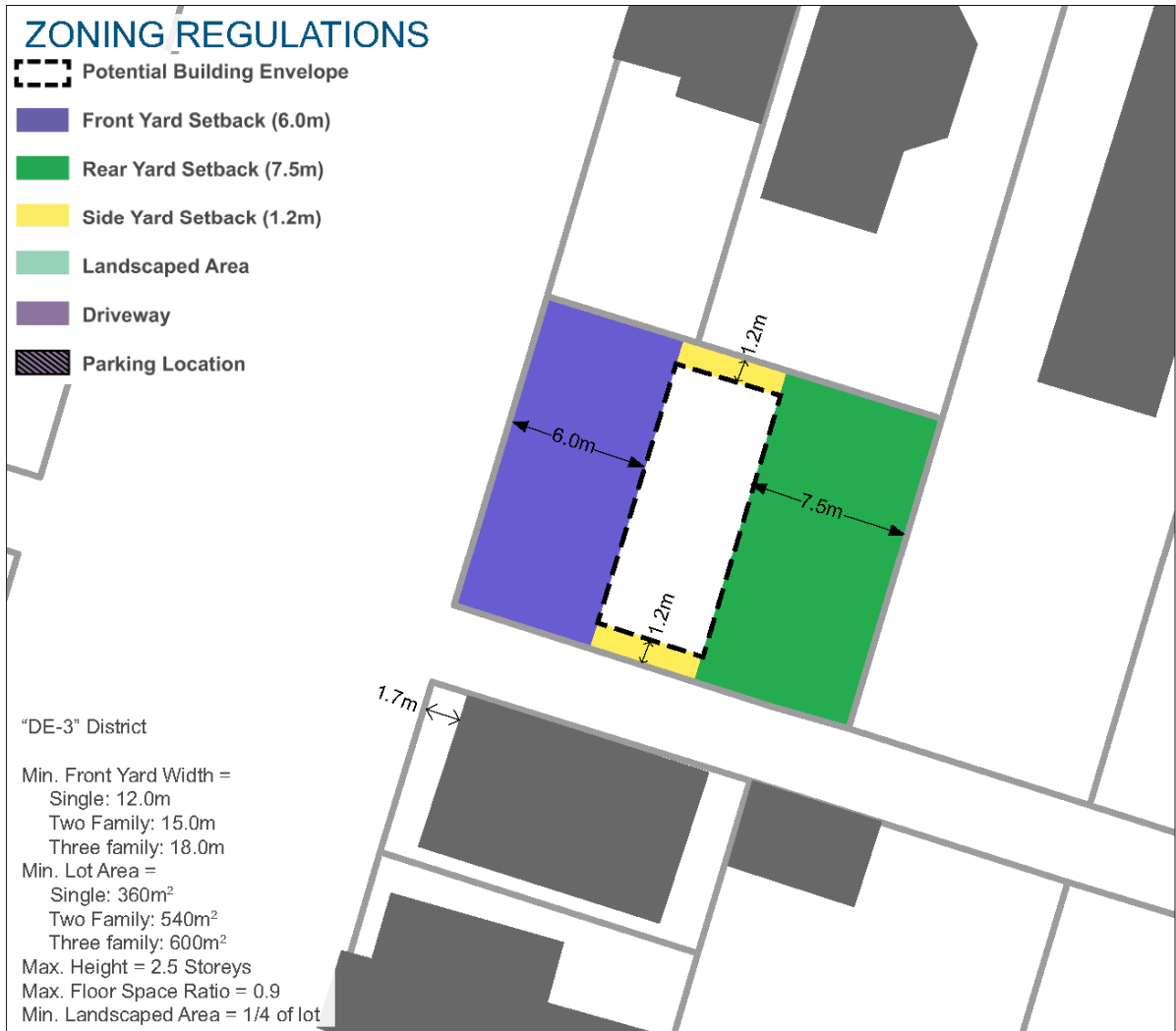
- Site Boundary
- Character Group A** -
Principal entranceway located along front wall of dwelling
- Character Group B** -
Principal entranceway not located along front wall of dwelling



Site 3: Hess Street Property
Entranceway Patterns
 Source: City of Hamilton Data (2018), GSP Group (March 2018)

Figure **7d**





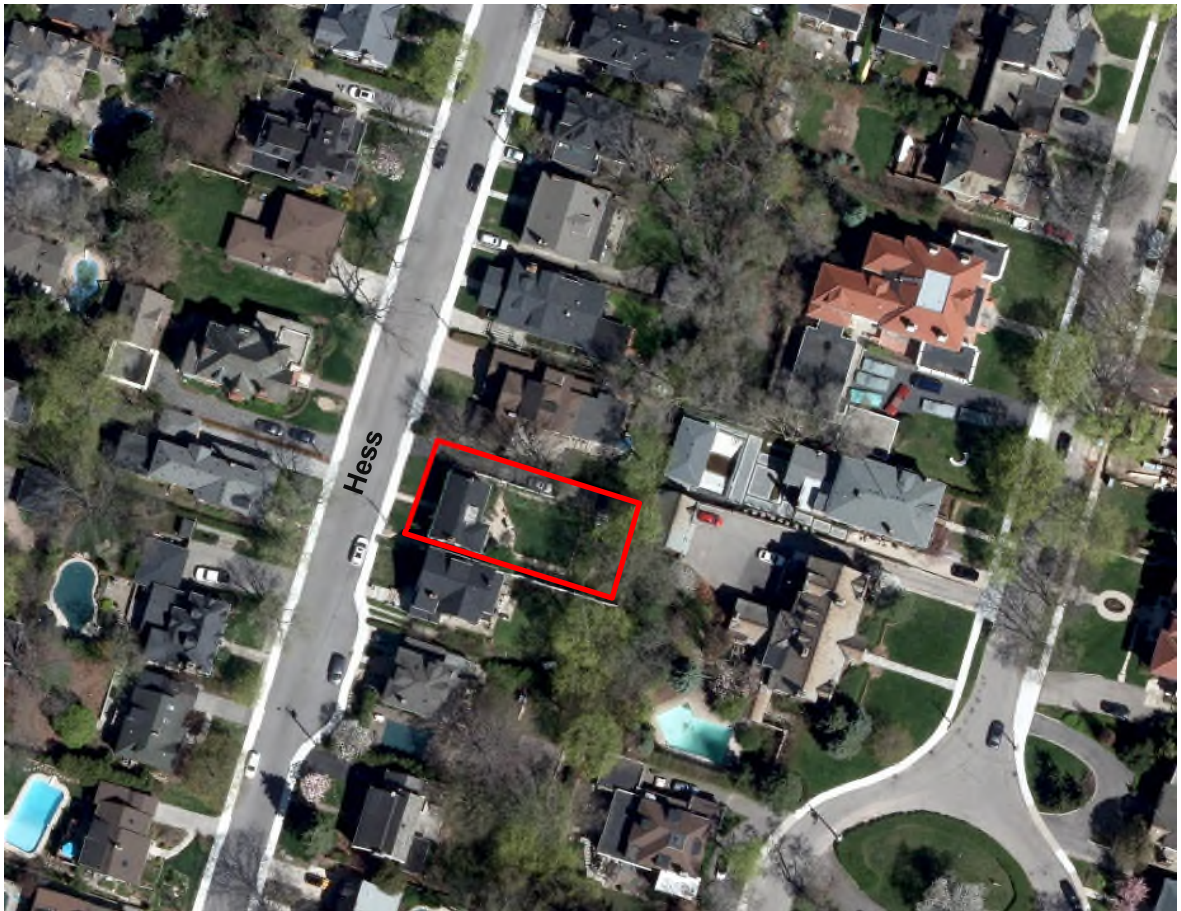
Site 3: Hess Street Property
 As-of-Right Zoning



Figure
7e

Source: City of Hamilton Data (2018), GSP Group (March 2018)

4.5 Site 4 (Hess south of Aberdeen)

Site 4 is situated on the east side of Hess Street South between Aberdeen Avenue and the base of the Niagara Escarpment. It is approximately 700 square metres in total area and is approximately 18.5 metres wide and 38 metres deep. The site contains a two-storey detached dwelling set back approximately 4.5 metres from the front lot line, a hardscaped front yard, and a driveway in the northern side yard leading to rear yard garage.



-  Site Boundary
-  Documented properties for streetscape character analysis








Site 4: Hess Street Property
 Property Location

Figure

8a

Source: City of Hamilton Data (2018), GSP Group (March 2018)

-  Site Boundary
-  Character Group A - Fully landscaped front yard
-  Character Group B - Landscaped front yard in front of principal dwelling
-  Character Group C - Landscaped front yard in front of portion of principal dwelling
-  Character Group D - Small or no landscaped front yard



Site 4: Hess Street Property
 Front Yard Patterns

Figure

8b




Source: City of Hamilton Data (2018), GSP Group (March 2018)



-  Site Boundary
-  **Character Group A** - No driveways along street lot line
-  **Character Group B** - Driveways $\leq 1/3$ actual lot width
-  **Character Group C** - Driveways $> 1/3$ and $< 1/2$ actual lot width
-  **Character Group D** - Driveways $\geq 1/2$ actual lot width



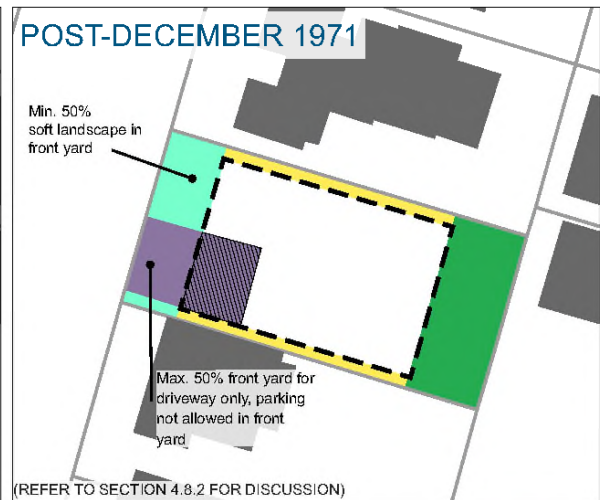
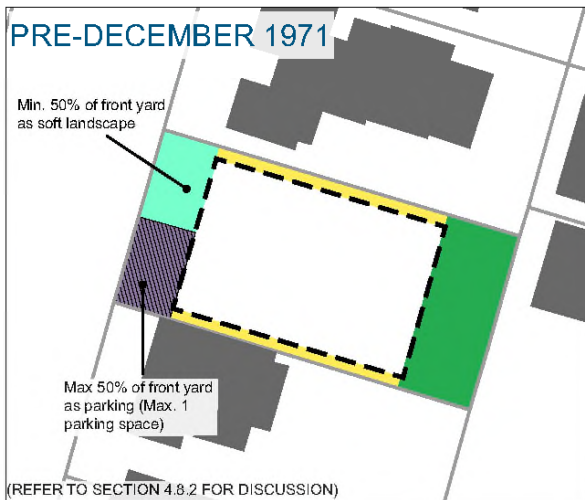
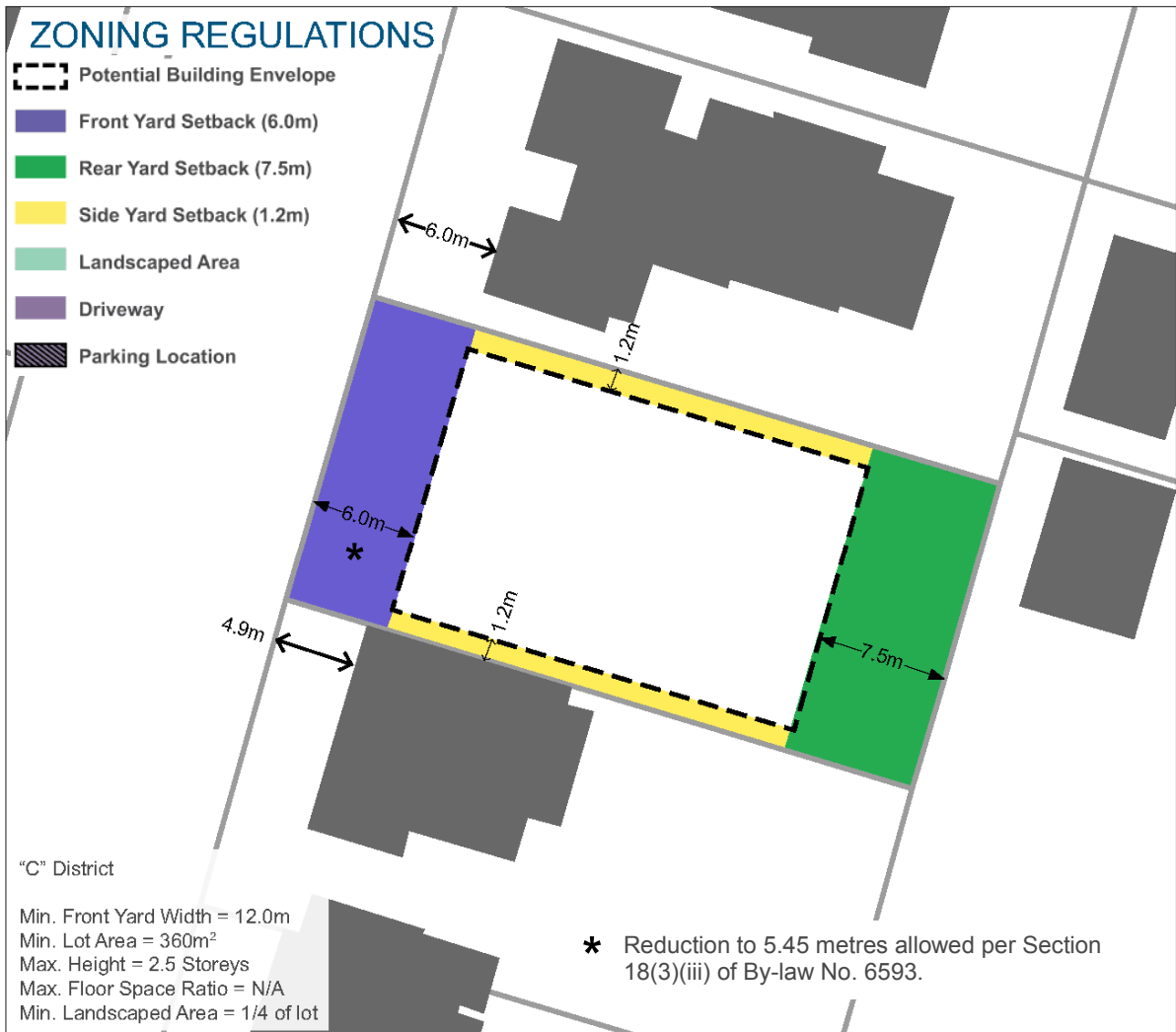
Site 4: Hess Street Property Figure 8c
Parking Access and Parking Space Patterns
 Source: City of Hamilton Data (2018), GSP Group (March 2018)

-  Site Boundary
-  **Character Group A** - Principal entranceway located along front wall of dwelling
-  **Character Group B** - Principal entranceway not located along front wall of dwelling



Site 4: Hess Street Property Figure 8d
Entranceway Patterns
 Source: City of Hamilton Data (2018), GSP Group (March 2018)





Site 4: Hess Street Property
 As-of-Right Zoning

Figure

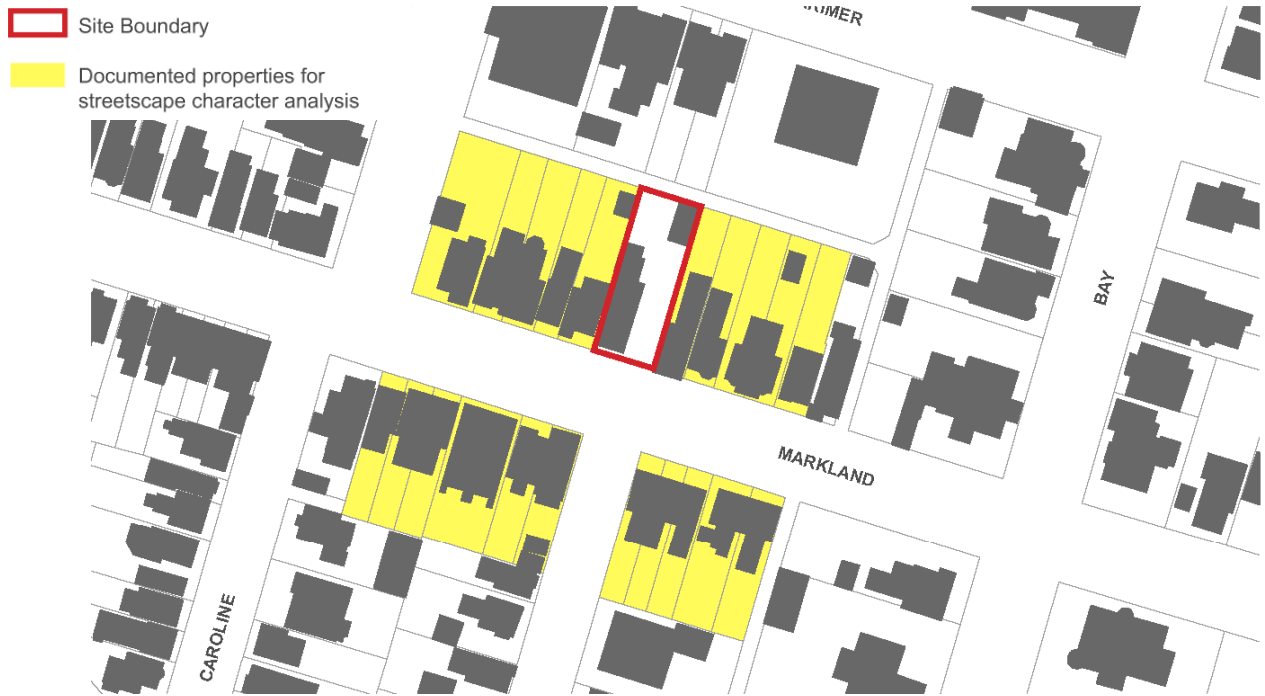
8e

Source: City of Hamilton Data (2018), GSP Group (March 2018)

4.6 Site 5 (Markland west of Bay)

Site 5 is situated on the north side of Markland Street between Caroline Street and Bay Street. It is approximately 635 square metres in total area and is approximately 15.5 metres wide and 41 metres deep. It flanks an assumed rear lane to the north for access and parking. The site contains a two-and-a-half-storey detached dwelling set back approximately 5 metres from the front lot line (with a covered porch projection), a landscaped front yard, surface parking and a garage in the rear yard accessed from the rear lane, and a significant eastern side yard that is landscaped.





Site 5: Markland Street Property
Property Location Figure 9a


Source:: City of Hamilton Data (2018), GSP Group (March 2018)

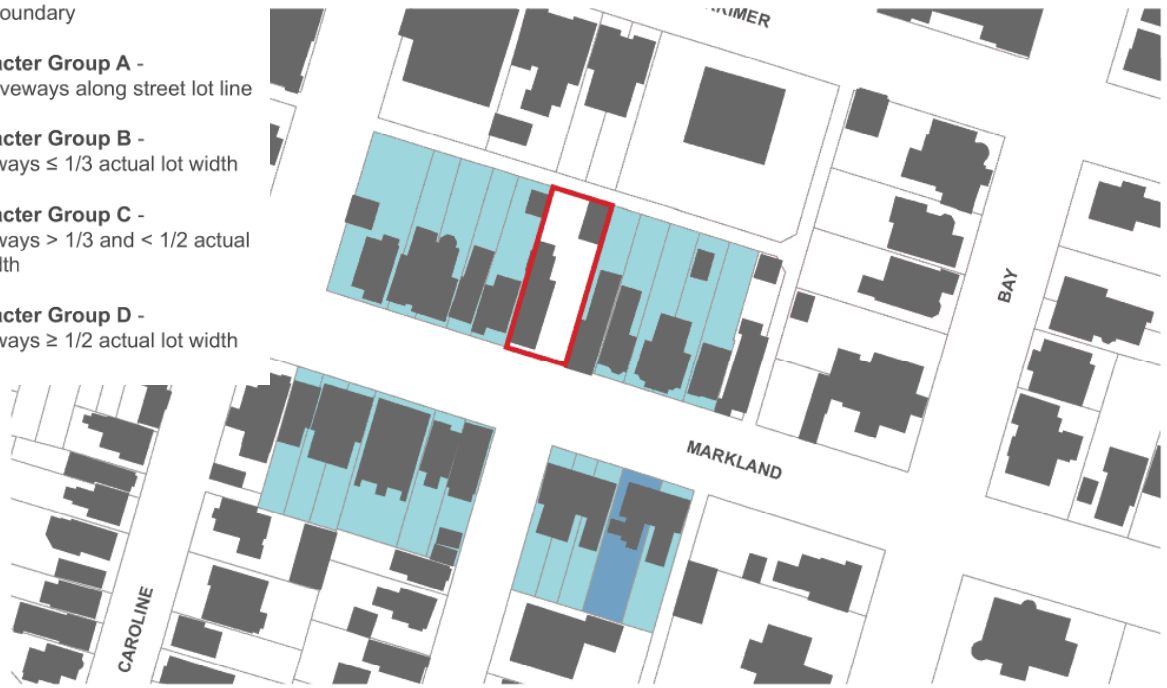


Site 5: Markland Street Property
Front Yard Patterns Figure 9b




Source:: City of Hamilton Data (2018), GSP Group (March 2018)

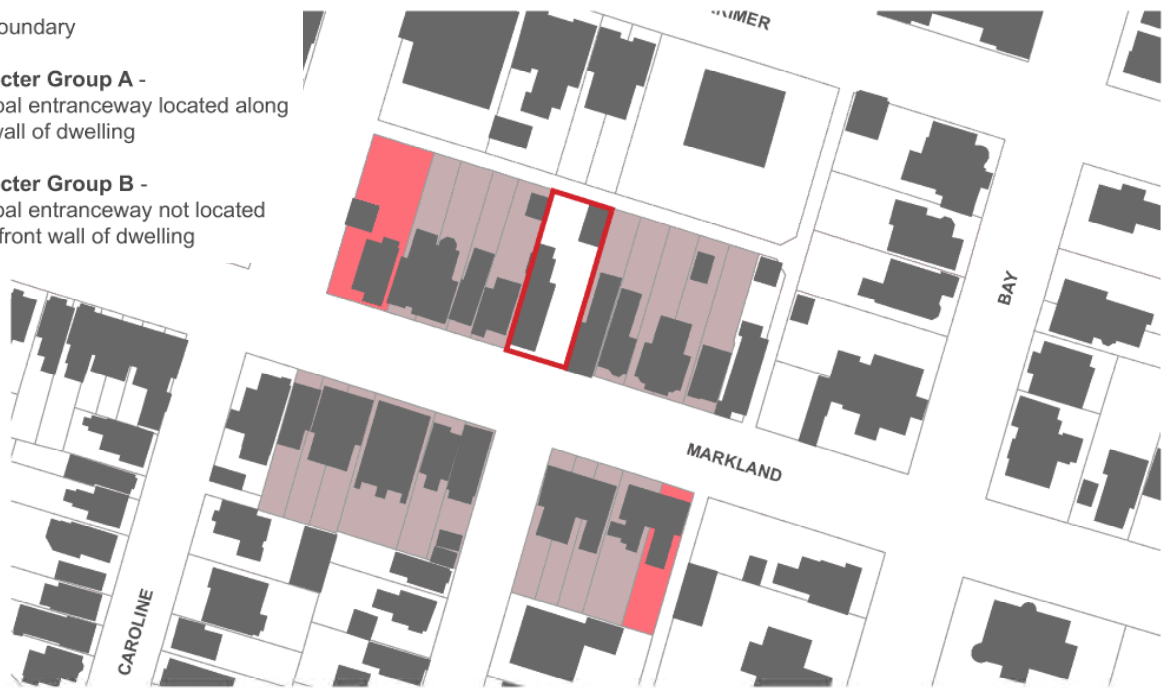


-  Site Boundary
-  Character Group A -
No driveways along street lot line
-  Character Group B -
Driveways \leq 1/3 actual lot width
-  Character Group C -
Driveways $>$ 1/3 and $<$ 1/2 actual lot width
-  Character Group D -
Driveways \geq 1/2 actual lot width



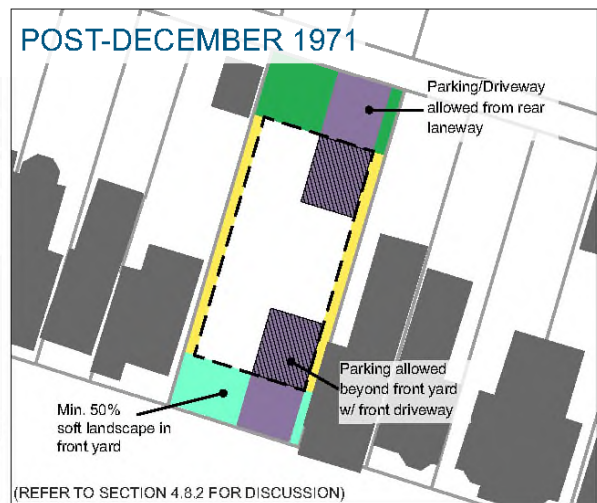
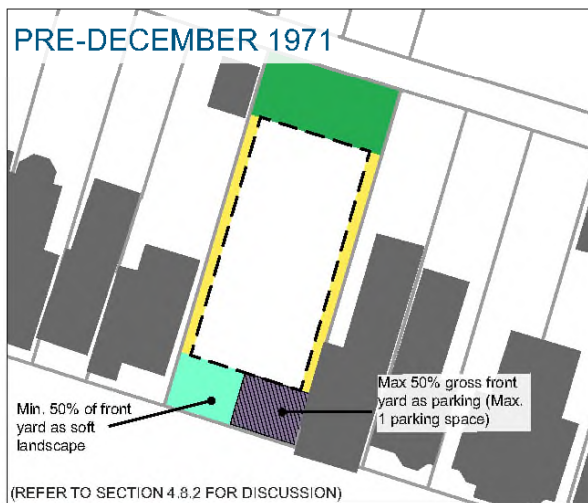
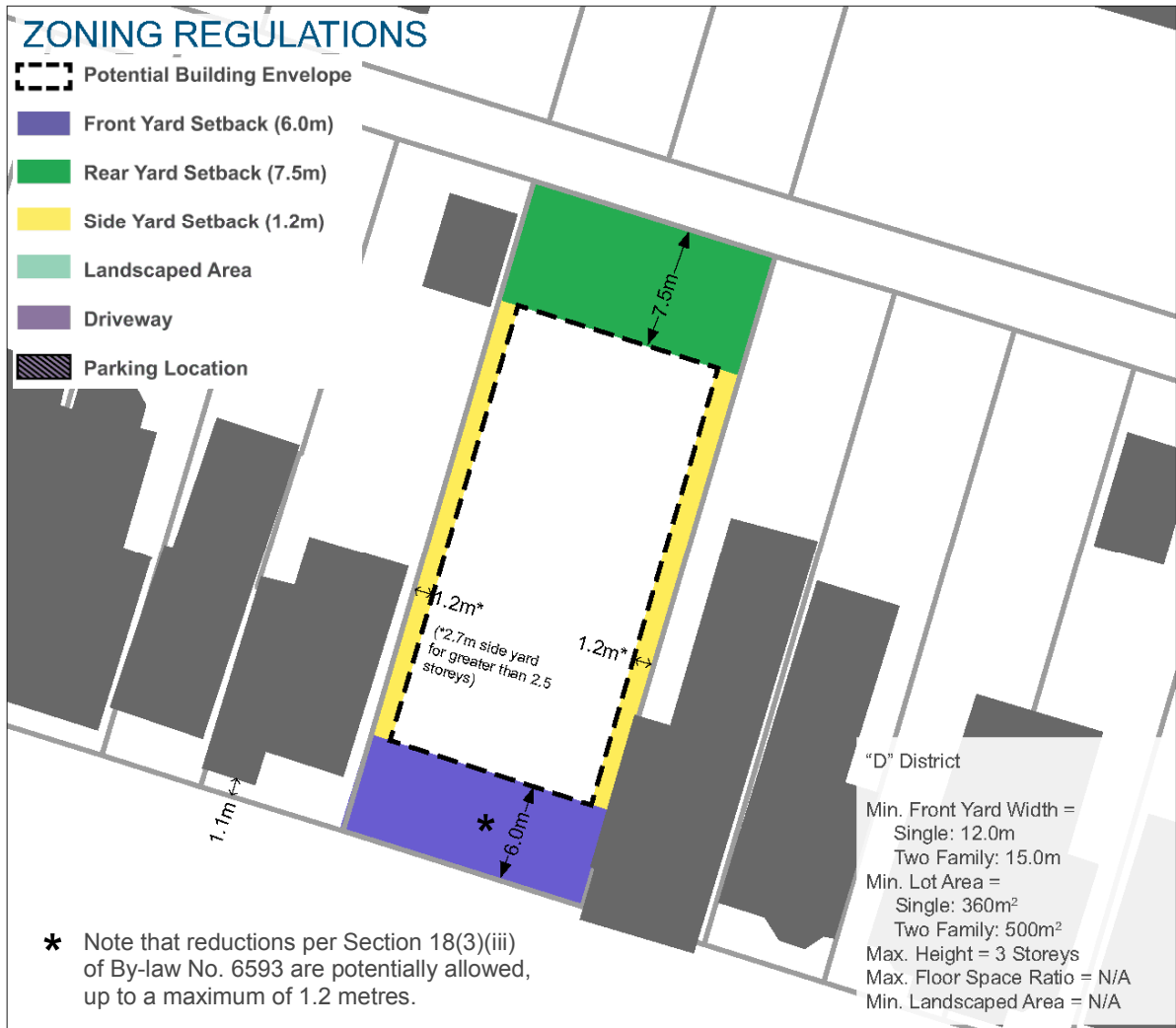
Site 5: Markland Street Property Figure 9c
Parking Access and Parking Space Patterns
 Source: City of Hamilton Data (2018), GSP Group (March 2018)

-  Site Boundary
-  Character Group A -
Principal entranceway located along front wall of dwelling
-  Character Group B -
Principal entranceway not located along front wall of dwelling



Site 5: Markland Street Property Figure 9d
Entranceway Patterns
 Source: City of Hamilton Data (2018), GSP Group (March 2018)





Site 5: Markland Street Property
 As-of-Right Zoning



Source: City of Hamilton Data (2018), GSP Group (March 2018)

4.7 Site 6 (Markland east of Bay)

Site 6 is situated on the north side of Markland Street between Chilton Place and Macnab Street. It is approximately 1,650 square metres in total area and is approximately 37 metres wide and between 38.5 and 51.5 metres deep. The site contains a two-and-a-half-storey detached dwelling set back approximately 14 metres from the front lot line, with a landscaped front yard, a driveway in the northern side yard leading to a rear yard, and a large landscaped eastern side yard.





Site 6: Markland Street Property **Figure 10a**
 Property Location

Source:: City of Hamilton Data (2018), GSP Group (March 2018)



Site 6: Markland Street Property **Figure 10b**
 Front Yard Patterns

Source:: City of Hamilton Data (2018), GSP Group (March 2018)



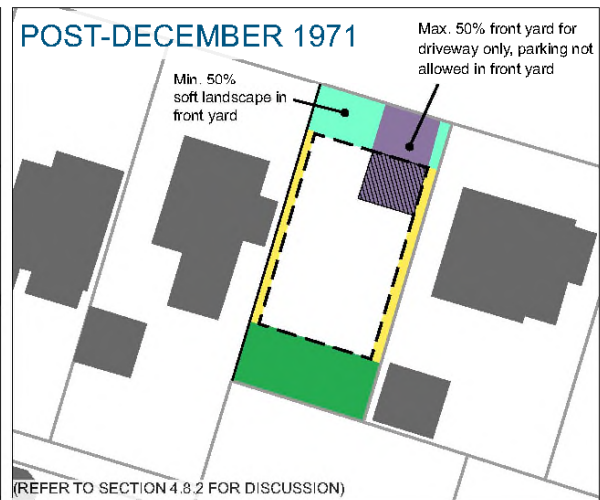
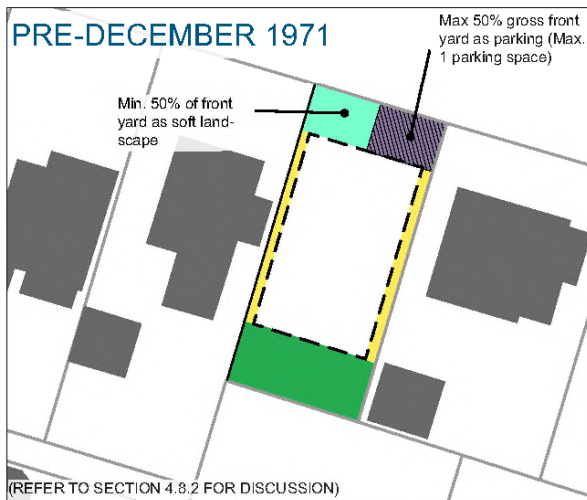
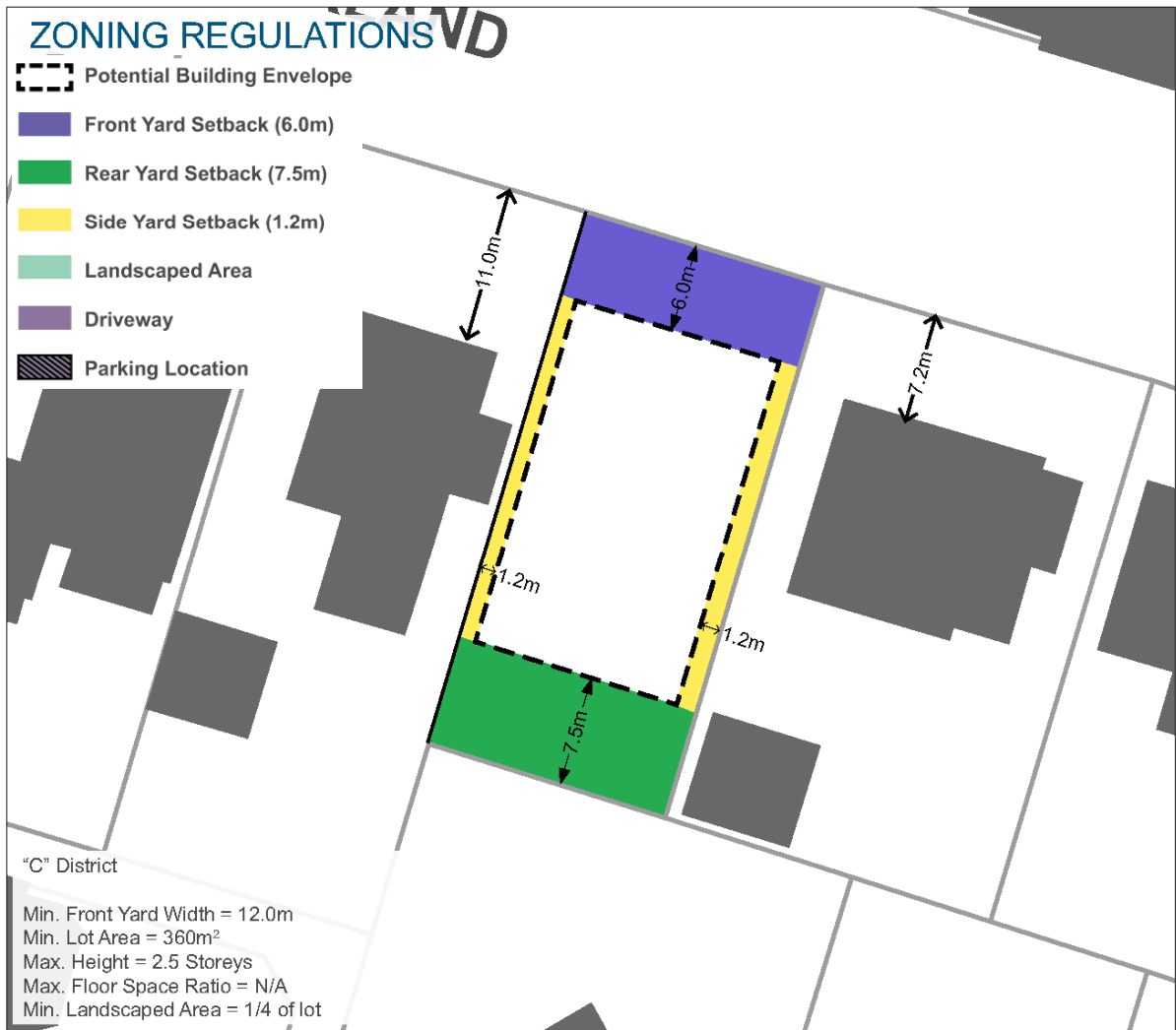


Site 6: Markland Street Property **Figure 10c**
Parking Access and Parking Space Patterns
 Source: City of Hamilton Data (2018), GSP Group (March 2018)



Site 6: Markland Street Property **Figure 10d**
Entranceway Patterns
 Source: City of Hamilton Data (2018), GSP Group (March 2018)





Site 6: Markland Street Property As-of-Right Zoning

Figure

Source: City of Hamilton Data (2018), GSP Group (March 2018)

10e

4.8 Comparison of Existing and SCA Zoning

4.8.1 Front Yard Setbacks (see Table 1)

In-effect Zoning

The “C”, “D” and “DE-3” District regulations each require a minimum front yard setback of 6 metres. Section 18(3)(iii) of By-law No. 6593, however, allows for reductions to this setback based on the placement of adjacent existing buildings. Specifically, this section indicates that the minimum front yard setback will be the average of the existing adjacent front yards (for buildings within 30 metres of the proposed building) up to a maximum 30% reduction from the 6 metre setback. Thus, a maximum reduction of 1.8 metres and a minimum front yard setback of 4.2 metres is allowed in such instances within the “C”, “D” and “DE-3” District,

Ottawa SCA Zoning

The Ottawa SCA Zoning includes additional regulations concerning front yard setbacks further to the regulations of the R1 through R4 Zones in the Ottawa Zoning By-law. These additional SCA regulations require that the front yard setback must align with the average of the buildings on the abutting properties or align with the abutting lot facing the same street in respect to corner lots. In no case does the front yard setback need to be greater than six metres, but the SCA regulations do not preclude such a setback.

4.8.2 Front Yard Patterns (see Table 2)

In-effect Zoning

Section 18A of By-law No. 6593 distinguishes between those buildings constructed before and after December 14, 1971 for the purposes of front yard patterns and regulations:

- a) For single detached, duplex/semi-detached and triplex dwellings constructed pre-December 1971, the regulations permit parking within the front yard provided that such parking does not occupy more than 50% of the gross front yard area, and that at least 50% of the gross front yard area is a soft landscaped area (no concrete, asphalt, gravel, pavers, or similar materials). For single detached dwellings, only one of the required two parking spaces may be located in the front yard.
- b) For single detached, duplex/semi-detached and triplex dwellings constructed post-December 1971, the regulations do not permit a parking space in a required front yard and require that at least 50% of the gross front yard area is a soft landscaped area (no concrete, asphalt, gravel, pavers, or similar materials).

Ottawa SCA Zoning

The Ottawa SCA Zoning regulates the use of front yards depending on the dominant character as identified through a SCA. Per the SCA demonstrated in Section 4 above, Sites 1, 2, 3 and 5 are characterized as “Character Group A” and Sites 4 and 6 are characterized as “Character Group C” concerning front yard patterns. For Character Group A sites, the front yard may be

either soft landscaping or a combination of soft and hard landscaping across the entire front yard (side to side). For Character Group C sites, the front yard may additionally be soft landscaping or soft and hard landscaping that is across the entire front wall of the dwelling and a driveway in the remaining portion; the entire front wall of the dwelling that does not contain a garage and a driveway in the remaining portion; or the entire front yard not occupied by a legally established front yard parking space. Neither Character Group would allow projections beyond the distance permitted by zoning between front lot line and principal dwelling, or principal dwellings that extend to front lot line.

4.8.3 Parking Access and Parking Space Patterns (see Table 3)

In-effect Zoning

For parking purposes, Sections 18A(14a) and (14b) of Bylaw No. 6593 distinguishes between parking for buildings constructed before or after December 14, 1971. Both allow for rear yard parking and access. The pre-December 1971 buildings regulations allow for rear yard parking as well as one parking space in the front yard provided that at least 50% of the gross front yard area is a soft landscaped area. The post-December 1971 building regulations allow for parking accessed from the front lot line provided that such parking it is not within the front yard.

Ottawa SCA Zoning

The Ottawa SCA Zoning does not require parking for dwellings with 12 units or less. Where parking is provided, it must be provided in keeping with the dominant character identified by a SCA. The Ottawa SCA Zoning requires that for lots abutting travelled rear lanes, where parking spaces are provided they can only be in a rear yard and accessed from the rear lane.

Sites 1, 2, 4 and 5 are characterized as “Character Group A”, which only allows surface parking or garages that are accessed from a travelled rear lane or driveways through flanking side yard to garages beyond minimum setback for corner lots. Sites 3 and 6 are characterized as “Character Group B”, which additionally allows driveways accessing interior side yard or rear yard parking spaces, garages or carports; that no longer lead to legal interior side yard or rear yard parking and that result in front yard parking that is not in front of principal dwelling; and that are through carriageway providing access to interior yard.

4.8.4 Principal Entranceway Patterns (see Table 4)

In-effect Zoning

By-law No. 6593 does not regulate the location or orientation of principal entranceways.

Ottawa SCA Zoning

All sites are documented as Character Group A, which only allows principal entranceway to be along the dwelling’s front wall facing the front lot line or facing the side if they are part of a permitted front wall projection.

Table 1: Comparison of Minimum Front Yard Setbacks

Site	Assumed Scenario	Minimum Front Yard Setbacks	
		In-Effect Zoning	Ottawa SCA Zoning
1 <i>Duke</i>	Addition to existing pre-1971 detached dwelling	6 metres (average of 7.7 metres for abutting properties exceeds 6 metres)	6 metres (average of 7.7 metres for abutting properties exceeds 6 metres)
2 <i>Robinson</i>	Redevelopment of site for detached dwelling	4.2 metres (average of 1.9 metres for abutting properties at 1.5 metres and 2.3 metres, but maximum reduction of 1.8 metres per Section 18(3)(iii))	1.9 metres (abutting properties at 1.5 metres and 2.3 metres)
3 <i>Hess (north)</i>	Redevelopment of site for detached or semi-detached dwelling	6 metres (reduction not allowed given Section 18(3)(iii) requires two "adjoining" front yards)	1.7 metres (matches the property to the south given abutting property to north is a corner lot facing a different street)
4 <i>Hess (south)</i>	Redevelopment of site for detached dwelling	5.45 metres (average of abutting properties at 4.9 metres and 6.0 metres)	5.45 metres (average of abutting properties at 4.9 metres and 6.0 metres)
5 <i>Markland (west)</i>	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	4.2 metres (average of 0.55 metres for abutting properties at 1.1 metres and 0, but maximum reduction of 1.8 metres per Section 18(3)(iii))	0.55 metres (average of abutting properties at 1.1 metres and 0)
6 <i>Markland (east)</i>	Severance for purposes of a new detached dwelling	6 metres (assuming a severance, average of 9.1 metres established by abutting properties exceeds 6 metres)	6 metres (assuming a severance, average of 9.1 metres established by abutting properties exceeds 6 metres)

Table 2: Comparison of Allowed Front Yard Patterns

Site	Assumed Scenario	Allowed Front Yard Patterns	
		In-Effect Zoning	Ottawa SCA Zoning
1 <i>Duke</i>	Addition to existing pre-1971 detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
2 <i>Robinson</i>	Redevelopment of site for detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
3 <i>Hess (north)</i>	Redevelopment of site for detached or semi-detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
4 <i>Hess (south)</i>	Redevelopment of site for detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group C requires soft landscaping or soft and hard landscaping across the entire front of the dwelling or living portions of the dwelling front (not the garage).
5 <i>Markland (west)</i>	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group A requires that the entire front yard is either soft landscaping or a combination of soft and hard landscaping, preventing a driveway from the front lot line
6 <i>Markland (east)</i>	Severance for purposes of a new detached dwelling	Regulations require that at least 50% of the gross front yard area is a soft landscaped area, allowing for a driveway from the front lot line	Character Group C requires soft landscaping or soft and hard landscaping across the entire front of the dwelling or living portions of the dwelling front (not the garage).

Table 3: Comparison of Allowed Parking Patterns

Site	Assumed Scenario	Allowed Parking Access and Parking Space Patterns	
		In-Effect Zoning	Ottawa SCA Zoning
1 <i>Duke</i>	Addition to existing pre-1971 detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting Wheeler Lane (Character Group A would only permit parking from a rear travelled lane anyways).
2 <i>Robinson</i>	Redevelopment of site for detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting rear lane (Character Group A would only permit parking from a rear travelled lane anyways).
3 <i>Hess (north)</i>	Redevelopment of site for detached or semi-detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting rear lane (Character Group A would only permit parking from a rear travelled lane anyways).
4 <i>Hess (south)</i>	Redevelopment of site for detached dwelling	Regulations allow for 1 parking space in the front yard provided parking does not occupy more than 50% of the gross front yard area	Character Group B allows parking as surface parking or garages off travelled rear lane as well as driveway providing access to interior side yard or rear yard parking space, garage or carport, but not front yard parking space
5 <i>Markland (west)</i>	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	Regulations allow for rear yard parking and 1 parking space in the front yard provided at least 50% of the gross front yard area is a soft landscaped area	Parking spaces can only be in a rear yard and accessed from the abutting rear lane (Character Group A would only permit parking from a rear travelled lane anyways).
6 <i>Markland (east)</i>	Severance for purposes of a new detached dwelling	Regulations allow for 1 parking space in the front yard provided parking does not occupy more than 50% of the gross front yard area	Character Group B allows parking as surface parking or garages off travelled rear lane as well as driveway providing access to interior side yard or rear yard parking space, garage or carport, but not front yard parking space

Table 4: Comparison of Allowed Principal Entranceway Patterns

Site	Assumed Scenario	Principal Entranceway Patterns	
		In-effect Zoning	Ottawa SCA Zoning
1 Duke	Addition to existing pre-1971 detached dwelling	Does not regulate location of principal entranceways	Character Group A requires the principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
2 Robinson	Redevelopment of site for detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
3 Hess (north)	Redevelopment of site for detached or semi-detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
4 Hess (south)	Redevelopment of site for detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
5 Markland (west)	Addition of unit to pre-1971 building to create an attached semi-detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall
6 Markland (east)	Severance for purposes of a new detached dwelling	Does not regulate location of principal entranceways	Character Group A requires principal entranceway to face the front lot line, or may face other than front lot line if it's part of a principal projection along the front wall

5. Assessment

This section assesses the suitability of the Ottawa SCA zoning approach for the Durand Neighbourhood context, addressing the questions identified in Section 1.3 of this Peer Review. It does not make any conclusions or recommendations but rather forms the basis of those contained in Section 6 and 7 of this Peer Review.

5.1 Appropriate Characteristics

Question: Which of the characteristics identified in the Character Study would be appropriate to add as additional zoning requirements for use in the Durand Context?

The Character Study addresses two sets of characteristics for consideration as part of a zoning review for Durand. Section 2.0 of the Character Study addresses the four characteristics within the Ottawa SCA Zoning approach and Section 3.0 of the Character Study addresses a series of “streetscape characteristic factors” that were audited, some of which that overlap the Ottawa characteristics. The below considers the appropriateness of these characteristics as additional zoning requirements: Section 5.1.1 assesses the appropriateness of the Ottawa SCA Characteristics and Section 5.1.2 assesses the appropriateness of the “streetscape characteristic factors” from the Character Study. These sections do not endorse a particular form or approach for such a zoning regulation (which is further outlined in Section 6 and 7 of this Peer Review) but rather indicates the appropriateness of regulating the characteristic for Durand.

5.1.1 Ottawa SCA Characteristics

(a) Front Yard Setbacks

The consistency of building positioning along the street is an important component of streetscape character patterns in established neighbourhoods. Pronounced differences in front yard setbacks between abutting properties can be determinantal to the character of a streetscape. While some streetscape variation is positive, differences resulting from buildings that are set back considerably further from or closer to the street line than abutting buildings are generally not desirable. Reflecting this thought, the Ottawa SCA Zoning uses an “averaging” approach that establishes minimum setbacks tied to the existing setbacks of abutting properties and includes a maximum cap that does not need to, but may, be exceeded.

The site demonstrations in Section 4 of this Peer Review suggest that most of the older, traditional stock of the Durand Neighbourhood is closer than 6 metre from the street lines and in many cases considerably less than 6 metres. In these instances, the 6 metre minimum front yard setback in the “C”, “D”, and “DE-3” does not reflect what exists in the neighbourhood fabric. Section 18(3)(iii) of By-law No. 6593 does allow for reductions to reflect the average of

adjacent buildings; however, this relief is capped to a 30% reduction and, although providing a better reflection of existing streetscape character, it appears arbitrary and does not provide a full reflection of existing streetscape character.

Table 1 in Section 4.8 shows the variety of setbacks when the In-Effect Zoning of By-law No. 6593 and the SCA Zoning are applied to the six demonstration sites. Sites 2, 3 and 5 reveal significant differences between the In-Effect Zoning and the SCA Zoning in instances where buildings are located tight to the street edge (0.5 to 2 metres in these instances). The SCA Zoning allows for the adjacent front yard depths to dictate entirely the minimum front yard setback but the In-Effect Zoning includes a maximum reduction, which in these instances leaves a significant gap between the allowed and existing minimum setbacks. If the rationale of character zoning is that of fairness, transparency and “your street setting the rules”, then the latter runs counter to this rationale. Accordingly, zoning requirements for front yard setbacks (and potentially porch projections) that are set by those on abutting lots, without any maximum reductions or caps, is appropriate to better reflect the existing streetscape patterns in Durand.

(b) Front Yard Patterns

Front yard patterns are principally concerned with landscape treatments along the streetscape, however, they are largely tied to parking allowances. Front yard patterns in mature neighbourhoods are an important characteristic of streetscape character, particularly when considering the potential cumulative degradation of the streetscape character from higher proportions of the streetscape occupied by driveways and parking. By-law No. 6593 does address front yard patterns to a certain degree, requiring that at least 50% of the gross front yard area is soft landscaped for new single detached, semi-detached or duplex, and triplex dwellings. However, a driveway that is 50% of the lot width is still relatively larger than the existing pattern within the Durand Neighbourhood.

The Ottawa SCA Zoning provides a more robust control on the use and patterns of the front yards. Lots abutting rear lanes must have parking from the rear lanes, eliminating any interruption of the front yard pattern. Lots without abutting rear lanes are allowed front access driveways, although maximum driveway widths are imposed relative to the lot width. Using the demonstration sites, this has the effect of increasing the landscaped front yard area to 70 to 85% (depending on a single or double driveway) for Sites 4 and 6, or 70% for narrower sites like Site 1 if it was accessed from the front. Such limitations on maximum driveway widths relative to overall lot width is appropriate to add as additional zoning requirements for Durand.

(c) Parking Access and Parking Space Patterns

The pattern of parking and parking spaces is the most influential factor concerning streetscape character and they directly influence the character of other patterns, including patterns for front yards and principal entranceways. Along the front lot line abutting public streets, the creation

of new parking spaces or the expansion of existing hardscaped area has significant potential impacts on streetscape character in the subject areas of Durand. This is especially true on blocks served by existing travelled lanes to the rear, which comprise a large proportion of the Durand Neighbourhood where blocks remain intact with parking from the rear. Thus, regulating parking access and parking space patterns is expected to be the most impactful from the perspective of maintain existing streetscape character in Durand.

Concerning parking access, the Ottawa SCA Zoning does not require parking to be provided for the development of new low-rise residential buildings such as detached, semi-detached and street townhouse dwellings (or for taller buildings with less than 12 units in total). The SCA tool only applies where parking is provided. The SCA may determine that parking access may only be from a rear travelled lane or cannot be accommodated from a front or rear lot line, where the streetscape patterns dictate; however, parking is not required so it would not preclude development of the addition of new units. However, Hamilton's By-law No. 6593 requires a minimum of two spaces per unit for detached dwellings, one space per unit for semi-detached and duplex dwellings, and one-and-a-half spaces per unit for street townhouse dwellings. Applying the Ottawa SCA Zoning method while maintaining the general parking requirements of Hamilton By-law No. 6593 would have the effect of precluding the addition of additional units for certain properties. Regulations requiring lots with rear travelled lanes to have parking access from the rear lot line is an appropriate additional zoning requirement for Durand; regulations using the SCA approach to determine allowed parking access patterns on other lots is not appropriate for Durand given the preclusions affecting certain properties.

Concerning front yard parking, there are numerous instances in Durand where parking spaces in the front yard occupies most of or all the lot's width (whether legally or illegally). This presents the most significant detrimental effect on the quality of the streetscape in the lower-rise portions of Durand, particularly when considering the cumulative effect of abutting situations on the streetscape. By-law No. 6593 allows front yard parking spaces for up to 50% of the lot width for pre-December 1971 single detached, semi-detached, duplex, and triplex dwellings, but not for new construction after that date which must be outside of the front yard. The SCA Zoning does not allow front yard parking in any of the Character Groups. Patterns of front yard parking is an appropriate characteristic to regulate and should be continued, recognizing there is a larger parking matter in terms of access that is addressed in Section 5.3 of this Peer Review.

(d) Principal Entranceway Patterns

The relationship between principal entrances and public street edges is an important component of streetscape character from a functional and visual perspective. Ottawa's response to regulating entranceway patterns reflected emerging patterns where garages and carports dominated a new dwelling's front face with entranceways positioned under or to the

side of the buildings. This does not appear to be a prevailing pattern within Durand, where front-facing entrances are the norm, or side-facing entrances as part of a front projecting porch or addition were documented in limited cases in the demonstration sites above. Such a regulation is appropriate as part of a broader streetscape character-based approach, but it does not address a current or expected undesirable condition with the Durand Neighbourhood.

5.1.2 Character Study Streetscape Characteristic Factors

(a) Mature Trees

Most street trees within the Durand neighbourhood appear to be within the public right-of-way, which is not regulated through zoning. For private properties, zoning can regulate that adequate space is provided to potentially accommodate additional tree plantings in front yards (as part of the front yard patterns and front yard setbacks considerations above in the SCA Zoning), but it cannot regulate what gets planted. While not appropriately regulated through zoning, tree plantings can be encouraged through other planning mechanisms (such as Site Plan Control where applicable and Infill Guidelines) or other municipal programs (such as tree planting programs).

(b) Landscaped Front Yards

As discussed in Section 5.1.1(b) above, landscaped front yard patterns in mature neighbourhoods are an important characteristic of streetscape character. The in-effect regulations of By-law No. 6593 do regulate the “quantity” of landscaped space required in the front yards. It requires that at least 50% of the gross front yard area be soft landscaped (excluding concrete, asphalt, gravel, pavers, or other similar materials) for single detached, semi-detached, duplex and triplex dwellings. The cursory review of this Peer Review concerning existing streetscape conditions in Durand, however, suggests “mixed” front yard landscaping patterns, including soft and hard elements, are not uncommon throughout the neighbourhood. Ensuring a minimum amount area in the front yards for landscaping purposes continues to be an appropriate characteristic to regulate as additional zoning requirements in Durand, which may warrant redefinition of what is permitted as landscaped areas.

The SCA Zoning also regulates the “quantity” of landscaped space required in the front yards. It is distinguished from By-law No. 6593, however, in that it allows required front yard landscaped areas to be either soft landscaping or a mix of soft and hard landscaping in the non-driveway portions of the front yard. Ottawa’s Zoning By-law defines “soft landscaping” as vegetation elements such as trees, shrubs, hedges, grass and ground cover and defines “hard landscaping” as non-vegetation materials such as bricks, pavers, stone, and concrete. It is less prescriptive in terms of the general composition of front yard landscaped areas as compared to By-law No. 6593. In Ottawa, front yard landscaped areas could be just grassed areas and still meet the requirement for a “soft landscaped” area, while mixed landscape areas

could predominately of pavers and stone with minimal planted areas sand still meet the SCA requirements.

In terms of “quality” of front yard landscaped spaces, neither By-law No. 6593 or the SCA Zoning regulates what specifically must constitute front yard landscape patterns. Zoning cannot require specific landscape treatments or planting details, nor can it require professional designs. These characteristics are not appropriate to regulate as additional zoning requirements.

(c) Front Entrances

The orientation of entranceways is assessed by the SCA Zoning addressed in Section 5.1.1(d) of this Peer Review.

(d) Height of Dwellings

The intent of Ottawa’s character zoning is not to downzone properties or areas in terms of permitted heights and intensity, but rather direct the form. The existing “C”, “D”, and “DE-3” Districts currently have a maximum height up to three storeys. Section 5.2.2 of the Character Study implies that concerns are not focused on residential infill at such lower-rise heights or the forms but rather with controls on integrating taller buildings within the neighbourhood fabric, the latter which are not subject to Ottawa SCA Zoning. Notwithstanding this, conceivably, minimum or maximum building heights could be tied to the existing building height of abutting or surrounding properties using a character-based approach. However, this would not be an appropriate additional zoning requirement given a maximum of three storeys is appropriate for the low-rise portions of Durand and variety along the streetscape of mature neighbourhoods is desirable.

Shapes of rooflines can affect the perceived height and mass of the buildings and can influence streetscape character. Pitched roofs are the prevailing pattern through the lower-rise residential stock of Durand, with sharper pitches for the oldest areas of the neighbourhood. The additional mass created using flat roofs particularly for 3-storey forms (demonstrated by the Ottawa examples on pages 10 and 11 in this Peer Review) is noticeable. Seemingly, controlling height depending on the roof pitch could be regulated under the “character” discussion but it likely would be difficult to craft and administer and may stifle the desire for architectural creativity and flexibility that is desirable for new infill developments. Given this, it may not be an appropriate additional zoning requirement.

(e) Similar Housing Types

The “C”, “D”, and “DE-3” Districts all allow for a similar, compatible low-rise form of residential development. A mixed composition of lower-rise building types is an important component of any established neighbourhood. In this sense, it is not appropriate to require new developments

to match the residential type of abutting properties or the prevailing patterns along the street (unless the existing zoning only permits such a residential type). This does not infer there is no need for further direction and guidance concerning the sensitive incorporation of taller, more intense residential forms into the neighbourhood fabric through other planning mechanisms.

(f) Garages

The SCA Zoning regulates the positioning of garages. Garages may only be accessed from the rear lot line for lots abutting a “travelled” rear lane. Where front-facing garages are permitted, the regulations generally seek to reduce the prominence of garages by requiring that they align with the dwelling’s principal wall from at a minimum and with maximums on the width of garage doors. Further, the SCA may dictate that garages must be further recessed behind the dwelling’s principal building wall. These garage regulations are further complemented by regulations for driveways that include allowing double driveways only for the wider lots, maximum driveway widths depending on the lot’s width, and not allowing the smallest lots to have driveways at all. Applying the SCA regulations, Sites 1, 2 and 5 would not be allowed front-accessed garages while Sites 3, 4 and 6 would be allowed a front-accessed garage at the very least that is flush with the building’s front wall. These are effective regulations for controlling garage impacts on the streetscape character and are appropriate characteristics to regulate as additional zoning requirements for Durand.

(g) Front Yard Parking

Front yard parking is addressed in Section 5.1.1(c) of this Peer Review.

(h) Façade Materials

A municipality can regulate exterior design materials under the definition of “character” per the OMB’s order regarding the Ottawa SCA Zoning provided it is grounded in the prevailing patterns of the streetscape. Such controls on façade materials, however, would be significantly more difficult to administer as compared to more easily quantifiable elements like parking locations and front yard space. Such regulation is not appropriate as additional zoning requirements as it strips flexibility from the architectural design process and the ability for contemporary yet compatible forms of development within Durand.

5.2 Applicable Dwelling Types

Question: Which areas and what types of buildings should be subject to these characteristics?

5.2.1 Areas

Ottawa’s Mature Neighbourhoods Overlay applies to properties within the defined area that are zoned Residential First Density Zone (R1), the Residential Second Density Zone (R2),

Residential Third Density Zone (R3), and Residential Fourth Density Zone (R4) within a delineated area of central Ottawa. The Overlay supersedes the parent regulations of the R1 through R4 Zones. The advantage of such an overlay approach is the relative ease of administrative set-up compared to the “upfront” effort of neighbourhood-by-neighbourhood study. Ottawa’s Overlay identifies a broadly delineated area with regulations that are triggered by residential uses four storeys and less, without the need for a property-by-property review of the boundary. This is clearly advantageous for incorporating multiple established neighbourhoods, but this advantage diminishes for a single neighbourhood application such as Durand. Additionally, the Durand context includes pockets of low-rise properties within higher-rise contexts, such as the general area to the north of Herkimer Street and east of Bay Street, where, where an SCA would be skewed in terms of the determination of character.

If the “overlay” approach is desired, a tighter defined scoped overlay for Durand makes sense. The area bounded by Herkimer Street, the Escarpment, Queen Street, and James Street is a largely intact low-rise residential portion of Durand that would benefit from such character zoning. Additionally, the area bounded by Herkimer Street, Bold Street, Queen Street, and Bay Street, generally share many of the same characteristics and would also be appropriate to include in such a scoped overlay area.

A tailored character “sub-zone” or zoning “suffix”, however, would also achieve the same result. Such a character analysis regulation could be applied to properties zoned in “C”, “D”, or “DE” Districts at a minimum, as well as potentially “E” zones, for buildings that are four storeys and less. This could either be tied to a SCA or pre-established regulations set by a study of existing patterns in the neighbourhood as part of the zoning review process.

5.2.2 Type of Buildings

Ottawa’s R1 through R4 Zones increase in the intensity and the permitted range of residential uses, moving generally from just detached dwellings (R1 Zone) up to a range of residential uses including detached dwellings to low-rise apartments (R4 Zone). The strength of Ottawa’s SCA Zoning is that it provides a level of design control in respect to development that would otherwise not be controlled by *Planning Act* mechanisms. Without this SCA Zoning, buildings additions and developments not subject to Minor Variances or Site Plan Control simply proceed to building permits without any additional site and building design control.

For Durand, at a minimum, it should apply to uses such as single detached, semi-detached, and duplex dwellings which are not subject to Site Plan Control to provide the additional design control from a character perspective. Adding other low-rise uses that would be subject to Site Plan Control, such as townhouses, provides an additional level of control over and above the site plan process and any design guidelines that may be available. Existing zoning

only permits up to three storeys currently in Durand, however, up to four storeys in height is an appropriate threshold for these low-rise characteristics

5.3 Parking

Question: How should required parking be dealt with for subject properties where there is no accommodation for parking in the front or rear yards?

The Ottawa SCA Zoning does not require parking to be provided for the development of new low-rise residential buildings such as detached, semi-detached and street townhouse dwellings (or for taller buildings with less than 12 units in total). The SCA tool only applies where parking is provided at the property owner's discretion. Conversely, Hamilton's By-law No. 6593 requires a minimum of two spaces per unit for detached dwellings, one space per unit for semi-detached and duplex dwellings, and one-and-a-half spaces per unit for street townhouse dwellings. Applying the Ottawa SCA Zoning method while maintaining the general parking requirements of Hamilton By-law No. 6593 would have the effect of precluding the addition of dwelling units for properties where:

- a) the lot does not abut a rear lane; and
- b) the documented character regarding parking would not allow for a driveway from the front lot line (Character Group A); or,
- c) where existing on-street parking would prevent a new curb-cut for a driveway where the dominant character group allows a front lot line driveway (Character Groups B, C and D).

These situations appear on a preliminary review basis to be isolated and relatively minor in extent, most likely to occur in the oldest areas of Durand. The south side of Markland Street between Queen Street and Bay Street, for instance, is one example where properties would be captured by a Character Group A rating and would be without rear lane access, thus, precluding such properties from providing a parking space. The redevelopment of these types of buildings may not be realistic, however, the addition of units could be realistic.

This situation also assumes no relief from zoning requirements through a Minor Variance. Based on a review of a summary of Committee of Adjustment decisions since 2006, 7 of the 19 granted variance applications by the Committee did include reductions or exemptions of parking requirements for additional units. So, the ongoing granting of minor variances and the supporting rationale needs to be considered as part of this broader discussion.

Section 5.1.1(c) discusses the appropriateness of the parking characteristics as additional zoning requirements. Regulations requiring lots with rear travelled lanes to have parking access from the rear lot line and patterns of front yard parking is an appropriate characteristic to regulate as additional parking requirements. However, regulations using the SCA approach to determine allowed parking access patterns on other lots is not appropriate at this time

based on the information at hand and the existing in-effect zoning. Without a full understanding of implications of the SCA tool on parking through a more fulsome parking review and without either reductions to or exemptions from the in-effect zoning requirements for parking, the Ottawa approach would preclude development on certain lots.

5.4 Evaluation Extent

Question: How far should the character evaluation extend around subject properties, and should it solely include residentially zoned properties?

5.5.1 Extent

The Ottawa SCA Zoning considers up to 21 surrounding properties for the documentation of prevailing streetscape patterns. Generally, this documentation includes the 10 lots on the same block of the subject property and 11 lots on the facing block. Documentation is more complicated for properties on block ends. It may require documentation on the next abutting blocks or documentation extending along the length of the property's own subject block to capture the required number of lots. The explanation in Ottawa's SCA Zoning for the various SCA documentation requirements is complicated.

The Ottawa SCA Zoning's extent of documentation employs a reasonable and appropriate extent for the identification of prevailing character patterns. A smaller extent would create the potential for pockets of built form patterns "anomalies" along the block that would skew the evaluation and determination of the prevailing pattern of character. A larger extent may result in cases where documented properties may not be visually perceived together as they extend onto different blocks, given the short block lengths in Durand in the lower-rise sections of the neighbourhood. Additionally, a larger extent carries additional efforts of documentation.

Given the generally short blocks within the subject portions of Durand ("C", "D", and "DE" Districts), a mid-block application of the SCA to Durand would generally capture all the fronting lots on the respective streets. In interests of simplicity, a character-based zoning approach for Durand's purposes could simply document all the lots that front onto that street without meaningfully impacting the results of the determination of prevailing patterns. End-block applications are more complicated and depend on the property's context given the nature of the ends of blocks vary throughout Durand.

5.5.2 Inclusions

In terms of inclusions, the Ottawa SCA Zoning model requires that vacant properties or properties developed with institutional, office, or open space uses be documented as part of the total unit count but may not contribute to the determination of the applicable character group. The Ottawa SCA Zoning does not speak to other uses such as retail commercial or other similar uses that may influence the determination of character. For Durand, this discussion largely affects the area generally north of Herkimer, which has a limited number of

non-residential and multiple residential forms interspersed within and surrounding the “C”, “D”, and “DE” Districts, as compared to the south which demonstrates a more uniform pattern of residential forms.

Exclusions do make sense as they have the effect of tightening the geographic extent of the character documentation. The above excluded types of uses are often on sites with much larger frontages as compared to lower-rise residential forms, which would not unduly influence the determination of prevailing character patterns given such properties only count as one lot for documentation purposes. Given the character-based zoning approach is meant to regulate the form and patterns of low-rise development, the simplest and most reasonable approach for Durand would be to limit characterization to residential properties three or four storeys and less, with properties containing non-residential and taller residential properties documented but excluded from the determination of prevailing character patterns.

5.5 Heritage Influences

Question: Should any additional requirements apply for lands that are within the Durand-Markland Heritage Conservation District?

The Durand-Markland Heritage Conservation District Plan (HCD Plan) applies to properties on Markland Street between James Street and Bay Street South as well as properties on Chilton Place and those on Macnab Street and Park Street to Herkimer Street. Section 4.2 of the HCD Plan provides guidance related to alterations or additions to sites and buildings within the District. This includes:

- Site guidelines (4.2.2) speaks to the maintenance of front lawns and plantings and existing means of access. Application of SCA characteristics to a certain degree would reflect these guidelines, including front yard patterns and driveway access in keeping with the determined character of the surrounding area.
- Existing building fabric guidelines (4.2.3) principally relate to restoration and repair of architectural details, which are not applicable for zoning purposes. Guidelines for maintaining the existing principal entrances on buildings is to a certain degree is regulated by the SCA tool concerning Principal Entranceways in keeping with the determined character of the surrounding area.
- Additions guidelines (4.2.4) relate to guidance for building additions to be positioned in ways that do not detract from the building or neighbourhood, particularly directed to side and rear locations of the property. Zoning could restrict building additions to the front wall or through additional height by not allowing future building in the front yard of existing buildings as of a certain date. However, this would be more appropriately controlled through the heritage permit processes to adequately address these guidelines.

Section 4.4 of the HCD Plan identifies a series of design guidelines for the construction of new buildings within the District. These form the basis of considering additional requirements for zoning of subject properties, whether new development or building additions:

- a) Height: the District is regulated by the maximum height of two-and-a-half storeys per the "C" District regulations. The HCD guidelines desire new buildings that "*maintain the building height of adjacent properties and the immediate streetscape and should [not] be noticeably higher nor lower*". Buildings greater than two-and-a-half storeys would require a Minor Variance or Zoning By-law Amendment, so control on compatible heights is maintained with those instruments. Within the as-of-right height permission of the "C" District, additional regulations could tie the building height of the height to that of the abutting properties to determine a minimum and maximum height range.
- b) Width: the lotting fabric is established in the District, recognizing the potential for future severances. The HCD guidelines desire that the width of new buildings and side yards spaces maintain the general pattern of adjacent properties and the immediate streetscape. Minimum and maximum side yard setbacks could be tied to the average of abutting properties or properties to a further extent similar to the SCA method.
- c) Proportion: the proportion of height-to-width can be addressed as part of the height discussion above, with zoning mechanisms recognizing the height of the abutting properties.
- d) Street Relationship: the front yard setbacks regulation of the SCA tool requiring the minimum setback to be the average of the abutting properties in part reflects this guideline to maintain existing setbacks. It would need to include a maximum front yard setback to ensure consistency with abutting properties.
- e) Roof Forms: roof forms could be indirectly regulated through zoning with controls on heights depending on the pitch of roofs, however, but such regulations would be complicated and not appropriate. Heritage permit processes can adequately address these guidelines.
- f) Composition: the architectural composition of new buildings within such areas is not appropriately or easily regulated through zoning. Heritage permit processes can adequately address these guidelines.
- g) Proportion of Openings: openings on building elevations are not appropriately regulated through zoning, particularly for areas with a such a varied composition of openings. Heritage permit processes can adequately address these guidelines.
- h) Materials and Colours: materials are colours are not appropriately regulated through zoning. Heritage permit processes can adequately address these guidelines.

Mass or form-related zoning regulations may be considered to give “teeth” to those guidelines of the Heritage Conservation District. This could include regulations tying minimum and maximum requirements for building height, building widths, side yard setbacks, and front yard setbacks to the range established by the abutting properties (or along the block or portions of the block). These may be appropriate, however, expert cultural heritage opinion on the suitability and form of such regulations should take precedence. Architectural-related regulations (roof forms, materials, openings) are not appropriate for zoning and should be left to design guidelines, particularly in the interest of maintaining architectural flexibility and variety that is a typical, and desired, characteristic of most mature neighbourhoods.

6. Conclusions on Suitability of SCA Tool

The Character Study prepared on behalf of the Durand Neighbourhood Association recommended exploring the use of the City of Ottawa's "Streetscape Character Analysis" zoning approach for informing development and redevelopment in Durand. Generally, this Peer Review finds that Ottawa's SCA Zoning inherently offers many benefits. It offers a level of transparency related to the zoning's formulation in that regulations are not static or "one-size-fits-all". Rather, regulations depend on the existing prevailing streetscape patterns surrounding a property to set the "rules" for new development and additions. It naturally adjusts to neighborhoods with different sub-areas that feature varying compositions of development patterns. It also provides a level of design control in respect to development that would otherwise not be controlled through a *Planning Act* mechanism, which includes instances where building additions and infill developments are not subject to Minor Variances or Site Plan applications.

The Ottawa SCA Zoning, however, does not address what is perceived by this Peer Review as the main thrust of the Character Study concerning Durand. The location and design of taller and more intense residential forms within the neighbourhood fabric appears to be the principal concern of the Character Study, rather than concerns related to inappropriate low-rise infill developments. Conversely, the latter was a principal concern of the City of Ottawa for its mature neighbourhoods and was specifically the motivation for developing its SCA Zoning.

Thus, a character-based zoning approach in Durand would be a proactive rather than reactive tool for neighbourhood change in the sense that it is not addressing infill concerns that are currently occurring in the neighbourhood. There have not been many recent infill developments in the subject portions of Durand, at least not to the level approaching that experienced in Ottawa. In the future it is reasonable to conclude that new residential units in the assessed low-rise portions of Durand will principally occur by building addition or establishment of new units within existing buildings rather than through development and redevelopment of properties. Nonetheless, such a character-based zoning approach does have benefits as a tool for directing low-rise infill development and redevelopment in Durand.

It is important to note, however, that an effective character-based zoning approach for Durand does not mean a recommendation for Ottawa's overlay approach or its SCA tool. The contextual situation of Ottawa's "Mature Neighbourhood Overlay" in the Zoning By-law is distinct from that of Durand, principally for three main reasons.

First, the Overlay targets specific issues related to low-rise infill developments that were deemed to be significantly inappropriately out of character with their host neighbourhood. These inappropriate examples principally contained garage-dominated front building walls and

driveway-dominated front yards that significantly contrasted the existing streetscape patterns. As a general observation, it appears that many of Ottawa's inappropriate infill examples were on underutilized sites situated in desirable locations (such as older, smaller bungalows redeveloped for new two- or three-storey residential buildings). Cumulatively, such infill developments can have detrimental impacts on streetscape character when left unchecked, although that is not a pattern currently observed in the Durand context. The nature and character of Durand's housing stock suggests that such cases would be isolated.

Second, the Overlay applies to a broad geographical extent of Ottawa that included the downtown core and the surrounding belt of inner neighbourhoods surrounding the core. A simple comparison of this general scale for Durand's purposes would be the area within the boundaries of the former City of Hamilton. The Overlay's extent includes a diversity of neighbourhoods with different compositions of housing age, forms and patterns. Such diversity would make crafting character-based regulations tailored to individual neighbourhoods on such a broad scale onerous as part of a comprehensive zoning by-law process. The Overlay essentially defers determination of regulations for a property to the Streetscape Character Analysis at the time plans are proposed. This approach makes sense for such a broad extent, but less so for an individual neighbourhood like Durand where that assessment can be done more easily upfront as part of new zoning provisions.

Third, the Overlay functions with an exemption for parking for low-rise developments. The SCA Zoning does not require any parking for low-rise forms with up to 12 dwelling units, but rather regulates parking where it is provided at the property owner's discretion. The City of Ottawa made this choice on a broad scale as part of the SCA Zoning, conscientiously recognizing the walkability, transit service levels and car ownership rates in these neighbourhoods and acknowledging the dated nature of the existing parking regulations in the former by-laws. It was based on an understanding of contemporary municipal parking approaches through reviews of minimum parking standards. Applying the Ottawa SCA Zoning method while requiring parking as is presently required by Hamilton By-law No. 6593 would have the effect of precluding the addition of dwelling units on certain properties. This includes lots that do not abut a rear lane and for which the determined dominant character does not allow a front access driveway or for which such an access could not be accommodated. Such a preclusion would not be appropriate or fair, undermining one of the strengths of the SCA Zoning approach.

Given these conditions, a similar zoning overlay and SCA tool is not warranted for Durand. However, certain regulated characteristics of the Ottawa SCA Zoning are appropriate as part of potential new zoning provisions for Durand to ensure streetscape character is maintained in the future. These are highlighted in the recommendations section of Section 7 of this Peer Review.

7. Recommendations

While Ottawa's approach using an Overlay and SCA Tool for Durand is not warranted per the conclusions in Section 6, tailoring zoning regulations for Durand using character-based approach offers benefits. The City of Burlington recently used such an approach, which progresses from a detailed assessment of existing built form patterns and zoning implications leading to tailored regulations for specific "character areas". Such an approach avoids the additional efforts required with administering the SCA process, which can be relatively complicated and brings a learning curve for City staff and residents. Unless the City of Hamilton is looking for a wider-ranging application of character-based zoning, tailored zoning regulations for Durand per the below recommendations can be easily formulated without the need for the use of the SCA tool (although a similar review of the entire block conditions per the extent of Ottawa's SCA tool could be adapted). This would involve "upfront" efforts in formulating the residential zones concerning quantifying the existing development patterns on a block-by-block within Durand.

This Peer Review makes the following recommendations concerning zoning for the Durand Neighbourhood in respect to the five questions per Section 1.3 of this Peer Review.

1. **Appropriate Characteristics: which of the characteristics identified in the Character Study would be appropriate to add as additional zoning requirements for use in the Durand Context?**

The following are appropriate characteristics to add as additional zoning requirements:

- a) Front yard setbacks: regulations that require buildings to be aligned with the setbacks of abutting lots using averaging or a minimum/maximum range set by those abutting lots,
- b) Parking for lots abutting travelled rear public lanes: regulations requiring parking on such lots to be accessed solely from the rear lot line lots abutting the lane,
- c) Front yard parking: regulations that prohibit parking within the front yard of a building between the front building line and a street line,
- d) Driveway Widths: regulations concerning the maximum width of driveways relative to lot width for lots with front access parking,
- e) Garage Placement: regulations regarding minimum requirements for positioning and setbacks of front-access garages, and
- f) Landscaping: regulations concerning requirements for the remainder of non-driveway front yard to be landscaped, either as soft landscaping or a mix of soft and hard landscaping.

2. Applicable Dwelling Types: which areas and what types of buildings should be subject to these characteristics?

The area that would benefit most from character-based zoning in Durand is the largely intact low-rise residential portion bounded by Queen Street to the west, Herkimer Street to the north, the Niagara Escarpment to the south, James Street to the east from the Escarpment to Herkimer Street, and Bay Street to the east from Herkimer Street to Hunter Street. Residential buildings that are four storeys or less should be subject to the above additional zoning requirements for Durand. At a minimum, it should apply to uses such as single detached, semi-detached, and duplex dwellings which are not subject to Site Plan Control to provide the additional design control from a character perspective. Adding other low-rise uses that would be subject to Site Plan Control, such as townhouses, would provide an additional level of control over and above the site plan process and any design guidelines that may be available.

3. Parking: how should required parking be dealt with for subject properties where there is no accommodation for parking in the front or rear yards?

Ottawa's SCA Zoning would not function the same in the Durand context given that Hamilton By-law No.6593 requires parking for low-rise residential buildings, whereas none is required by the Ottawa zoning by-law. This is a key component of the SCA Zoning and would have the effect of precluding certain properties for additions or development given parking could not be accommodated in keeping with prevailing streetscape patterns.

While they may be justified in an urban context such as Durand, changes to the in-effect minimum parking requirements are not being recommended through this Peer Review. They would need to be addressed as part of a parking review (which may address such matters as car ownership rates, contemporary zoning practices, and utilization rates of on-street parking) to establish new parking requirements. This was not part of the scope of this Peer Review. Such a review needs to be done on a comprehensive basis and is not appropriate on an individual neighbourhood basis such as Durand.

Thus, the parking regulations identified above in the "Appropriate Characteristics" would operate under the in-effect zoning parking rates requiring lots with rear lanes solely to be serviced from rear lot lines, prohibiting parking in front yards, and limiting driveway widths.

4. Evaluation Extent: how far should the character evaluation extend around subject properties, and should it solely include residentially zoned properties?

The above recommendations do not incorporate evaluation beyond the abutting properties. Should a similar character evaluation be desired for Durand's purposes to that of Ottawa, the simplest and most reasonable approach for Durand would be to simply

document all the lots that front onto that street given the short block lengths and to limit characterization to residential properties three or four storeys and less, with properties containing non-residential and taller residential properties documented but excluded from the determination of prevailing character patterns.

5. Heritage Influences: should any additional requirements apply for lands that are within the Durand-Markland Heritage Conservation District?

Mass or form-related zoning regulations may be considered to give “teeth” to those guidelines of the Heritage Conservation District. This could include regulations tying minimum and maximum requirements for building height, building widths, side yard setbacks, and front yard setbacks to the range established by the abutting properties (or along the block or portions of the block). These may be appropriate, however, expert cultural heritage opinion on the suitability and form of such regulations should take precedence. Architectural-related regulations (roof forms, materials, openings) are not appropriate for zoning and should be left to design guidelines, particularly in the interest of maintaining architectural flexibility and variety that is a typical, and desired, characteristic of most mature neighbourhoods.



Durand Neighbourhood Character Study

Final Report

April 2017



Prepared for:

Civicplan was retained by the Durand Neighbourhood Association (DNA) to develop a better understanding of local character in their downtown urban neighbourhood. This report provides a summary of the findings and outcomes of the Durand Neighbourhood Character Project.



The Durand Neighbourhood Character Citizen survey was conducted using CivicSurveys, a public engagement platform developed by Civicplan.

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Executive Summary

The Durand neighbourhood is situated at the intersection of the old and new Hamilton. Its built environment tells the story of generations arriving, building, and growing with the city. Yet today, as newfound energy and renewed dynamism take hold in the city, Durand is at the forefront of the 'new Hamilton.' The juxtaposition of old and new is an ongoing challenge for the neighbourhood, as it attempts to balance intensification and renewal while maintaining the neighbourhood's existing character.

Neighbourhood character, in the context of this study, refers to *the look and feel* of an area. It is made up of a number of factors that contribute to how private homes connect with the public street, or what makes up a streetscape. The Durand Neighbourhood Character Study's purpose is to understand the neighbourhood context and make recommendations for future policy to help maintain neighbourhood character through periods of change.

The Durand Neighbourhood Character Study Report

The Durand Neighbourhood Character Study Report presents an overview of the results of the Study. It is organized into six sections. The report begins with an introduction to the Durand neighbourhood, its history, its current pace of change, and the existing municipal policy and regulatory frameworks that govern development in the area. The next three sections present research and data related to maintaining neighbourhood character, first with a review of the innovative approach used in Ottawa, Ontario that informed a "Durand-designed" neighbourhood character research approach that included a neighbourhood street audit and resident survey. The last two sections present detailed recommendations informed by the research, and next steps for the Durand Neighbourhood Association (DNA), which initiated this project.

Durand Neighbourhood Context

The Report's introductory section presents a brief history of the Durand neighbourhood, a review of the level of change over the last 15 years, and finally a more detailed discussion of the existing policy framework that shapes development activity in the area.

The review of existing municipal policy documents for the Durand neighbourhood highlights two key findings. First, that existing regulation, for example the Neighbourhood Plan and primary zoning by-law, are significantly dated. The second finding is that within existing municipal plans and policies, there are useful elements that support creating specific rules to maintain Durand's unique neighbourhood character. For example, in the Urban Hamilton Official Plan, the 1987 Durand Neighbourhood Plan, existing zoning regulations, and the Durand Neighbourhood Built Heritage Inventory.

Maintaining Neighbourhood Character

The next three sections of the Report present research and data related to maintaining neighbourhood character including a review of the Ottawa case study, followed by the results of a "Durand-designed" model of street audits and a resident survey, as tools to analyze the current neighbourhood.

Neighbourhood Street Audits

The Ottawa approach served as an inspiration for Durand as it is flexible, targeted, transparent, and enforceable. Civicplan developed a streetscape character auditing tool that expanded on the experience from the Ottawa approach. The basis of the audit tool was for citizen auditors to collect data on 10 streetscape character factors throughout Durand. For the study, 23 zones were identified.

The results of the audit provided a number of insights into the existing built environment and character of the neighbourhood. This includes that there are different areas with distinct character elements throughout Durand, as well as some common elements that reach across the neighbourhood. The Report details the results of each factor and graphically represents these results to illustrate which factors are dominant in different areas across the neighbourhood.

Neighbourhood Survey

A resident survey was conducted as part of the Study. The goal of the survey was twofold; first was to help inform Durand residents about neighbourhood character, the *look and feel* of their streets. Second was to gather insight from Durand residents about how they view the influence of the 10 different character elements on their streetscapes.

In total, 174 residents responded to the survey, representing a cross section of people who live in the neighbourhood, by age, type of residence and length of time living in the neighbourhood. The results demonstrated valuable insights into which factors the respondents saw as positively influencing their neighbourhood and what sorts of new development they would like to see. The survey results indicated strong parallels between what character factors residents valued and the dominant characteristics of the different areas of the neighbourhood, as identified in the street audits.

Recommendations and Next Steps

Building on existing neighbourhood policy research, the neighbourhood character audits, and the resident survey, the final sections of the Report provide detailed recommendations for future policy change to maintain neighbourhood character. Additionally, the Report presents next steps to provide direction for the DNA on how to begin to address the issue of neighbourhood character in the short term, while also ensuring that the unique character of the neighbourhood is recognized and maintained in future planning regulation and policies.

Recommendations for Policy Change

Durand requires a new Secondary Plan as it is an area undergoing change where general policies are insufficient to guide redevelopment and the current Durand plan is 30 years old. The Report presents a number of specific policy recommendations for a new Secondary Plan that build off of existing policy, the neighbourhood audit, and resident survey results.

Also, the Report recommends that the outcomes from the neighbourhood street audits and resident survey should inform the update of the city-wide Comprehensive Zoning By-law when it enters the Residential Zones phase. The results in the Report are useful in the design of how zones may be delineated to allow more compatible development within the existing neighbourhood.

Next Steps

Finally, the Report provides specific short, medium, and ongoing strategies for the Durand Neighbourhood Association. These include guidance on using the Report research to advocate for changes and updates in municipal policy affecting the neighbourhood, as well the creation of a Zoning Overlay Pilot Project, using a Streetscape Character Analysis, that could assist in maintaining Durand's neighbourhood character.

1.0 Introduction

Durand sits at the intersection of the old and new Hamilton. Its built environment tells the story of generations arriving, building, and growing with the city.

You see the story of Hamilton on every street, from the initial settlements and estates, to the Victorian and Edwardian booms, to the intensification of the 1960s and 1970s. It also reflects the legacy of economic turbulence. While much of the neighbourhood remained stable, a number of estate homes became apartments and some buildings fell into decline. Yet today, as newfound energy and renewed dynamism take hold in the city, Durand is at the forefront of the 'new Hamilton.' Historic homes are being renovated and new condo towers are rising, as the neighbourhood's commercial corridors bustle with activity and young families join the community.

The juxtaposition of old and new will be an ongoing challenge for the neighbourhood, as it attempts to balance intensification and renewal with protection of the neighbourhood's existing character.

The Durand Neighbourhood Character Study was undertaken at the direction of the Durand Neighbourhood Association (DNA) as it attempts to manage growth in a way that reflects and respects its community's character. The goals of the study are to provide a greater understanding of neighbourhood character in Durand, to better understand the existing landscape, and finally, to provide the DNA with recommended actions to advocate for maintaining its neighbourhood's character.

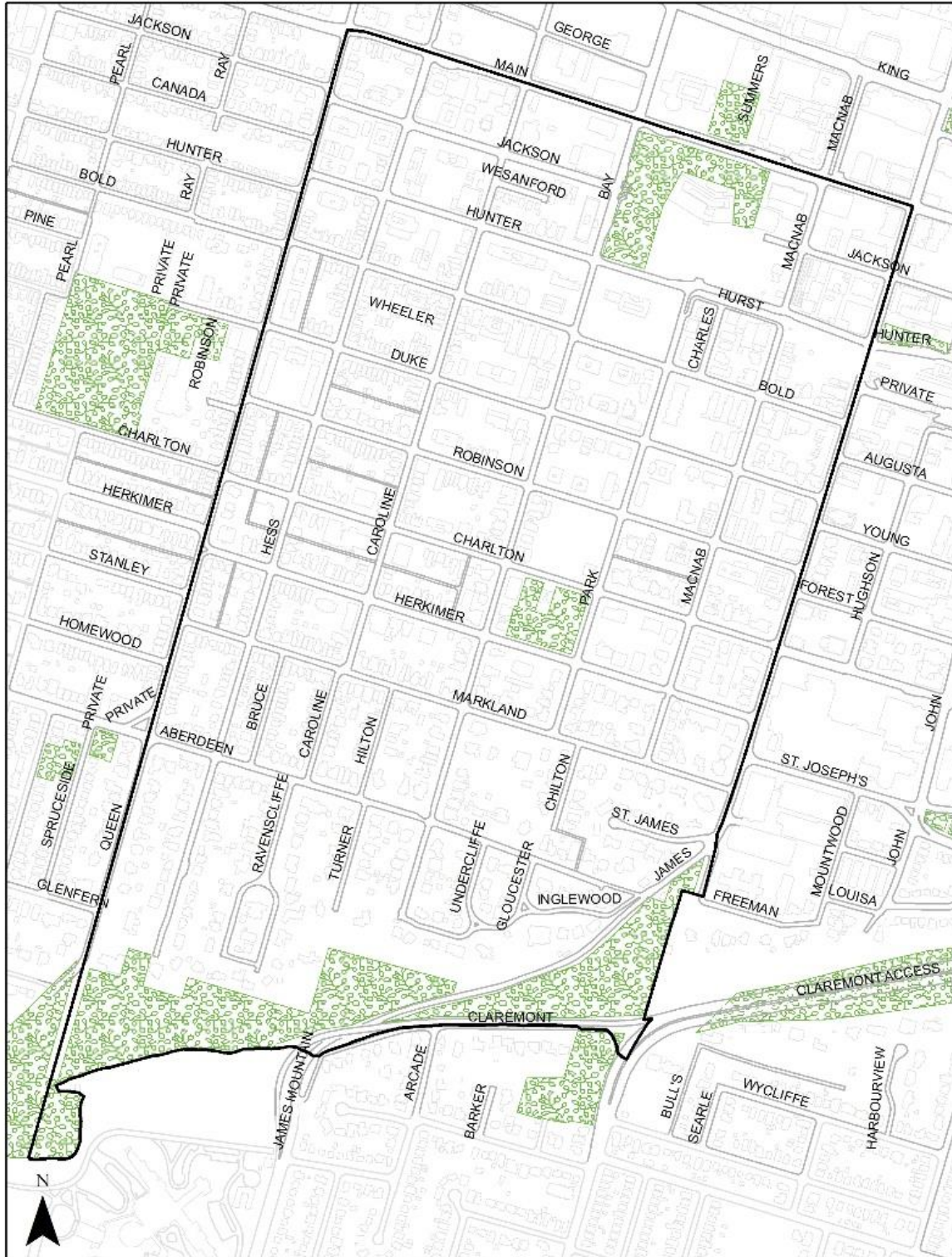
1.1 Context and History of Durand

The Durand Neighbourhood is located south of downtown Hamilton and is bounded by James Street to the east, Main Street to the north, Queen Street to the west and the Niagara Escarpment to the south (Figure 1).

The land that is now the Durand Neighbourhood was originally purchased as a 274 acre property in 1791 by a few wealthy speculators, including George Hamilton, the founder of the city.¹ The neighbourhood was named for James Durand, a prominent Hamiltonian. From the 1840s to the mid-1870s the population of the Durand exploded from just a few buildings to being over fifty percent developed. The neighbourhood was fully developed by the end of the 19th century, with a diversity of dwellings being constructed of varied size and scale.²

By the mid-20th century, change and development were increasing in the neighbourhood, and by the 1970s many examples of earlier architecture had made way for high rise apartment style buildings, particularly in the northern part of the neighbourhood. Strong tensions around development in Durand were at play through the latter part of the 20th Century, with the Durand Neighbourhood Association (est.1972) becoming a strong proponent for responsible neighbourhood planning and preservation of neighbourhood character.

Figure 1: Durand Neighbourhood Boundaries



1.2 What is Neighbourhood Character?

Neighbourhood character, in the context of this study, refers to *the look and feel* of an area. It is made up of a number of factors that contribute to how private dwellings connect with the public street, or what makes up a streetscape. The Durand Neighbourhood Character study focuses on how to maintain the look and feel of streetscapes. While there are various buildings of all shapes and sizes in any neighbourhood, the focus of this project is on low to mid-rise residential housing, which is six storeys or less in height.

1.3 Current Pace of Neighbourhood Change

While there are visible signs of development in the Durand neighbourhood, one tangible way to measure the levels of development over time includes a review of Committee of Adjustment (COA) applications. These provide insight into changes in residential neighbourhoods, as COAs relate to smaller-scale building alterations. These applications, alongside rezoning applications and development applications, are tools used by the municipality to request reports from private developers on the uses and changes to properties, while also providing opportunities to inform the public. A review of the number of COA applications over time can provide a sense of whether the level of change in a neighbourhood is increasing or decreasing. Figure 2 summarizes the number of COA applications in Durand over the last 15 years. Between 2001 and 2016, there was an increase in COA applications, suggesting an uptick in neighbourhood development activity. Note that this does not include development applications or rezoning applications, just COA applications for variances and severances. To get a sense of the types of COA applications these represent, Table 1 provides detail on selected applications.

Figure 2: Durand COA Applications 2001-2016³

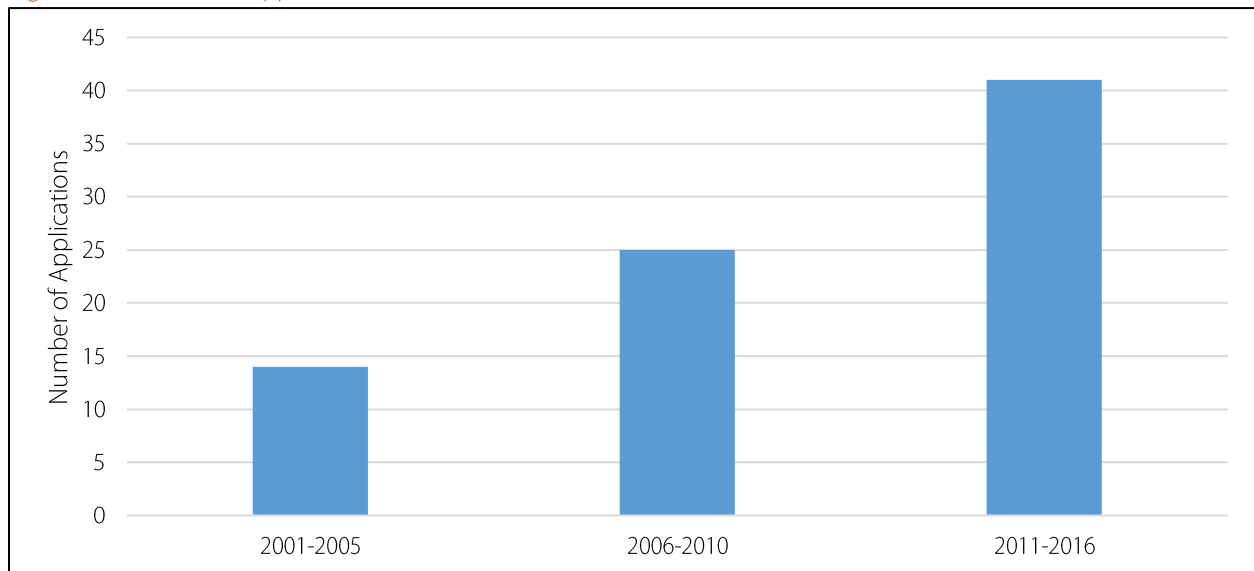


Table 1: Selected COA Application in Durand

Address	File Number/Type	Notes
44 Inglewood Dr	HM/A-15:117 ⁴	To permit the construction of a new single family dwelling following the demolition of the existing single family dwelling, altering building footprint
	Minor Variance	
257 Park St S	HM/B-16:86 ⁵	To divide up the land and using it for a townhouse development
	Consent/Land Severance	
126 Hess St S	HM/A-15:303 ⁶	To permit the construction of a third storey addition to the existing single family dwelling along with altering the allowed building footprint.
	Minor Variance	
167 Bay St S	HM/A-15:08 ⁷	To permit the conversion of the existing two (2) family dwelling to a multiple dwelling containing four (4) dwelling units.
	Minor Variance	
	Minor Variance	

1.4 Existing Municipal Policy Related to Neighbourhood Character

As a first step in investigating neighbourhood character, a review of relevant existing policy is useful. There are existing rules and guidelines in place that City officials use to evaluate new home construction or additions to an existing house in established neighbourhoods. These are set out in the Official Plan, Secondary (neighbourhood) plans, and zoning by-laws. In terms of Durand, the relevant documents are not all of the same age, which impacts their appropriateness and effectiveness.

1.4.1 Official Plan

The Urban Hamilton Official Plan (UHOP) provides high level support for the maintenance of neighbourhood character in Durand. The current UHOP was adopted by City Council in 2009 and was approved by the Province of Ontario in 2011 and therefore provides the most up to date policy context for the neighbourhood. The UHOP sets the goal of establishing, "compact and healthy urban communities that provide opportunities to live, work, play, and learn."⁸

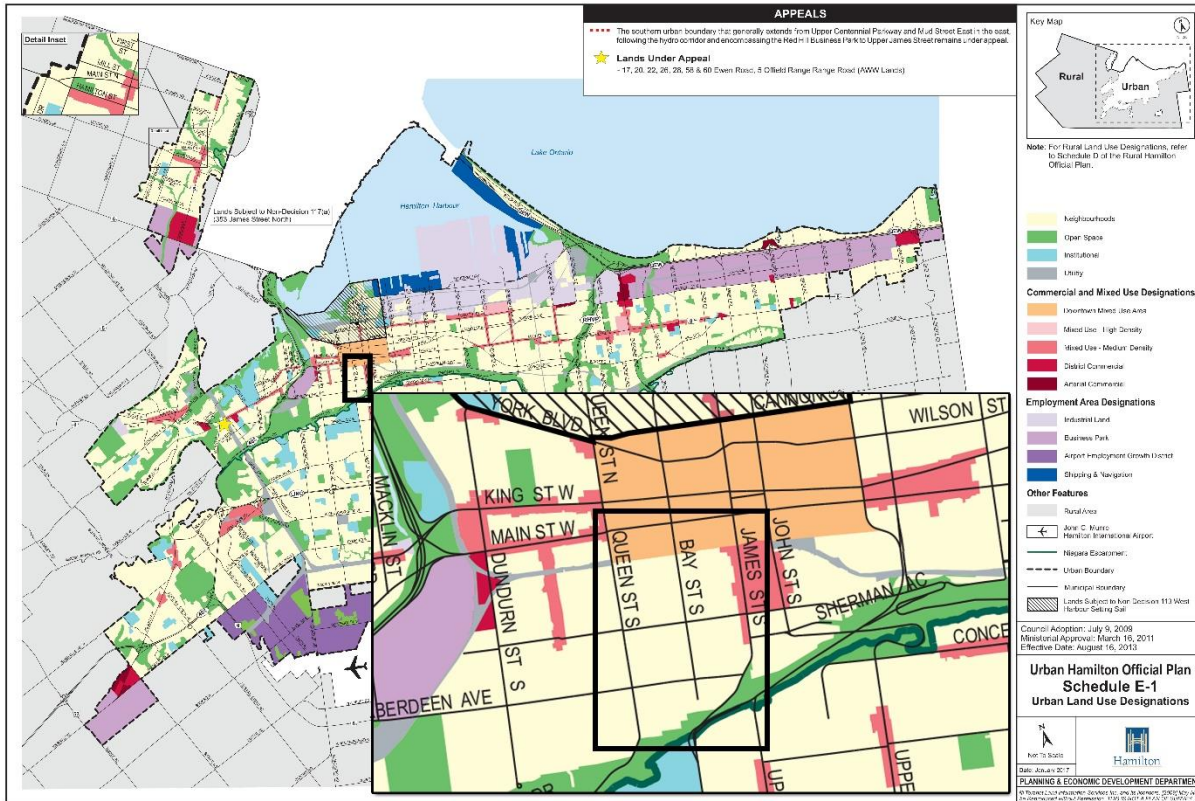
The UHOP identifies elements of Hamilton's urban structure including neighbourhoods, open space, employment areas, and major activity centres. This structure forms the basis for land use designations. The following land use designations are applied to the Durand neighbourhood as shown in Figure 3:

- Neighbourhoods
- Open Space
- Mixed Use – Medium Density
- Downtown Mixed Use

An Established Historical Neighbourhood

The UHOP provides relevant policies that pertain to Durand in the Established Historical Neighbourhoods section under General Cultural Heritage Policies for Urban Areas. Specifically, "Established historical neighbourhoods are neighbourhoods that were substantially built prior to 1950. These neighbourhoods exhibit unique character, provide examples of historical development patterns, and contain concentrations of cultural heritage resources." Further, policies state that, "The City shall protect established historical neighbourhoods, as identified in the cultural heritage landscape inventory, secondary plans and other City initiatives, by ensuring **that new construction and development are sympathetic and complementary to existing cultural heritage attributes of the neighbourhood, including lotting and street patterns, building setbacks and building mass, height, and materials.**"⁹

Figure 3: Official Plan Land Use Designations for Durand¹⁰



1.4.2 Durand Neighbourhood Plan

The most current Neighbourhood, or Secondary Plan for Durand was developed in 1987¹¹. The Plan breaks down the neighbourhood into 5 character areas (Figure 4) as follows:

Area 1: Commercial and Institutional

The northeast quadrant of the neighbourhood was home to various important commercial and institutional buildings that were significant parts of the downtown core, such as City Hall, the YWCA, and Whitehern.

Area 2: High Density Residential Area

The area south and west of Area 1, stretching from Main St. to Robinson St., was described as a zone of high-density residential development. The Plan notes that the original 1973-74 Neighbourhood Plan was motivated in part by resident concerns over the spread of this type of development to existing low-density areas.

Area 3: Transition Area

The area between Robinson St. and Herkimer St. had a lower density than Area 2, but had a high rate of conversions of single-family homes into multiple units. Maximum permitted building height was often 12 storeys.

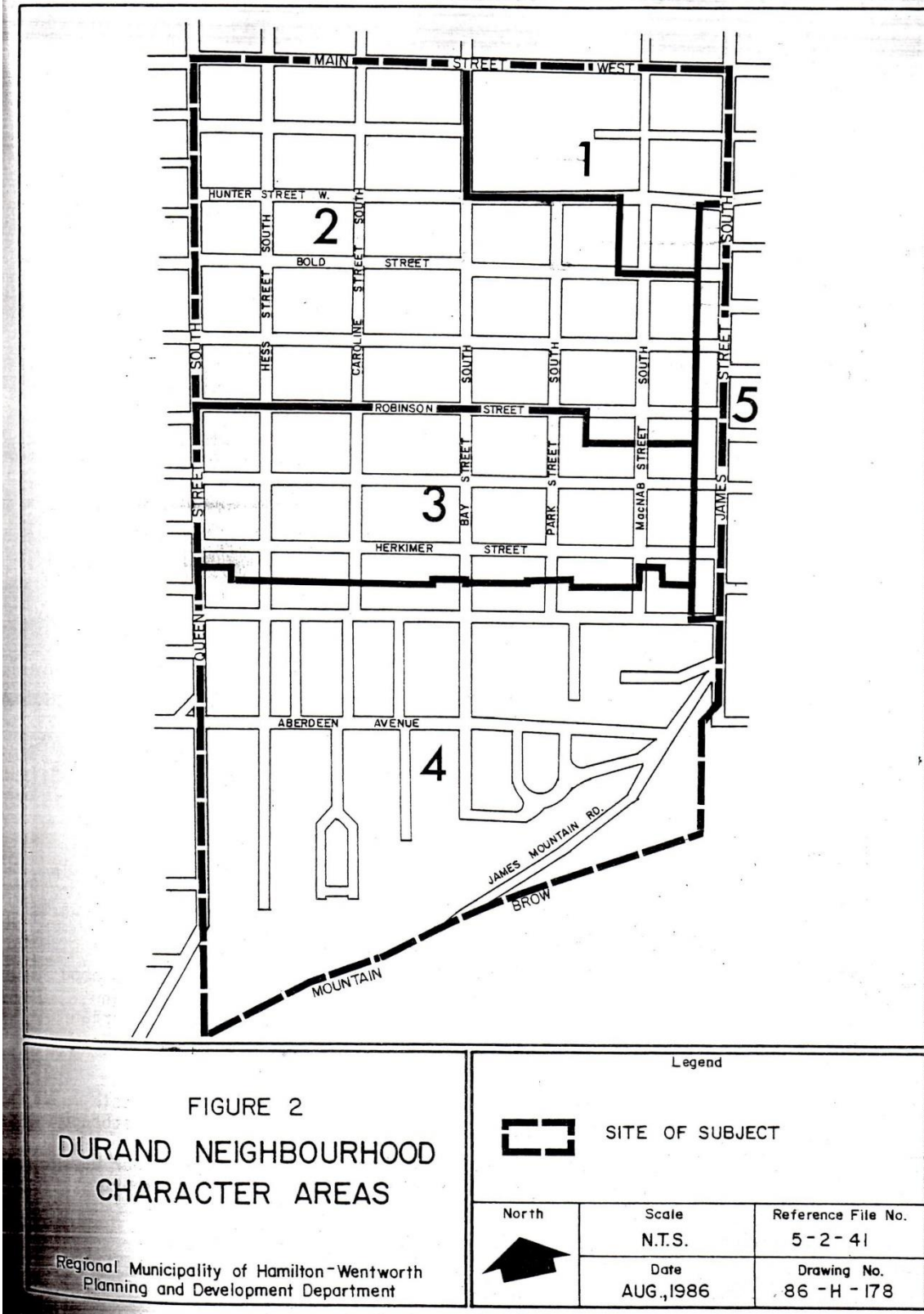
Area 4: Single Family Residential Area

Stretching from Herkimer St. to the Escarpment, this area was characterized by single-family homes on large lots that generally increased in value as they approached the escarpment. This Area was one of the most in-demand residential areas in the city and had remained relatively stable over the years, with limited in-fill.

Area 5: James Street Commercial Area

This commercial strip stretching along James from Main St to Markland St. was also one of the city's main transportation arteries. It contained many amenities for local residents, including grocery stores, personal services, and restaurants.

Figure 4: Durand Character Areas from 1987 Neighbourhood Plan¹²



Although it is thirty years old, there are many goals and policies within the 1987 Neighbourhood Plan that are relevant to the issue of neighbourhood character.¹³ Specifically, goals exist around:

- Maintaining the distinctive residential nature of the neighbourhood
- Preserving areas of historical and/or architectural significance
- Designing new development or redevelopment in a manner that takes compatible form with the surrounding environment
- Maintaining public participation in the implementation of the plan

Additionally, there are a number of objectives and policies that propose how to implement the stated goals. Specific policies are offered that relate to residential densities, rules around renovation and redevelopment, as well as urban design principles. Some relevant policies that relate to built form and neighbourhood character include:

- Encouraging preservation and adaptive reuse of buildings, especially if the building is deemed of historical or architectural significance, contributes to the streetscape¹⁴
- Prioritizing human scale and human interaction with local built form through consideration of height and massing of buildings¹⁵
- Ensuring all new development proposals are compatible with the existing character of the neighbourhood¹⁶
- Enhancing the form and appearance of buildings and their inter-relationships, as well as the preservation and enhancement of heritage buildings and areas¹⁷
- Maintaining character in the vicinity of heritage buildings by ensuring new buildings will be compatible in scale, height, proportions, material, and style¹⁸

Some of these goals, objectives, and policies can also inform updated neighbourhood planning and will be discussed in the recommendations section of this report.

1.4.3 Existing Zoning

Zoning by-laws provide additional regulation for neighbourhoods. The majority of Durand falls under City of Hamilton Zoning By-Law No. 6593, originally passed in 1950. The Northern most portion of the neighbourhood (from Hunter Street to Main Street) falls under the newer Downtown Zoning By-Law.

The City of Hamilton is updating city-wide Comprehensive Zoning By-law No. 05-200 in stages. In July and October 2015, the City passed a series of zoning by-law amendments to add new zones for the rural area. The next phase of Zoning By-law No. 05-200 is focused on Commercial and Mixed Use Zones. Of particular relevance to Durand is an update to Residential Zones that will be dealt with in a subsequent phase.

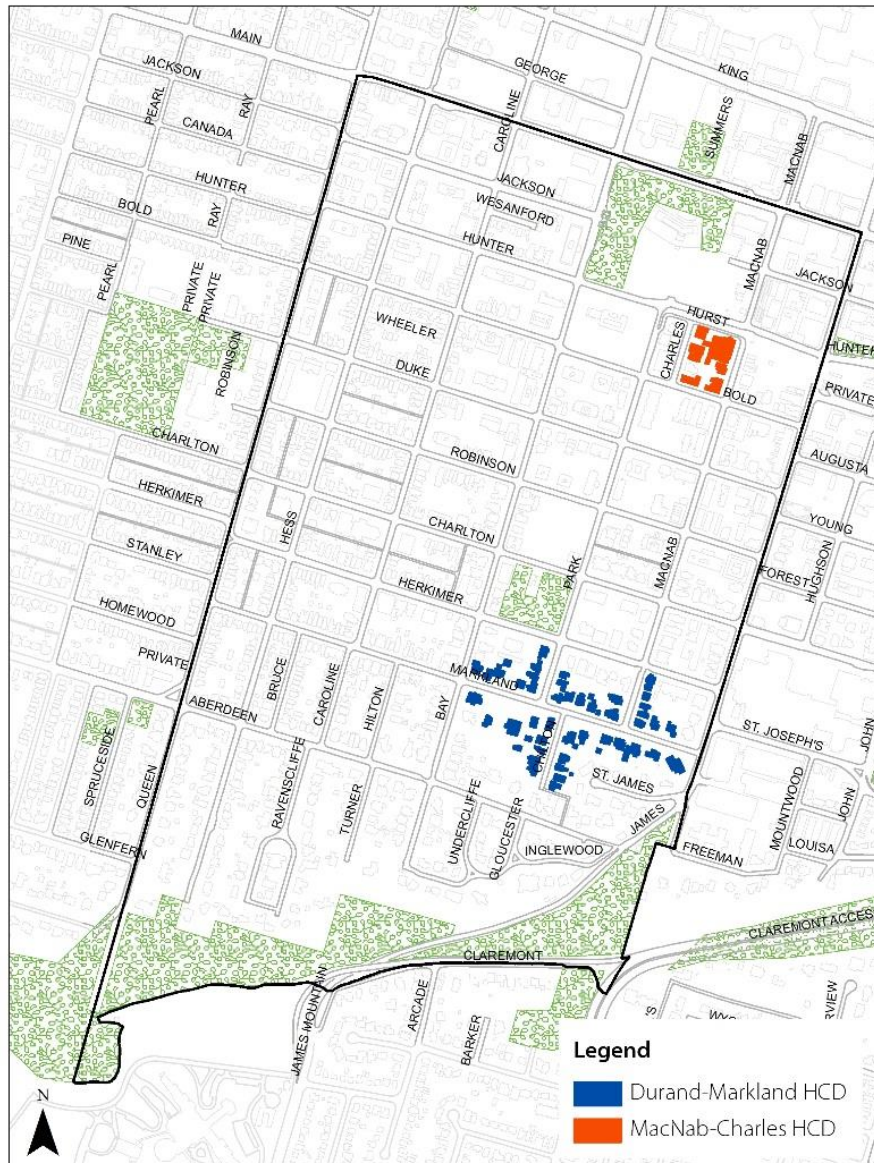
The current zoning from By-Law No. 6593 remains in effect for Durand and impacts the ability of the neighbourhood to maintain neighbourhood character. Figure 5 shows the different zones that cover Durand. Of particular relevance are zones that allow development of heights that would significantly alter the character of neighbourhood streets. For example, some zone districts (e.g. E, E-1) keep single family dwellings at 2.5 storeys or less. However, within these zones, multi-family dwellings can have heights up to 12 storeys, in some circumstances. For E-3 districts, development can range between 8-18 storeys.¹⁹

Thus, zoning in its current form is not conducive to maintaining neighbourhood character in contemporary Durand.

1.4.4 Heritage Conservation Districts (HCD)

Heritage Conservation Districts (HCD) are areas that are protected by a municipal by-law, passed under Part V of the Ontario Heritage Act (OHA), by City Council. HCDs protect areas that are considered to be historically or culturally significant and require special care and attention in the planning process to ensure that they are conserved. As part of a HCD, a heritage permit is required for any alterations or additions to external building fabric, whether old or new to ensure it maintains the integrity of the district. Currently, there are two HCD in Durand: the MacNab-Charles and the Durand-Markland Heritage Conservation District (Figure 6).

Figure 6: Durand Heritage Conservation Districts



1.5 Durand Heritage Inventory

The City of Hamilton's Durand Neighbourhood Built Heritage Inventory (hereafter referred to as The Inventory), which was finalized in March 2016, provides a valuable overview of the neighbourhood's existing heritage stock.²¹ In the Fall-Winter period of 2015 and 2016, City staff worked with community members and ERA Architects to create The Inventory. The architects provided analysis of each of the 988 buildings in the neighbourhood to determine their heritage contribution.

The Inventory defined four classifications²² of heritage value:

- **Significant Built Resource (SBR):** the property is of considerable historic, aesthetic and/or contextual value; it is likely well known to local, regional or national communities.
- **Character-Defining Resource (CDR):** the property strongly reinforces its historic context, clearly reflecting a characteristic pattern of development or activity, property type, or attribute of the area.
- **Character-Supporting Resource (CSR):** the property maintains or supports its historic context, and can be related to a characteristic pattern of development or activity, property type, or attribute of the area.
- **Inventory Property (IP):** the property is not currently considered to contribute to its historic context, but could acquire value in the future; or the property has been heavily modified to the point where its heritage value may have been lost. Cultural heritage value may be identified through further research or detailed field investigation.

According to the Inventory, Durand has a substantial stock of heritage character and character-supporting buildings. These buildings reflect a number of time periods, among which are pre-Confederation, Victorian, Edwardian, and post-War. Further, these buildings are spread throughout the neighbourhood, with nearly every block containing SBR or CDR resources (Figure 7).

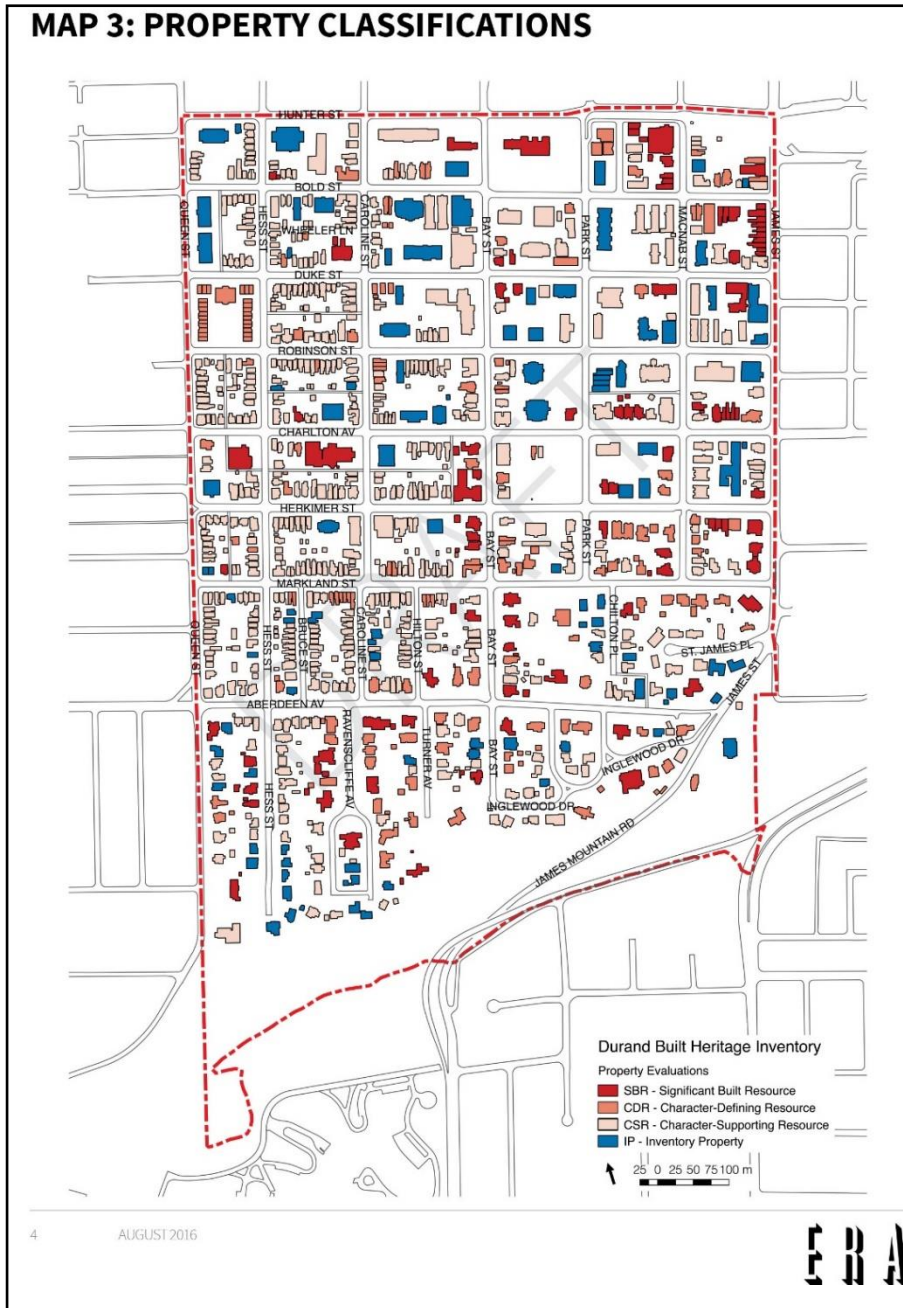
The Inventory found that:²³

- 27 percent of properties in the study area either have landmark status or are important in defining the present character of the neighbourhood;
- 101 were Significant Built Resources;
- 162 were Character-Defining Resources.

The Inventory recommended:²⁴

- 76 percent of the buildings in the neighbourhood be placed on Hamilton's Register of Property of Cultural Heritage Value or Interest.
- 60 additional buildings be designated as heritage buildings under Part IV of the OHA.

Figure 7: Property Classifications in Durand Heritage Inventory²⁵



Durand is a neighbourhood with a long history and rich character assets. While some work has been done already to better understand the contemporary neighbourhood, there are a number of deficiencies in existing planning documents. Concerted efforts need to be made to address these deficiencies by capitalizing on the opportunities identified in this policy review that can address the issue of neighbourhood character. There is interest in the local community in seizing these opportunities and taking innovative approaches to maintain character that move beyond the traditional heritage preservation approach.

2.0 The Ottawa Approach

The Durand Neighbourhood Character Project began with a focus on introducing a different approach to managing character to the neighbourhood and looking towards innovative steps moving forward. In Ottawa, an inventive approach is used to set rules for development to help maintain neighbourhood character. Thus, the first phase of the Durand Neighbourhood Character Project reviewed models of describing and preserving character in mature neighbourhoods, specifically focussing on the Ottawa approach, as concrete inspiration.

2.1 Why Ottawa

The Ottawa example provides a number of characteristics of interest for the Durand Neighbourhood Association, specifically, it is:

Flexible: Ottawa uses an approach where 'Your street gives you your rules.' This allows differences across a neighbourhood to be taken into account and avoids a 'one size fits all' set of rules.

Targeted: Applied as an "overlay" to specific neighbourhoods. This allows a particular area or neighbourhood to have an additional set of rules along with the regular zoning by-law that applies to all residential areas city-wide.

Transparent: Uses tools that allow citizens to better understand the character rules for their street. This allows engaged citizens to better participate in the development and maintenance of their neighbourhood.

Enforceable: The Ottawa approach was defended at the Ontario Municipal Board which makes it more likely to be legally acceptable elsewhere in the province. The key element of the ruling from the OMB determined that municipalities do have the authority to regulate neighbourhood character, under Section 34 of the Planning Act, R.S.O.1990 and that neighbourhood character requires looking along a street, or 'streetscape character'.²⁶

With the Ottawa approach, property owners retain complete architectural freedom to design a new home or addition, as long as three key attributes that define the dominant character of a streetscape are maintained or strengthened. These three attributes relate to: front yards, parking, and the orientation of the main door.

To define these attributes, the City of Ottawa developed a user-friendly tool called a Streetscape Character Analysis (SCA). This allows the community to assess what is considered the dominant neighbourhood character on a streetscape, and the rules that new development needs to follow to strengthen that character. A SCA is primarily undertaken by the developer, but it is user-friendly enough that it can be conducted by the community (e.g. residents, home owners). After a required SCA is completed, it is submitted to City officials for their approval. It is then used to evaluate whether a proposed development project is consistent with the dominant character of the street or not. To learn more about how a SCA works and in what circumstances it is used, please see Appendix A.

2.2 Results of Ottawa Approach in Durand

To better determine how the Ottawa approach would work in Durand, a sample of four zones were identified and sample Streetscape Character Analyses were conducted on each zone. The outcomes of the SCAs include a three letter "Character Code" for each area that summarizes the character of the area under investigation. Figures 8-11 show the outcomes for each area.

Figure 8: Streetscape Character Analysis of Charlton Avenue

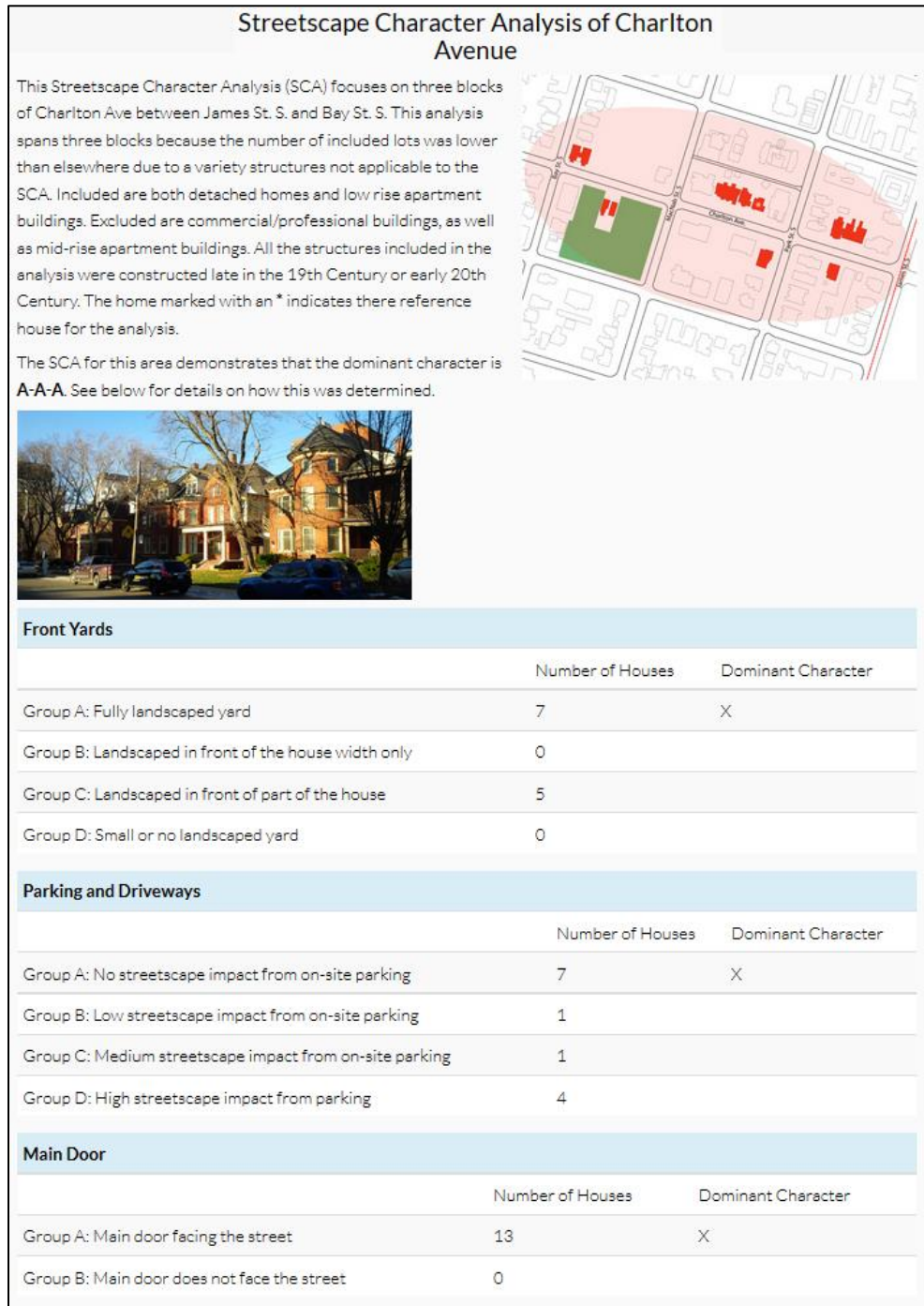


Figure 9: Streetscape Character Analysis of Hess Street South

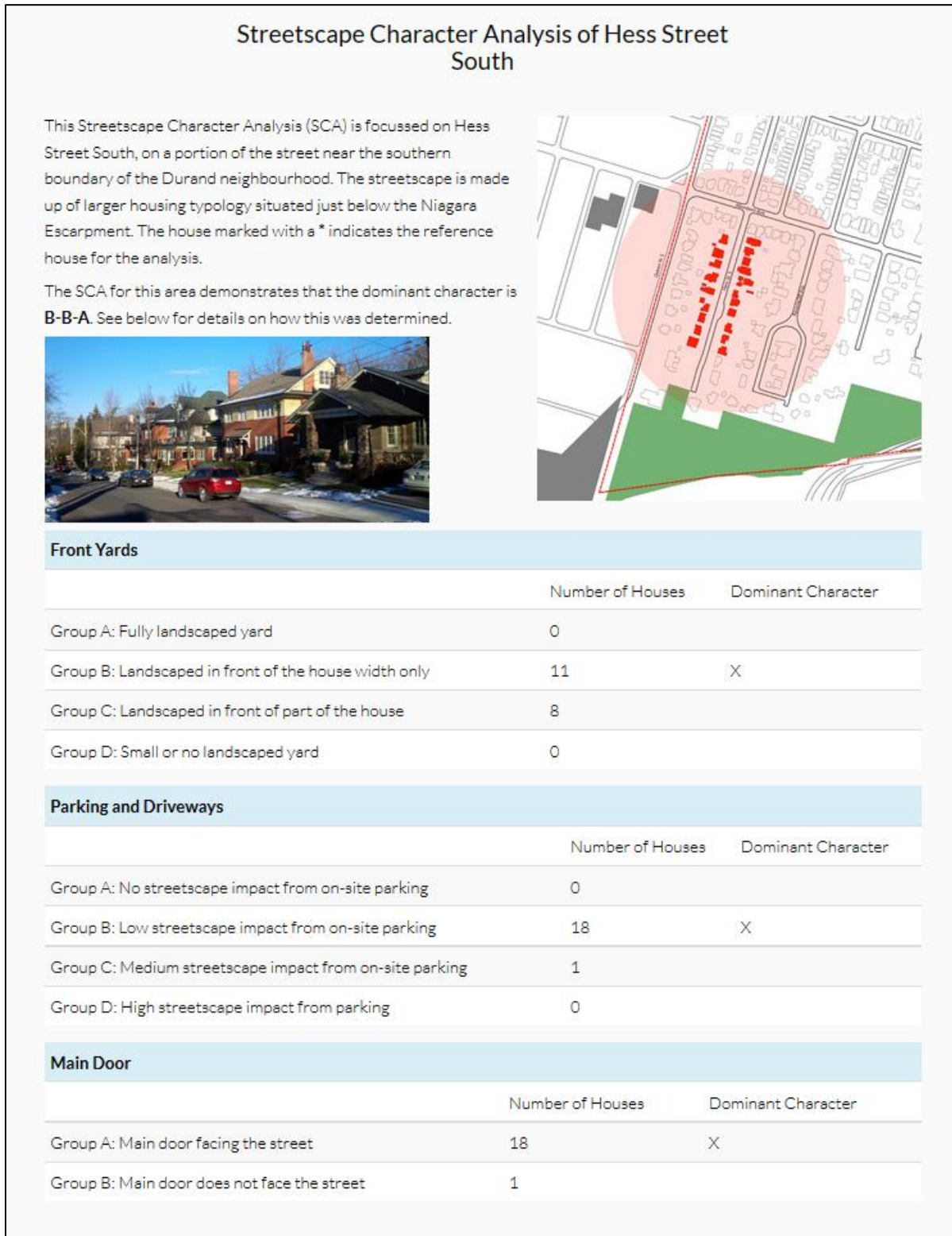


Figure 10: Streetscape Character Analysis of Robinson Street

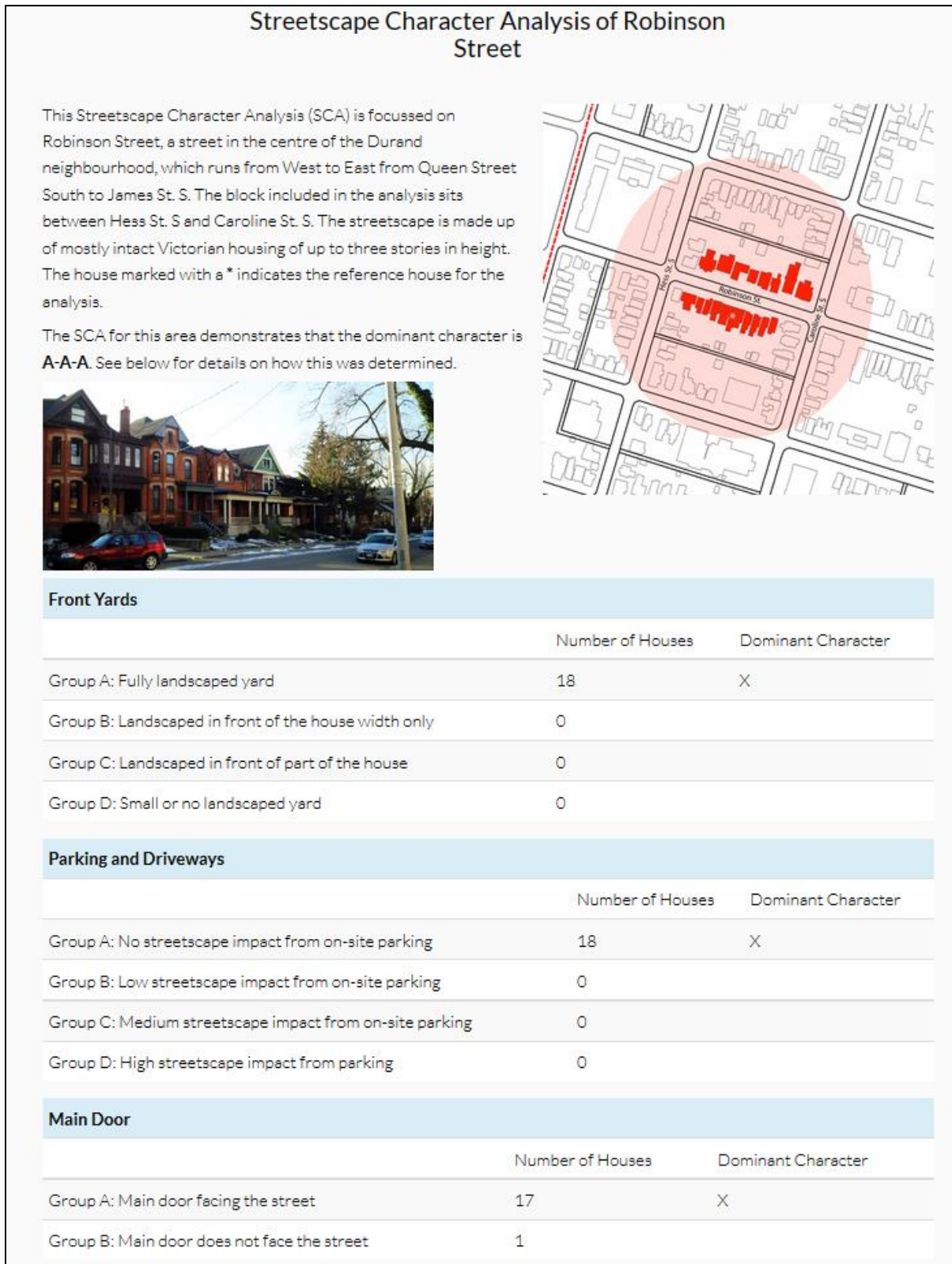
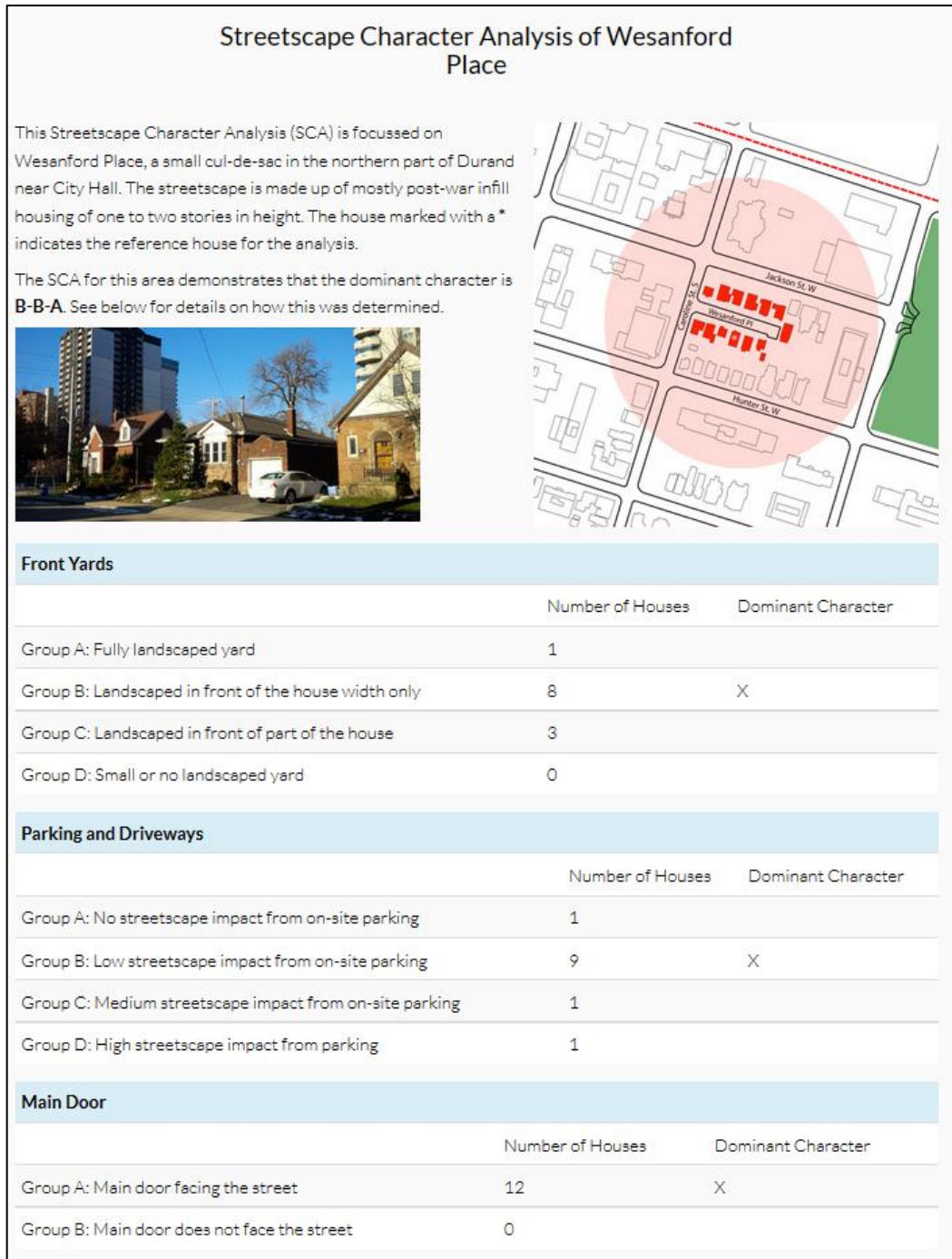


Figure 11: Streetscape Character Analysis of Wesanford Place



The outcomes from the sample SCAs conducted in Durand show that there were two distinct “character codes” across all four areas. This points to some character consistency in certain areas, as well as some character diversity across the neighbourhood. However, the sample was too small to make any broad conclusions across the neighbourhood.

2.3 AGM Information Session

An information session was held at the Durand Annual General Meeting (AGM) in Fall 2015. The session was intended to introduce the Durand Neighbourhood Character Project and to describe the Ottawa approach as a potential inspiration for a Hamilton model. The meeting included a question and answer session to gather feedback on whether there was interest in investigating the issue of neighbourhood character further. Three key themes emerged from the session:

1. There was interest in looking at strategies to address neighbourhood character in Durand and the Ottawa model was viewed as a good framework to draw from.
2. There was an interest in a "made-in-Durand" solution that would look at additional factors beyond the three from Ottawa.
3. There was interest in reaching out to Durand residents to better inform them about neighbourhood character, while also seeking their input on what factors they thought were important.

The outcomes and feedback from Phase One provided direction on how to continue the project in Phase Two. Specifically, more detailed information about existing streetscape character in Durand was needed. Therefore, conducting street character audits more broadly across the neighbourhood, utilizing a more diverse set of factors that contribute to character, would be required. This would provide a good data set from across Durand that builds on the initial sample that showed there was character diversity as you move street to street. Additionally, there was need to create opportunities for more citizen involvement and outreach to further educate residents on the issue of neighbourhood character as well gather a wider range of views from Duranders.

3.0 Neighbourhood Street Audits

A detailed citizen audit tool was developed and employed across different parts of the Durand neighbourhood. The audit tool was designed to be conducted by residents, which was an important part of the overall Durand Neighbourhood Character Project. By having citizens walk their streets and gather information on dwellings in their neighbourhood, residents can become central players in the planning and understanding of their community. Further, they become informed advocates moving forward. This is consistent with goals of the 1987 Durand Neighbourhood Plan.

3.1 Audit Development and Workshop

The first step in the audit portion of the study was the creation of the audit tool itself. The factors under review were based initially on the Ottawa approach, then further informed by a best practice review of other jurisdictions where the impact of neighbourhood character has been studied (Ontario, Alberta, United Kingdom, Australia), and finally from input from the Durand Neighbourhood Association. The factors collected in the audit are outlined in Table 2. The audit tool was then designed and tested to be user-friendly for citizens who volunteered to assist with the study, both online and on paper.

Table 2: Audit Tool Factors Collected

Factor	Range/Detail
Height	Measured in Storeys (1-6)
Housing Type	Single, Semi, Row, Apartment Style
Façade Material	Brick, Wood, Stucco, Vinyl, Stone, etc.
Orientation of Front Entrance	Facing Street Yes/No
Landscaping	Range - Fully Landscaped to No Landscaping
Mature Tree	Present on Front Yes/No
Parking Impact of Streetscape	Range - No Impact to High Impact
Garages	Visible / Not Visible
Garage Alignment with Structure	Aligned, Protrude, Set Back

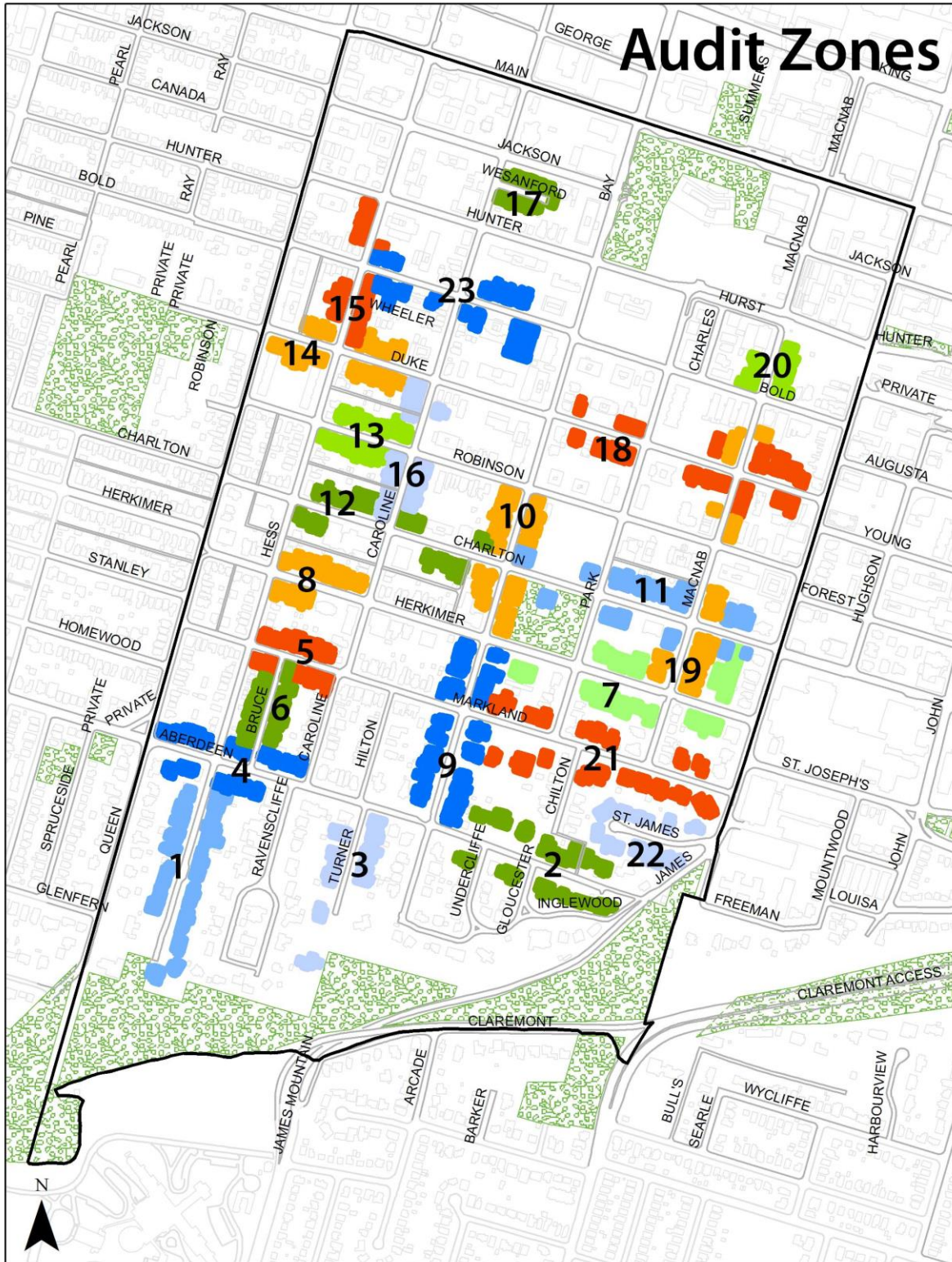
In total, 23 audit zones were selected from across the Durand Neighbourhood to capture an adequate sampling of the diversity of the neighbourhood (Table 3 and Figure 12). As mentioned previously, only structures that were six storeys or less were included as part of the audits. In total, 439 residential dwellings of six storeys or below were included in the audit.

A workshop for the citizen auditors was held on October 17th, 2016. The workshop began with a presentation by architect Graham McNally from Toms + McNally who provided an overview of multiple street characteristics and showed how they can influence the look and feel of a streetscape. From there, a step-by-step walkthrough of the audit tool was presented and the audit zones were assigned to attendees.

Table 3: Audit Zones

Zone	Name	Range	# of Houses/Buildings
1	Hess South	Aberdeen to Escarpment	24
2	Aberdeen East	James to Bay	16
3	Turner	Aberdeen to Escarpment	11
4	Aberdeen West	Caroline to Queen	20
5	Markland West	Caroline to Hess	26
6	Bruce	Markland to Aberdeen	21
7	Herkimer East	James to Bay	15
8	Herkimer West	Caroline to Hess	16
9	Bay Street South	Herkimer to Aberdeen	24
10	Bay Street North	Robinson to Herkimer	22
11	Charlton East	James to Bay	19
12	Charlton West	Bay to Hess	22
13	Robinson	Caroline to Hess	22
14	Duke West	Caroline to Queen	30
15	Hess North	Hunter to Duke	21
16	Caroline	Duke to Charlton	23
17	Wesanford	All	13
18	Duke East	James to Bay	18
19	MacNab South	Bold to Herkimer	16
20	MacNab North	Bold to Hunter	10
21	Markland East	James to Bay	19
22	St. James Place	All	10
23	Bold St.	Bay to Hess	21
Total			439

Figure 12: All Audit Zones



3.2 Audit Results

Between October 17th and 31st, 2016, 20 citizen auditors conducted the audits for their assigned zone(s). The following section summarizes the results.



Social Media Badge Promoting Streetscape Audits

Audit Notes

For the purpose of the audit, an important distinction was made between *form* and *function* of a dwelling. *Form* refers to the original design purpose of the dwelling, for example, a large single family detached home. *Function* refers to the current use of the dwelling, for example that same single family detached home may now be divided into multiple apartments, or it may be used for professional offices. The audit was concerned only with *form* – its original built purpose.

In addition, while the selection of audit zones attempted to evenly cover Durand geographically, the number of houses/buildings within each zone varies (Table 3). This is due to a variety of housing types and sizes in each zone. Thus, when reporting the aggregate results from the audits, the average from each audit zone was used so that areas with greater number of dwellings would not be over represented in the results.

3.2.1 Building Height

Building height is a key factor related to neighbourhood character. Building height can affect a number of aspects, including shade on neighbours, privacy, and compatibility with neighbouring structures.

Seven categories of height measured in storeys were included on the audit, as follows:

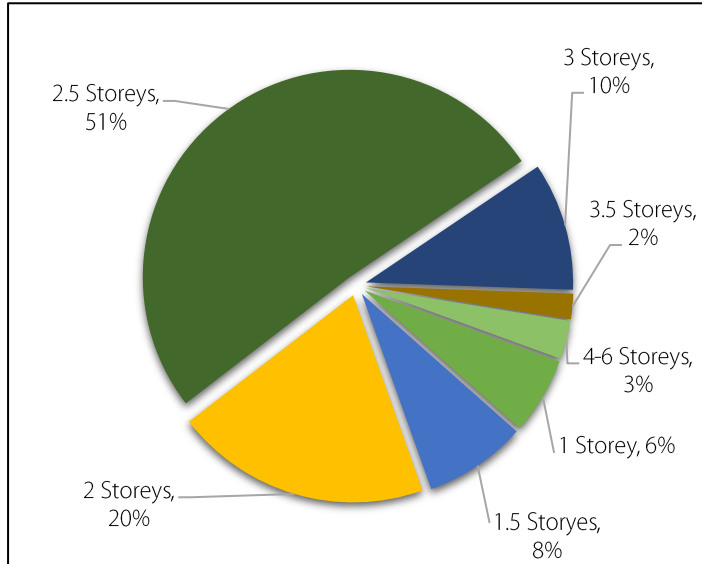
- 1 Storey
- 1.5 Storeys
- 2 Storeys
- 2.5 Storeys
- 3 Storeys
- 3.5 Storeys
- 4-6 Storeys

Buildings with a half storey (1.5, 2.5, 3.5) referred to dwellings that appeared to have an additional living space on the top level, but the roof of that space was not the full width of the floor.

As noted in Figure 13, the majority of the averages of the zones in the neighbourhood (51%) were 2.5 stories high. 81 percent were in the 2-3 storey range.

Figure 14, below, displays a map that illustrates the distribution of the main heights of dwellings observed in the audits. In most audit zones (17), a majority of dwellings were 2.5 storeys. In three zones a majority of dwellings were 3 storeys, while in another two zones, a majority of dwellings were 2 storeys, and in one zone, the dwelling height was tied between 2 and 2.5 storeys (40% each).

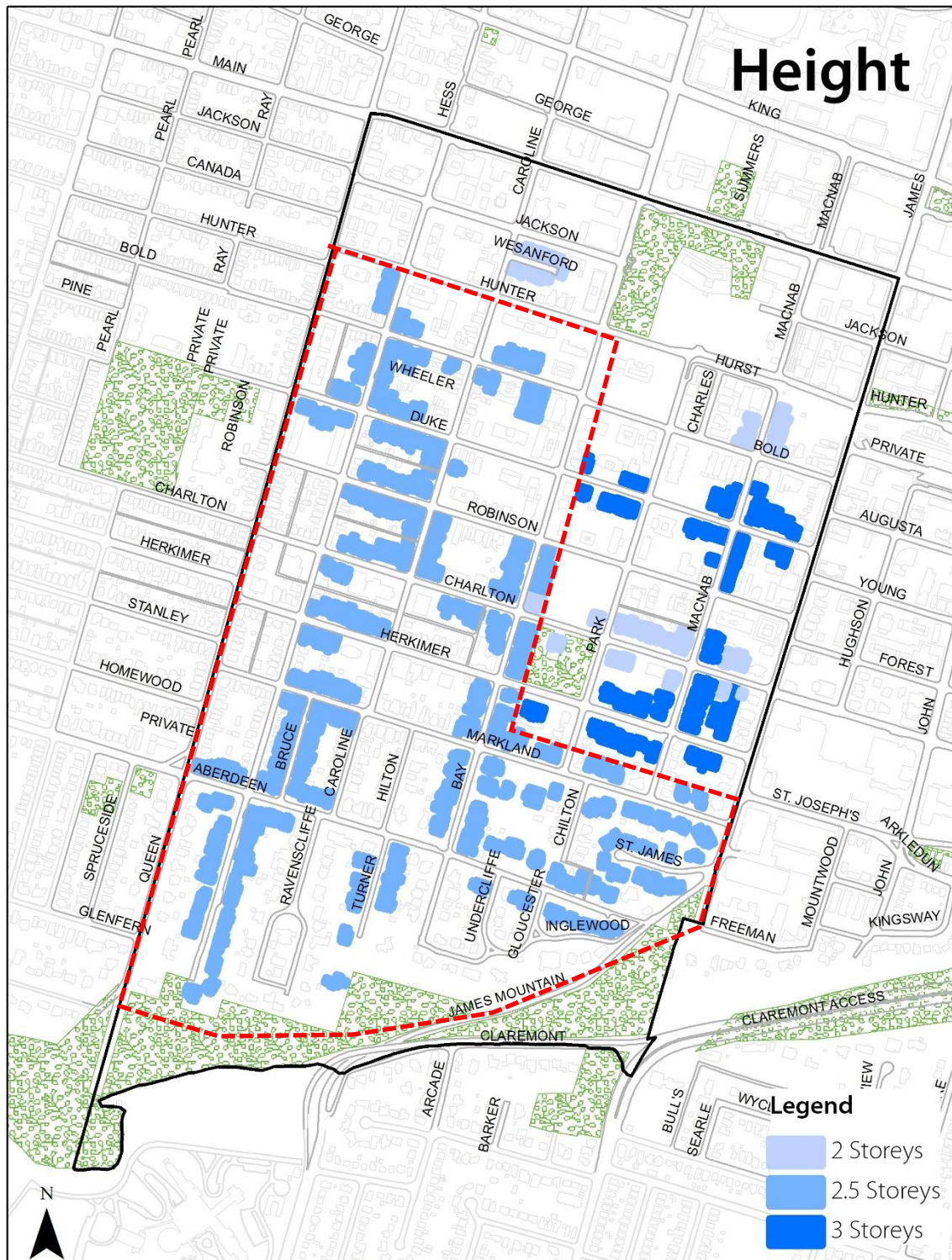
Figure 13: Overall Heights across All Audit Zones



An example of a 2.5 storey house in Durand.

The 2.5 storey dominant zones form an "L" shape on the west and south sides of the neighbourhood (see Figure 10). The 2 and 3 storey zones are clustered mainly in the north-east end of the neighbourhood, in the area from Herkimer to Hunter and Bay to James.

Figure 14: Dominant Housing Type Across Individual Audit Zones



3.2.2 Housing Type

Housing form, or typology, is another factor that influences neighbourhood character. This refers to what kinds of buildings populate a street, for example single family detached homes, town or row houses, or apartment style dwellings. It is important to reiterate that this study is concerned with dwellings of six storeys or less.

Four types of dwelling were specified in the audit, as follows:

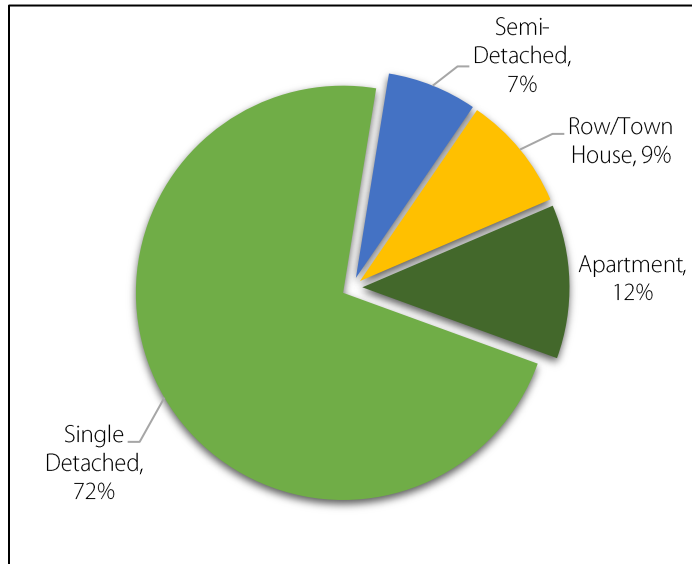
- Single family detached home
- Semi-detached
- Row/town house
- Apartment-style building

As noted, the importance of a dwelling's form was the important consideration in the context of this factor.

Figure 15 illustrates the general results of the audits for all zones. The majority of dwellings (72%) in the audit zones were single family detached homes. This was followed by apartment-style buildings (12%), row/town houses (9%), and then semi-detached homes (7%).

As illustrated in Figure 16 below, single family detached homes were the majority type of dwelling in most audit zones (19). Two zones had a majority of apartment-style dwellings and two zones had ties; in one, single family detached homes and semi-detached represented 35 percent each, and in the other, row/town houses and apartments each represented 39 percent.

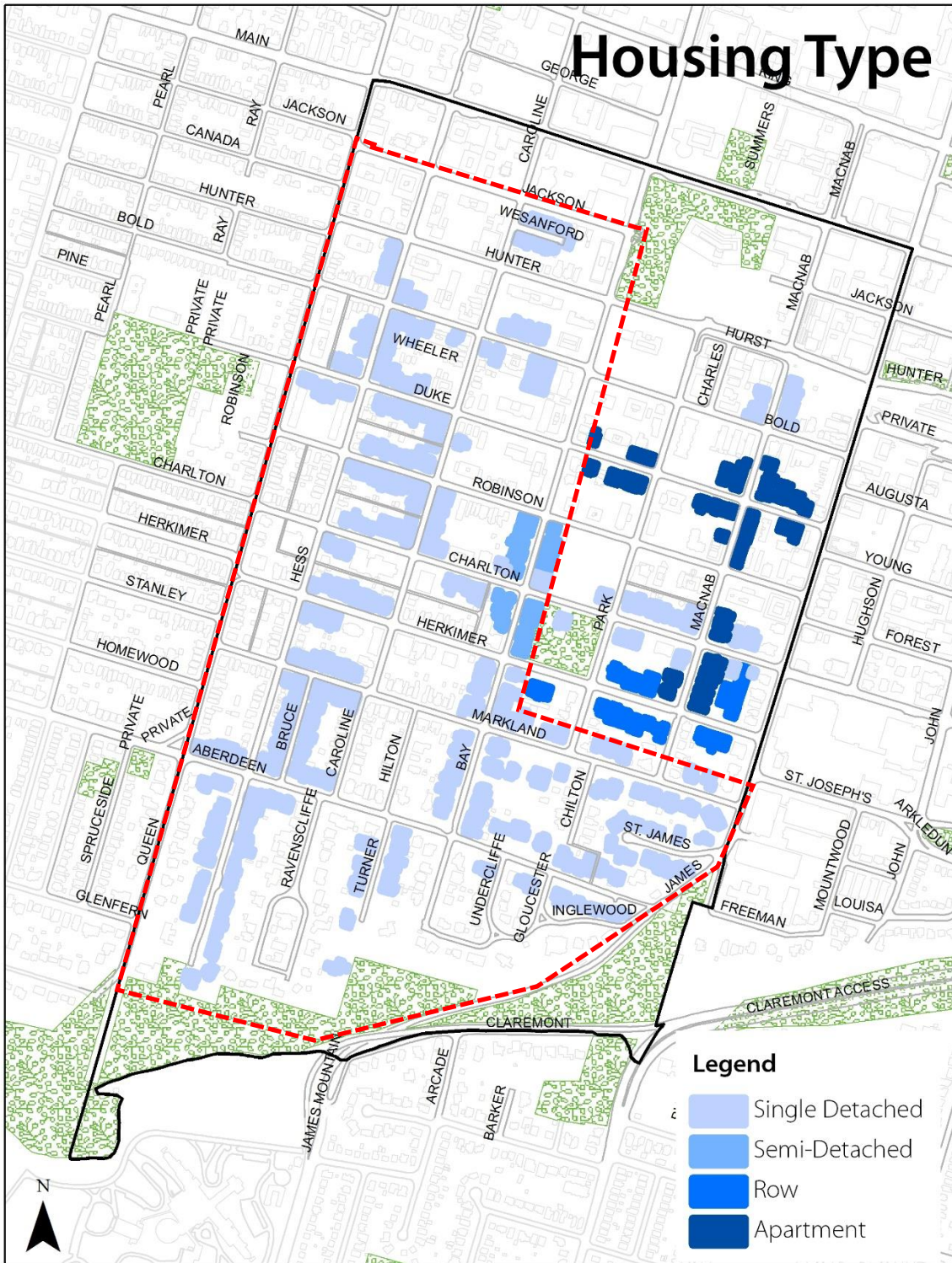
Figure 15: Overall Housing Type Across All Audit Zones



An example of an apartment style building in Durand.

The single-detached dominant zones forms an "L" shape on the west and south sides of the neighbourhood (see Figure 12). The semi-detached, row/town, and apartment style dominant zones are clustered in the north-east end of the neighbourhood, in the area from Herkimer to Duke and Bay to James.

Figure 16: Dominant Housing Type across Individual Audit Zones



3.2.3 Façade Material

Façade material refers to the type of material used on the front of the dwelling. A continuity in façade material, over the course of several houses or buildings, helps define a neighbourhood's character.

Five types of façade were available for auditors to highlight, including:

- Brick
- Stone
- Stucco
- Wood
- Vinyl siding

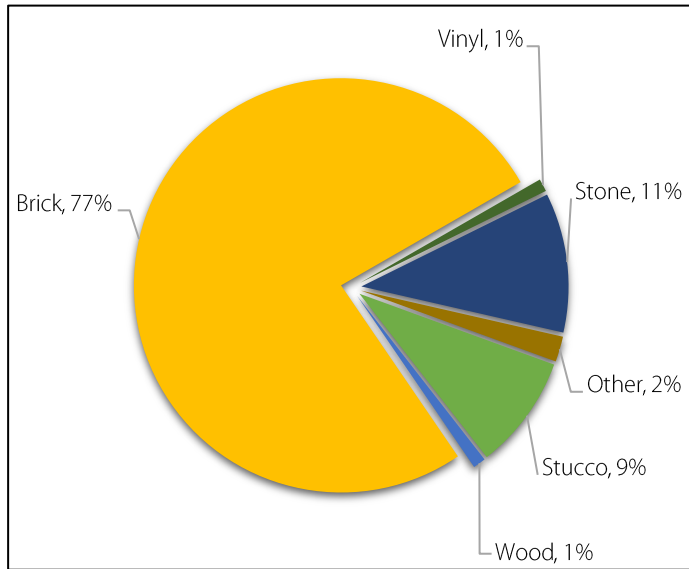
Auditors looked for the dominant façade material on each building. In the few cases where façade materials were approximately 50/50, the material on the exterior of the first floor was identified as dominant.

Figure 17 illustrates the percentages of façade material for all audit zones. In a majority of zones (77%) brick was the dominant type of façade material. The next most common types were stone (11%), stucco (9%), and then vinyl and wood (1% each).

Brick was the dominant façade type in most audit zones (21). Stucco was the majority façade in one zone, while stone was the majority type in another. These two outlier zones were located in the south end of the neighbourhood. (see Figure 18).

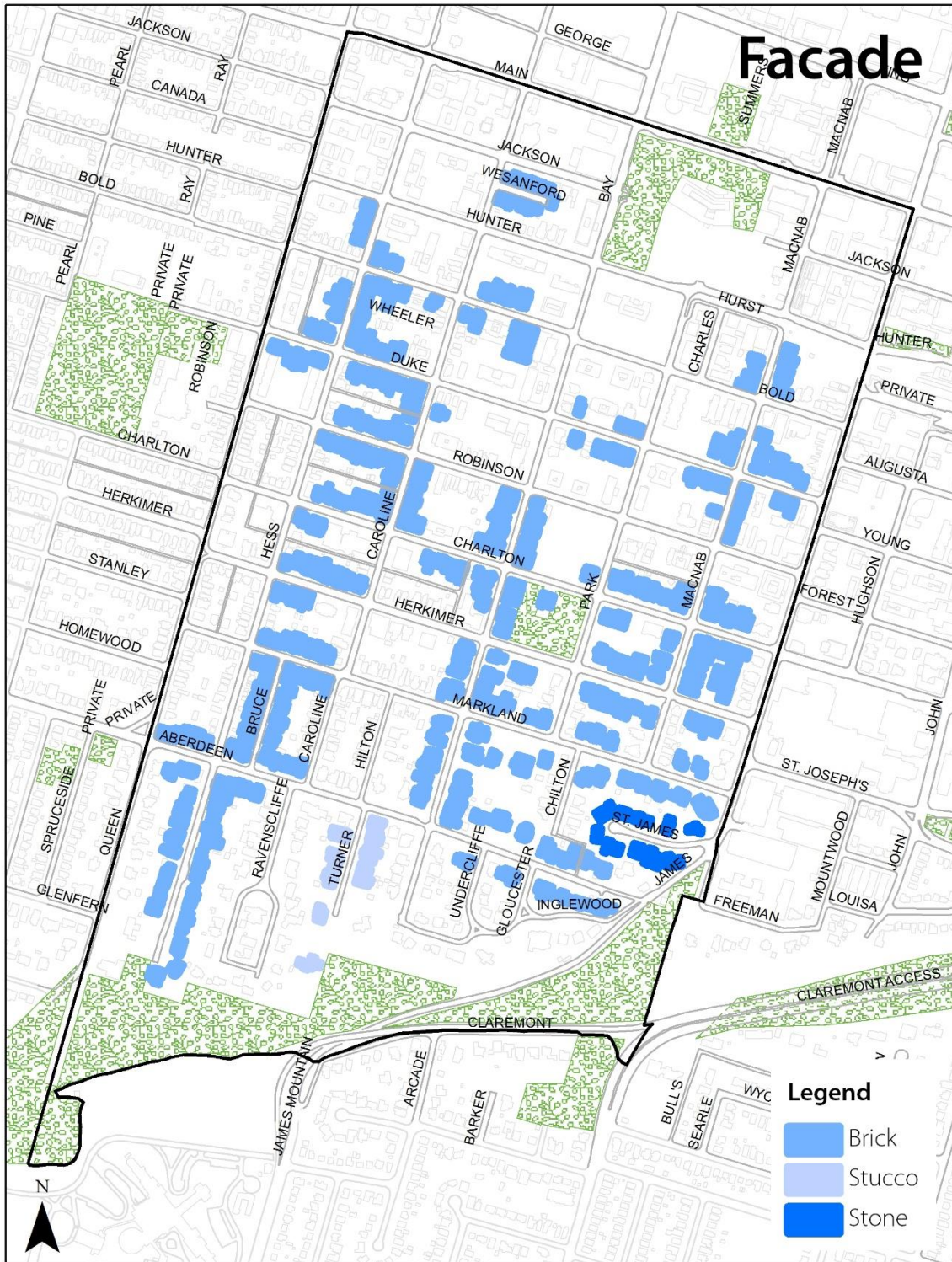
While 21 of the zones are majority brick, this material is more dominant in certain areas than others, for example in 10 of the zones, brick represented over 90 percent of all façade types.

Figure 17: Overall Façade Material across All Audit Zones



An example of a stone façade with brick on either side.

Figure 18: Dominant Façade Material Across Individual Audit Zones



3.2.4 Front Door Orientation

This factor deals with how the house or building faces the street. Is the main door or entrance oriented towards the street, or is it on the side or back? Entrances that face the street help create more connection between the house and the streetscape.

Auditors recorded door orientation toward the street on a yes/no basis.

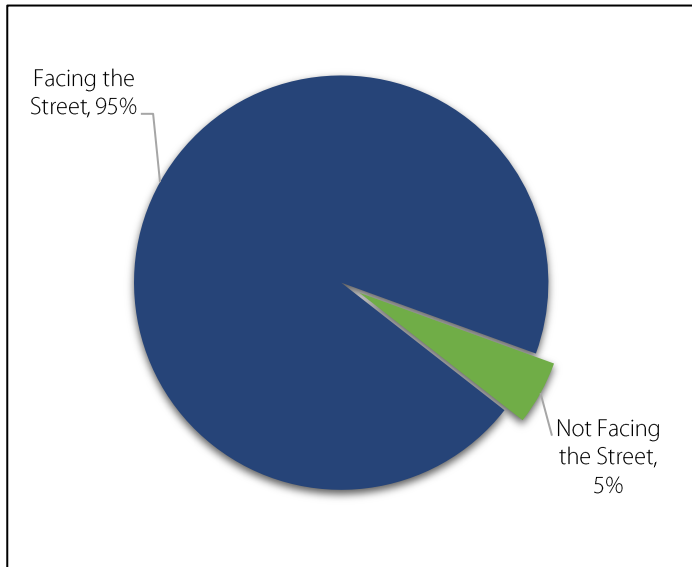
In cases where buildings had more than one entrance, as sometimes happened with single detached buildings converted into multiple units, the doorway that appeared to be the main original entrance was recorded. This decision reflects the importance of the original form of the dwelling over its current function.

The dominant orientation noted for all audit zones was for the main entrance to face the street (95%) (see Figure 19).

As displayed in Figure 20 below, the lowest percentage of doors facing the street was 76 percent; it was followed by zones with 84 percent and 85 percent. All other zones were 90 percent or greater, with eight zones at 100 percent.

There is limited geographic grouping or patterning for the entrance orientation.

Figure 19: Overall Front Door Orientation Across All Audit Zones



An example of a street-facing front entrance.

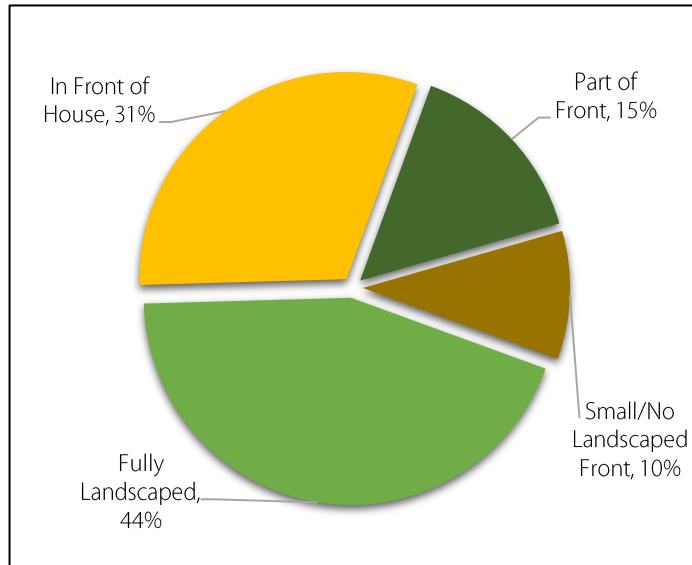
3.2.5 Landscaping

A landscaped front yard is one of the most noticeable factors when considering neighbourhood character. Landscaping refers to grass, bushes, gardens, trees, walking paths, and decorative features. How much of the front yard is landscaped? Does it just cover the area in front of the house, or extend across the entire lot?

Auditors were asked to select from four options of landscaping:

- Fully landscaped: the entire width of the lot facing the street is landscaped.
- In front of house: the area directly in front of the house is landscaped, but not the entire lot width. Buildings in this category often had driveways on one side.
- Part of the front of the house: the lot has landscaping, but part of the area in front of the house is not landscaped, often due to parking.
- Small/no landscaped front: there is little to no landscaping in front of the building. This is often the result of either full lot width parking or the building having limited setback.

Figure 21: Overall Landscaping Across All Audit Zones

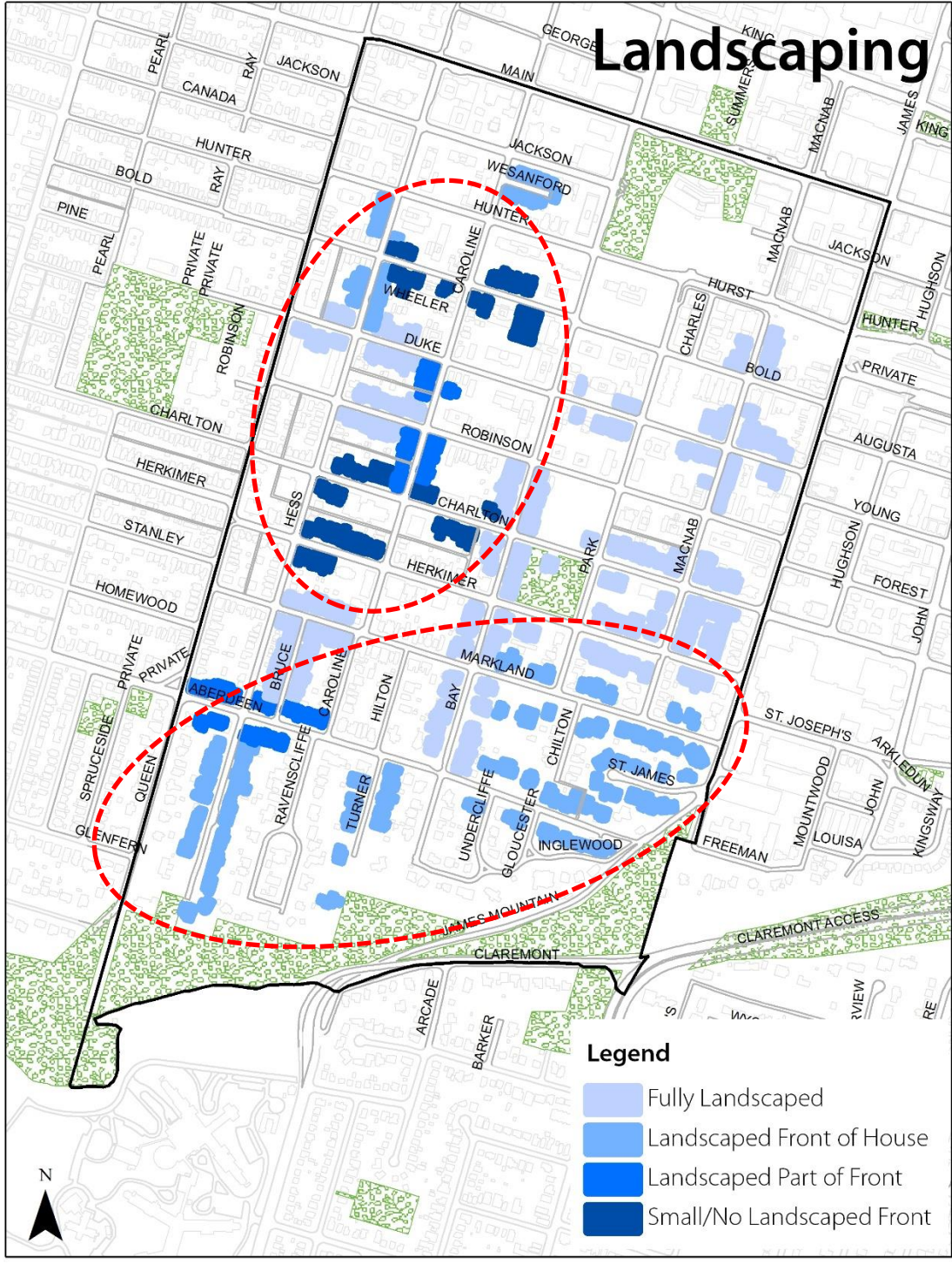


An example of a 1/3 – 1/2 landscaped front yard.

The largest single percentage of audit zones fell into the fully landscaped category (44%) (see Figure 21), with 12 zones meeting the criteria. Of the remaining zones, six were landscaped in front of the building, three had no landscaping, one was partially landscaped, and one was tied at 33 percent each between fully landscaped and landscaped in front of the building. Interestingly, there was significant diversity within each audit zone, with only 14 of the audit zones having a landscape option with over 50 percent prevalence, three zones above 80 percent, and only one at 100 percent.

There is limited grouping of similarly landscaped zones. The least landscaped zones tend to be on the west side of the neighbourhood and there is a strong presence of zones with landscaping only in front of the house in the south and south-east (see Figure 22).

Figure 22: Dominant Landscaping Across Individual Audit Zones



3.2.6 Mature Trees

An established tree canopy is a factor common to many older neighbourhoods. Large, mature, trees contribute to the character of the streetscape as do the houses themselves. Tracking this factor involves looking at whether individual properties have mature trees, meaning a tree over two storeys in height, in the front of the property.

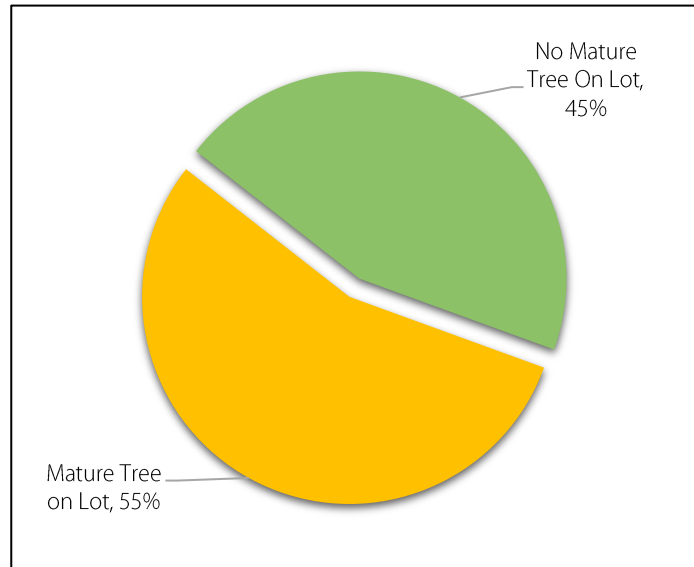
Auditors were asked to indicate the presence of a mature tree on the lot facing the street on a yes/no basis.

Auditors only recorded the first tree, so if there was more than one tree it was not counted.

Durand has a robust tree canopy, with the auditors recording an average of 55 percent of the lots across the zones with a mature tree (see Figure 23). The majority of lots in 14 of the 23 zones had a mature tree. Only the Wesanford zone (#17), which is an outlier for several reasons, had no trees (see Figure 24).

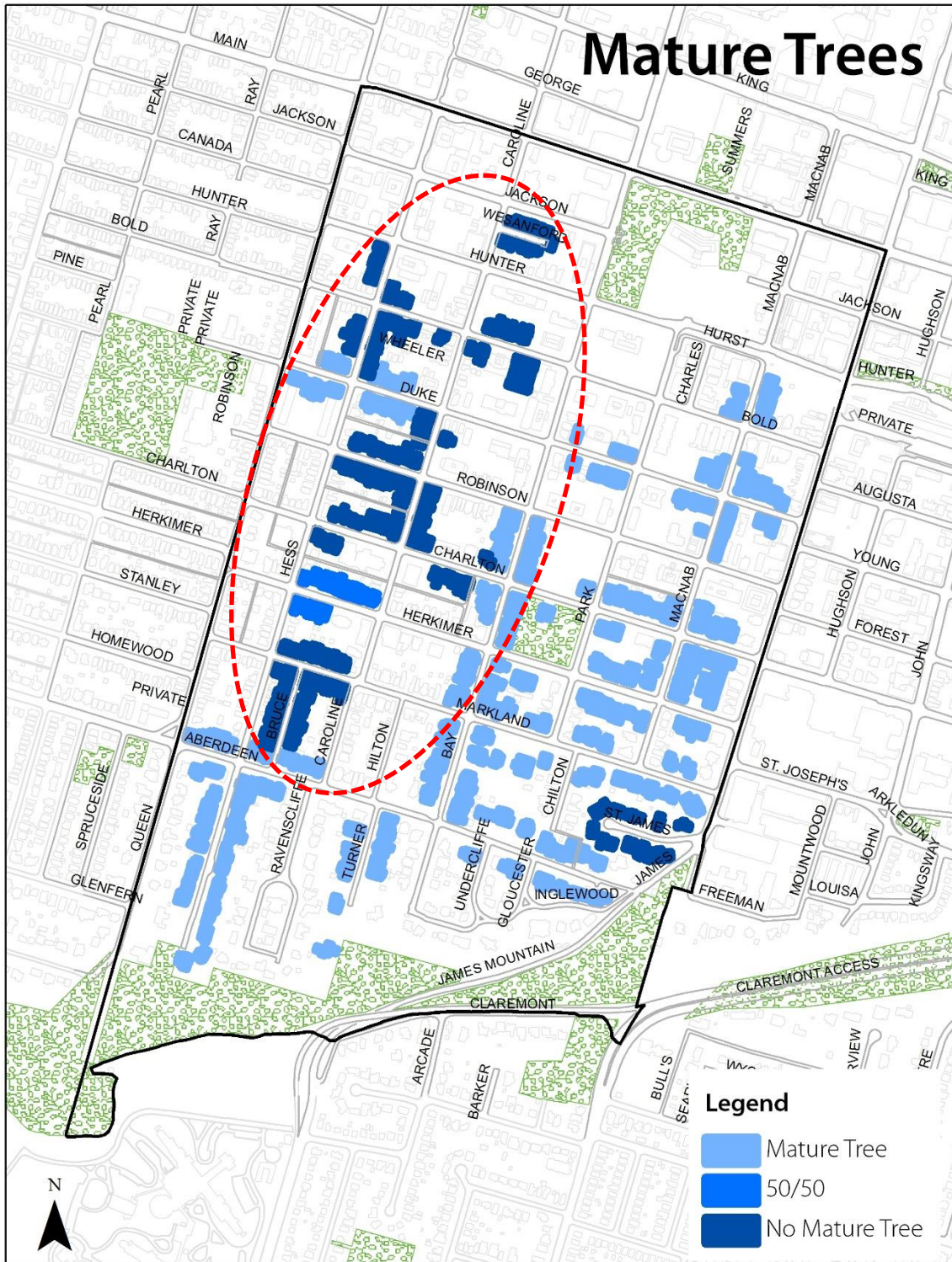
As illustrated in Figure 24 below, the north-western side of the neighbourhood tends to have fewer mature trees. By contrast, the other parts of the neighbourhood have mature trees on a majority of the properties.

Figure 23: Presence of a Mature Tree across All Audit Zones



An example of a street lined with multiple mature trees.

Figure 24: Presence of Mature Trees across Individual Audit Zones



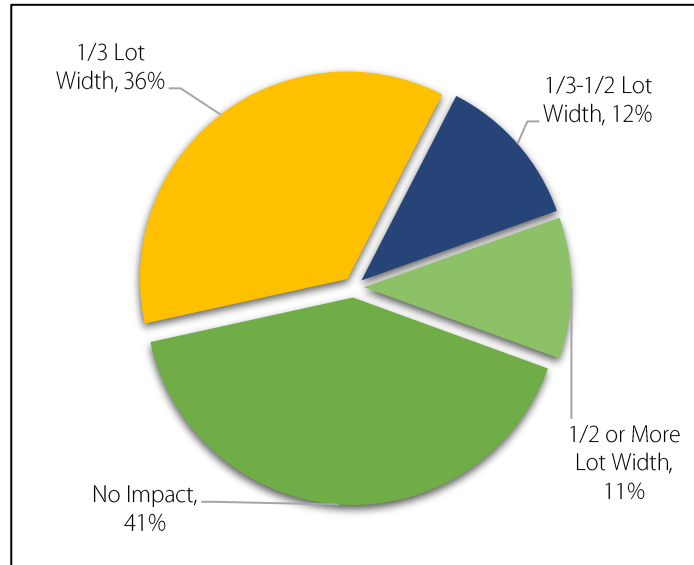
3.2.7 Parking

The extent of front yard, street accessible parking, relative to the overall lot, can impact the relationship between the property and the street.

A range of types of front parking were provided for auditors, including:

- No impact: there was no parking on the site facing the audit street.
- 1/3 of lot width: no more than 1/3 of the lot was parking. This could be in front or at the side of the building.
- 1/3 – 1/2 of lot width: up to half the lot, usually including at least part of the front of the building, was dedicated to parking.
- 1/2 or more of lot width: the front of the lot was dominated by parking.

Figure 25: Overall Parking Impact Across All Audit Zones



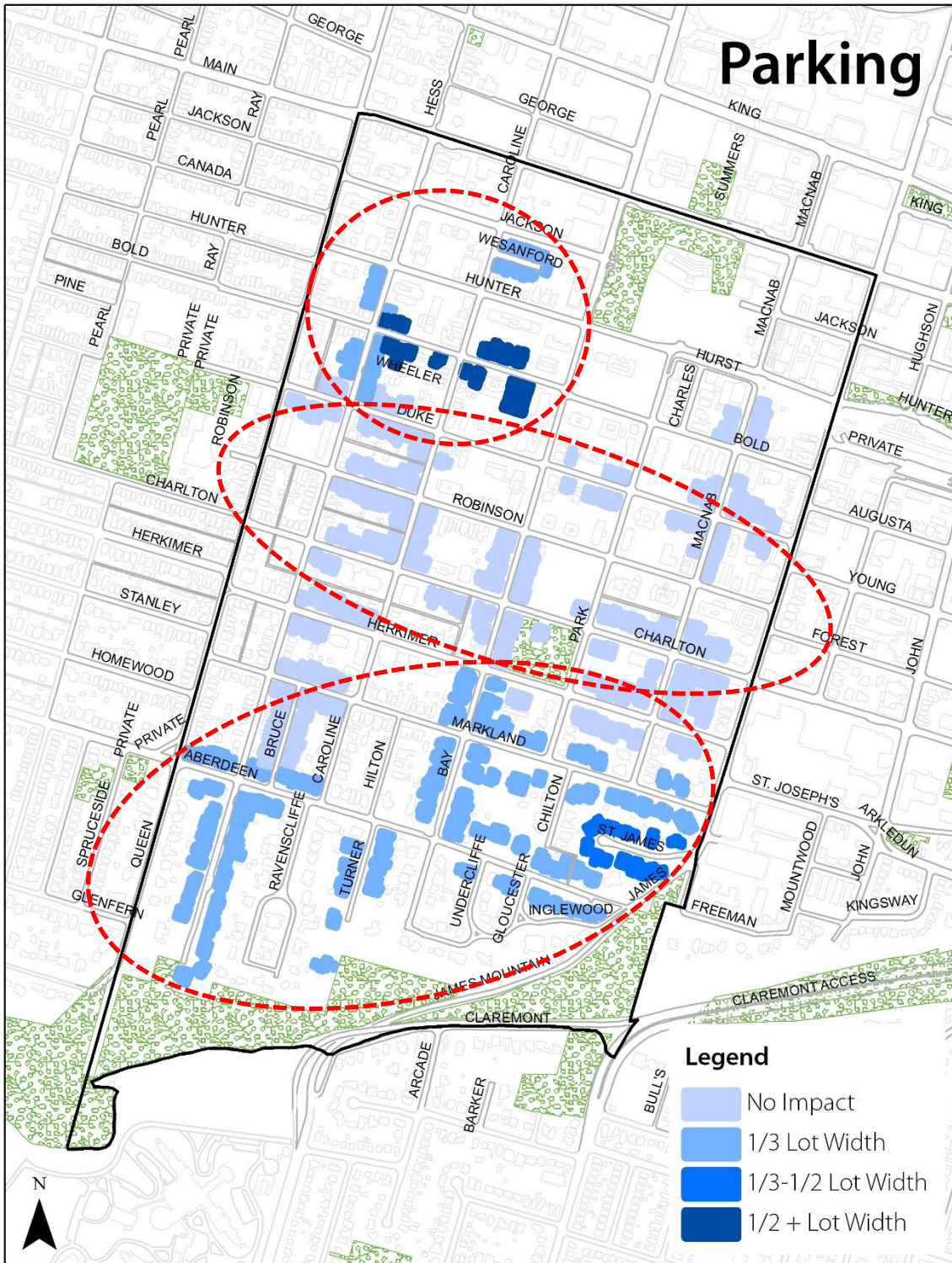
While the single largest category in the neighbourhood was no impact of parking (41%) (see Figure 25), all ranges were represented. Following the 'no impact' category was parking on a 1/3 of the lot width (36%), then parking on between 1/3-1/2 of the lot width (12%), and parking on 1/2 or more of the lot width (11%). In total, 13 of the 23 zones included the no impact on parking as the dominant factor. Also, it should be noted that 13 of the zones had properties representing all four categories and only 6 were over 80 percent dominated by one of the categories.



An example of a 1/2 width driveway.

Figure 26 displays the distribution of parking types. The neighbourhood tends to divide into three segments: the north, middle, and south. The north segment, from Bold St. north, has a variety of types of parking impact. The middle segment, from Herkimer to Duke, is largely a no impact parking area, and the south segment, from the escarpment to Aberdeen, is mostly parking on 1/3 of the lot width. However, it should be noted that there are pockets of other characteristic-dominant zones within these areas.

Figure 26: Dominant Parking Impact Across Individual Audit Zones



3.2.8 Garages

The existence and placement of a garage can have an impact on the character of a streetscape. Likewise, the size of a driveway, relative to the overall lot, can impact the relationship between the property and the street.

Auditors recorded the presence of a garage on the lot facing the street on a yes/no basis.

In addition to recording whether or not the property had a garage, the auditors also recorded the relationship of that garage to the house. There were three categories for this characteristic:

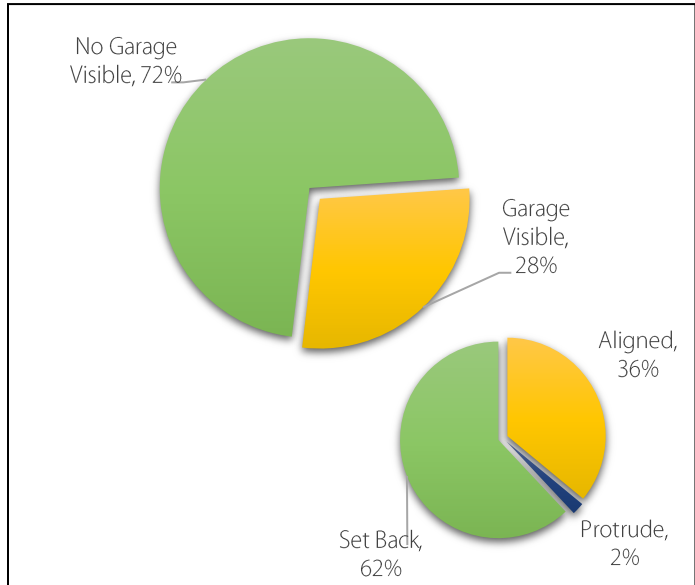
- Aligned: the garage is aligned with the front of the building.
- Protrude: the garage protrudes from the front of the building.
- Set Back: the garage is set back from the front of the building, often as a separate structure.

Garages needed to be facing the audit street to be recorded. Therefore, if a building on Aberdeen, for example, had a garage, but that garage's door faced on to Hess St, then it was not counted as having a garage visible from the audit street.

The overall presence of garages across the audit zones was 28 percent (see Figure 27). The majority of buildings did not have garages visible from the front of the street. Only five of the 23 zones were garage-dominant, with Zone 5 recording the highest number of garages at 92 percent (see Figure 28). 13 of the zones had 80 percent or more without garages. When buildings did have garages, most often they were set back (62%).

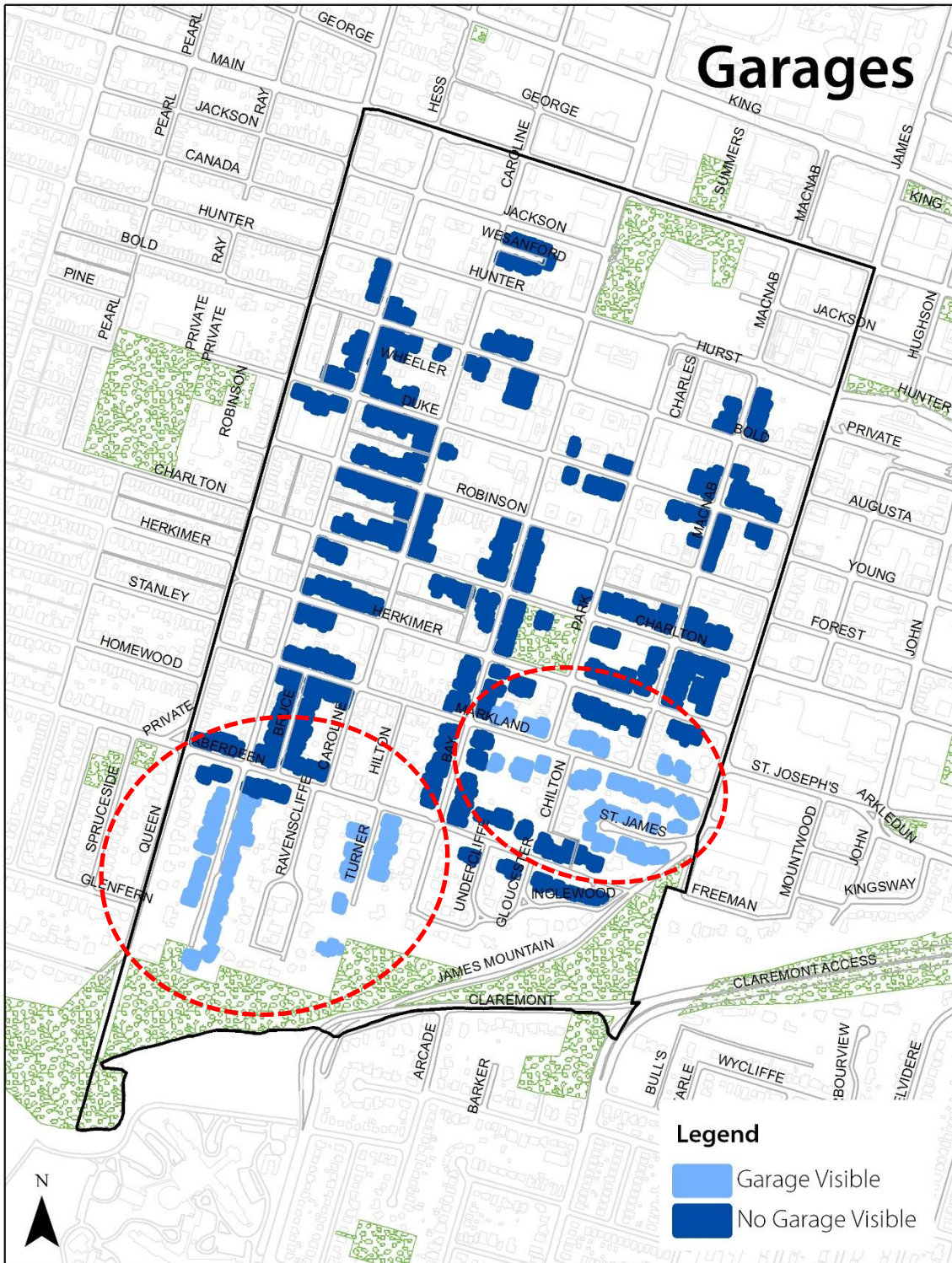
The audit zones most likely to have garages are in the south and south-east area of the neighbourhood.

Figure 27: Overall Garage Presence across All Audit Zones



An example of a house with an attached garage.

Figure 28: Dominant Garage Presence Across Individual Audit Zones



4.0 Resident Survey

To better comprehend how residents of Durand view neighbourhood character, and to gauge feedback about what factors are important to residents' understanding of the look and feel of their streets and neighbourhood, Civicplan conducted a resident survey. The survey was designed to gather feedback about the same factors that were being assessed as part of the neighbourhood audits.

4.1 Survey Notes

The survey design was informed by a best practices review of other jurisdictions that have studied the impact of neighbourhood character. Specifically, we looked at other jurisdictions in Ontario and Alberta.

The Durand Neighbourhood Survey was conducted both online and on paper from October 20, 2016 to November 18, 2016. The survey was available via the durandcharacter.com website, while paper copies of the survey were available at Durand Coffee on Charlton Avenue throughout this period. The survey was promoted on social media and through the Durand Neighbourhood Association email list. Further, additional outreach efforts were conducted to increase survey participation from seniors in the neighbourhood.

Respondents were asked three categories of questions, beginning with general information about the individual respondent (e.g. age). This was followed by detailed questions about streetscape character factors. Specifically, respondents were asked to describe the influence of 10 different factors on the character of their street. Finally, they were asked to provide additional details about their own observations of their neighbourhood.

In total, 174 responses were received both on paper and online.



Social Media Badge Promoting the Citizen Survey

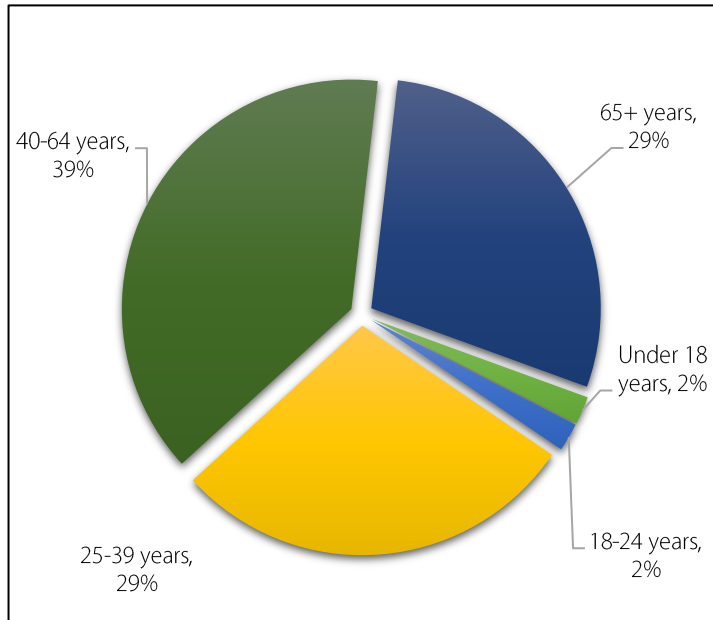
4.2 Resident Information

In terms of resident information, respondents were asked to indicate their age range, how long they have lived in the neighbourhood and what type of dwelling they live in (e.g. apartment, townhouse, etc.).

4.2.1 Age

Figure 29 displays the breakdown of responses by age of respondent. The majority of respondents (96%) were over the age of 25. The single largest age category were respondents between 40-64 years of age (39%), followed by those between the ages of 29-39 and those over 65 years old, each at 29 percent of respondents.

Figure 29: Age of Survey Respondents.

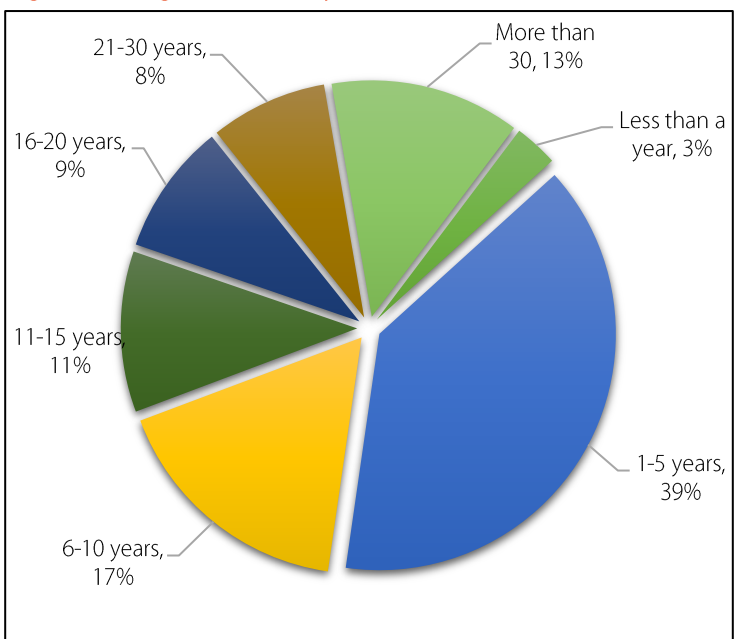


4.2.2 Length of Time in Neighbourhood

Respondents shared the length of time they have lived in the Durand neighbourhood. Figure 30 displays the percentage of time respondents indicated they have lived in the neighbourhood by year ranges.

The largest segment of respondents indicated that they have lived in Durand for a relatively short period of time, between one and five years (39%). This was followed by people who have lived in the neighbourhood for between six to ten years (17%), then those who have been there for more than 30 years (13%).

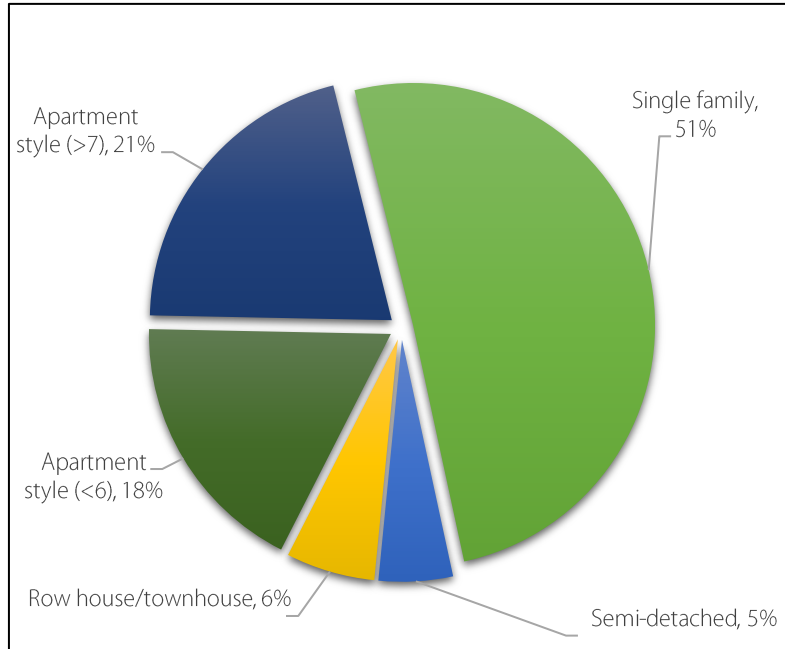
Figure 30: Length of Residency in Durand



4.2.3 Type of Dwelling

The last of the general information questions asked respondents to indicate the type of dwelling they currently live in. Figure 31 illustrates the responses by percentage. The majority of respondents (51%) indicated they live in a single family, detached home. The second largest segment of respondents were people living in apartments (39%). Of the respondents living in apartments, 21 percent indicated they lived in dwellings with more than seven storeys, while 18 percent indicated dwellings with six storeys or less.

Figure 31: Type of Dwelling



4.3 Streetscape Character Factors

The second section of the survey asked respondents to rate how 10 different factors influenced the character of their street. The influence rating ran from positive to negative, with the centre point as neutral. The following sections detail the responses for each of the 10 factors. Each section details the general responses for each of the factors, as well as additional information about how different age groups (those under 40 and those over 40 years of age) responded to the questions. Finally, the questions related to the height of dwellings were assessed based on the type of residences indicated by respondents, specifically whether or not they lived in apartments.

4.3.1 Mature Trees

There are multiple reasons why the presence of large, mature trees on a streetscape is important in cities, from improved air quality to reduction in heating and cooling costs. Respondents were overwhelmingly positive about the influence of this factor, with 95 percent indicating that this was a somewhat positive (10%) or positive (85%) (Figure 32).

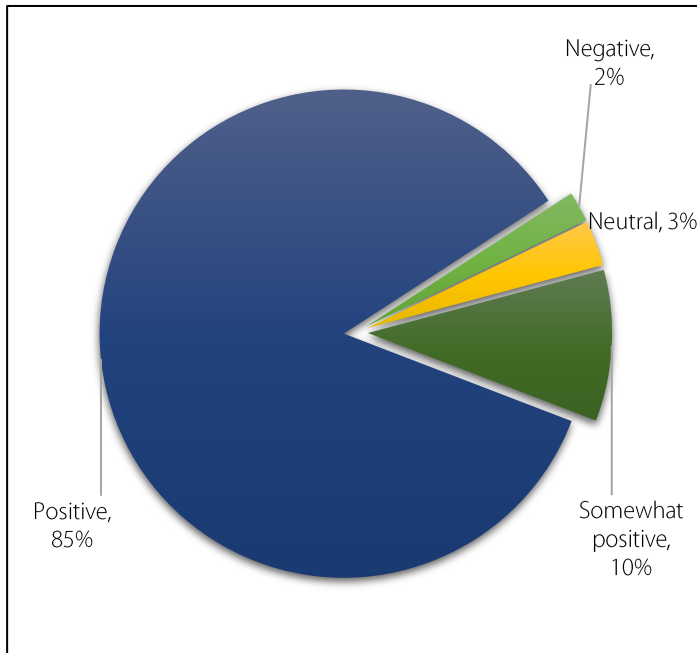
Under 40 / Over 40

There was no difference in the level of support for this factor by age, both those respondents under 40 years, and over 40 years old indicated that mature trees contributed positively to the look and feel of a streetscape.

Relation to Audit

The survey results align with the audits which showed mature trees were a prominent element of streetscapes.

Figure 32: Large, Mature Trees



4.3.2 Landscaped Front Yards

The second factor was the influence of landscaped front yards on the character of the streetscape. Landscaping, such as lawns, gardens and other green features on the front of the property, provide greater differentiation between the street and the dwelling. As displayed in Figure 33, 87 percent of respondents indicated that landscaped front yards positively influence the character of their streetscape.

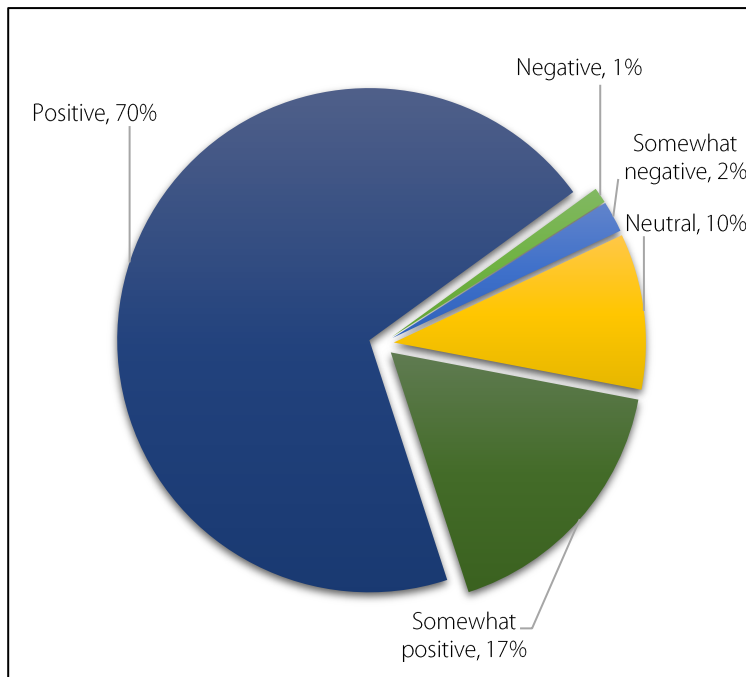
Under 40 / Over 40

While this was a positive factor for all age groups, those over 40 were marginally more positive on its influences (88%) than those under 40 years of age (85%).

Relation to Audit

The survey results align with the audits that showed that the vast majority of properties were either fully landscaped or at least landscaped in front of the house.

Figure 33: Landscaped Front Yards



4.3.3 Front Entrance

How people access a dwelling, whether through an entrance at the front of the building or via the side or back, influences how the dwelling connects with a streetscape. As Figure 34 illustrates, survey respondents indicated that a front facing entrance positively influenced the character of their streets (86%).

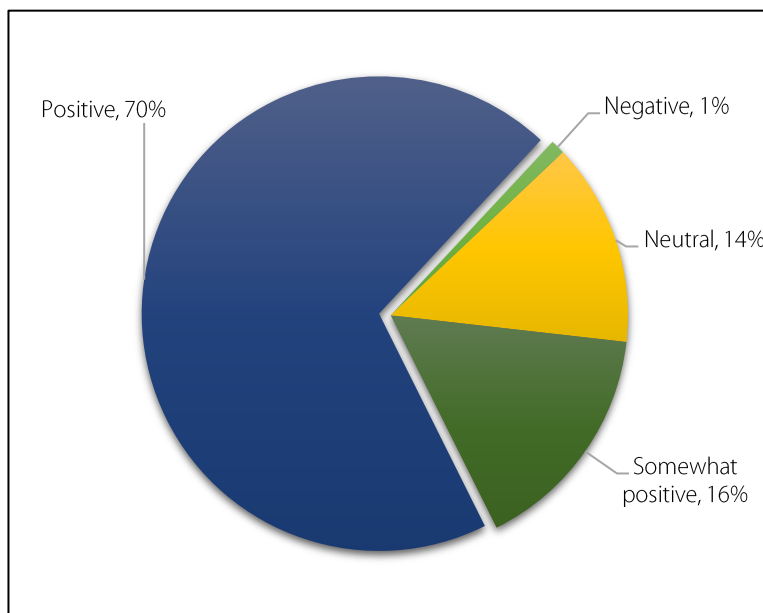
Under 40 / Over 40

The positive nature of this factor was equally supported across age ranges.

Relation to Audit

The survey results align with the audits that showed that the vast majority of properties had a front door facing the street.

Figure 34: Front Entrance Location



4.3.4 Height of Dwelling: 1-3 Storeys

The diversity or uniformity of dwelling height affects a streetscape in various ways. Respondents were asked to indicate the influence of different scale of dwellings by storey height. Figure 35 illustrates responses related to dwellings of 1-3 storeys.

Of all the survey respondents, the majority (53%) indicated that 1-3 storey buildings had a positive influence on streetscape character. Additionally, 16 percent indicated that it was somewhat positive.

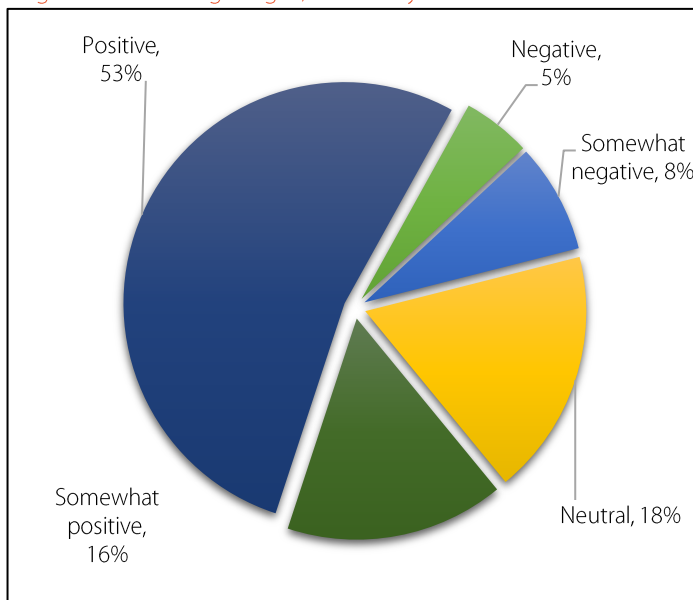
Under 40 / Over 40

In terms of the breakdown by age, respondents under the age of 40 were more likely to gauge this factor as positive. 75 percent of these respondents indicated this was positive or somewhat positive, whereas 66 percent of those above 40 selected these responses.

Relation to Audit

The survey results align with the audits which showed that over 80 percent of zones had average heights of 1-3 stories.

Figure 35: Dwelling Height, 1-3 Storeys



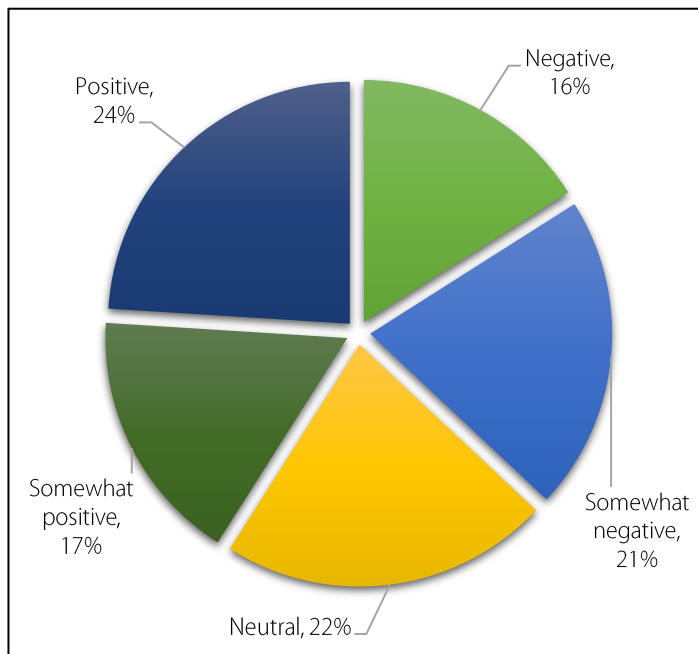
4.3.5 Height of Dwelling: 4-6 Storeys

Respondents were asked about their views on the influence of dwellings from 4-6 storeys. As illustrated in Figure 36, the results are not as definitive with lower level dwellings. A combined 41 percent of respondents indicated this height category of dwellings was a positive or somewhat positive influence on their streets, while 37 percent indicated it was a negative or somewhat negative influence. The largest single group of respondents (24%) indicated that 4-6 storey dwellings are positive influence on the streetscape. While 22 percent indicated they were neutral about the impact, and 21 percent indicating it was somewhat negative.

Under 40 / Over 40

When the data is broken down by age group, similar to the previous factor, those under the age of 40 (45%) indicated that this type of dwelling had a positive or somewhat positive influence on their street. Fewer of those over 40 (39%) saw this as a positive or somewhat positive influence. Additionally, those over 40 were more neutral (25%) than younger respondents (18%) about this factor.

Figure 36: Dwelling Height, 4-6 Storeys



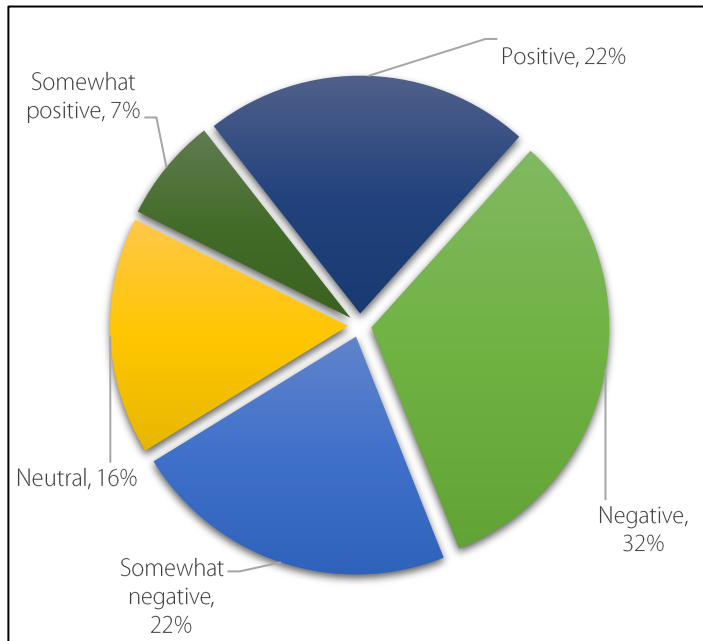
4.3.6 Height of Dwelling: More than 7 Storeys

In terms of the influence of dwellings of seven or more storeys, respondents indicated that this form of dwelling had a more negative influence on the streetscape. As detailed in Figure 37, a majority of respondents (54%) indicated that this building type was either negative or somewhat negative, as compared to 29 percent that indicated that it was positive or somewhat positive.

Under 40 / Over 40

The views about this factor by age demonstrates a change from the previous height categories. Whereas those under 40 years of age viewed dwellings of 6 storeys or less more favourably than their older counterparts, the responses shift with dwellings of seven storeys or greater. While the majority of both groups indicated that this was a negative or somewhat negative influence on the street (57% under 40, 53% over 40), a larger percentage of those over 40 years of age felt that this factor had a positive or somewhat positive influence (33% over 40 to 21% under 40).

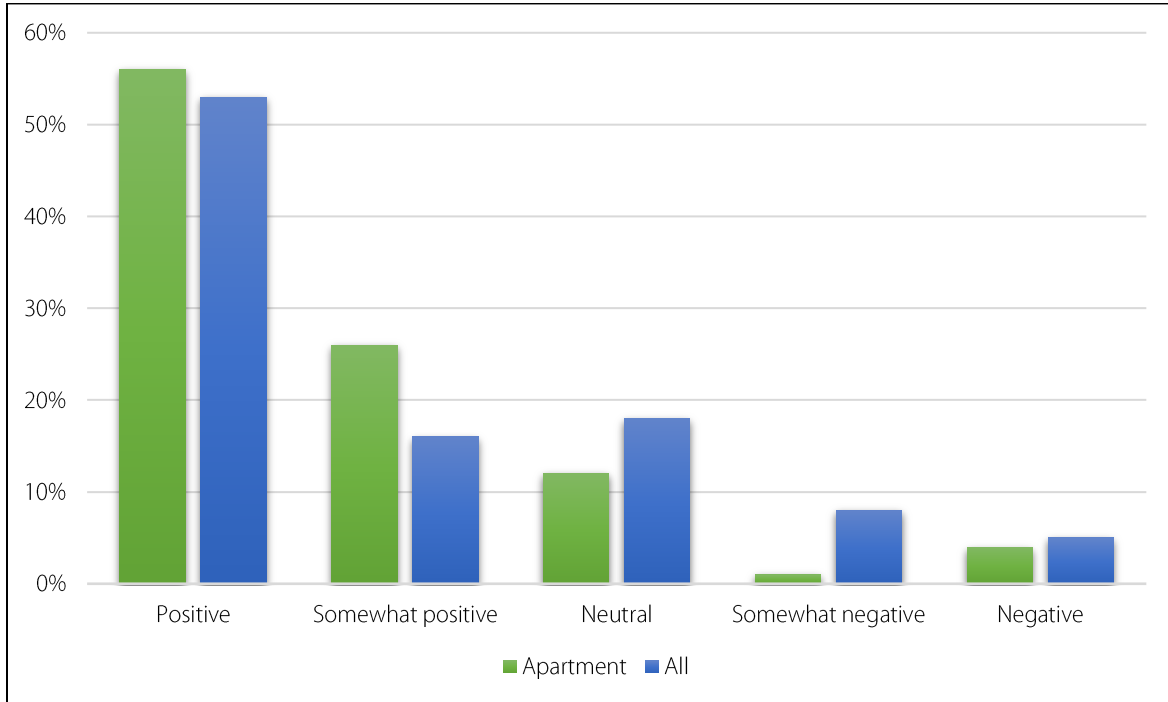
Figure 37: Dwelling Height, More than 7 Storeys



4.3.7 Apartment-Style vs All on Height of Dwelling

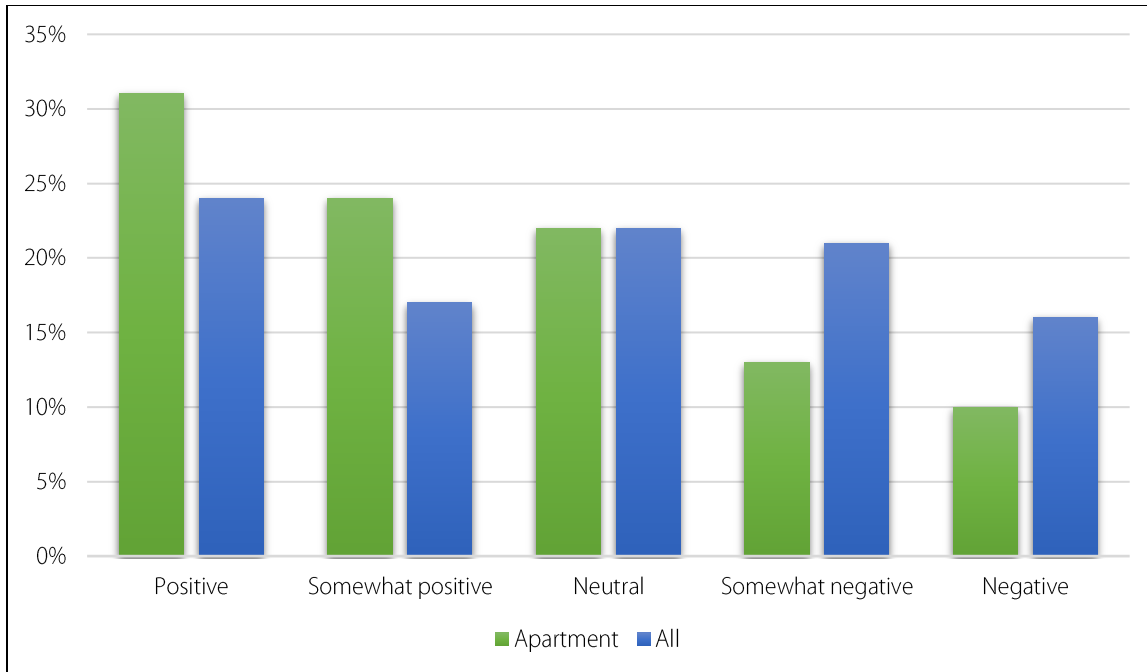
As apartment-style dwellers comprised a significant percentage of respondents (39%), their responses related to the height of dwellings was compared to total respondents for additional context. Figure 38 illustrates the responses of apartment-style dwellers as compared to all respondents as related to the dwelling height factor.

Figure 38: Apartment-Style Dweller Responses: 1-3 Storey Dwellings



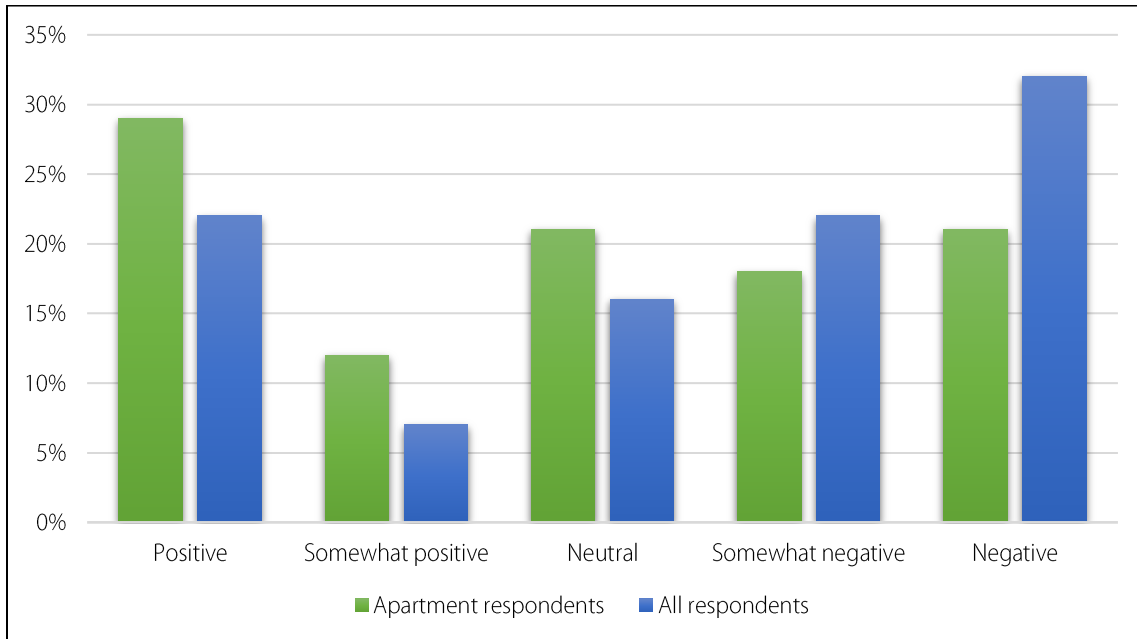
Those respondents who reside in apartment-style dwellings were slightly more positive (56%) about the influence of 1-3 storey dwellings than the total percentages of respondents (53%). They were less likely to be neutral and negative about the influence of these dwellings.

Figure 39: Apartment-Style Dweller Responses: 4-6 Storey Dwellings



In response to the question about 4-6 storey dwellings (Figure 39), respondents from apartment-style dwellings were more positive than the total respondents. 55 percent of apartment-style dwellers noted positive or somewhat positive, as compared to 41 percent of all respondents. Additionally, apartment dwellers were less negative (23%) as compared to all respondents (37%) about the influence of this scale of dwellings on a streetscape.

Figure 40: Apartment-Style Dweller Responses: 7 Storeys or Greater



As displayed in Figure 40 above, there is a difference between respondents who live in apartment-style dwellings and all respondents to the questions of the influence of greater than seven storey dwellings. 41 percent of respondents from apartments see dwellings greater than seven storeys as a positive influence on their streets, as compared to 29 percent of all respondents. In terms of negative impact, the difference is 39 percent of respondents from apartments versus 54 percent of all respondents view this scale as a negative.

4.3.8 Similarity in the Type of Housing

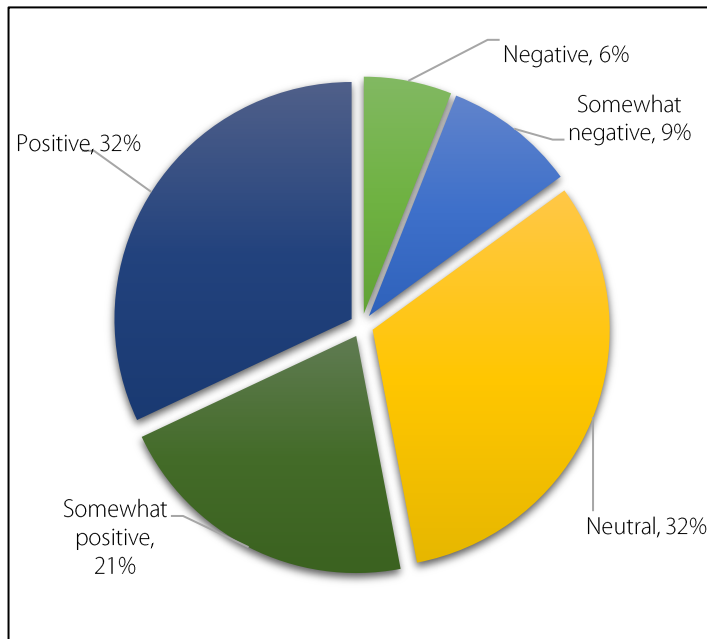
Another character factor is related to the similarity of type of housing that appears on a street. This refers to the type of dwelling form, for example whether it is a single family detached home, a town or row house, an apartment style dwelling, among others. Figure 41 displays the responses to the influence of this factor.

The majority of respondents (53%) indicated that similarity in the types of housing form was a positive or somewhat positive influence on a street. This factor, more than others, displayed a larger number of respondents indicating they were neutral about its influence (32%). A small percentage (15%) indicated that similarity in housing type was negative or somewhat negative.

Under 40 / Over 40

Respondents over the age of 40 were more positive about the influence of the similarity of housing type on the streetscape. 57 percent of this segment of respondents indicated positive or somewhat positive, while 45 percent of those under 40 indicated these responses.

Figure 41: Similarity in Type of Housing



4.3.9 Garages

The presence of garages can impact the character of a streetscape. As such, respondents were asked to indicate whether or not they felt garages were a positive or negative influence on the streetscape. Figure 42 displays the breakdown of responses to this factor by percentage.

The largest segment of responses by percentage for this factor was the neutral category (43%). This was followed by 35 percent of respondents who indicated that garages had a negative or somewhat negative impact on the street, and 22 percent indicating garages had a positive or somewhat positive influence.

Under 40 / Over 40

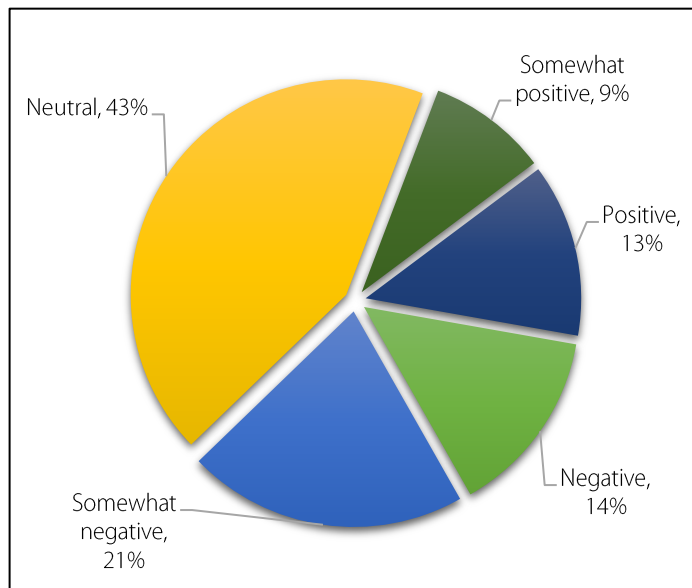
The responses to this factor differed by age group. While a majority of respondents under the age of 40 were neutral on this factor (52%), the second largest segment of respondents in this age range saw this as negative or somewhat negative (35%), and only 13 percent indicated it was positive or somewhat positive.

By contrast, the percentages for respondents over the age of 40 were more evenly spread, with 34 percent indicating this factor was negative or somewhat negative, 39 percent who were neutral, and 27 percent who viewed this as positive or somewhat positive.

Relation to Audit

The large number of neutral responses in the survey might be a function of the fact that the overall presence of garages across audit zones was only 28 percent.

Figure 42: Garages



4.3.10 Front Yard Parking

The presence of parking at the front of a property, such as a driveway or parking pad, is another factor that influences the character of a street. Specifically, parking reduces the amount of space at the front of a dwelling for landscaping. Figure 43 shows the responses to the influence of this factor.

The largest single percentage for this factor was neutral (29%). While 34 percent of respondents indicated that front yard parking was a positive or somewhat positive factor, 37 percent indicated it was negative or somewhat negative. Thus, this is not as decisive a factor in influencing the character of streetscapes as some of the others.

Under 40 / Over 40

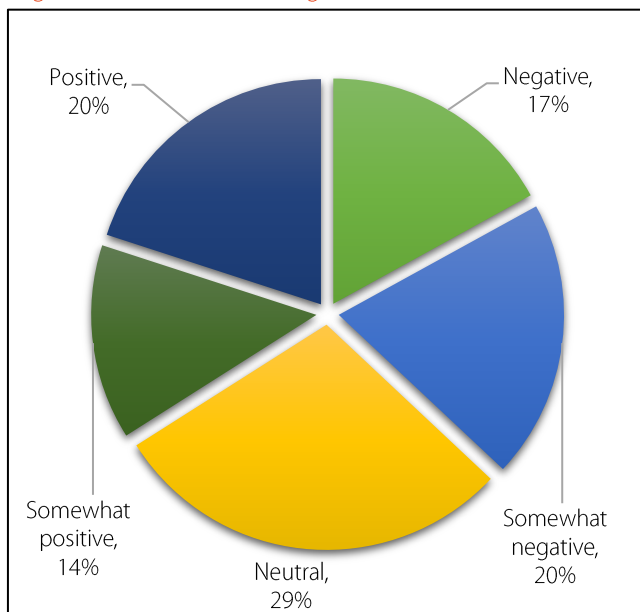
The presence of front yard parking was viewed differently by age. Responses from those under 40 years of age indicated a more even split of opinion, with the largest single segment (39%) as neutral. This was followed by 31 percent who indicated this was a negative or somewhat negative influence, and 30 percent indicating it was positive or somewhat positive.

For respondents over the age of 40, 40 percent indicated that this was negative or somewhat negative factor, and 37 percent indicating it was positive or somewhat positive. 24 percent were neutral on the influence of front yard parking.

Relation to Audit

The survey results suggest a lack of consensus on this issue, while the audits showed that over 77 percent of zones had low, or no street impact from parking.

Figure 43: Front Yard Parking



4.3.11 Façade Material

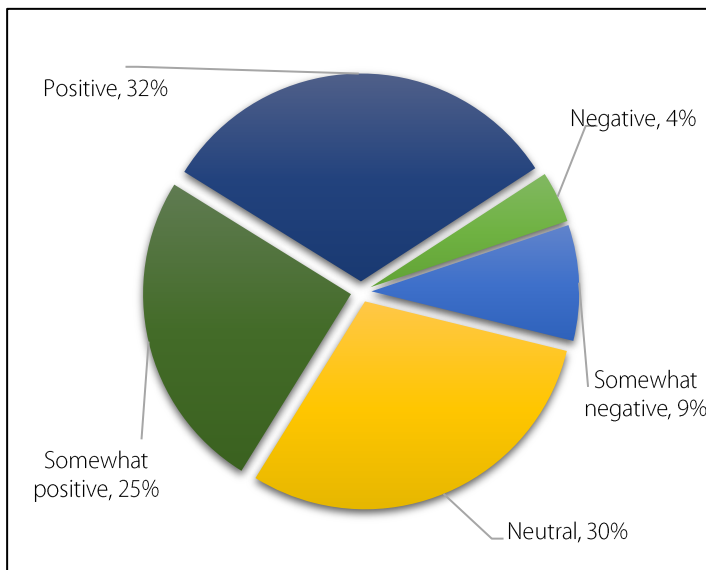
The similarity or diversity of façade material influences the character of a streetscape, as it suggests continuity in dwellings, separate of building type. Figure 44 displays survey respondents' views on the influence of this factor.

Respondents were notably positive about the influence of similar façade materials. While the positive category was the single largest, at 32 percent, the majority of respondents, (57%) selected positive and somewhat positive. There was a large percentage of neutral responses to this factor (30%), with only 13 percent indicating that this was a negative or somewhat negative factor influencing streetscape character.

Under 40 / Over 40

Responses to the influence of similarity of façade materials on character broken down by age demonstrated similar views. The majority of both age groups indicated that similarity in façade was a positive or somewhat positive factor (61% under 40, 55% over 40).

Figure 44: Façade Material



4.4 Types of New Development

Respondents were asked to indicate their preference of the type of new development that would fit best on their street. As intensification projects throughout the Durand neighbourhood are currently underway and planned for the future, it is helpful to get a sense from residents about what types of new development would be acceptable. Figure 45 illustrates the most popular responses by dwelling type, as indicated by respondents.

Of all respondents, the single most popular type of new development was for new single family detached homes (32%). This was followed by row/townhouse (22%) and semi-detached homes (21%). The next most popular option was for apartment style dwellings lower than six storeys. Only three percent of respondents indicated support for apartment styles dwellings at seven storeys or above.

Five percent of respondents chose other options, which included respondents indicating that they did not want to see any new development in the neighbourhood, those identifying the need for a mix of types all at a lower height, and finally there was an emphasis on encouraging affordability in any new developments in the neighbourhood.

With respect to how different segments of respondents viewed new development, Figures 46 and 47 below display responses by age and by type residence.

Figure 45: Types of New Development

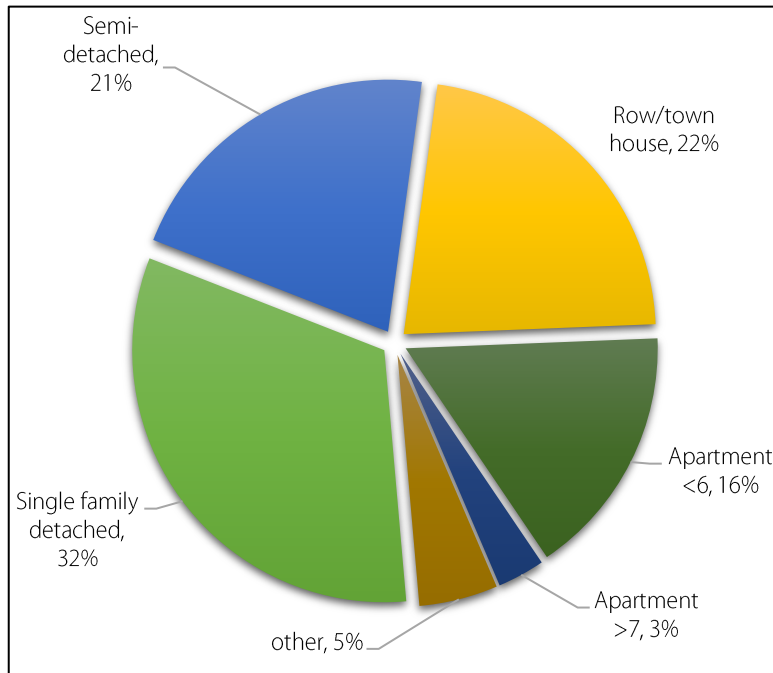
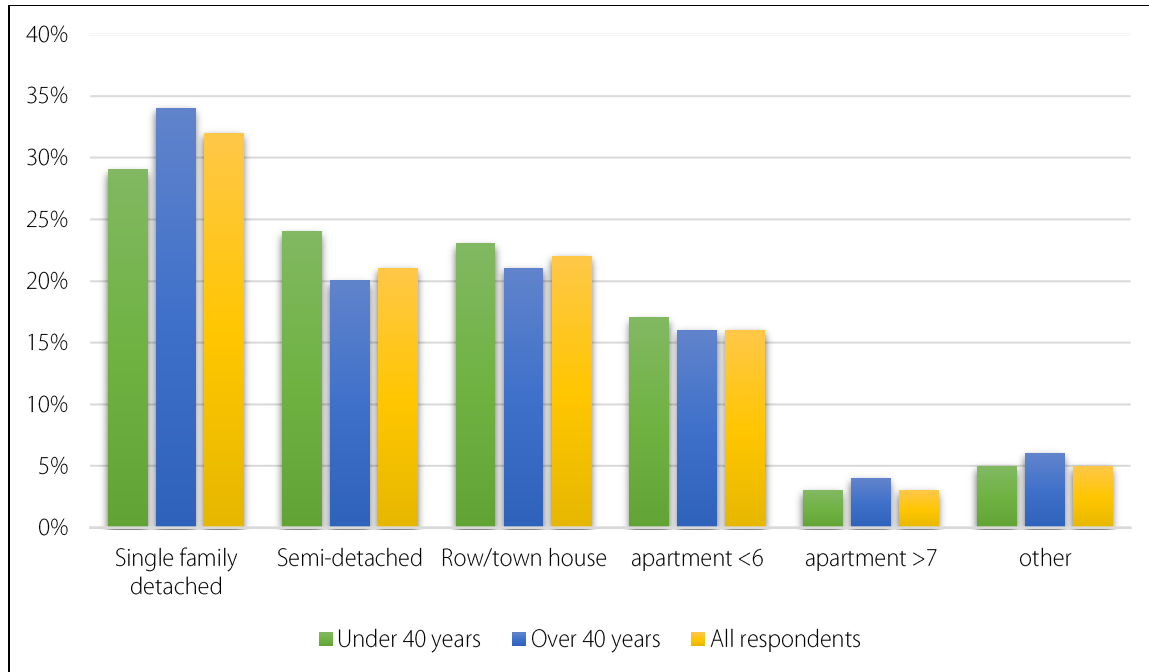


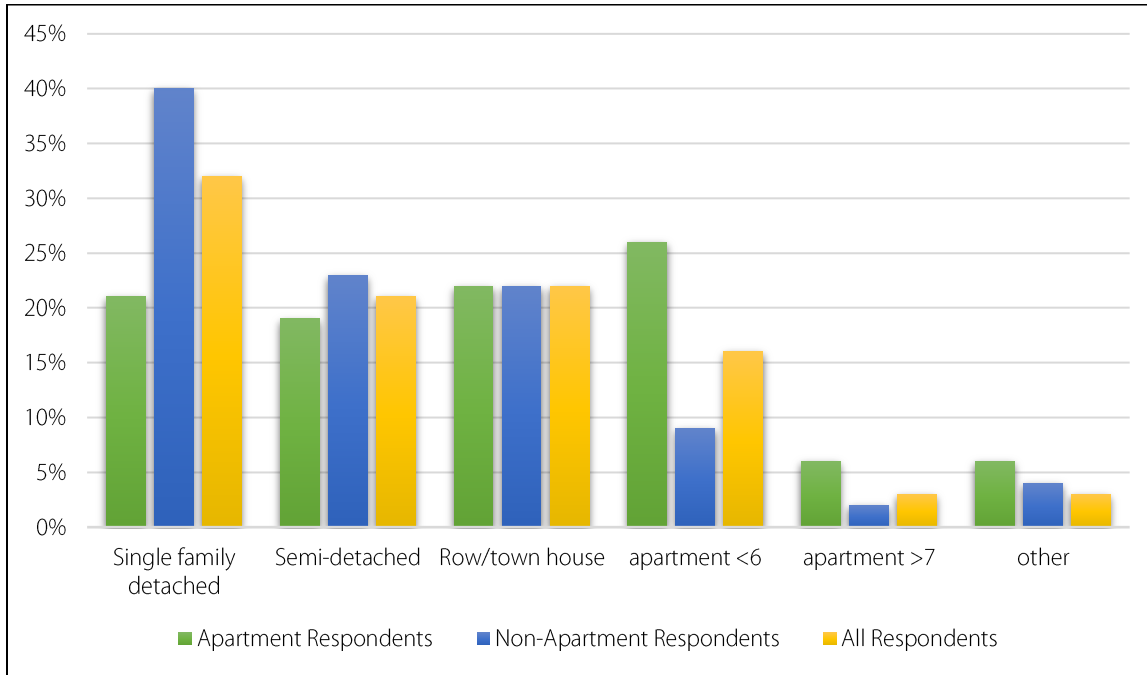
Figure 46: Types of New Development by Respondent Type



Responses to the question about new development types is quite similar when viewed by the two age groups. Some small differences are present, specifically, those over 40 were more in favour of single family detached homes as a new development form. Those under 40 indicated that low level but increasingly denser forms of new development are more favourable, for example semi-detached, row/townhouses, and apartment style dwellings of six storeys or less.

The most popular type of new development for those living in apartments was for lower height apartment type buildings. Respondents who do not live in apartments favoured single family detached homes. Semi-detached homes and row/townhouse types of development were both similarly popular for both types of respondents.

Figure 47: Types of New Development by Respondent Type



4.5 Survey Summary

The resident survey collected ample data on the view of Durand residents on how character factors influence their streets. A summary of key survey results are as follows:

- Many of the character factors in the study, such as mature street trees, front facing entrances, landscaped front yards, were seen as positively influencing the character of a streetscape.
- In general, lower dwelling heights were viewed as a more positive influence.
- In terms of new development, again lower heights were viewed more favourably for future intensification in the neighbourhood, although there was a notable difference between the responses of apartment-style and house dwellers on this question.
- There was a parallel between many survey results and the audit data. Specifically, where audit results reported a dominant factor, (e.g. mature trees) these factors were viewed by survey respondents as positive influences on streetscapes.

5.0 Recommendations

The following section builds on existing neighbourhood policy research, the neighbourhood character audits, and the resident survey to detail specific recommendations for maintaining neighbourhood character in Durand. The recommendations are ordered by each policy framework that should be updated.

5.1 A New Durand Secondary Plan

The previous Durand Neighbourhood Plan is 30 years old and is slated to be updated in the mid-term.²⁷ Building on the policy context set by the new Urban Hamilton Official Plan (UHOP), a new Durand Secondary Plan could provide specific principles, objectives, and policies on issues such as land use and design guidelines. By creating a new secondary plan specific to the Durand neighbourhood, the City will be able to promote land-use and development that reflects the contemporary context and needs of the neighbourhood.

Durand is a good candidate for an updated secondary plan as described in the policy goals of the new Urban Hamilton Official Plan (UHOP). Specifically, the UHOP suggests that secondary plans are appropriate in areas "undergoing change where general policies are insufficient to guide redevelopment or warrant localized reconsideration, and in particular: areas in need of stability and strengthening such as older residential neighbourhoods, commercial areas and heritage areas."²⁸

Further, any planning that supported the maintenance of existing Durand neighbourhood character would be consistent with the City's assessment of built heritage in the neighbourhood. The City of Hamilton Durand Neighbourhood Built Heritage Inventory recommended that 76 percent of the buildings in the neighbourhood should be placed on Hamilton's Register of Property of Cultural Heritage Value or Interest.²⁹ The report further recommended that 60 buildings be designated under Part IV of the OHA.³⁰

Suggested Policies for a Durand Secondary Plan

Existing secondary plans developed for Strathcona³¹, Ainslie Wood Westdale³², and the West Harbour³³ neighbourhoods in Hamilton provide some useful guidance and structure for a new Durand plan. Specifically, there are a number of principles, objectives, and policies approved in these Secondary Plans that could speak to the issue of maintaining Durand's neighbourhood character within the contemporary planning policy context of the City of Hamilton. Additionally, the previous Durand Neighbourhood Plan³⁴ from 1987 also contains a number of policies that are still relevant to the community.

Drawing from the audits, survey and policy research, the follow sections provide some suggested inclusions in a revised Durand Secondary Plan.

5.1.1 Vision

A Durand Secondary Plan would present a vision for the neighbourhood. This vision could explicitly speak to the older urban character of the neighbourhood, and to the need for redevelopment to be consistent with, and complementary of, existing character.

5.1.2 Principles

Following on the vision, a Durand Secondary Plan should establish a set of principles, some of which can expand on the issue of maintaining neighbourhood character.

- One principle could speak to the **historic nature** of the neighbourhood given its settlement pattern, age of structures, and important role in the growth and development of Hamilton.
- In addition, Durand's explicit **urban nature** should be articulated as a principle. This could speak to the compact urban form, street pattern, distinctive streetscapes that all contribute to the identity of the neighbourhood.
- Building on the tradition in the neighbourhood, including provisions in the 1987 Durand Neighbourhood Plan, **community participation** should be embedded as a principle of a new Plan and its ongoing implementation.

5.1.3 Objectives

A set of objectives for Durand should be established in the Secondary Plan that would speak to the type of development desired. Certain objectives, similar to those found in other secondary plans, can be directed at the theme of neighbourhood character.³⁵ Objectives could strengthen the existing neighbourhood by stating the intent for development to:

- Promote and protect character of the neighbourhood
- Encourage development that reflects the neighbourhood character of Durand through attention to elements of urban design
- Protect and enhance locations identified as stable residential areas
- Protect and preserve existing trees while providing new planting where appropriate

5.1.4 General Policies

A Durand Secondary Plan can provide more specific policies that would articulate what should be considered when evaluating an application for development or redevelopment. These can be consistent with policies in other secondary plans.³⁶

Some policies can relate to height, massing, and scale stipulating that:

- The height, massing, scale and arrangement of buildings and structures should be compatible with adjacent development and should be sympathetic to the character of the neighbourhood. This is consistent with policies in the Strathcona and West Harbour Secondary Plans.

Other policies can relate to design elements at the street level stipulating that:

- Changes to the existing housing stock, such as new infill construction and renovations, should be comparable to existing housing styles on the same block and street. This is consistent with a policy in the Ainslie Wood Westdale Secondary Plan where new construction is encouraged to reflect similar housing styles, massing, height, setbacks, and other elements of style as the adjacent homes, on the same block and street.³⁷

5.1.5 Residential Designations

Policies related to residential land use designations would be included in a Durand Secondary Plan. These designations are zones that outline height limits for future development. Following the model of other recent secondary plans in Hamilton³⁸, Durand would have several land use designations, three of which are of particular relevance when considering policies about maintaining residential neighbourhood character:

- Low Density Residential 3: This designation would keep maximum building heights at 2.5 storeys which would be consistent with large parts of the neighbourhood as found in the streets audits (see Figure 14).
- Medium Density Residential 2: This designation would keep maximum building heights at 6 storeys, which is the tallest height of structures examined in the streets audits. Further, policies for these designations could also stipulate that infill development be sympathetic and complementary to the existing character of the neighbourhood, including built form, massing, and materials that are compatible with existing adjacent residential forms.
- High Density Residential: This designation would allow maximum building heights of up to 10 storeys. These heights could pose problems with maintaining neighbourhood character on lower density streets and thus, additional policies can be proposed to mitigate this. For example, an Urban Design Brief could be required for new high density development demonstrating what steps are being taken to improve compatibility with lower density built forms (e.g. step backs).

5.1.6 Cultural Heritage Policies

As an established residential neighbourhood, policies in a Durand Secondary Plan should address cultural heritage. Policies that exist in other contemporary secondary plans³⁹ provide direction on how rules can stipulate that:

- New development respect the design of any surrounding heritage buildings including those within heritage conservations districts, including factors such as:
 - Maintaining a consistent street orientation
 - Maintaining building heights that reflect the existing built form
 - Reflecting the character, massing and materials of the surrounding buildings.
- Intensification through the conversion of existing built heritage should be encouraged only where original building fabric and architectural features are retained. This can include limiting alterations to principal facades and limiting the paving of front yards for parking.

5.1.7 Cultural Heritage Landscapes

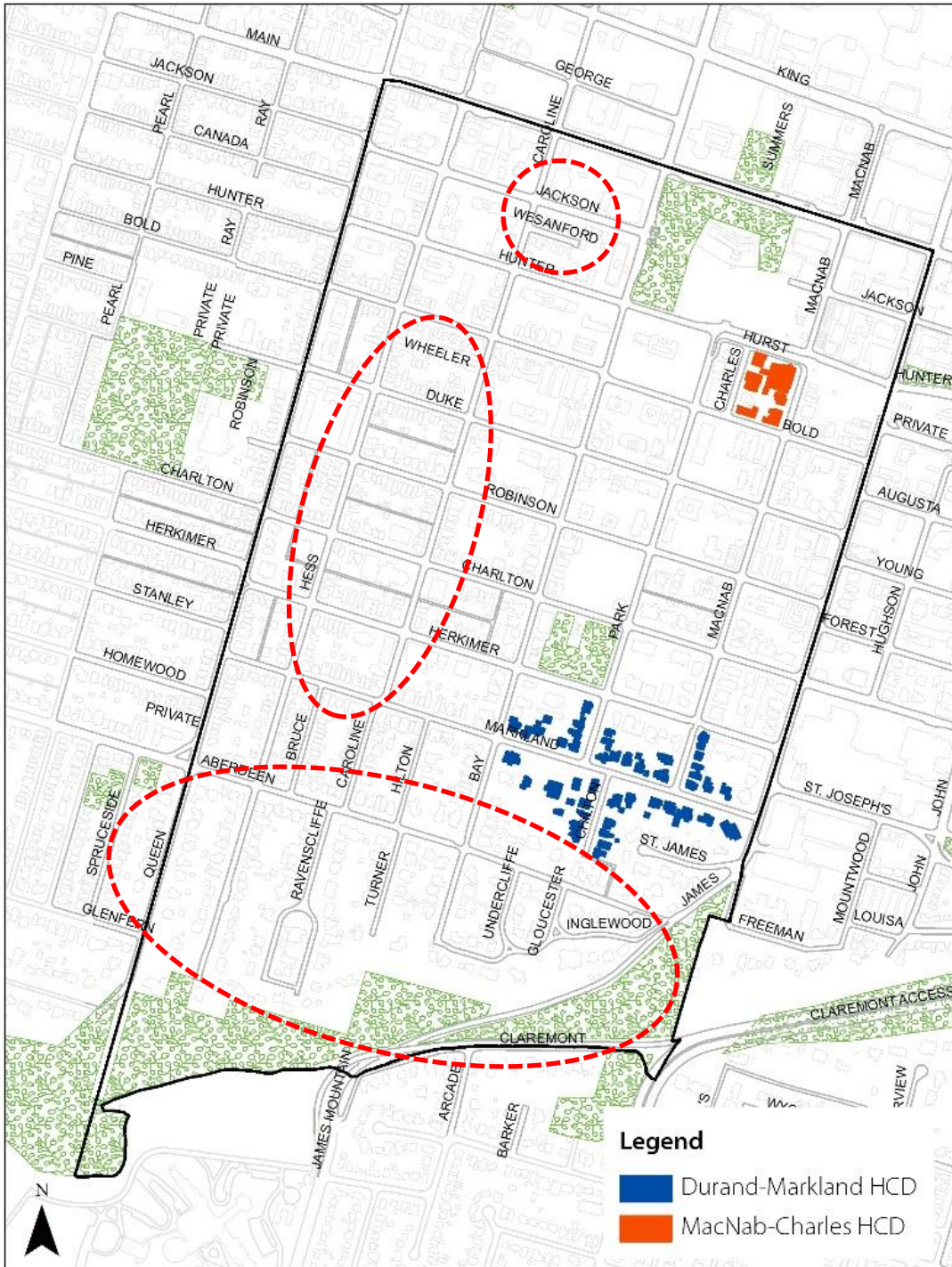
A cultural heritage landscape is a defined geographical area characterized by human settlement activities that have resulted in changes and modifications to the environment, which is now considered to be of heritage value of interest.⁴⁰ Between the Ainslie Wood Westdale and the Strathcona Secondary Plans, 10 Culture Heritage Landscapes are identified based on a variety of reasons. Some of the landscapes and their rationale for significant are outlined in Table 4.

Table 4: Selected Culture Heritage Landscapes in Strathcona and Ainslie Wood Westdale⁴¹

Landscape	Neighbourhood	Rationale
MacNab's Survey	Strathcona	This cultural heritage landscape encompasses the area west of Strathcona Avenue, south of York Boulevard and north of King Street. The existing character of this area is early-twentieth century one to two-storey dwellings. The lot sizes in this area vary slightly in width and depth, but tend to be deeper than the lots in other areas of the Strathcona Neighbourhood.
Mill's Survey	Strathcona	Part of a larger survey by James Mills, this cultural heritage landscape encompasses the area south of King Street, east of Dundurn Street, north of Main Street and west of Queen Street. The area is divided into narrow residential lots containing mid- to late-nineteenth century, one to two-storey single and semi-detached residences.
Arnold's Survey	Strathcona	The lands contained in J. Arnold's Survey include some of the earliest to be developed in the Strathcona Neighbourhood. This area comprises the lands north of King Street, east of Strathcona Avenue, south of York Boulevard and west of Queen Street. The intact streetscapes of this area are characterized by narrow, shallow parcels of land containing mid-nineteenth century one- to two-storey single detached dwellings.
Burke Survey	Ainslie Wood Westdale	This area is bordered by Main, Emerson, Broadway and the Escarpment. The survey is an early 20th century survey of single family homes south of McMaster university.
Veteran's Housing Area	Ainslie Wood Westdale	This area is located on streets south of Main St West, spanning from Haddon to Stroud. The area contains single family houses built following the end of the Second World War.
Planned Suburb of Westdale	Ainslie Wood Westdale	The Westdale planned suburb is one of, if not the, first planned communities in Canada. It was built on 800 acres of land bordered on the east side by what is now the 403, on the west by McMaster, and between Cootes Paradise and Main street.

The variety of rationale described in Table 4 demonstrates that one or more culture heritage landscapes could be designated in Durand based on a variety of factors, such as clusters of housing form with similar attributes ranging from intact streetscapes, housing type, and lot shape. With a culture heritage landscape, any new development can be required to provide a cultural heritage impact assessment that would identify and evaluate all potentially affected cultural heritage resources. This provides another "lens" through which to view neighbourhood character. Figure 48 shows some potential clusters for cultural heritage landscape that could be explored further.

Figure 48: Potential Cultural Heritage Landscapes Alongside Existing Heritage Conservation Districts



5.1.8 Natural Heritage Policies

Policies in a Durand Secondary Plan can speak to the issues of natural heritage and the street canopy stipulating that:

- Street trees should be planted and replaced along streets in the community to improve and maintain the appearance of the streetscapes. This is consistent with policies in the Ainslie Wood Westdale Secondary Plan.⁴²

5.1.9 Urban Design Policies

Policies regarding urban design can be included in a Durand Secondary Plan. These policies can address how new development should create and enhance the existing neighbourhood character through elements like a focus on the pedestrian experience and promoting human-scaled design, while creating links between built form and the neighbourhood character. More specifically, urban design policies can stipulate that:

- Development or redevelopment within Durand shall be sympathetic to and reflect the character of the existing built form for the neighbourhood.
- Elements such as landscaping, trees, setbacks, and massing should be used to minimize the impact of adjacent lower density residential from new development or redevelopment.

5.1.10 Urban Design Guidelines

Further, Urban Design Guidelines can be developed that will elaborate on how development or redevelopment can help maintain neighbourhood character in Durand. The purpose of the Urban Design Guidelines is to describe and direct design, and illustrate how design elements can guide future redevelopment and intensification potential. The Strathcona Urban Design Guidelines are an excellent, Hamilton-focussed model that can provide inspiration for Durand.

Typically, a set of **design principles** frame the guidelines. For Durand and the maintenance of its character, such principles could include the direction that:

- New development should address (face) the street so that it reinforces the streetscapes of the neighbourhood.
- New development that brings intensification should be moderately scaled so that it is more compatible with the existing built fabric. By referencing surrounding structures, new development should provide appropriate transitions within the neighbourhood.
- The pedestrian environment should be enhanced through development or redevelopment, including the provision of amenities such as street trees.

Under principles, **Built Form and Streetscape Guidelines** can then suggest that:

- Development shall be designed with a scale that balances height and massing with street widths and provides appropriate transitions to adjacent areas.
- Primary building entrances shall face the street and provide direct access from public sidewalks through well defined pathways to promote pedestrian safety and convenience.
- The number and widths of vehicular driveways and accesses shall be minimized, where possible.
- Street trees are an important part of the public realm and should be used to enhance the role of the street and promote visual interest.

5.2 Zoning

The next level of policy that should be used to help maintain Durand's neighbourhood character is zoning. Zoning regulates at a parcel by parcel level and covers elements such as how the property may be used, such as lot sizes and dimensions, parking requirements, building heights, and distance from the street. Zoning should be consistent with the Official Plan and any applicable Secondary Plans.

5.2.1 Existing Zoning

The majority of Durand falls under City of Hamilton Zoning By-Law No. 6593, originally passed in 1950. The Northern most portion of the neighbourhood (from Hunter Street to Main Street) falls under the newer Downtown Zoning By-Law. Under current zoning some zone districts keep single family dwellings at 2.5 storeys or less. However, for multi-family dwellings, heights can go up to 12 storeys in some circumstances and higher density development can range between 8-18 storeys depending on the particular location.

The City of Hamilton is updating city-wide Comprehensive Zoning By-law No. 05-200 in stages. In July and October 2015, the City passed a series of zoning by-law amendments to add new zones for the rural area. The next phase of Zoning By-law No. 05-200 is focused on Commercial and Mixed Use Zones. Of particular relevance to Durand is an update to Residential Zones that will be dealt with in a subsequent phase.

5.2.2 Updates to the Comprehensive Zoning By-law No. 05-200

Outcomes from the Durand Neighbourhood Street Audits and Citizen Survey can be used as inputs into the update of the city-wide Comprehensive Zoning By-law when it enters the Residential Zones phase. This can inform how zones might be delineated to allow more compatible development within the existing neighbourhood. For example, the dominant lower heights (e.g. 2.5 storeys) around many parts of the neighbourhood could inform an update to where larger scale development is allowed and not allowed (e.g. up to 10-12 storeys).

This is consistent with the general approach to zoning in the existing by-law. However, a more location sensitive approach for heights could be applied. This would be consistent with policies for urban design contained in the 1987 Durand Neighbourhood Plan which suggested that zoning should be reviewed to ensure, "reduced heights for portions of the neighbourhood where lower heights predominate or where there are significant heritage buildings or streetscapes which should not be disturbed."⁴³

Aside from height, many other elements can be incorporated into an update of the Comprehensive Zoning By-Law. Currently, one part of the By-Law that is already updated deals with the issue of parking across all property types. Of relevance to Durand is the section that deals with Single Detached Dwellings, Semi-Detached Dwellings and Duplex Dwellings. Policies.⁴⁴ Current policies regarding driveways would allow some dwelling units to have a driveway width of up to 50 percent of the lot width. This width would be inconsistent with the dominant character width found in the street audits (see Figure 26). Thus, a more specific solution would need to be employed in Durand.

5.3.3 Durand Neighbourhood Zoning Overlay

Aside from updates to the Residential Zones in the Comprehensive Zoning By-law, the DNA can advocate for the approach whereby a neighbourhood overlay is adopted that ensure than an additional set of rules are applied to Durand that would address elements that speak to maintaining neighbourhood character. Specifically, there can be rules for some of the elements that were included in the street audits, consistent with the Ottawa overlay. The Ottawa approach stipulated that the dominant characteristics for each element would form the rules for development or redevelopment along a particular streetscape.

Further, the DNA could advocate that a mechanism similar to Ottawa's Streetscape Character Analysis (SCA) be employed to determine what rules would apply to properties that fall under the overlay. In this way, "Your Street Gives You Your Rules" provides transparency as to why rules might be different street to street. It also provides flexibility street to street, which would accommodate some of the variations in character elements found in the Street Audits. The nature of the SCA also aligns well with the idea of active public participation in the implementation of policies related to neighbourhood planning, which was an original objective of the 1987 Durand Neighbourhood Plan and should be continued as part of an update to the Plan.

It is important to reiterate that the idea that surrounding houses on a street should give you a framework for rules moving forward is not new in the Hamilton context. As discussed earlier, the Ainslie Wood Westdale Secondary Plan contained policies that specifically advocated for this approach.⁴⁵ The Streetscape Character Analysis simply puts more detail on what elements of the surrounding houses are important and enshrines the process at the zoning level as an overlay.

The overlay is applied as a zoning by-law amendment, so this could be investigated and applied on top of the updated zoning by law. An example of the Ottawa by-law is provided in Appendix B. The Streetscape Character Analysis (SCA) approach was explored earlier, including how it might look in Durand. For more information, the formal (SCA) manual is provided in Appendix A.

Note that the Ottawa approach uses three of the elements used in the Durand character audits and they cleared an appeal at the OMB. Potentially, additional character factors could be managed through other mechanisms and policies (e.g. secondary plan, zoning).

6.0 Implementation and Next Steps

The recommendations outlined in Section 5 touch on a number of issues, across a variety of policy areas. However, implementation of many recommendations will depend on the City of Hamilton's timelines. Thus, the following list prioritizes suggested next steps for the Durand Neighbourhood Association to forward its efforts to maintain neighbourhood character.

The goal of the next steps is to provide direction for the DNA on how to achieve effective and concrete protections for neighbourhood character in the short term, while also ensuring that the unique character of the neighbourhood are recognized and protected in future planning regulation and policies.

Short Term Actions

1. Confirming Timeline for A New Durand Secondary Plan

The previous Durand Neighbourhood Plan is 30 years old and requires updating. A new secondary plan will be a major policy tool to help maintain neighbourhood character in Durand. While a new secondary plan has been identified for Durand, the timing has not been confirmed and is marked by the City as a "mid-term priority".⁴⁶

Action: The DNA should confirm a timeline for a new Durand Secondary Plan.

2. Durand Neighbourhood Zoning Overlay and Streetscape Character Analysis Pilot Project

As many municipal planning policy documents, including the secondary plan and zoning by-law, will potentially not be updated for a number of years, a neighbourhood overlay and streetscape character analysis pilot project should be considered for Durand. Ideally, an overlay should be introduced in coordination with an updated zoning by-law. However, the current timelines for this are uncertain, and therefore the pilot study should be considered in the short term.

An overlay could ensure that an additional set of rules are applied to Durand that would address elements that directly address maintaining neighbourhood character. In addition, the DNA could advocate that a mechanism similar to Ottawa's Streetscape Character Analysis (SCA) be employed to determine what rules would apply to properties that fall under the overlay.

The Pilot project would allow the DNA, and the City, to build on key elements of existing regulation (e.g. 1987 Secondary Plan elements highlighting the importance of maintaining public participation in the implementation of the plan, or the UHOP, which details the importance of "established historical neighbourhoods"). An Overlay Pilot Project would allow the City to test this model, building on the research identified in this report, leading to a more permanent solution when the relevant policies and regulations are updated.

Action: The DNA should advocate for an Overlay Pilot Project for Durand, employing a streetscape character analysis tool.

Medium Term Actions

3. Updates to the Comprehensive Zoning By-law No. 05-200

The majority of Durand falls under the old City of Hamilton Zoning By-Law No. 6593. The City of Hamilton is updating the new city-wide Comprehensive Zoning By-law No. 05-200 in stages. In July and October 2015, the City passed a series of zoning by-law amendments to add new zones for the rural area. The next phase of Zoning By-law No. 05-200 is focused on Commercial and Mixed Use Zones. Of particular relevance to Durand is an update to Residential Zones that will be dealt with in a subsequent phase.

Action: Outcomes from the Durand Neighbourhood Street Audits and Citizen Survey should be used as inputs into the update of the city-wide Comprehensive Zoning By-law when it enters the Residential Zones phase.

4. A New Durand Secondary Plan

When the development of a new Durand Secondary Plan gets underway, the recommendations, policy research and data contained in this report can provide input for that process.

Action: Recommendations from this report, as well as the results of the Durand Neighbourhood Street Audits and Citizen Survey should be used as inputs into the development of the new Durand Secondary Plan

Ongoing

5. Current Durand Planning

While the DNA pursues clarity on the timing of regulatory and zoning updates, it should continue to actively engage in public processes related to changes being sought for properties in the neighbourhood, for example via Committee of Adjustment or rezoning applications. The results of this report can assist the DNA in this effort in three ways, first it provides a detailed chronology of existing (albeit outdated) policy and regulation relating to the neighbourhood. Second, the streetscape audits provide detailed data about a variety of specific character elements across the neighbourhood, highlighting distinct areas where certain character features are dominant and should be preserved. Finally, the results of the resident survey provides the DNA with clear direction from a cross section of residents about the importance of maintaining neighbourhood character.

Action: The outcomes contained in this report, including the neighbourhood research, street audits and citizen survey, could be used to inform contemporary planning decisions in Durand including through Committee of Adjustment applications, development, or re-zoning applications.

7.0 Conclusions

Durand is at a transformative moment in its history. It is a neighbourhood facing the challenge of managing new development and redevelopment while maintaining existing neighbourhood character.

The Durand Neighbourhood Association (DNA) is rising to this challenge. It is working to better understand the existing character of its neighbourhood and the perspectives of its residents. This knowledge will help lay the foundations for future residential development that complements and enhances the existing community, helping the neighbourhood to grow in a way that reflects and respects its long history.

This study provides valuable information and guidance for the DNA, City planning staff, civic leaders, and the community as a whole.

At its heart, this is a made-in-Durand solution. While it builds on a selection of existing planning documents and best practices for understanding neighbourhood character, it is rooted in the local community. It reflects not just the thoughts and input of local residents about their neighbourhood, but also their direct participation in cataloguing its existing built environment. The steps proposed here provide the Durand Neighbourhood Association with several avenues it can pursue to promote growth and change in the neighbourhood that is consistent with its existing character.

8.0 Endnotes

¹ Patterson, A. and G. Rose. History of Durand Neighbourhood. Retrieved from Historical Hamilton, <http://historicalhamilton.com/durand/>

² Ibid.

³ City of Hamilton Mapping System, <http://spatialolutions.maps.arcgis.com/apps/webappviewer/index.html?id=488bae061738484f8c34371a5c188386>

⁴ Committee-of-Adjustment Application HM/A-15:117, <https://www.hamilton.ca/sites/default/files/media/browser/2015-05-19/committee-of-adjustment-agenda-05-28-2015.pdf>

⁵ Committee-of-Adjustment Application HM/B-16:86, <https://d3fp1lf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2016-10-21/committee-of-adjustment-agenda-11-03-2016.pdf>

⁶ Committee-of-Adjustment Application HM/A-15:303, <https://www.hamilton.ca/sites/default/files/media/browser/2015-10-23%2008:50/committee-of-adjustment-agenda-11-05-2015.pdf>

⁷ Committee-of-Adjustment Application HM/A-15:08, <http://www2.hamilton.ca/NR/rdonlyres/D55C2EF7-1A39-4173-B2B5-BC4CAC0427BC/0/20150219Agenda.pdf>

⁸ Planning Division, Planning and Economic Development, Urban Hamilton Official Plan, A1, p. 2. Retrieved from: <https://d3fp1lf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2015-01-15/urbanhamiltonofficialplan-volume1-chaptera-dec2015.pdf>

⁹ Planning Division, Planning and Economic Development Department and Transportation Division, Public Works Department, City of Hamilton. *Strathcona Secondary Plan: Appendix A*. Hamilton, ON, October 1, 2013. p. 20 Retrieved from <https://d3fp1lf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2014-11-07/strathconauhpopa.pdf>

¹⁰ Adapted from City of Hamilton Official Plan, Schedule E-1 - Urban Land Use Designations, <https://d3fp1lf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2015-01-15/urbanhamiltonofficialplan-volume1-schedulee1-urbanlandusedesignations-jan2017.pdf>

¹¹ Planning and Development Department, Regional Municipality of Hamilton-Wentworth. *Draft: Durand Neighbourhood Plan 1986*. Hamilton, ON, May 1987.

¹² Ibid. Figure 2

¹³ Ibid. p. 12-15

¹⁴ Ibid. p. 18

¹⁵ Ibid. p. 43

¹⁶ Ibid. p. 16

¹⁷ Ibid. p. ii

¹⁸ Ibid. p. 45

¹⁹ City of Hamilton Zoning By-Law No. 6598, Consolidated April 2015,
<https://www.hamilton.ca/sites/default/files/media/browser/2015-03-30/hamilton-zoning-by-law-6593.pdf>

²⁰ City of Hamilton Mapping System,
<https://spatialolutions.maps.arcgis.com/apps/webappviewer/index.html?id=c96a9f6b4e364d5fb3ec1e1129aad77d>

²¹ ERA Architects Inc. *City of Hamilton Durand Neighbourhood: Built Heritage Inventory*. Prepared for Tourism and Culture, Planning and Economic Development Departments, City of Hamilton. Hamilton, ON, September 2016. p. 24-25 Retrieved from
<https://d3fpllf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2016-10-05/durand-built-heritage-inventory-draft.pdf>

²² Ibid. p. 24-25

²³ Ibid. p. 6

²⁴ Ibid. p. 69

²⁵ Ibid.

²⁶ Ottawa Business Journal, *City of Ottawa Infill Zoning By-law and Mature Neighbourhoods*,
<http://www.obj.ca/Blog-Article/b/26994/City-of-Ottawa-Infill-Zoning-Bylaw-and-Mature-Neighbourhoods>

²⁷ City of Hamilton, Motion, Planning and Economic Development Committee. August 12, 2014.
<http://hamilton.siretechnologies.com/sirepub/cache/2/3jpm3vxvjnedhg3hevoobedb/3854402212017113243610.PDF>

²⁸ City of Hamilton. *Urban Hamilton Official Plan: Chapter F*. Hamilton, ON, July 9, 2009. Section 1.2.1 p.3 Retrieved from

<https://d3fpllf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2015-01-15/urbanhamiltonofficialplan-volume1-chapterf-implementation-nov2016.pdf>

²⁹ ERA Architects Inc. *City of Hamilton Durand Neighbourhood: Built Heritage Inventory*. Prepared for Tourism and Culture, Planning and Economic Development Departments, City of Hamilton. Hamilton, ON, September 2016. p.69. Retrieved from

<https://d3fpllf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2016-10-05/durand-built-heritage-inventory-draft.pdf>

³⁰ Ibid. p 69

³¹ Planning Division, Planning and Economic Development Department and Transportation Division, Public Works Department, City of Hamilton. *Strathcona Secondary Plan*. Hamilton, ON, October 1, 2013. Retrieved from: <http://www2.hamilton.ca/NR/rdonlyres/A6507140-C966-434F-836A-3A2B840F635A/0/StaffReportPED13143PW13053.pdf>

³² Development and Real Estate Division, Planning and Economic Development Department, City of Hamilton. *Ainslie Wood Westdale Official Plan Amendment, Secondary Plan, Community Strategy and Implementing Zoning*. Hamilton, ON, June 17, 2005. Retrieved from: <http://www2.hamilton.ca/Hamilton.Portal/Inc/PortalPDFs/ClerkPDFs/Planning-Economic-Development/2005/Jul05/PED05055%20-%20REVISED.pdf>

³³ Planning and Economic Development Department, City of Hamilton. "Setting Sail: Secondary Plan for West Harbour" 2012. Retrieved from:

https://d3fpllf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2015-04-20/west-harbour-setting_sail-secondary-plan.pdf

³⁴ Planning and Development Department, Regional Municipality of Hamilton-Wentworth. *Draft: Durand Neighbourhood Plan 1986*. Hamilton, ON, May 1987.

³⁵ Planning Division, Planning and Economic Development Department and Transportation Division, Public Works Department, City of Hamilton. *Strathcona Secondary Plan: Appendix A*. p. 2-3. Retrieved from: <https://d3fpllf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2014-11-07/strathconauhopopa.pdf>

³⁶ Ibid. p. 5

Planning and Economic Development Department, City of Hamilton. "Setting Sail: Secondary Plan for West Harbour" 2012. p 9. Retrieved from:

https://d3fpllf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2015-04-20/west-harbour-setting_sail-secondary-plan.pdf

³⁷ Development and Real Estate Division, Planning and Economic Development Department, City of Hamilton. *Ainslie Wood Westdale Official Plan Amendment, Secondary Plan, Community Strategy and Implementing Zoning*. Hamilton, ON, June 17, 2005. P. 22. Retrieved

from: <http://www2.hamilton.ca/Hamilton.Portal/Inc/PortalPDFs/ClerkPDFs/Planning-Economic-Development/2005/Jul05/PED05055%20-%20REVISED.pdf>

³⁸ Planning Division, Planning and Economic Development Department and Transportation Division, Public Works Department, City of Hamilton. *Strathcona Secondary Plan: Appendix A*. p. 7-8. Retrieved from: <https://d3fpllf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2014-11-07/strathconauhopopa.pdf>

³⁹ Ibid. p. 20-21.

Planning and Economic Development Department, City of Hamilton. "Setting Sail: Secondary Plan for West Harbour" 2012. p. 28. Retrieved from:

https://d3fpllf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2015-04-20/west-harbour-setting_sail-secondary-plan.pdf

⁴⁰ Planning Division, Planning and Economic Development Department and Transportation Division, Public Works Department, City of Hamilton. *Strathcona Secondary Plan: Appendix A*. p. 22. Retrieved from: <https://d3fpllf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2014-11-07/strathconauhopopa.pdf>

⁴¹ Strathcona Secondary Plan: Background Report, p.25-26,
http://www2.hamilton.ca/NR/rdonlyres/653AA751-5CD8-4F15-AD11-0037DC919D65/0/Nov08EDRMS_n229254_v1_7_1_PED11182.pdf

Development and Real Estate Division, Planning and Economic Development Department, City of Hamilton. *Ainslie Wood Westdale Official Plan Amendment, Secondary Plan, Community Strategy and Implementing Zoning*. Hamilton, ON, June 17, 2005. Appendix A, p. 7. Retrieved from: <http://www2.hamilton.ca/Hamilton.Portal/Inc/PortalPDFs/ClerkPDFs/Planning-Economic-Development/2005/Jul05/PED05055%20-%20REVISED.pdf>

⁴² Development and Real Estate Division, Planning and Economic Development Department, City of Hamilton. *Ainslie Wood Westdale Official Plan Amendment, Secondary Plan, Community Strategy and Implementing Zoning*. Hamilton, ON, June 17, 2005. p. 25. Retrieved

from: <http://www2.hamilton.ca/Hamilton.Portal/Inc/PortalPDFs/ClerkPDFs/Planning-Economic-Development/2005/Jul05/PED05055%20-%20REVISED.pdf>

⁴³ Planning and Development Department, Regional Municipality of Hamilton-Wentworth. *Draft: Durand Neighbourhood Plan 1986*. Hamilton, ON, May 1987. p. 42.

⁴⁴ City of Hamilton, Hamilton Zoning By-Law 05-200 Section 5: Parking, p. 5-2 Retrieved from: <https://d3fpllf1m7bbt3.cloudfront.net/sites/default/files/media/browser/2015-01-20/zoningby-law05-200-section5-parking-may2016.pdf>

⁴⁵ Development and Real Estate Division, Planning and Economic Development Department, City of Hamilton. *Ainslie Wood Westdale Official Plan Amendment, Secondary Plan, Community Strategy and Implementing Zoning*. Hamilton, ON, June 17, 2005. p. 22. Retrieved from: <http://www2.hamilton.ca/Hamilton.Portal/Inc/PortalPDFs/ClerkPDFs/Planning-Economic-Development/2005/Jul05/PED05055%20-%20REVISED.pdf>

⁴⁶ City of Hamilton, Motion, Planning and Economic Development Committee. August 12, 2014. <http://hamilton.siretechnologies.com/sirepub/cache/2/3jpm3vxvjnedhg3hevoobedb/3854402212017113243610.PDF>

Appendix A

STREETSCAPE CHARACTER ANALYSIS (SCA) MANUAL



A Streetscape Character Analysis is required for development, or an addition in the front, side or corner side yard, or for a private approach, in the area covered by the Mature Neighbourhoods zoning overlay

In the Mature Neighbourhoods, "*Your street gives you your rules*". In addition to the regular zoning that applies to your property, certain rules are based on your streetscape. To determine all your zoning requirements and permissions, a Streetscape Character Analysis is required.

To determine all your zoning requirements and permissions, a Streetscape Character Analysis is required. These rules apply to parts of Wards 12 and 13, and all of Wards 14, 15 and 17.

A Streetscape Character Analysis must be completed using a simple online form, and must be confirmed prior to any development application review process in the Mature Neighbourhoods. Only those proposed developments, which are compatible with and reinforce the look along the street, are permitted.

A Streetscape Character Analysis is required for the purposes of establishing zoning requirements for residential development of four storeys or less, for all of the following applications on properties located within the Mature Neighbourhoods Overlay as identified in Zoning By-law 2008-250:

- Building Permit, for any development of, or additions to, a residential use building that is visible from the street
- Consent for severance, Minor Variance to the Committee of Adjustment
- Permission to expand or change a legal non-conforming use only if expansion includes alterations to the exterior of the dwelling that alters the front or corner side yard, the driveway, parking, or removing the front door from facing the street to the Committee of Adjustment
- Site Plan Control
- Zoning By-law Amendment
- Private Approach Permit, for a new or the widening of a curb cut leading to a driveway or parking space from a public street

It does not apply to:

- Mid-rise and High-rise Apartment Buildings, and also excludes that portion of a mid- or high-rise apartment building that may be four storeys or less
- Internal changes to a dwelling that do not result in exterior changes that are visible from the street
- Dwellings that front on a private way and not on a public street
- Additions that do not abut or extend into the front yard or corner side yard
- Accessory buildings, such as sheds but not garages, to be located in the rear yard
- A lot in a Plan of Subdivision that faces a new public street

If you are unsure as to whether your proposal requires a Streetscape Character Analysis, please contact staff at 311 or by leaving an email at sca-apr@ottawa.ca.

This manual has been prepared to assist any person who wishes to develop a new residential use building or make exterior changes to their dwelling that are visible from the street, and as such, has been written in plain language. For exact wording, please see Sections 139 and 140 of the *Comprehensive Zoning By-law 2008-250*. Where there may be any discrepancy, the By-law takes precedence.

HOW TO COMPLETE A STREETSCAPE CHARACTER ANALYSIS

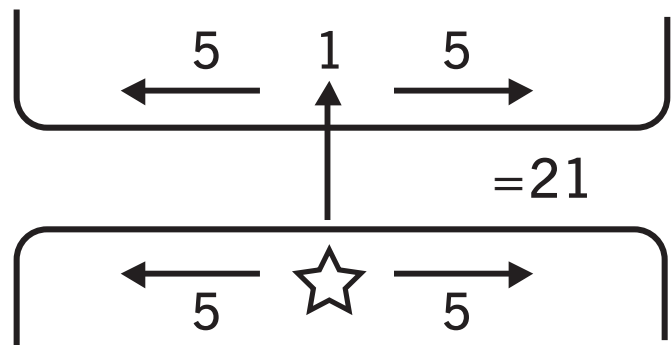
Step 1 Determine extent of your streetscape

- Tools you need: geoOttawa + properties layer (see page 7)

What is "a streetscape"? Ottawa's zoning defines it as the 21 lots around your property, along your street. To determine the streetscape that you have to document, use maps.ottawa.ca/geoOttawa/ to locate your property, then use the properties layer to see all the lots along your street.

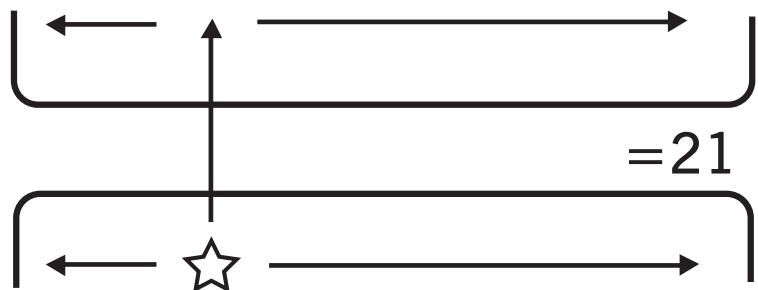
On a basic level, the By-law says to count 5 lots to the right and 5 lots to the left of yours, then one across the street, then 5 to the right and 5 to the left of the lot across the street, all of which are located on the same block.

By-law reference: 139(5)(b)



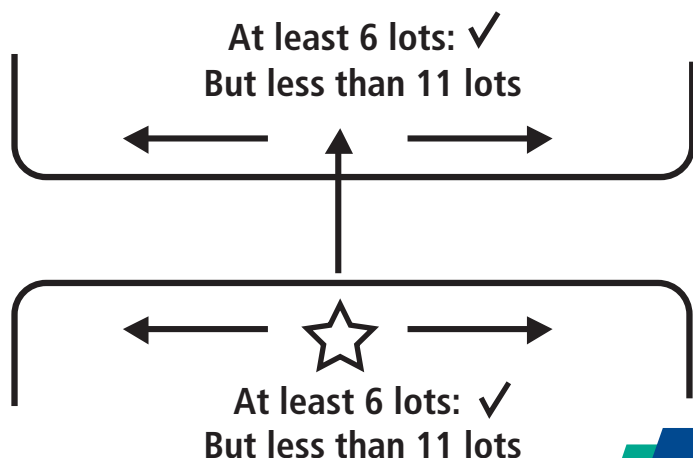
If your lot is closer to an intersection, the By-law says to stay within your block to get to 21 lots without crossing intersections. You might then have 2 to the left and 8 to the right of yours, and 3 to the left and 7 to the right of the lot across the street.

By-law reference: 139(5)(b)

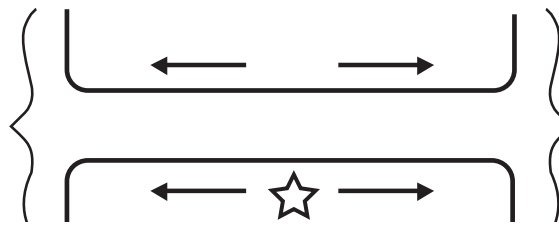


Where your lot is located on a block between two intersections where the total number of lots on both sides of the street is less than 21, but there are at least 6 lots (including yours) but less than 11 lots on your side of the street and at least 6 lots but less than 11 lots on the opposite side of the street, the total is deemed to comply with the requirement for documentation.

By-law reference: 139(5)(c)



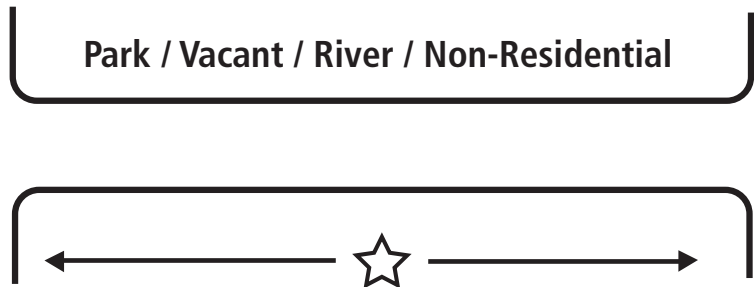
If your lot is on a block between two intersections where the total number of lots on both sides of the street is less than 21 but more than 11, documenting all lots on the block on both sides of the street will comply with the requirement for documentation.



Total number of lots on your block, on both sides of the street, is at least 12 lots but less than 21

By-law reference: 139(5)(d)(i)

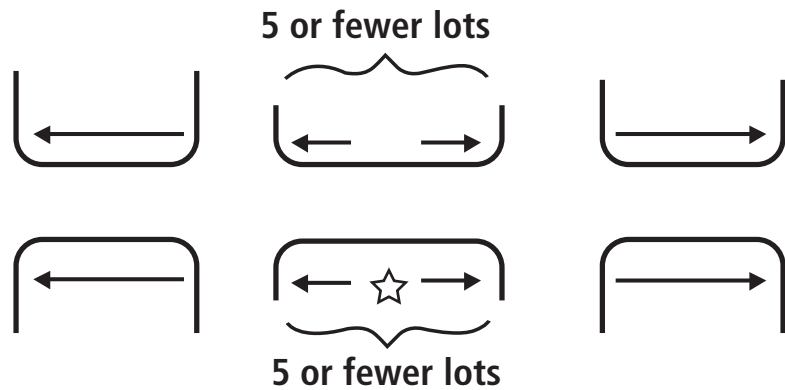
If your lot is on a block [between two intersections] where there are at least 11 lots on your side of the street, and across the street there are no residential uses at all, then documenting all of the lots on your side of the street will comply with the requirement for documentation.



At Least 11 lots: ✓

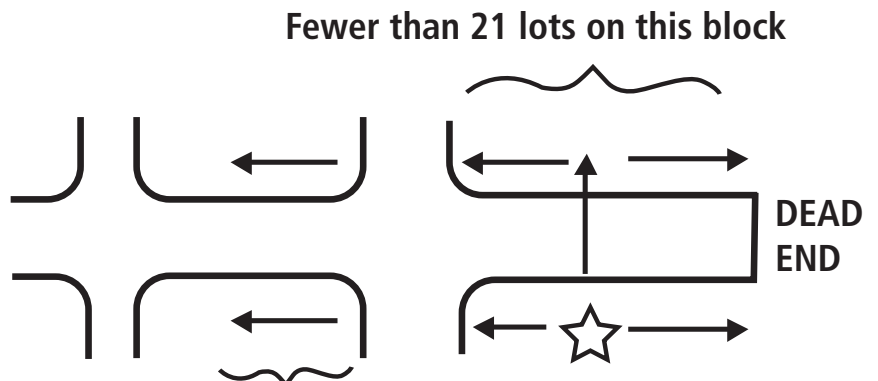
By-law reference: 139(5)(d)(ii)

If there are 5 or fewer lots on your block, on your side of the street and/or across the street, and there are 5 or more lots on either side of the same street beyond either intersection, go beyond one intersection on either side to get to 21 lots.



By-law reference: 139(5)(e)(f)

If your street dead-ends at the end of your block, but has one or more blocks in the other direction, and that block has more than 5 but less than 21 lots, you are required to go beyond the intersection to document lots to get to 21 lots.

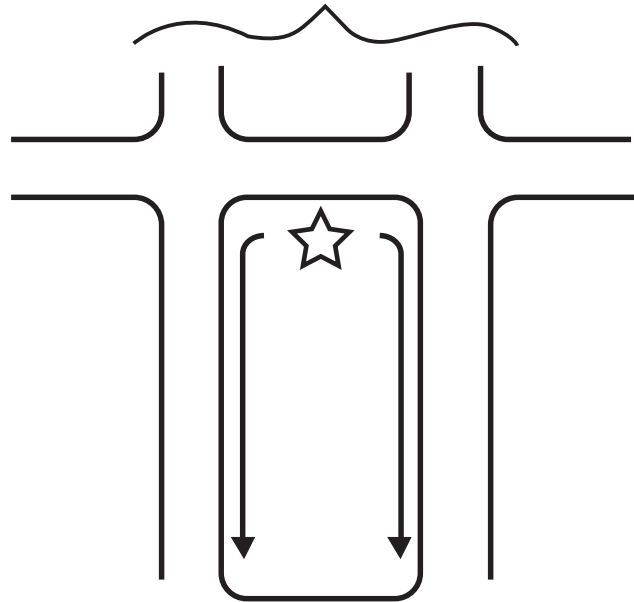


By-law reference: 139(5)(g)

If your block has 5 or fewer lots, or contains lots with dwellings that face a street other than yours then stay within your block and get to 21 lots on the side streets.

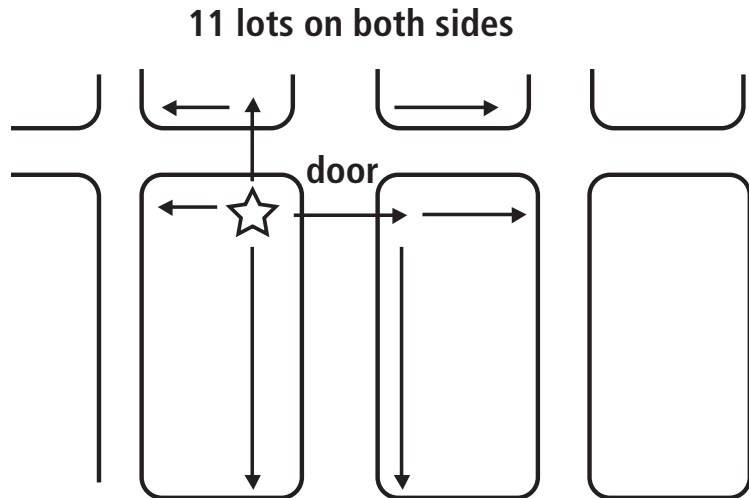
By-law reference: 139(5)(h)

Fewer than 5 lots or contains lots with dwellings that face a street other than yours



If you are on a corner lot and are proposing a building with dwellings that front on each of the two streets, you must document both streetscapes using two separate Forms (21 lots fronting on the same street as the main door of your lot, and 11 lots fronting on the same street as your lot's corner side lot line).

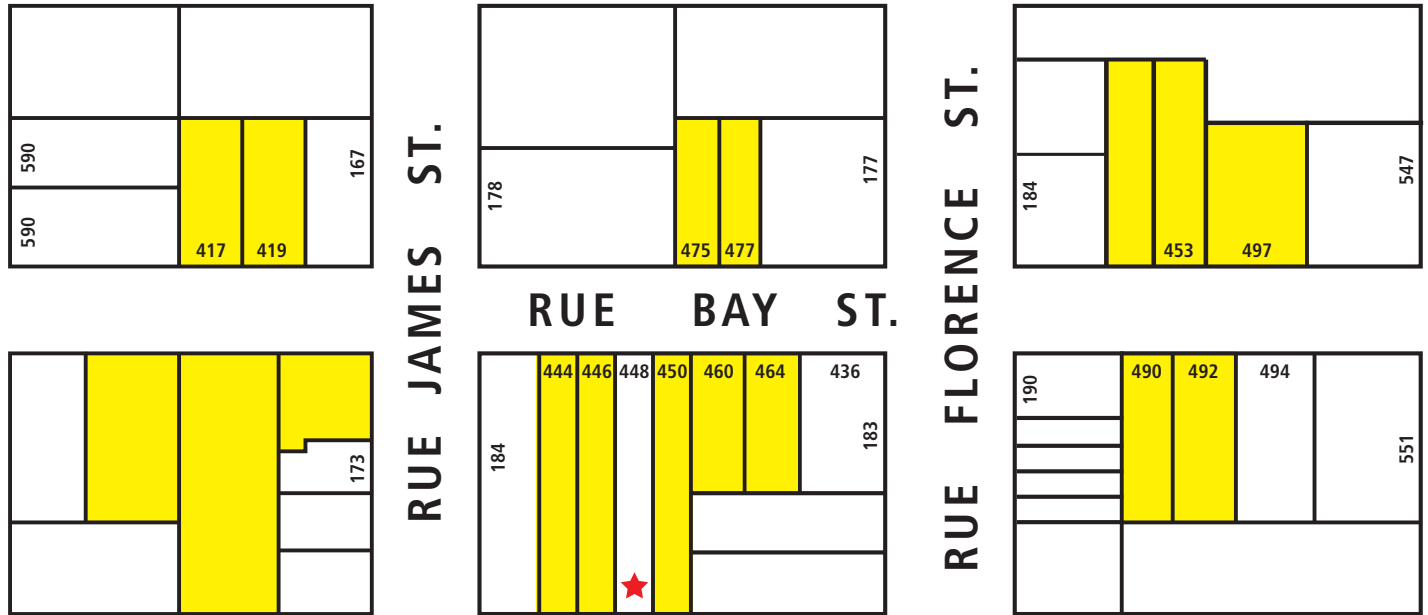
By-law reference: 139(5)(k)



HOW TO DOCUMENT YOUR STREETSCAPE

On the reverse side of the **Streetscape Character Analysis Form** (at the end of this manual and also available at www.ottawa.ca and at Client Service Centres), there is a large rectangular space for you to draw the street and lot pattern of your streetscape that must show lot addresses. An example of such drawing is shown below, using a complex lot pattern. Only use lots that are facing the same street as yours.

On this drawn example:



- Identify your property with a star
- Include all street names
- Write down the street address of all the properties (lots) that you document
- You may also wish to use a highlighter pen to identify the 21-lot area that you are documenting.

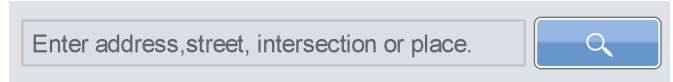
In the above example, the streetscape has a total of 17 lots: five to the right, five to the left, one across the street, four to the right and two to the left of the one across the street.

Where townhouses or stacked townhouses exist, you must look on maps.ottawa.ca/geoOttawa/ first to determine whether they are all located on one lot or whether they are severed and located on individual lots. Where they are located on one lot only, all of the townhouses count as one lot only, because the character to be documented is of the 21 (or fewer) lots.

HOW TO USE GEOOTTAWA

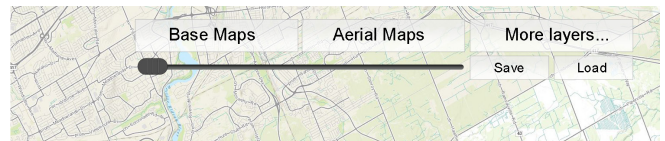
To access the City of Ottawa online map, go to maps.ottawa.ca/geoOttawa/ and follow these few important steps:

1. Type your complete address including Street, Avenue, etc. into the search bar at the top where it states "Enter Address, street, intersection or place."



2. The pop-up information will show your zone code (e.g. R4V). The Zone Code will tell you what kind of dwelling you may build, the yard setbacks, and the maximum height permitted.

3. Go to the top Right and click on "More layers..."

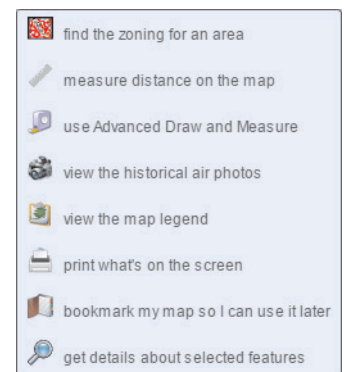


4. Click the box next to "Property Parcels". This will show you the property lines and help determine which lots to include in the 21-lot SCA. See Pages 2-3 for variations where there are fewer than 21 lots adjacent to your site. Zoom in until you see addresses and mark down the address numbers on the SCA Form in your drawing of each lot that is to be documented in the SCA Form.

5. Slide the marker along the thick black line located on the Left, beneath "Base Maps". This allows you to switch from property information to air photos. Use the air photo setting to do the required measurements for driveway widths on each lot.



6. Go to the top Left and click on "I want to..." and click on "Measure distance on the map". This will create a new pop-up that will show the total distance once the linear area has been measured.



7. Zoom in to measure. **You are required to check the width of the lot**, by placing the mouse arrow at one end of the front lot line where it meets the side lot line – it will indicate the word "Start"; place the arrow where the front lot line meets the other side lot line and click. The number will be the lot width.
8. **You are required to check the width of a driveway.** Zoom in as far as you need to, place the mouse arrow at one end of all driveways along front lot line, and then place the arrow at the other end of the driveway along the front lot line.
9. If you are proposing to develop a corner lot, **you are required to measure the actual lot widths and driveway widths of 21 lots located along the street that your house will face, and 11 lots along the other street frontage.** See By-law for exact wording.

In addition, you must take **photographs of each of the lots that you are documenting** in the Streetscape Character Analysis Form. Photographs are to be submitted with the SCA Form. Make sure to show the street sign name as part of your photos to confirm the location of the photos.

HOW TO FILL OUT SCA FORM

STEP 2 Documenting the patterns and Character of the Streetscape "YOUR STREET GIVES YOU YOUR RULES"

The key idea is to look around you, on the street where you are proposing to build something new (either an infill house or an addition that is visible from the street). The first consideration, and the top job for your architect, is "how can I build something that fits into, respects and reinforces the established character of my street – even if the new house or addition ends up being architecturally unique, original, or creative?"

While you retain complete architectural freedom to design according to your tastes and wishes, there are three key streetscape attributes that the City now regulates to ensure that streetscape character is maintained and strengthened in our Mature Neighbourhoods. Those are: front and corner side yards, parking and driveways, and the location of the main entrance to the house.

The **dominant character**, on your streetscape for each of (1) front yards, (2) parking and driveways, and (3) the main entrance to the house, **sets your zoning rules**. To find out what the zoning allows you to do, you must first establish what the dominant character is for each of the three attributes named above.

- On the **Streetscape Character Analysis Form**, located at the end of this Manual and online at www.ottawa.ca (Search "Streetscape Character Analysis"), you will have written the address of all the lots that make up the streetscape (the 21 lots around yours, or the lots that correspond to the situations described in Step 1). Also write the **address** of your property, which is the one identified by a star. Where a street intersects, draw a thick line after the lot that ends the block (figure 6).
- In the first section (*Front Yard / Corner Side Patterns*), document the **type of front yard** found on each of the lots that make up your streetscape, using the types listed and illustrated below. and as described in Section 140(1) of the Zoning By-law On the **SCA Form**, in the *Front Yard /Corner Side Character Table*, add up how many lots have each of the patterns from each of the four Character Groups that **are present on the streetscape**. The most prevalent Character Group (the one with the most occurrences) is your **front yard (and corner side yard) requirement(s)**.
- In the second section (*Access and Parking Character*), document the type of **driveway** (e.g. single, double, shared) **and parking** (e.g. surface, garage, carport, rear detached, underground), if any found on each of the lots that make up your streetscape, using the types listed and illustrated below and as described in Section 140(2) of the Zoning By-law. In the *Access and Parking Character Table*, add up how many lots fall within each of the patterns from each of the Character Groups that are present on the streetscape. The most prevalent group (the one with the most occurrences) is what you are **allowed to do**. **NOTE:** Parking is not required for buildings of 12 or fewer dwelling units. It is permitted **ONLY** if it is provided in a pattern that belongs to the Character Group most prevalent on your streetscape, or a pattern with less impact. For buildings of more than 12 dwelling units, parking must be provided in accordance with the dominant character.
- In the third section (*Main Door Character*), document the type of **main entranceway** to the houses found on each of the lots that make up your streetscape, using the types listed and illustrated below and as described in Section 140(3) of the Zoning By-law. In the *Main Door Character Table* to the right, add up how many of the patterns from each of the Character Groups are present on the streetscape. The most prevalent group (the one with the most occurrences) is your main entranceway **requirement**.

IDENTIFYING CHARACTER:

What are the Character Groups?
What are the patterns within each group?

Front yards and Corner Side yards

GROUP A: Fully landscaped front or corner yard



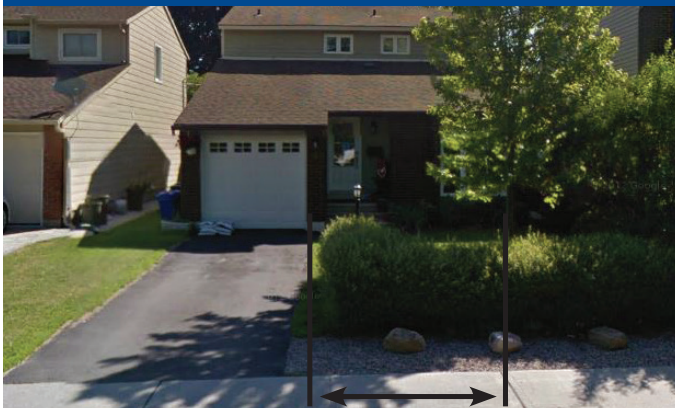
Entire front yard or corner side from lot line to lot line is landscaped (can be soft or hard landscaping, or a mix of the two, as long as a car can't park there) – walkways allowed.

GROUP B: Landscaped front or corner yard in front of the house



There is landscaping across the entirety of the front or corner side wall of the house (can be soft or hard landscaping, or a mix of the two, as long as a car can't park there) – walkways allowed.

GROUP C: Landscaped front or corner yard in front of part of the house



There is landscaping in front of a portion of the front or corner side wall of the house (can be soft or hard landscaping, or a mix of the two as long as a car can't park there) – walkways allowed.

GROUP D: Small or no landscaped front or corner yard



Either the house extends to the front lot line or corner side, or a permitted projection (porch, stoop) extends to the front lot line and occupies all or part of the width of the front yard.

You **MUST** provide a front yard of a type that is within the same Character Group as the most prevalent on your streetscape. There are FOUR Character Groups noted in the By-law as illustrated above.

Within these Character groups there can be the following patterns (**in all cases, landscaping may contain a walkway**, the latter of which is subject to maximum depth and width under Subsection 139 (16)), as identified in Section 140 of the Zoning By-law 2008-250. Please consult the Zoning By-law or contact a Development Information Officer (phone 311) for definitions of soft and hard landscaping, front wall, front yard, side yard, corner side yard and carport:

- (i) Entire front yard, from side lot line to side lot line, consists of soft landscaping.
- (ii) Entire front yard, from side lot line to side lot line, is a mix of soft and hard landscaping.*
- (iii) Soft landscaping across the entire front wall of the house, except for a driveway where one is permitted.
- (iv) Mix of soft and hard landscaping across the entire front wall of the house, except for a driveway where one is permitted.
- (v) Soft landscaping in front of the part of the house that doesn't contain a garage, or covering the front yard aside from a legally-established front yard parking space.
- (vi) Mix of soft and hard landscaping in front of the part of the house that doesn't contain a garage, or covering the front yard aside from a legally-established front yard parking space.
- (vii) A projection (such as a porch) occupies part of a shallow front yard between the house and the front lot line.
- (viii) No front yard (the house is built at the lot line).

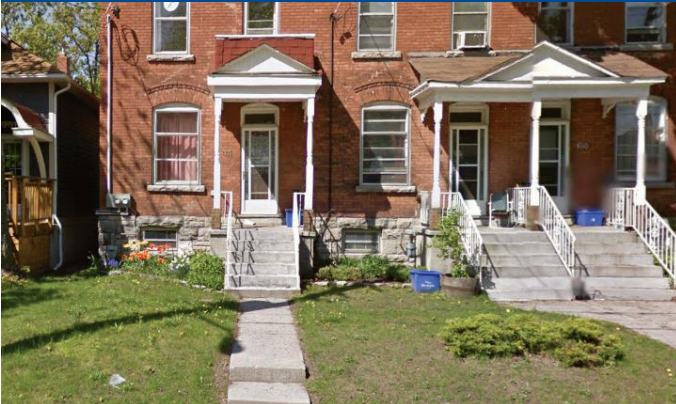
* Any front yard parking space whose legal status is not confirmed **MUST** be documented as "hard landscaping".

Note: The roman numerals noted above, are represented as patterns and shown as columns on the Form. The Form is found at the end of this Manual.

Parking and Driveways

The parking you provide, either by choice or to meet a requirement, may ONLY be provided if it is in a pattern that belongs to the Character Group that is most prevalent on your streetscape. Parking is not required for residential buildings of up to 12 dwelling units. For residential buildings with more than 12 units, parking is required and calculated on the basis of the total number of dwelling units minus the first 12. There are FOUR Character Groups defined in the By-law:

GROUP A: No streetscape impact from on-site parking



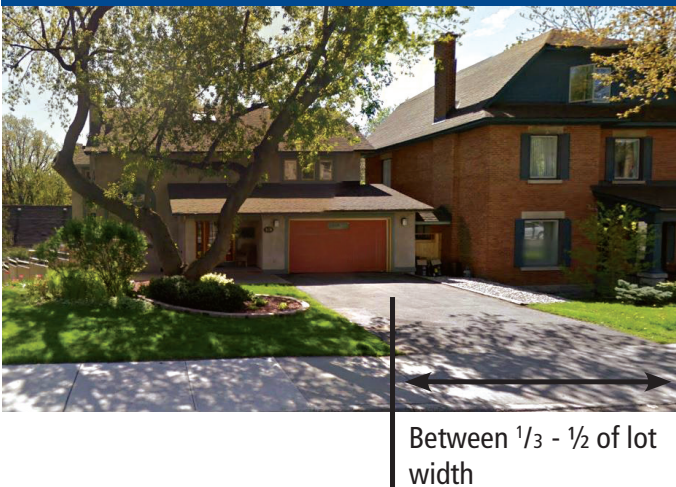
The property either has no on-site parking, or has parking accessed from a rear lane or a side street (if on a corner).

GROUP B: Low streetscape impact from on-site parking



A permitted driveway will measure no more than **one-third of the lot width**. It can be a shared driveway and it can pass through a carriageway.

GROUP C: Medium streetscape impact from on-site parking



A permitted driveway will measure **between one-third and one-half of the lot width**.

GROUP D: High streetscape impact from on-site parking



A permitted driveway will measure **half or more of the lot width**.

Driveways

If your property is on a streetscape in Character Group A, you are not allowed a driveway from the street. If your property is on a streetscape in Character Groups B, C or D, the following are the MAXIMUM permitted widths for driveways:

For lot widths, or in the case of dwelling unit parcels that are not severed, for street frontage widths, of	Maximum width, shared driveway	Maximum width, single driveway	Maximum width, double driveway
Under 6 m	3.0 m	Not permitted	Not permitted
Between 6 m and 7.49 m	3.0 m	2.4 m	Not permitted
Between 7.5 m and 8.24 m	3.0 m	2.75 m	Not permitted
Between 8.25 m and 14.99 m	3.0 m	3.0 m	Not permitted
Between 15 m and 17.99 m	3.0 m	3.0 m	5.5 m
18 m and more	3.0 m	3.0 m	6.0 m

Within these Character groups there can be the following patterns:

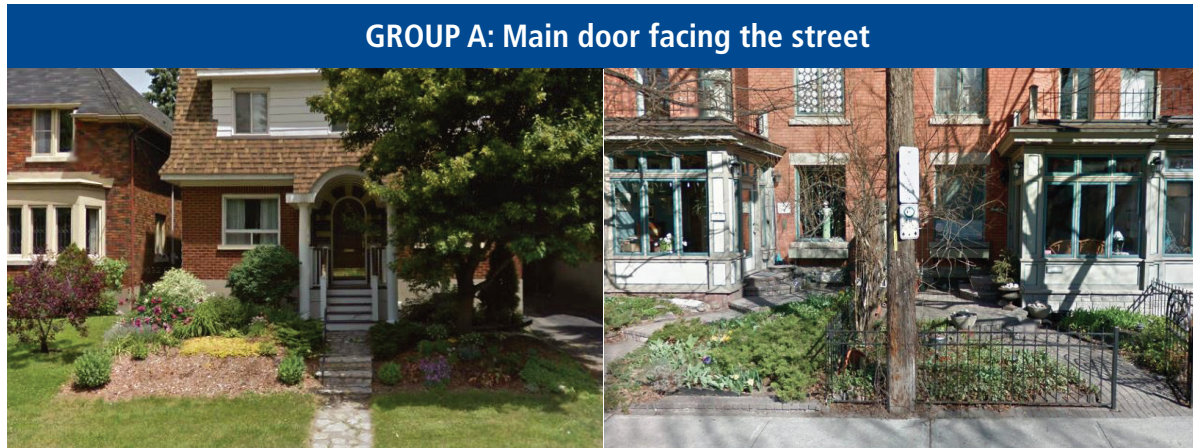
- (i) No on-site parking.
- (ii) Surface parking or garage (single or double) off travelled rear lane.
- (iii) On a corner lot, a driveway from either the main or the side street to parking in the side or rear yard..
- (iv) Single driveway to rear yard surface parking or detached or attached garage.
- (v) Single driveway to interior side yard surface parking, garage or carport.
- (vi) A shortened driveway that no longer leads to parking in a side or rear yard and results in front yard parking.*
- (vii) Shared single driveway, that may pass under a carriageway, to access parking in rear yard, interior side yard or interior yard
- (viii) Shared double driveway, which may pass under a carriageway, to access parking in rear or interior side yard.
- (ix) Single driveway to an attached garage that is set back further than the front wall of the house.
- (x) Attached garage that is flush with the front wall of the house.*
- (xi) Legally-established front yard parking space.*^
- (xii) Attached garage located closer to the front lot line than the house.*
- (xiii) Double driveway to attached garage that is set back further than the front wall of the house.

*To be able to develop in one of these manners, the pattern itself must be dominant and not merely in the dominant Character Group, e.g.(vi) only if that pattern is the most prevalent may it be developed.

^The onus is on the applicant to undertake the legal research, and pay any applicable fees, associated with establishing the legal status of a front yard parking space.

Main door

The main entrance to your house should be visible from the street. However, where the dominant Character Group on your streetscape represents main entrances that do not face the street, then such is also permitted. There are TWO Character Groups defined in the By-law:



The principal entranceway into the house either faces the front lot line, or is part of a "permitted projection" (such as a porch) but doesn't face the front lot line.



The principal entranceway into the house in the middle does not face the street.

Within these Character Groups there can be the following patterns:

- (i) The main door of the house, with or without a projection accessing it, faces the front lot line.
- (ii) The main door of the house is part of a permitted projection located along the front wall of the house, that does not face the front lot line (e.g. on the side of an enclosed porch).
- (iii) The main door of the house does not face the front lot line.

WHAT IS A "DOMINANT" CHARACTER?

The By-law defines "dominant" as being "the most frequently occurring".

For example, in a 21-lot Streetscape Character Analysis,

- A Character Group that is present on 11 lots is the most frequently occurring;
- If there are 7 lots in Group B, 6 lots in Group C and 6 lots in Group D, then the dominant Character would be Group B.

In a Streetscape Character Analysis that has an even number of lots and there is a **tie between two Character Groups**, then both Groups are deemed to constitute the dominant character of that streetscape and any pattern from either is permitted, except in those instances where the pattern itself must be the most prominent.

In a Streetscape Character Analysis that has an odd number of lots and there is a **three-way tie between three Character Groups**, then all three Groups are deemed to constitute the dominant character of that streetscape (which would then be described as an 'eclectic' streetscape).

CHECKLIST

- Measure actual lot width and actual driveway width of each lot (see page 7 in Manual)
- Measure existing front yard setbacks of the one or two lots immediately next to yours
- Fill in both sides of the SCA Form
- Scan and submit completed Form and accompanying photographs to sca-apr@ottawa.ca, or to a staff in a Client Service Centre, or at a development pre-consultation meeting with a development review planner.

STREETSCAPE CHARACTER ANALYSIS FORM

Name: _____ Email: _____ Address of proposed development: _____

Type of Development Review Application Being Submitted: Zoning Site Plan Minor Variance Severance Private Approach Building Permit

This form is required in order to determine zoning requirements and permissions with respect to front yards and corner side yards, access and parking, and front doors. When filling in this form, please bring and refer to the **Streetscape Character Analysis Manual**, available at Client Service Centres and at: ottawa.ca/Streetscapecharacter This form must document 21 lots around your lot. See Manual for cases where less than 21 lots on a street. Once this form has been approved, then a development application will be considered complete. Submit this Form and photograph of each of the lots to sca-apr@ottawa.ca, or to a Development Information Officer in a Client Service Centre, or at a pre-consultation meeting. Remember that your immediate neighbours' front yard setbacks on either side of you must be measured. You must also measure each of the 21 lots' actual lot width and driveway width by using GeoOttawa so you may know which Access and Parking Character Group in Table 2 identifies your streetscape.

TABLE 1 FRONT AND CORNER SIDE YARD CHARACTER		HOW MANY LOTS?
Character Group	Refer to S.140 Table 140(A) Zoning By-law 2008-250	Total
A.	Landscaped front yard and corner side yards (side lot line to side lot line) where there is no driveway off the street(s)	
B.	Mix of soft and hard landscaped front yard in front of the entire front wall of the house	
C.	Mix of soft and hard landscaped front yard in front of a portion of the front wall of the house	
D.	No front yard (buildings at or close to the front property line), or short, undersized front yard occupied mainly by permitted projections such as a front porch or stoop	
Note: Lots containing a residential use dwelling(s) that is set back at least the minimum required front yard setback, and where the front yard consists mostly or entirely of parking spaces whose legal status has not been established, and where there is also a driveway providing access to garage, carport or surface parking, must be documented as Front Yard Character Group B		

TABLE 2 ACCESS AND PARKING CHARACTER		HOW MANY LOTS?
STEP 1. Character Group	Refer to Table 140(B) of Zoning By-law 2008-250	Total
A.	No driveways along lot lines abutting a street	
B.	Driveways are up to 1/3 of the lot width Note: Lands used for front yard parking are not counted within the driveway width	
C.	Driveways are between 1/3 and 1/2 of the lot width Note: Lands used for front yard parking are not counted within the driveway width	
D.	Driveways are 1/2 or more of the lot width Note: Lands used for front yard parking are not counted within the driveway width	

Date Submitted: _____ Date confirmed: _____ Staff signature: _____

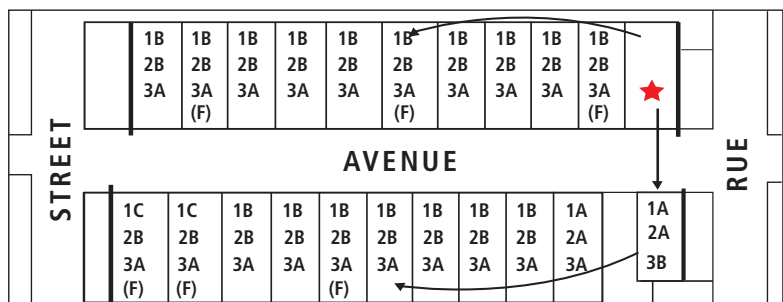
(Page 1 of 2)

TABLE 2 ACCESS AND PARKING CHARACTER		HOW MANY LOTS?
STEP 2. Parking Patterns must be identified for each lot: (see S. 139 (10) Zoning By-law) ONLY fill this out if you want one of the following:		
If you propose new front yard parking space (s), identify how many properties have legal front-yard parking spaces		
If you propose a garage that is set back the same distance from the front and/or corner side lot line as the dwelling unit itself, identify how many properties have garages that are set back the same as their dwelling unit		

Table 3 MAIN DOOR CHARACTER		HOW MANY LOTS?
Character Group	<i>Refer to Table 140(C) of Zoning By-law 2008-250</i>	Total
A. Main door faces the front lot line and the street, or is accessed by a structure located along the front wall of the dwelling but does not face the front lot line and street		
B. Main door does not face the front lot line and doesn't face the street		
Note: If you have a corner lot, A and B also apply when documenting doors along the corner side lot line		

Please draw your streetscape, including the street(s) on which your proposal will front, the 21 lots (or less) required for the Streetscape Character Analysis, and identify: 1) name of street; 2) street address number of the 21 lots on both sides of the street; 3) draw a star on your lot; 4) and for each lot, identify the Character Groups (represented by the numbered groups on page 1), and identify the pattern (represented by the roman numerals associated with each of the Character Groups) as shown in the example below. You **must** fill out two Forms when developing a corner lot where one or more dwelling units front on one street, and one or more dwelling units front on the other street.

STREETSCAPE (Draw your streetscape here)



Appendix B

- (b) the total amenity area required at grade for all Three-unit Dwellings, Low-rise Apartment Dwellings, Rooming Houses and Converted Rooming Houses in the Planned Unit Development does not need to exceed 120 m². (By-law 2014-189)

Regulations Affecting Vertically Attached Dwelling Units (Section 138)

- 138. (1) Minimum interior side yard and minimum rear yard setbacks are deemed to be 0 m between individual dwelling units that are permitted to be vertically attached. (By-law 2014-289)
- (2) A linked-detached dwelling must be connected by a common foundation wall that is no greater than 1 metre above grade, and a minimum of 5 metres or more in depth.
- (3) A duplex dwelling may additionally have vertical separated gross floor area of up to 15% of the upper unit.
- (4) A semi-detached dwelling must have a vertical common wall that is 5 metres or more in depth and 2.5 metres or more in height. (By-law 2010-307)

Low-Rise Residential Infill Development in the Mature Neighbourhoods Overlay (Section 139)

(OMB Order, File #PL120666, issued June 10, 2015) (By-law 2012-147)

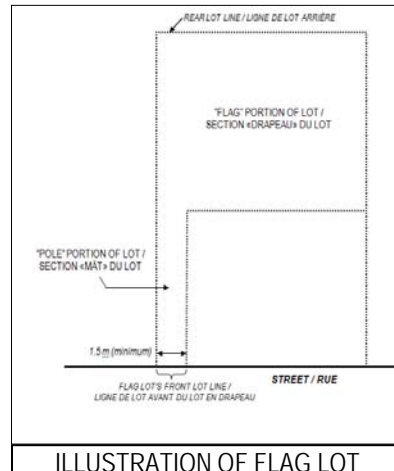
The purpose of the Mature Neighbourhoods Overlay is to regulate the **character** of low-rise residential development in order to recognize and reflect the established **character** of the streetscapes within the area of the Overlay. The local streetscape **character** is the key consideration in determining how a) a new dwelling on a new lot, b) a new **dwelling** on an existing **lot**, c) a conversion of a **residential use building** from one dwelling type to another permitted dwelling type, d) an addition, to an existing **residential use building**, that **abuts** the **front yard** or **corner side yard**, and e) the **incidental use of lands** within **front, interior side** and **corner side yards** on residential **lots**, will be permitted to develop, so that it complements and reinforces the established neighbourhood **character** as seen along each street.

- 139. The following subsections take precedence over any other provision in Parts 3 to 14 or of this by-law to the contrary and over any provision in Part 15 to the contrary enacted prior to this by-law, save and except: a) Part 4, Section 100, other than Subsection 100 (3) (ii), Section 105, Section 106, other than Subsection 106 (1) (a), Subsection 107 (1) (b) and (c) and Table 107, Section 108, Section 110, Section 111, Section 112 and Section 113; b) all of Part 5, other than section 123; and c) all of Part 6, other than subsections 157 (7), 159 (8), 161 (10) and 163 (10), and apply on a lot in any zone where a **residential use building** of four or fewer storeys is permitted, within the boundaries shown on the Mature Neighbourhoods Overlay. The regulations apply to any **lot** developed with, or to be developed with, a permitted low-rise **residential use building** within the area identified by the Mature Neighbourhoods Overlay.

Definitions

- (1) For the purposes of Sections 139 and 140, the following definitions apply:

- (i) **Attribute** means a land use quality or feature, regarded as a characteristic of, and an inherent part of, the streetscape **character**, inclusive of the use, **incidental use of lands**, buildings and associated uses, and includes building and entrance orientation with respect to the street; treatment of yards abutting a street; the location and type of access to a site for pedestrians and vehicles; and the location of parking.
- (ii) **Carport** means an area for a parking space having a roof supported by columns, piers or walls and in which the total area of all closures around the perimeter thereof does not exceed 50% of the total area of all sides of said carport, from the floor to the underside of the wall plate or beams supporting the roof.
- (iii) **Character** means the recurrence or prevalence of **patterns** of established building setbacks, site layouts, orientation of the **principal** entranceway to the street, **incidental use of lands**, and landscapes that constitute a streetscape, based on identified and confirmed land use **attributes**.
- (iv) **Dominant** means:
 - In the case of **patterns**, the **dominant pattern** is the most frequently occurring **pattern** as set out in Section 140 for each of the **attributes** being documented in a Streetscape Character Analysis; and
 - In the case of Character Groups, the **dominant** Character Group is the most frequently occurring Group as detailed in Section 140, inclusive of the various patterns that constitute it, for each of the **attributes** being documented in a Streetscape Character Analysis.
- (v) **Double driveway** means a **driveway** designed to be no wider than necessary to accommodate two motor vehicles side by side.
- (vi) **Existing** means: as of the date that a Streetscape Character Analysis is submitted to the Department of Planning and Growth Management, in the case of determining the existence of a building, dwelling, driveway, walkway or parking space on a lot and to the actual yard setbacks of that building or dwelling, and in the case of the **existing average grade** means, as of the date that a Streetscape Character Analysis has been approved by the Department of Planning and Growth Management;
- (vii) **Existing Average Grade** refers to the manner in which grade is calculated under subsection 139 (24) for purposes of determining building height.
- (viii) **First Floor** means the floor of the **dwelling** or **dwelling unit**, other than an area used for parking, that:
 - (i) is closest in elevation to the elevation of **existing average grade**; and
 - (ii) must include, within it, a minimum amount of prescribed **habitable floor space**, as regulated in this By-law.
- (ix) **Flag lot** means a lot with two distinct parts: the flag, which is the only building site; and the pole, which connects the flag to the street and provides the only street frontage for the lot.



- (x) **Habitable floor space** means any space, within a **residential use building**, measured from the outside surfaces of exterior walls, that is intended for use year-round, excluding a garage.
- (xi) **Immediately opposite** means across the street, and may be used in both the context of a lot located most directly across the street from the subject lot, or of a development located most directly across the street from the subject or proposed development.
- (xii) **Incidental use of land** means how the land is treated or used, including land within **front, interior side and corner side yards**, for purposes such as landscaping, vehicular access or pedestrian access.
- (xiii) **Long semi-detached dwelling** means a **residential use building** that contains two **dwelling units**, where the **dwelling units** are attached and arranged one behind the other.
- (xiv) **Pattern** means a specific arrangement of each of the land use **attributes**.
- (xv) **Single driveway** means a **driveway** designed to be no wider than for one motor vehicle.

General Provisions

- (2) The following provisions apply to any lot developed with, or to be developed with, a **low-rise residential use building** of four storeys or less, in any **zone** where residential use buildings are permitted.
 - (a) For the purposes of this section and section 140, **diplomatic missions** are considered to be **residential use buildings**.

- (b) A Streetscape Character Analysis must be approved on a **lot**, within the Mature Neighbourhood Overlay, prior to any development application approval, including building permit approval of a residential land **use**, or prior to a change in the **incidental use of lands** that impacts an **attribute** such that the **attribute** changes from being in one Character Group to being in another Group by virtue of the Character Group's requirement, as detailed in Section 140. A Streetscape Character Analysis will also be required where approval of a Private Approach permit is required to establish a new, or relocate an existing, driveway that was not undertaken at the same time as development approval and building permit approval of the dwelling.
- (c) Despite clause (b), a Streetscape Character Analysis is not required:
 - (i) If a lot is part of a Plan of Subdivision and faces a new public street on which there is no established streetscape, for any building permit issued within five years of subdivision registration;
 - (ii) If the area on which a dwelling is located fronts onto a **private way** within a Planned Unit Development;
 - (iii) For any part of an **apartment dwelling, mid-rise or apartment dwelling, high-rise** that is four storeys or 14.5 metres or less;
 - (iv) For an addition to an existing **residential use building** that does not **abut** the **front yard** or **corner side yard**, and,

in such cases, the applicable zoning requirements are those of the underlying **subzone**.
- (d) For the purposes of clause (b), development application approval includes any zoning by-law amendment, minor variance approval, site plan control approval, or building permit approval; and development application approval applies to all of the following:
 - (i) a new **dwelling** on a new **lot**,
 - (ii) a new **dwelling** on an **existing lot**,
 - (iii) a change in use from one type of **residential use building** to another permitted dwelling type,
 - (iv) an addition to an **existing residential use building** that **abuts** the **front yard** or **corner side yard**, and
 - (v) the **incidental use of lands** within **front, interior side** and **corner side yards**, including the creation of a new driveway or parking space.
- (e) A Streetscape Character Analysis, once approved, is valid for a period of eighteen months from the date of approval.

Yard Setbacks for Yards Abutting Streets

- (3) The minimum required **yard setback** for a **yard abutting** a street must be:
 - (a) In the case where there are **residential use buildings** on the **lots abutting** each **side lot line** of the affected **lot**, the **setbacks** for those **yards** that **abut** a street must align with the setbacks of **abutting lots**, such that

- (i) on an **interior lot**, the average of the **existing setbacks** of the **abutting lots** on which the **dwellings** face the same street as the affected **lot**;
- (ii) on a **corner lot**, the **front yard setback** of the abutting residential **lot** that faces the same street as the affected **lot**, or
- (iii) on a **corner lot**, where more than one **dwelling unit** is proposed and where one or more **units** will face one frontage, while one or more **units** will face the other frontage, the **existing front yard setback** of each **abutting residential lot** whose **principal** entranceway faces the corresponding street frontage of the affected **lot**;
- (iv) on an interior **lot** abutting a corner **lot** where the dwelling on the corner **lot** faces a different street, the **front yard setback** of the abutting residential **lot** that faces the same street as the affected **lot**,

but in no case does the **yard abutting** the street need to exceed a setback of 6 metres.

- (b) In the case of either a **corner lot** or an **interior lot**, where one or both of the **abutting lots** contains a non-residential use **building** or a **mixed use building**, the average of the **existing setbacks** of the **buildings** on the **abutting lots**, but in no case does the **yard** abutting the street need to exceed 6 metres.
- (c) In the case where there is a vacant **lot abutting** the affected **lot**, the **setback** for the **yard abutting** the street will be averaged based on the actual **front yard setback** of the closest **building** on the next adjacent **lot**, which must be no more than 30 metres from the affected **lot's** closest **side lot line**.
- (d) In all other cases, the provisions of the underlying **zone** with respect to **setbacks** apply.

Zoning Provisions for Attributes that Define Streetscape Character

- (4) (a) The regulations affecting the following **attributes** are based on the **dominant character** as identified through a Streetscape Character Analysis in accordance with clause (2) (b):
 - (i) **Landscaping** of the **front yard, interior yard, interior side yard, and corner side yard**,
 - (ii) location and width of driveways;
 - (iii) location and size of all parking spaces, garages and **carports**; and
 - (iv) orientation of **principal** entranceways.
- (b) **Attribute patterns** are grouped into Character Groups in Section 140. The **dominant** Character Group identified in a Streetscape Character Analysis, which may be comprised of more than one **pattern** within the same Character Group, establishes the requirement and creates the permissions for each of the **attributes** identified in clause (4) (a).

- (c) The Character Groups in each of the Tables in Section 140 include a specific requirement that must be met, prior to determining which type of **pattern**, identified in the Table rows, will be permitted in the case of any new development application approval as specified in subsection 139 (2) clause (d). One or more of the types of **patterns** may be found in the Streetscape Character Analysis, but will only be permitted in the case of a development application approval as described in subsection 139 (2) clause (d), provided it meets the specific requirement of the **dominant** Character Group.

Provisions for Streetscape Character Analysis

- (5)
 - (a) A Streetscape Character Analysis must record, for the **attributes** listed in subsection 139 (4) clause (a), the **patterns** as set out in Section 140, as provided below.
 - (b) The **attributes** listed in subsection 139 (4) clause (a) must be recorded for 21 lots located on the same street as the affected **lot**, as follows:
 - (i) the ten **lots** nearest the affected **lot** abutting the same side of the street and located within the same block;
 - (ii) the lot **immediately opposite** and across the street from the affected **lot**, and
 - (iii) the ten **lots** nearest the **lot** specified in (ii) herein, located within the same block as the affected **lot**.
 - (c) Despite clause (b), where the affected **lot** is located on a block between two intersections where:
 - (i) there are more than five but less than eleven **lots** on the same block and the same side of the street as the affected **lot**, documenting every one of those **lots** is deemed to satisfy subclause (5) (b) (i);
 - (ii) there are more than five but less than eleven **lots** on the same block, but on the opposite side of the street as the affected **lot**, documenting every one of those **lots** is deemed to satisfy subclauses (5) (b) (ii) and (5) (b) (iii).
 - (d) Despite clauses (b) and (c), where the affected **lot** is located on a block between two intersections where:
 - (i) the total number of **lots** between the two intersections on either side of the **lot** is less than 21 but more than 11, documenting all the **lots** on the block on both sides of the street is deemed to satisfy clause 5(b);
 - (ii) the street on which the affected **lot** is located consists of only one block or is only developed on one side, documenting all the **lots** on the block on both sides of the street is deemed to satisfy clause 5(b).
 - (e) Despite clauses (b), (c) and (d), where the affected **lot** is located on a block between two intersections where:
 - (i) there are five or fewer **lots** on the same block and the same side of the street as the affected **lot**; and/or
 - (ii) there are five or fewer **lots** on the same block, but on the opposite side of the street as the affected **lot**; and

- (iii) there are five or more **lots** located on either side of the same street beyond either intersection,
 - (iv) documenting 21 **lots** on both sides of the street within the same block as the affected **lot** and beyond either intersection is deemed to satisfy clause 5 (b).
- (f) When documenting **lots** beyond either intersection from the block on which the affected **lot** is located, despite the requirement to document 21 **lots** in paragraph (iv) of clause (e) above, such documentation need not extend more than one block further on either side of each intersection.
- (g) Despite clauses (b), (c), (d) (e) and (f), where:
- (i) the street on which the affected lot is located terminates at the end of the block, but is at least one more block in length in the other direction; and
 - (ii) the next block has five or more **lots** on the same street; and
 - (iii) there are fewer than 21 **lots** on the block on which the affected **lot** is located,
- lots** located beyond the said intersection must be included as part of the 21-lot analysis undertaken pursuant to subclauses 5 (b) (i) and (ii).
- (h) Despite clauses (b), (c), (d), (e), (f) and (g), where the street on which the affected **lot** has fewer than five, or no other, **lots** facing it, the Streetscape Character Analysis must include up to 21 **lots** closest to the affected **lot** located within the same city block without crossing intersections but facing other streets, in the manner provided by Subsection 139 (5), clauses (b) through (g).
- (i) Where a **lot** among the set of **lots** specified in clauses (b) to (h), as applicable,
- (i) is vacant; or
 - (ii) is developed with institutional, office or open space uses;
- that **lot** must be documented in the Streetscape Character Analysis, but may not be counted towards the **dominant character** of the streetscape.
- (j) Where a **lot** among the set of **lots** specified in clauses (b) to (h), as applicable, has front yard parking whose legal status has not been established, that front yard parking must be recorded as **hard landscaping** for the purposes of documenting the **incidental use of lands** as required by subsection 139 (4) (a). Where no front yard parking is proposed, there is no requirement to establish the legal status of any such space that may exist within the lots documented in a Streetscape Character Analysis.
- (k) In the case of a **corner lot**, only where **dwellings** will be fronting on both streets as the affected **lot**, must the 21-lot analysis be undertaken along both streets, with the documenting of 21 lots fronting on the same street as the **principal** entranceway of the affected lot documented, and 11 lots fronting on the same street as the affected lot's **corner side lot line** documented. Where there are fewer than the required number of lots to be documented herein, clauses (5) (c) through (i) above apply.

Incidental use of Lands

- (6) The **incidental use of lands** of the **front yard** and **corner side yard** may only consist of a **pattern** identified within the **dominant** Character Group as described in Subsection 140 (1) and as confirmed in a Streetscape Character Analysis.

Parking

- (7) Except in the case of an apartment dwelling, low-rise, stacked dwelling, apartment dwelling, mid-rise or apartment dwelling, high-rise with more than 12 dwelling units, no parking is required and sections 101, 107 and subsections 109 (4) to (12) inclusively, do not apply. (By-law 2016-249)
- (a) In the case of an **apartment dwelling, low-rise, stacked dwelling, apartment dwelling, mid-rise** or **apartment dwelling, high-rise** with more than 12 **dwelling units**, the parking required is calculated based on the total number of **dwelling units**, excluding the first 12 **dwelling units**.
- (8) Where parking is provided, it must be of a **pattern** that is listed within the Character Group in Subsection 140 (2) that has been confirmed as being the **dominant** Character Group, through a Streetscape Character Analysis, subject to the provisions of subsections 139 (9) through (14) below.
- (9) Despite subsection 139 (8), where the **lot** abuts a rear lane:
- (a) If the lane is a travelled lane, a provided **parking space** must not be located in a **front yard, interior side yard, or corner side yard** and must be accessed only by a driveway from the rear lane.
- (b) If the lane is untravelled, any provided parking may be:
- (i) accessed by a driveway from the rear lane, subject to the lane or a section thereof being reinstated as a travelled lane; or
- (ii) provided in accordance with subsection 139 (8).

Driveways

- (10) (a) Where driveways are permitted, the maximum driveway width is:

For lot widths, or in the case of dwelling unit parcels that are not severed, for street frontage widths, of	Maximum width, shared driveway	Maximum width, single driveway	Maximum width, double driveway
Under 6 m	3.0 m	Not permitted	Not permitted
Between 6 m and 7.49 m	3.0 m	2.4 m	Not permitted
Between 7.5 m and 8.24 m	3.0 m	2.75 m	Not permitted
Between 8.25 m and 14.99 m	3.0 m	3.0 m	Not permitted
Between 15 m and 17.99 m	3.0 m	3.0 m	5.5 m
18 m and more	3.0 m	3.0 m	6.0 m

- (b) In the case of an **apartment dwelling, low-rise**, a **stacked dwelling**, an **apartment dwelling, mid-rise** or an **apartment dwelling high-rise**, the maximum permitted width for a driveway that leads to:
 - (i) less than 20 parking spaces: 3.6 metres
 - (ii) 20 or more parking spaces: 6 metres.
- (11) A driveway may be shared by two or more **dwelling**s or **dwelling units** on the same **lot** or on **abutting lots**.
- (12) A driveway loses its function as a vehicular access when it no longer provides access to a legal parking space, which is a parking space located outside of the **front yard** or **corner side yard**, and must be considered to be a **front yard** parking space.

Garages, Carports and Front Yard Parking

- (13) Despite Subsection 139 (8), no part of a garage or **carport** may be located closer to the **front lot line** than the **front wall** of the **residential use building**, nor closer to the **corner lot line** than the affected side wall of the **residential use building**.
- (14) Where permitted, the maximum width, of one or both doors of an attached garage, and the entrance of a carport is:
 - (a) for a single attached garage or carport: 3 metres
 - (b) for a double attached garage or carport: 6 metres
- (15) The following are prohibited unless they are determined to be the **dominant pattern** along the streetscape:
 - (a) garages or **carports** that are set back the same distance from the **front lot line** as the **front wall** of the **residential use building**;
 - (b) legally-established front yard parking;
 - (c) front yard **parking spaces** created when a driveway no longer functions as an access to a legal **parking space** located outside the **front yard** or **corner side yard**.

Pedestrian Access – Walkways

- (16) A walkway located in a **front yard** or **corner side yard** is permitted only:
 - (a) where it provides access between a driveway and an entranceway to the dwelling, or
 - (b) where extending from the right-of-way back to the dwelling and it is not abutting the **driveway**, and
 - (c) if it does not exceed 1.25 metres in depth, in the case of subsection (16) (a), or in width, in the case of subsection (16) (b).
- (17) No person may park a motor vehicle on a walkway, or portion of a walkway.

Entranceways

- (18) Principal Entranceway(s):
 - (a) must be of a **pattern** that is listed within the Character Group in Subsection 140 (3) that has been confirmed as being the **dominant** Character Group through a Streetscape Character Analysis.
 - (b) In the case of **detached dwellings, linked detached dwellings, and townhouse dwellings**, clause (a) applies to each **dwelling unit**.
 - (c) In the case of **long semi-detached dwellings**, clause (a) applies only to the **principal** entranceway to the **dwelling unit** closest to the street.
 - (d) In the case of **semi-detached dwellings, duplex dwellings and three-unit dwellings**, at least one **principal** entranceway must face the front lot line.
 - (e) In the case of **stacked dwellings**, subsection (18), clause (a) applies to each attached pair of dwelling units.
- (18.1) The **first floor** of a **dwelling** or **dwelling unit** must contain at least 40 m² of **habitable floor space**.

Long Semi-detached Dwellings

- (19) A **long semi-detached dwelling** is permitted in any zone where a **semi-detached dwelling** is permitted within the Mature Neighbourhood Overlay, in accordance with the following:
 - (a) All provisions that apply to a **semi-detached dwelling** also apply to a **long semi-detached dwelling**, except that the minimum **lot area** required for a **detached dwelling** in the applicable **zone** or **subzone applies** to the whole of the **long semi-detached dwelling** including both **dwelling units**, and subsections 139 (20), (21) and (22) do not apply.
 - (b) Despite clause (a), and any future severance, the lands on which a **long semi-detached dwelling** is located are considered one lot for zoning purposes, except that:

- (i) the minimum **lot width** must be 10 metres, and where a **long semi-detached dwelling** is severed in a **flag lot** configuration, the minimum **lot width** of the pole portion of the **flag lot** must be 1.5 metres, and must be measured a distance of 1.5 metres from the original **lot's interior side lot line**.

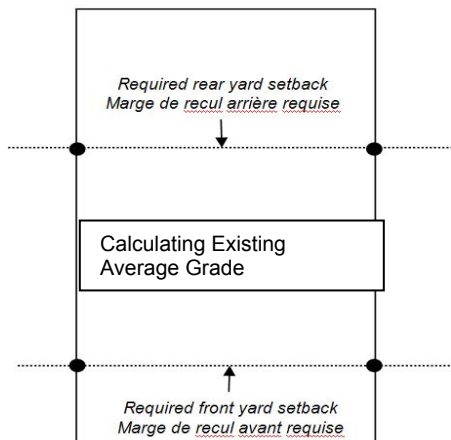
Dwellings on Corner Lots

- (20) In the case of **semi-detached dwellings** or **townhouse dwellings** on a **corner lot**, where a **principal** entranceway of one of the **dwelling units** is located along one street **frontage**, and a **principal** entranceway of the other **dwelling unit** is located along the other street **frontage**, the development is to be treated as one lot for zoning purposes only insofar as:
 - (a) determining the location of the **front lot line**, and for determining how to apply the minimum required **lot width**, and
 - (b) determining the location of the **interior side yards** and **rear yards**
- (21) In the case of **semi-detached dwellings** or **townhouse dwellings** located on a **corner lot**, where one or more **principal** entranceways, as the case may be, is located on a separate street **frontage**, the requirements are as follows:
 - (a) The minimum **lot width** required along the **front lot line** is 10 metres.
 - (b) The minimum required **front yard setback** and **corner side yard setback** is the **existing front yard setback** of each **abutting residential lot** whose **principal** entranceway is located along the corresponding street **frontage** of the affected **lot**; and clauses 3 (b), (c) or (d) apply as the case may be, where there is an **abutting vacant lot**, non-residentially-zoned **lot** or **mixed use-zoned lot**.
 - (c) Where the **interior side yard abuts** an **interior side yard** on the abutting **lot**, it must be a minimum of 1.2 m
 - (d) Where the **lot abutting** the **corner lot** is vacant, the minimum required **interior side yard setback** on the **corner lot** is the minimum required for the **use** in the applicable **zone**.
 - (e) An **interior yard** must be provided, and created by extending a parallel line from the **minimum required rear yard setback** of the **abutting lot**, across the longest shared common **lot line**, into the affected **lot** for a distance from that shared **lot line** equal to 30% of the affected **lot's actual lot width**, after which the **rear yard** may be reduced to 1.2 m.
 - (f) Where no **interior yard** is provided, the **rear yard setback** must be a minimum of 4 metres.
- (22) In the case of a **semi-detached dwelling** or a **townhouse dwelling** on a **corner lot**, whether it is to be severed or not, and where all of the **principal** entranceways are facing the street with the longer frontage, the **lot line** abutting the longer frontage is considered to be the **front lot line**, and the **yard abutting** the longer frontage is considered to be the **front yard**, and all corresponding **yards** and regulations affecting **yard setbacks** are based on the location of the **front yard**, and the following applies:
 - (a) The minimum **front yard setback** is per Section 139 (3) (a) (ii), Section 139 (3) (b), or Section 139 (3) (c), as the case may be,

- (b) No yard setback is required along the shared common wall between a pair of **semi-detached dwelling units**, a pair of **long semi-detached dwelling units**, nor along the shared walls between attached **townhouse dwelling units** and **attached stacked dwelling units**,
- (c) The minimum **interior side yard** setback is 1.2 metres, and
- (d) The **minimum rear yard** setback may be reduced to 4 metres where it provides access to permitted parking.

Building Height and Existing Average Grade

- (23) Where this Section applies, building **height** must be measured using the **existing average grade** as determined under subsection 139(24).
- (24) **Existing average grade** must be calculated prior to any site alteration and based on the average of grade elevations taken along both **side lot lines** at the minimum required **front yard setback**, and at the minimum required **rear yard setback** of the zone in which the **lot** is located.



Area Specific Exemption

- (25) Sections 139 and 140 do not apply to:
 - (a) a residential use building constructed after April 24, 2012 at 570, 572, 574, 576, 578 and 580 Athlone Avenue,
 - (b) 914 and 946 Colonel By Drive.

Front Yard Patterns, Parking Patterns and Entranceway Patterns (Section 140)

(OMB Order, File #PL120666, issued June 10, 2015) (By-law 2012-147)

- 140.** (1) The following **incidental uses** of the **front yard** are permitted, subject to the provisions of Subsections 139 (4) clauses (b) and (c) and 139 (6).
- (a) **Front yard** provisions are set out in Table 140 A, where each Character Group, listed in Columns I, II, III and IV, permits a number of compatible patterns, listed in the Table rows, which have been identified by an (▪).
 - (b) No type of **pattern** listed in the rows is permitted if it does not meet the **dominant** Character Group's requirement.
 - (c) Patterns without an (▪) are not permitted.

Table 140 (A)- Front Yard Patterns and Provisions

Condition	Column I Character Group A	Column II Character Group B	Column III Character Group C	Column IV Character Group D
Character Group Requirement	Fully landscaped front yard	Landscaped front yard in front of the principal dwelling	Landscaped front yard in front of a portion of the principal dwelling	Small or no landscaped front yard
(i) Entire front yard , from side lot line to side lot line across the frontage, consists of soft landscaping , and may also contain a walkway	▪	▪	▪	▪
(ii) Entire front yard , from side lot line to side lot line across the frontage, consists of a mix of soft landscaping and hard landscaping , and may also contain a walkway.	▪	▪	▪	▪
(iii) The front yard consists of soft landscaping across the entirety of the front wall of	Not permitted	▪	▪	▪

the principal dwelling , except for a driveway, where a driveway is permitted, and may also contain a walkway				
(iv) The front yard consists of a mix of soft landscaping and hard landscaping across the entirety of the front wall of the principal dwelling , except for a driveway, where a driveway is permitted, and may also contain a walkway	Not permitted	▪	▪	▪
(v) The front yard consists of soft landscaping across the entirety of those parts of the front wall of the principal dwelling that do not contain a garage, or covers the entirety of the front yard not occupied by a legally-established front yard parking space, and may also contain a walkway.	Not permitted	Not permitted	▪	▪
(vi) The front yard consists of a mix of soft landscaping and hard landscaping across the entirety of those parts of the front wall of the principal dwelling that do not contain a garage, or covers	Not permitted	Not permitted	▪	▪

the entirety of the front yard not occupied by a legally-established front yard parking space, and may also contain a walkway				
(vii) A projection extends beyond the distance permitted by Section 65 of the Zoning By-law between the front lot line and the principal dwelling .	Not permitted	Not permitted	Not permitted	▪
(viii) The principal dwelling extends to the front lot line .	Not permitted	Not permitted	Not permitted	▪

- (2) The following locations and sizes of driveways and of parking spaces are permitted, subject to the provisions of Subsection 139 (4), clauses (b) and (c) and Subsections 139 (7) through (15) inclusive.
- (a) Access and parking provisions are set out in Table 140 B, where each Character Group, listed in Columns I, II, III and IV, permits a number of compatible **patterns**, listed in the Table rows, which have been identified by an (*);
 - (b) Driveway width is subject to Subsection 139 (10). Where driveway widths are lesser or greater than those noted in Columns II through IV, Subsection 139 (10) prevails; and
 - (c) Patterns without an (*) are not permitted.

Table 140 (B) - Parking Access and Parking Space Patterns and Provisions

Condition	Column I Character Group A No Streetscape Impact from On-Site Parking	Column II Character Group B Low Streetscape Impact from On-Site Parking	Column III Character Group C Medium Streetscape Impact from On-Site Parking	Column IV Character Group D High Streetscape Impact from On-Site Parking
Character Group Description Where provided, location and size restrictions for driveway and parking spaces (Note: Maximum driveway width subject to Subsection 139 (10)).	There are no driveways along lot lines abutting a street	Driveways are less than or equal to one-third in width than the actual lot width	Driveways are more than one-third but no more than half of the actual lot width	Driveways measure half or more of the actual lot width
(i) No on-site parking	▪	▪	▪	▪
(ii) Surface parking or garage (single or double) off travelled rear lane	▪	▪	▪	▪
(iii) On a corner lot , a single driveway that provides access to parking located beyond the minimum required yard setback for the yard abutting the street, to interior side yard , or rear yard surface parking or garage (s)	▪	▪	▪	▪
(iv) Single driveway that provides access to rear yard surface parking or detached or attached garage.	Not permitted	▪	▪	▪
(v) Single driveway that provides access to interior side yard surface parking, garage or carport.	Not permitted	▪	▪	▪
(vi) A driveway that no longer leads to a legal parking space in a side yard or rear yard , resulting in front yard parking that is not in front of any part of the principal dwelling	Not permitted	Subject to Subsection 139 (15)		
(vii) Shared single driveway , that may pass under a carriageway and provides access to interior yard , interior	Not permitted	▪	▪	▪

- (3) The following entranceway locations are permitted, subject to the provisions of Subsections 139 (4), clauses (b) and (c) and 139 (18).
 - (a) Entranceway provisions are set out in Table 140 C, where each Character Group, listed in Columns I and II, permits compatible **patterns**, listed in the Table rows, which have been identified by an (•).
 - (b) No type of **pattern** listed in the rows is permitted if it does not meet the **dominant** Character Group’s requirement.
 - (c) **Patterns** without an (•) are not permitted.

Table 140 C- Entranceway Patterns and Provisions

Entranceway Patterns		
Condition	Column I Character Group A	Column II Character Group B
Character Group Requirement	Principal entranceway is located along the front wall of the dwelling	Principal entranceway is not located along the front wall of the dwelling
(i) The principal entranceway faces the front lot line .	▪	▪
(ii) The principal entranceway is part of a permitted projection located along the front wall of the dwelling, but does not face the front lot line .	▪	▪
(iii) The principal entranceway does not face the front lot line.	Not permitted	▪

Transition

- (4) See Section 9 Transitions, “Phase 1 – Low-rise Infill Housing”

Residential Neighbourhood Commercial Suffix (Section 141)

Purpose of the Zone

The purpose of the Residential Neighbourhood Commercial suffix is to:

- (1) *regulate development in a manner that is compatible with existing land use patterns so that the residential character of a neighbourhood is maintained or enhanced;*
- (2) *allow a variety of small, locally-oriented convenience and service uses that complement adjacent residential land uses, and are of a size and scale consistent with the needs of nearby residential areas;*



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 19, 2019
SUBJECT/REPORT NO:	Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Timothy Lee (905) 546-2424 Ext. 1249
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That approval be given to City Initiative CI-18-J, for modifications and updates to the City of Hamilton Zoning By-law No. 05-200 on the following basis:

- (i) That the Draft By-law, attached as Appendix "A" to Report PED19029 which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (ii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan (UHOP);
- (iii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (PPS), 2014 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

EXECUTIVE SUMMARY

Staff continue to monitor City of Hamilton Zoning By-law No. 05-200 and, where necessary, bring forward amendments to ensure the By-law remains up-to-date, and any clarification and interpretation issues are resolved. A Draft By-law (see Appendix "A" to Report PED19029) is included in this Report and contains amendment to City of Hamilton Zoning By-law No. 05-200 with the majority of these changes relating to the Transit Oriented Corridor (TOC) Zones and the in effect regulations of Commercial and Mixed Use (CMU) Zones and the associated amended regulations. These changes are:

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SUBJECT: Modifications and Updates to City of Hamilton Zoning By-law No. 05-200 (PED19029) (City Wide) - Page 2 of 13

- To correct general inconsistencies in numbering, terminology, and cross-referencing throughout Hamilton Zoning By-law No. 05-200;
- To amend certain definitions (Section 3);
- To add further clarity to certain zone regulations in the General Provision (Section 4) and Parking (Section 5) sections of the By-law;
- To amend certain zone regulations in the Open Space and Parks (Section 7), Industrial (Section 9), and Rural (Section 12) Zones;
- To amend certain regulations in the CMU and TOC Zones to create further consistencies and clarity across all Zones;
- To correct numbering and typographical errors to existing Special Exceptions (Schedule “C”) and Holding Provisions (Schedule “D”); and,
- To include site specific lands within a CMU Zone which were Council approved through a Zoning By-law Amendment application between November 2017 and November 2018, and include any special modifications to Schedule “C” – Special Exceptions to reflect the Council decisions on these applications.

The draft Zoning By-law also includes general technical and typographical amendments to certain parts of Hamilton Zoning By-law No. 05-200. These amendments were identified through consultations with Building Services Division staff.

The above amendment to Hamilton Zoning By-law No. 05-200 conforms to the Urban Hamilton Official Plan, conforms to, and is consistent with Provincial legislation.

Alternatives for Consideration – See Page 11

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Zoning By-law Amendment. Notice of these Amendments has been posted in the Hamilton Spectator, as required by the *Planning Act*.

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HISTORICAL BACKGROUND

Comprehensive Hamilton Zoning By-law No. 05-200

The City of Hamilton Zoning By-law No. 05-200 is being completed in phases. The following phases and the year of adoption are as follows:

Downtown	2005 and updated in 2018
Open Space and Parks	2006
Institutional	2007
Industrial	2010 and updated in 2015
Rural	2015
Transit Oriented Corridor (TOC)	2016, updated in 2018
Waterfront	2017
Commercial and Mixed Use Zones	2017

The last major phase is the Residential Zones that are currently being developed.

Zoning By-law No. 05-200 is intended to be a “living document” which is monitored and amended on an on-going basis. Zoning By-law Reform staff continues to work with Development Planning, Heritage and Design Section, Building Division staff, and other stakeholders to identify any general text and mapping amendments that should be undertaken to provide clarity and consistency in the Zoning By-law. The purpose of this report is to bring forward a By-law which includes text and associated mapping amendments.

A draft By-law has been prepared and attached to this Report (see Appendix “A” to Report PED19029) to amend Hamilton Zoning By-law No. 05-200. The majority of the amendments relate to typographical and technical updates to the CMU and TOC Zones, and also text and mapping amendments to Special Exceptions (Schedule “C”) and Holding Provisions (Schedule “D”). In addition, there are general amendments to Hamilton Zoning By-law No. 05-200 as a result of consultations with Building Services staff. These administrative amendments can be characterized as typographical, technical, and associated mapping changes to the Zoning By-law.

Commercial and Mixed Use Zones (By-law 17-240)

The CMU Zones and associated amendments and additions with respect to Definitions, General Provisions, and Parking zone regulations were approved by Council on November 8, 2017 as By-law No. 17-240. However, the By-law was appealed by a total of twenty appellants to the LPAT. The appeals received pertain to certain built form, parking, and independent/site specific appeals.

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A pre-hearing was held on October 10, 2018 to seek direction by the LPAT to approve portions of By-law 17-240 that were not appealed. On November 16, 2018, the uncontested portions of By-law 17-240 went in force and effect, while the rest of the By-law remains under appeal. Consequently, staff have prepared a draft By-law (See Appendix "A") to include modifications and updates to the CMU Zones as part of a regular monitoring program and to provide amendments for clarity and consistency subsequent to certain portions of By-law No. 17-240 coming into effect. The housekeeping amendments apply only to in effect regulations and not the appealed regulations.

Certain Zoning By-law Amendment applications facilitating future commercial development were brought forward to Planning Committee between November 2017 and November 2018. Draft Zoning By-laws amending Hamilton Zoning By-law No. 05-200 included in these staff reports were approved in principle but have been held in abeyance pending the CMU Zones coming into effect. As the CMU Zones are now in effect, these draft Zoning By-laws can now be brought forward to Council for adoption, and are being done by staff on file.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial planning policy framework is established through the Planning Act (Section 3), the Provincial Policy Statement (PPS 2014), and the Growth Plan for the Greater Golden Horseshoe (the Growth Plan). The Planning Act requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to the Growth Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board (now LPAT) approval of the Urban Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. No changes to the UHOP and RHOP are required to implement the Zoning By-law amendment.

Based on the foregoing, it is staff's opinion that these amendments:

- Are consistent with the Provincial Policy Statement (2014);
- Conform to the Growth Plan for the Greater Golden Horseshoe; and,
- Conform to the Greenbelt Plan.

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Rural and Urban Hamilton Official Plan

The extent of the modifications and updates to Hamilton Zoning By-law No. 05-200 are administrative in nature and comply with both Rural Hamilton Official Plan (RHOP) and the Urban Hamilton Official Plan (UHOP). No changes are required to the UHOP and RHOP in order to implement the Zoning By-law Amendment.

RELEVANT CONSULTATION

Staff within the Planning Division, and Zoning staff in the Building Services Division of the Planning and Economic Development Department, were consulted throughout the process to identify interpretation or implementation related issues with the policies of the Official Plans and zone regulations of Hamilton. The interpretation and implementation related issues have been added to the draft Zoning By-law (see Appendix “A” to Report PED19029), and the rationale for the amendments are located in Appendices “B” to “M” to Report PED19029.

Notice of these amendments has been posted in the Hamilton Spectator on February 1, 2019.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

To address corrections and additions to Hamilton Zoning By-law No. 05-200, a draft Zoning By-law is included in this Report (See Appendix “A”) with the majority of the amendments relate to the CMU and TOC Zones. For ease of implementation and understanding, the report includes a set of Appendices (see Appendices “B” to “M” to Report PED19029) to provide rationale and discussion of each amendment.

1.0 CMU Amendments to the Hamilton Zoning By-law No. 05-200, as amended by By-law No. 17-240

The list below is a summary of the amendment as it relates to the in effect regulations of CMU Zone and associated regulations.

- | | |
|-----------------------------------|---|
| Section 3
(Definitions) | <ul style="list-style-type: none"> • Amend existing definitions for Dwelling Unit in Conjunction with a Commercial Use, Landscaping Parking Island, and Motor Vehicle Dealership. • See Appendix “B” to Report PED19029. |
| Section 5
(Parking) | <ul style="list-style-type: none"> • Amend existing parking design regulations to provide clarity and in the Landscaped Areas and Landscaped Parking Islands, Barrier-Free Parking, and Bicycle Parking requirements. • Amendment to a regulation to implement a Council approved staff |

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- direction through Report PED17089.
 - See Appendix “D” to Report PED19029.
- Section 10**
(CMU Zones)
- General typographical, numbering, and cross-referencing corrections.
 - Minimum Interior Side Yard Setback for C4, C5, and C5a Zones is amended to apply only when abutting Residential or Institutional Zone contains ground-related residential uses such as Single-Detached and Semi-Detached Dwellings.
 - Add Minimum Amenity Space requirements for C5a Zone.
 - See Appendices “G-1” to “G-8” to Report PED19029.
- Section 13**
(Utility Zones)
- General wording updates to existing zone regulations.
 - See Appendix “J” to Report PED19029.
- Schedule “C”**
(Special Exceptions)
- General typographical, numbering, and cross-referencing corrections to existing Special Exceptions.
 - Add new Special Exceptions of properties where the Zoning By-law Amendment application was approved prior to the approval of the CMU Zones.
 - See Appendix “K” to Report PED19029.
- Schedule “D”**
(Holding Provisions)
- General typographical, numbering, and cross-referencing corrections to existing Holding Provisions.
 - To add an additional property municipally known as 3079 Binbrook Road due to a previously Council approved Zoning By-law.
 - See Appendix “L” to Report PED19029.
- Mapping Amendments**
- To rezone properties to a CMU Zone including 1405 Upper Ottawa Street, Hamilton; 9255 Airport Road, Glanbrook; 3079 Homestead Drive, Glanbrook; 118 Hatt Street, Dundas; 52-62 Ottawa Street, Hamilton; 30 Rymal Road, Hamilton; Part of 1546 Main Street West, Hamilton; and, 3079 Binbrook Road.
 - To correct the Holding Provision number for properties located in Stoney Creek.
 - See Appendix “M” to Report PED19029.

2.0 Corrections and Technical Changes to the Hamilton Zoning By-law No. 05-200

In addition to the above amendment related to the CMU Zone, the draft By-law (see Appendix “A” to Report PED19029) also includes corrections and technical changes to certain regulations of Hamilton Zoning By-law No. 05-200 . For ease of implementation

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and understanding, the report includes a set of Appendices (see Appendices “B” to “M” to Report PED19029) to provide rationale and discussion of each amendment.

The following list is a summary of the general amendments to Hamilton Zoning By-law No. 05-200.

- Section 3**
(Definitions)
- Amended Definitions: Agricultural Brewery/Cidery/ Winery, Commercial Entertainment, Conference or Convention Centre, Health Professional, Motor Vehicle – Commercial, and Emergency Shelter
 - New Definition: Farm Implement Dealership
 - See Appendix “B” to Report PED19029
- Section 4**
(General Provisions)
- Update the General Provisions section to provide clarity in language for Permitted Yard Encroachments, Visual Barrier, Temporary Uses, and Home Businesses for Single-Detached Dwellings and Semi-Detached Dwellings.
 - See Appendix “C” to Report PED19029
- Section 5**
(Parking)
- Amendment to parallel parking regulations to provide clarity and further consistency in interpretation.
 - See Appendix “D” to Report PED19029
- Section 7**
(Open Space and Parks Zones)
- Add new regulation to the Conservation/Hazard Land – Rural (P7) and (P8) Zones for existing accessory buildings and structures that have been demolished and rebuilt.
 - See Appendix “E” to Report PED19029
- Section 9**
(Industrial Zones)
- Add wording to an existing zone regulation in the Prestige Business Park (M3) Zone, Light Industrial (M6) Zone, and the Airport Prestige Business (M11) Zone to provide require location restriction requirements for Alcohol Production Facilities.
 - Amend the maximum Yard Abutting a Street from 25.0 metres to 27.0 metres in the Airport Prestige Business (M11) Zone.
 - Clarity on permitting Motor Vehicle Washing Establishment in certain zones.
 - See Appendix “F” to Report PED19029
- Section 11**
(Transit Oriented Corridor Zones)
- General typographical, numbering, and cross-referencing corrections.
 - Minimum Interior Side Yard Setback for C4, C5, and C5a Zones is amended to apply only when abutting Residential or Institutional Zone contains ground-related residential uses such as Single-

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- Detached and Semi-Detached Dwellings.
 - General formatting changes to TOC3 Zone by moving commercial uses from subsection 11.3.1 – Permitted Uses to subsection 11.3.1.1ii) – Restrictions of Existing Commercial Uses to recognize use restrictions for commercial uses.
 - See Appendices “H-1” to “H-3” to Report PED19029

- Section 12**
(Rural Zones)

 - General typographical, numbering, and cross-referencing corrections to certain zone regulations.
 - See Appendix “I” to Report PED19029

- Schedule “C”
– Special
Exceptions**

 - To insert additional regulation cross-referencing zone and parking requirements for certain lands with the Rural Zones.
 - Assign a new Special Exception number for 706 Highway No. 8, Flamborough due to a Special Exception number being assigned twice.
 - Zone boundary adjustment for 4080 Hall Road, Glanbrook to be consistent with By-law 464-47-99 which was approved by the Town of Glanbrook Council in 1999.
 - See Appendix “J” to Report PED19029

- Mapping
Amendments**

 - General mapping amendments in the rural area to correct zone boundaries due to a previous Council adopted By-law under the former Municipal Zoning By-law. Does not affect the intent of the zone.
 - See Appendix “M” to Report PED19029

2.1 Modification and Updates to CMU Special Exceptions

The amendments to Schedule “C” - Special Exceptions of Hamilton Zoning By-law No. 05-200 include the addition of Special Exceptions for commercial properties where a previous Zoning By-law Amendment application was approved by Council prior to the approval of By-law No. 17-240. These commercial properties were specifically left out from the CMU Zone project to allow for these applications to be processed unabated. It was the intent to add these properties to the CMU Zones once the CMU Zones were in effect. The properties include:

- 1405 Upper Ottawa Street, Hamilton;
- 9255 Airport Road, Glanbrook;
- 3079 Homestead Drive, Glanbrook;
- 118 Hatt Street, Dundas;
- 52-62 Ottawa Street, Hamilton;
- 30 Rymal Road East, Hamilton; and,

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- 3079 Binbrook Road, Glanbrook.

With the exception of 30 Rymal Road East, all the above mentioned commercial properties include a Special Exception. Greater detail and rationale to the proposed amendments discussed above are contained in Appendix “J” to Report PED19029.

2.2 Properties Continue to be Left Out of CMU

In addition to the above properties identified in Section 2.1 of this Report, there are additional properties that continue to be left out of the CMU Zones because the associated planning applications have not been brought forward to Council for consideration, or the application has been appealed to LPAT. Upon such time that the applications are brought forward to Council, the draft By-law will be modifying the CMU Zones. These properties are also listed in Appendix “M” to Report PED19029.

Municipal Address	Planning Applications
157 Upper Centennial Parkway	ZAC-16-056
1809, 1817, 1821 Rymal Road East	UHOPA-17-15 / ZAC-16-064
64 Hatt Street	ZAR-15-004
3033, 3047, 3055, 3063 Binbrook Road	UHOPA-16-51 / ZAC-16-051
3100 – 3140 Regional Road 56	UHOPA-16-19 / ZAC-16-054
165 Upper Centennial Parkway	UHOPA-15-007(R) / ZAC-15-015(R)
383 Dundas Street East & 4 First Street	ZAC-15-055

2.3 Commercial Properties added to CMU that were Held in Abeyance

Subsequent to Council approval of By-law 17-240 in November 2017, there have been a number of Council adopted Zoning By-laws to facilitate future commercial development. Included in respective staff reports for Council consideration, a recommendation was also included to approve a draft By-law to amend Hamilton Zoning By-law No. 05-200 but be held in abeyance until the CMU Zones are in force and effect. The table on Page 10 identifies the applications where amendments to the zoning by-laws under the former municipal zoning by-law have been adopted by Council but the amending by-laws to Hamilton Zoning By-law No. 05-200 have been held in abeyance.

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As By-law 17-240 is now in force and effect, staff will bring forward those By-laws that have been held in abeyance to Council for adoption.

Municipal Address	Planning Applications	Date of Council Adoption
952-954 Concession Street	ZAR-17-010	August 16, 2018 (Decision by LPAT)
9255 Airport Road	ZAC-07-111(R)	January 24, 2018
417, 419, 421, 423 Highway 8, 176 Millen Road, 175 Margaret Avenue	UHOPA-17-15 ZAC-17- 028	April 11, 2018
500 Upper Wellington Street	ZAC-17-061	April 25, 2018
84, 86, 88, 90, 92, 94, 96 Lakeview Drive	UHOPA-17-009 ZAC-17-020	May 23, 2018
21 Mill Street North	ZAR-18-011	July 13, 2018
121, 125 Highway 8	ZAC-17-085	August 17, 2018
3331 Homestead Drive	UHOPA-18-03 ZAC-18-007	September 26, 2018
567 Scenic Drive	ZAC-17-030	September 26, 2018
928 Queenston Road	UHOPA-17-020 ZAC-17-049	September 26, 2018

3.0 Restricted Uses in the Transit Oriented Corridor (TOC3) Zone

In anticipation of the construction of the LRT along Main and King Streets, the Transit Oriented Corridor Zones were approved by Council on October 12, 2016. The Transit Oriented Corridor Multiple Residential (TOC3) Zone are mainly located along King Street East between Sherman Avenue and Dunsmure Road, and site specific locations east of Red Hill Expressway.

Although the TOC3 Zone allows residential uses, the zone recognizes existing commercial uses within existing buildings along the corridor. The draft By-law (see Appendix “A” to Report PED19029) provides further clarity on the intent to permit commercial uses but in restricted circumstances by restricting the By-law to relocate

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commercial uses from Section 11.3.1: Permitted Uses to a new regulation under Subsection 11.3.1.1: Restricted Uses.

The effect of this change is to allow commercial uses to exist along the corridor. However, commercial uses are limited to buildings existing at the date of passing of the by-law, and where the commercial use was legally established.

For example, an artist studio that is located in a building that has existed prior to the passing the by-law (being October 12, 2016) is allowed to continue operations and the use is permitted. If the commercial space is vacated and the new tenant wishes to place a new use, then this would also be permitted. This has always been the intent of this Zone and will continue to do so with this amendment.

ALTERNATIVES FOR CONSIDERATION

If the proposed By-law amendment is not approved, inconsistencies in the interpretation and application of Hamilton Zoning By-law No. 05-200 may occur.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Draft City of Hamilton Zoning By-law No. 05-200 Amendment

Amendments to Definitions, General Provisions, Parking, and Industrial Zones:

Appendix “B” – Summary of Proposed Modifications to Section 3: Definitions

Appendix “C” – Summary of Proposed Modifications to Section 4: General Provisions

Appendix “D” – Summary of Proposed Modifications to Section 5: Parking

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- Appendix “E” – Summary of Proposed Modifications to Section 7: Open Space and Parks Zones
 Appendix “F” – Summary of Proposed Modifications to Section 9: Industrial Zones

Amendments to CMU Zones:

- Appendix “G-1” – Summary of Proposed Modifications to Section 10: Residential Character Commercial (C1) Zone
 Appendix “G-2” – Summary of Proposed Modifications to Section 10: Commercial Neighbourhood Commercial (C2) Zone
 Appendix “G-3” – Summary of Proposed Modifications to Section 10: Community Commercial (C3) Zone
 Appendix “G-4” – Summary of Proposed Modifications to Section 10: Mixed Use High Density (C4) Zone
 Appendix “G-5” – Summary of Proposed Modifications to Section 10: Mixed Use Medium Density (C5) Zone
 Appendix “G-6” – Summary of Proposed Modifications to Section 10: Mixed Use Medium Density – Pedestrian Focus (C5a) Zone
 Appendix “G-7” – Summary of Proposed Modifications to Section 10: Commercial Zones – District Commercial (C6) Zone
 Appendix “G-8” – Summary of Proposed Modifications to Section 10: Commercial Zones – Arterial Commercial (C7) Zone

Amendments to TOC Zones:

- Appendix “H-1” – Summary of Proposed Modifications to Section 11: Transit Oriented Corridor (TOC1) Zone
 Appendix “H-2” – Summary of Proposed Modifications to Section 11: Transit Oriented Corridor Local Commercial (TOC2) Zone
 Appendix “H-3” – Summary of Proposed Modifications to Section 11: Transit Oriented Corridor Multiple Residential (TOC3) Zone

Amendments to Rural and Parking Zones, Schedule “C”, and Schedule “D”, and Mapping:

- Appendix “I” – Summary of Proposed Modifications to Section 12: Rural Zones
 Appendix “J” – Summary of Proposed Modifications to Section 13: Parking (U3) Zone
 Appendix “K” – Summary of Proposed Modifications to Schedule “C”
 Appendix “L” – Summary of Proposed Modifications to Schedule “D”
 Appendix “M” – Summary of Proposed Site-Specific Mapping Amendments

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Additional Information:

Appendix "N" – Planning Applications that remain in process and not added to CMU Zones

Appendix “B” – Modifications and Updates Summary to Section 3: Definitions

Term	Proposed Change	Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
<p>Agricultural Brewery/Cidery/ Winery</p>	<p>Shall mean a Secondary Use to an Agricultural operation on the same lot, for the processing of grapes, fruit, honey, hops or other produce in the production of beers, ciders or wines. Agricultural Brewery/Cidery/ Winery uses may include the crushing, fermentation, production, bottling, aging, storage, and Accessory sale of beers, ciders, wines and related products to both, a laboratory, an administrative office, and a tasting, hospitality and retail area, but shall not include a Restaurant, a Conference or Convention Centre, or overnight accommodation, or an Alcohol Production Facility</p>	<p>Shall mean a Secondary Use to an Agricultural operation on the same lot, for the processing of grapes, fruit, honey, hops or other produce in the production of beers, ciders or wines. Agricultural Brewery/Cidery/ Winery uses may include the crushing, fermentation, production, bottling, aging, storage, and Accessory sale of beers, ciders, wines and related products to both, a laboratory, an administrative office, and a tasting, hospitality and retail area, but shall not include a Restaurant, a Conference or Convention Centre, overnight accommodation, or an Alcohol Production Facility</p>	<p>An amendment to the definition where the use shall not include an “Alcohol Production Facility” as this is a cross reference to the definition of Alcohol Production Facility, where the definition shall not include an “Agricultural Brewery/ Cidery/ Winery”.</p>
<p>Commercial Entertainment</p>	<p>Shall mean a use of an establishment for the general purpose of providing entertainment or amusement for a fee and shall include, for example, but not be limited to cinemas, circuses, bingo halls, dance clubs, cultural events, and escape rooms. Commercial Entertainment may include reception centres, but shall not include an Amusement Arcade, Adult Entertainment Parlour, or Casino.</p>	<p>Shall mean a use of an establishment for the general purpose of providing entertainment or amusement for a fee and shall include, for example, but not be limited to cinemas, circuses, bingo halls, dance clubs, cultural events, and escape rooms. Commercial Entertainment may include reception centres, but shall not include an Amusement Arcade, Adult Entertainment Parlour, or Casino.</p>	<p>Amendments to the definition of Commercial Entertainment include the addition of certain entertainment activities such as a circus, escape rooms, and reception centre as an accessory use.</p>
<p>Conference or Convention Centre</p>	<p>Shall mean an establishment, which is not a hotel, where facilities are provided for meetings, seminars, workshops, social gatherings, cultural events and other similar activities including an Exhibition Facility, circus, and public hall. A Conference or Convention Centre may all which may include</p>	<p>Shall mean an establishment, which is not a hotel, where facilities are provided for meetings, seminars, workshops, social gatherings, cultural events and other similar activities including an Exhibition Facility, circus, and public hall. A Conference or Convention Centre may include dining facilities for the exclusive use of conference or</p>	<p>An amendment to the definition to include a circus and public hall, and also permit retailing for the exclusive use of its patrons.</p>

Appendix "B" – Modifications and Updates Summary to Section 3: Definitions

Term	Proposed Change	Revised Zone Regulation	Rationale
	<p>dining facilities for the exclusive use of conference or convention participants, and the selling of goods related to the event.</p>	<p>convention participants, and the selling of goods related to the event.</p>	
<p>Dwelling Unit in Conjunction with a Commercial Use</p>	<p>Shall mean a room or suite of rooms building used or intended to be used for human habitation but shall not include a recreational vehicle or tent, and shall be located in the same building as a commercial use permitted in the zone.</p> <p>Shall mean a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule or stairway and shall be located in the same building as a commercial use permitted in the zone.</p>	<p>Shall mean a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule or stairway and shall be located in the same building as a commercial use permitted in the zone.</p>	<p>The revised definition to provide more consistent language with the definition of Dwelling Unit that already exists in the Zoning By-law. The amended development includes cooking and sanitary facility for the exclusive use of the household, having its own independent entrance, etc. The amended definition does not change the intent of the definition, but rather provides additional information.</p>
<p>Emergency Shelter</p>	<p>Shall mean a fully detached building used for persons in a crisis situation requiring shelter, protection, assistance and counselling or support which is intended to be short term accommodation of a transient nature. An Emergency Shelter may include an "out of the cold" program but An emergency shelter shall not include a residential care facility, a lodging house, a corrections residence, a correctional facility, or any other residential facility which is licensed, approved or regulated under any general or</p>	<p>Shall mean a fully detached building used for persons in a crisis situation requiring shelter, protection, assistance and counselling or support which is intended to be short term accommodation of a transient nature. An Emergency Shelter may include an "out of the cold" program but shall not include a residential care facility, a lodging house, a corrections residence, a correctional facility, or any other residential facility which is licensed, approved or regulated under any general or special Act.</p>	<p>An amendment to the definition to include an Out of the Cold program.</p>

Appendix “B” – Modifications and Updates Summary to Section 3: Definitions			
Term	Proposed Change	Revised Zone Regulation	Rationale
	special Act.		
Farm Implement Dealership (new definition)	Shall mean the use of land, building, or structure, or part thereof, for the sale of any equipment or machinery designed and used for agricultural or horticultural uses, including machinery attachments and parts, and as prescribed under the <u>Farm Implements Act</u>.	Shall mean the use of land, building, or structure, or part thereof, for the sale of any equipment or machinery designed and used for agricultural or horticultural uses, including machinery attachments and parts, and as prescribed under the <u>Farm Implements Act</u> .	A new definition for Farm Implement Dealership. The definition ties in with the Farm Implements Act.
Health Professional	Shall mean an individual who practices any of the health disciplines regulated under a Provincial Act, such as, but not limited to, physicians, dentists, optometrists, pharmacists, physiotherapists, chiropractors, and psychologists, and disciplines not regulated under a Provincial Act such as an Osteopath.	Shall mean an individual who practices any of the health disciplines regulated under a Provincial Act, such as, but not limited to, physicians, dentists, optometrists, pharmacists, physiotherapists, chiropractors, and psychologists, and disciplines not regulated under a Provincial Act such as an Osteopath.	The revised definition is to include an osteopath as a Health Professional.
Landscaped Area	Landscaped Area Shall mean any portion of a lot which: a) Contains no building thereon; b) Is not used for parking, access to parking, driveways or loading space; and , c) Is used for the purpose of landscaping; and , d) Landscaped areas may include bell pedestals and light standards but shall not include courier or mail boxes.	Landscaped Area Shall mean any portion of a lot which: a) Contains no building thereon; b) Is not used for parking, access to parking, driveways or loading space; and , c) Is used for the purpose of landscaping; and, d) Landscaped areas may include bell pedestals and light standards but shall not include courier or mail boxes.	Amendment to the definition includes allowing light standards and bell pedestals in the landscaped area, and not permitting mailboxes in the landscaped area.
Landscaping Landscaped Parking Island	Shall mean a curbed portion of land for the growing of ornamental shrubs or trees, flowers, grass, and other vegetation, suitable to the soil and climatic conditions of the	Shall mean a curbed portion of land for the growing of ornamental shrubs or trees, flowers, grass, and other vegetation, suitable to the soil and climatic conditions of the area of land for the purpose of	The revised definition to provide further clarity that a Planting Strip or Landscaped Area shall not form part of a Landscaping Parking

Appendix “B” – Modifications and Updates Summary to Section 3: Definitions			
Term	Proposed Change	Revised Zone Regulation	Rationale
	area of land for the purpose of landscaping within a parking lot, and shall include walkways, fire hydrants, decorative walls or features and light standards, and shall not form part of a Planting Strip or Landscaped Area.	landscaping within a parking lot, and shall include walkways, fire hydrants, decorative walls or features and light standards, and shall not form part of a Planting Strip or Landscaped Area.	Island. A change in the wording of the use from “Landscaping” to “Landscaped”.
Manufacturing	Shall mean the production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw or semi-processed or fully- processed goods or materials, and shall include but not be limited to a Biotechnological Establishment, Computer, Dry Cleaning Plant , Electronic and Data Processing Establishment, Pharmaceutical and Medical Establishment, Printing Establishment and/or a Science and Technology Establishment. Manufacturing may also include a Private Power Generation Facility as an accessory use, but shall not include a Waste Management Facility or Alcohol Production Facility	Shall mean the production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw or semi-processed or fully- processed goods or materials, and shall include but not be limited to a Biotechnological Establishment, Computer, Dry Cleaning Plant, Electronic and Data Processing Establishment, Pharmaceutical and Medical Establishment, Printing Establishment and/or a Science and Technology Establishment. Manufacturing may also include a Private Power Generation Facility as an accessory use, but shall not include a Waste Management Facility or Alcohol Production Facility	An amendment to the definition to include a Dry Cleaning Plant as a permitted use falling within this definition.
Motor Vehicle – Commercial	Shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses, tractors, and tow trucks used for hauling purposes on the highways, but does not include: a) a commercial motor vehicle, other than a bus, having a gross weight or registered gross weight of not more than 4,500 kilograms, an ambulance, a fire apparatus, a hearse, a casket wagon, a	Shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses, tractors, and tow trucks used for hauling purposes on the highways, but does not include: a) a commercial motor vehicle, other than a bus, having a gross weight or registered gross weight of not more than 4,500 kilograms,	The intent of the subsection is to exclude any type of vehicle, other than a bus, with less than 4,500 kilograms of gross weight or registered gross weight of not more than 4,500 kilograms from the definition. The revision is to remove redundant wording.

Appendix “B” – Modifications and Updates Summary to Section 3: Definitions			
Term	Proposed Change	Revised Zone Regulation	Rationale
	mobile crane, a motor home or vehicle commonly known as a tow truck,		
Motor Vehicle Dealership	Shall mean the use of land, within a building or structure, or part thereof, where new and/or used motor vehicles are stored or displayed for the purpose of sale, rental or leasing and may include a building for the storage and sale of accessories and lubricants for motor vehicles and an associated Motor Vehicle Service Station.	Shall mean the use of land, a building or structure, or part thereof, where new and/or used motor vehicles are stored or displayed for the purpose of sale, rental or leasing and may include a building for the storage and sale of accessories and lubricants for motor vehicles and an associated Motor Vehicle Service Station.	The existing definition was too restrictive where the use was required to be within a building or structure. The word “within” is removed to also allow the use outside a building for parking of motor vehicles for sale and cars awaiting service.
Personal Service	Shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel, may include, but shall not be limited to an Alternative Massage Establishment, or Yoga Studio or microblading , but shall not include a Dry Cleaning Plant or a Body Rub Parlour.	Shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel, may include, but shall not be limited to an Alternative Massage Establishment, Yoga Studio or microblading, but shall not include a Dry Cleaning Plant or a Body Rub Parlour.	An amendment to the definition to including microblading.
Place of Worship	Shall mean a building used by any religious organization for public worship or other ecclesiastical functions and may include accessory or ancillary uses which shall include but not be limited to an assembly hall, auditorium, convent, monastery, rectory, cemetery, book store , “out of the cold” program , day nursery and educational or recreational uses.	Shall mean a building used by any religious organization for public worship or other ecclesiastical functions and may include accessory or ancillary uses which shall include but not be limited to an assembly hall, auditorium, convent, monastery, rectory, cemetery, book store, “out of the cold” program, day nursery and educational or recreational uses.	An amendment to the definition to include book store and “out of the cold” programs as accessory or ancillary uses. Often a place of worship will have a small bookstore selling books, magazines, and pamphlets.
Planting Strip	Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and shall may include low level architectural walls or features, and fire hydrants, but shall not include walkways, sidewalks,	Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include walkways, sidewalks, charging stations, and electrical cabinets and	An amendment to the definition of Planting Strip which permits fire hydrants in the planting strip but not including walkways, sidewalks, charging stations, and electrical cabinets and transformers.

Appendix "B" – Modifications and Updates Summary to Section 3: Definitions			
Term	Proposed Change	Revised Zone Regulation	Rationale
	charging stations, and electrical cabinets and transformers.	transformers.	
Restaurant	Shall mean a building where food and/or drink is prepared and sold for immediate consumption, either on or off site, and which may offer commercial entertainment only if the premises are licensed under the <u>Liquor Licence Act</u> . A Restaurant may also include a night club, tavern and bar.	Shall mean a building where food and/or drink is prepared and sold for immediate consumption, either on or off site, and which may offer commercial entertainment only if the premises are licensed under the <u>Liquor Licence Act</u> . A Restaurant may also include a night club, tavern and bar.	An amendment to include uses that are included in the definition of Restaurant.

Appendix “C” – Modifications and Updates Summary to Section 4: General Provisions			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
4.6g) (new regulation)	An existing building may encroach, or further encroach, into a required yard to a maximum of 0.15 metres for the purpose of recladding the building.	An existing building may encroach, or further encroach, into a required yard to a maximum of 0.15 metres for the purpose of recladding the building.	A new zone regulation permitting an existing building to encroach, or further encroach into the required yard to a maximum of 0.15 metres for the purpose of recladding. This regulation exists in Hamilton Zoning By-law No. 6593 and applies to land owners who wish to reclad the existing building to the same or a different material that may be thicker than the original material.
4.18d)	Temporary tent(s), for the purpose of festivals or retail sales events, for a maximum of 5 consecutive days, and shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone, except as it relates to setbacks from residential-zoned property lines or zones.	(deleted and replaced with new regulation)	The original regulation to Section 4.18d) should be deleted in its entirety, and replaced with an amended regulation. The amended regulation applies to temporary tent(s) or stage(s) in a Downtown Zone, Transit Oriented Corridor Zone, Commercial and Mixed Use Zone, and the Parking (U3) Zone. This regulation provides some distance between the tent and abutting property belonging to one of the above zones.
	Temporary tent(s) or stage(s) in a Downtown Zone, Transit Oriented Corridor Zone, Commercial and Mixed Use Zone, or in a Parking (U3) Zone, in accordance with the following provisions: i) Shall not be in operation for more than 5 consecutive days; ii) Shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone, iii) Notwithstanding b) above, minimum	Temporary tent(s) or stage(s) in a Downtown Zone, Transit Oriented Corridor Zone, Commercial and Mixed Use Zone, or in a Parking (U3) Zone, in accordance with the following provisions: i) Shall not be in operation for more than 5 consecutive days; ii) Shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone; iii) Notwithstanding b) above, minimum setbacks shall apply if abutting a Residential Zone; and,	The changes to the regulation includes: <ul style="list-style-type: none"> • General format of the regulation for easier reading and interpretation; and, • Minimum setbacks apply for the tents and stages if it abuts a Residential Zone.

Appendix "C" – Modifications and Updates Summary to Section 4: General Provisions			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
	<p>setbacks shall apply if abutting a Residential Zone; and,</p> <p>iv) Shall not occupy areas devoted to barrier-free parking space(s) or loading space(s).</p>	<p>iv) Shall not occupy areas devoted to barrier-free parking space(s) or loading space(s).</p>	
4.18f) (new regulation)	<p>Trailers used to provide a temporary restaurant service while the associated principal restaurant building is undergoing for a maximum of four months, shall not be subject to parking requirements provided the Gross Floor Area of the temporary trailer does not exceed the Gross Floor Area of the principal restaurant.</p>	<p>Trailers used to provide a temporary restaurant service while the associated principal restaurant building is undergoing for a maximum of four months, shall not be subject to parking requirements provided the Gross Floor Area of the temporary trailer does not exceed the Gross Floor Area of the principal restaurant.</p>	<p>A new regulation permitting temporary trailers which are used to provide a service while the restaurant is under renovation. The temporary trailer is permitted to operate for up to four months and shall not require parking provided the Gross Floor Area of the temporary trailer is less than the restaurant it is replacing while it is under renovation.</p>
4.19	<p>Where this By-law requires a visual barrier is required to be provided and maintained, such barrier shall act as a screen between uses and shall be constructed to a minimum height of 1.8 metres, and to a maximum height of 2.5 metres where only that portion of a visual barrier consists consisting of a fence or wall, shall have a maximum height of 2.5 metres and shall not be located within 3.0 metres of a street line. A visual barrier shall consist of the following:</p>	<p>Where this By-law requires a visual barrier to be provided and maintained, such barrier shall act as a screen between uses and shall be constructed to a minimum height of 1.8 metres, and to a maximum height of 2.5 metres where a visual barrier consists of a fence or wall, and shall not be located within 3.0 metres of a street line. A visual barrier shall consist of the following:</p>	<p>The revision to the zone regulation is to provide further clarity. The intent of providing a visual barrier is maintained.</p>
4.21	<p>No person shall conduct a home business except as permitted herein and in accordance with the regulations of Subsection b):</p>	<p>No person shall conduct a home business except as permitted herein:</p>	<p>The removal of an unnecessary portion of the regulation does not change its intent.</p>
4.21a)ix)	<p>Within the A1, A2, S1 and P6 Zones, an office of 1 physical or mental health practitioner, professional physician or dentist existing at the time of passing</p>	<p>Within the A1, A2, S1 and P6 Zones, an office of 1 physical or mental health professional, physician or dentist existing at the time of passing of this By-law.</p>	<p>A revision to the word "health practitioner" and replace with "health professional" as a defined term in Section 3 – Definitions, and provide more consistent</p>

Appendix “C” – Modifications and Updates Summary to Section 4: General Provisions			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
	of this By-law.		terminology with the rest of the Zoning By-law.
4.21e) (new regulation)	A home business within a Dwelling Unit(s) in Conjunction with a Commercial Use shall not be permitted.	A home business within a Dwelling Unit(s) in Conjunction with a Commercial Use shall not be permitted.	A new regulation added to prohibit home businesses in Dwelling Unit(s) in Conjunction with a Commercial Use.
4.32	No person shall have deemed to have contravened any provisions of this By-law by reason only to the of the fact that a part or parts of any lot or have been conveyed, acquired, leased, or placement of easements by the City of Hamilton or the Government of Ontario for the placement of public transit facilities. No lot shall be deemed to be in contravention of any provision(s) of this By-law by reason only of the fact that a part or parts of any lot has or have been conveyed to, or acquired, leased, or subject to an easement by the City of Hamilton or Province of Ontario for the placement of public transit facilities.	No lot shall be deemed to be in contravention of any provision(s) of this By-law by reason only of the fact that a part or parts of any lot has or have been conveyed to, or acquired, leased, or subject to an easement by the City of Hamilton or Province of Ontario for the placement of public transit facilities.	A deletion of the original provision and a replacement of an amended provision. The amended provision provides further clarity and intention. Where a public transit facility (i.e. station buildings, facilities, bus layby and manouvering) is proposed for a lot, any zone regulations are not deemed to be in contravention of the Zoning By-law.

Appendix “D” – Modifications and Updates Summary to Section 5: Parking			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
5.2d)ii)	The aisle giving access to a parallel parking space shall have a minimum width of 3.6 metres for one way traffic and a minimum width of 6.0 metres for two way traffic.	(regulation deleted)	As part of report PED17089 which reviewed parking space dimensions and associated parking standards in Hamilton Zoning By-law No. 05-200, recommendation (a) (iii) of report PED17089, staff was directed and authorized to proceed with introducing minimum drive aisles widths for one- and two-way traffic. This was achieved in Subsection 5.2i) where minimum aisle width requirements are in place. As this regulation is now in effect, Subsection 5.2d)ii) is redundant and to eliminate interpretation issues, this regulation has been deleted in its entirety. Minimum aisle width requirements are now in Subsection
5.2h)	In addition to Section 5.1 a) v) and Subsection 5.2e) herein, the following Planting Strip requirements shall apply to a parking lot in a Commercial and Mixed Use Zone and the Parking (U3) Zone where 50 or more parking spaces are provided on a lot:	In addition to Section 5.1 a) v) and Subsection 5.2e) herein, the following Planting Strip requirements shall apply to a parking lot in a Commercial and Mixed Use Zone and the Parking (U3) Zone where 50 or more parking spaces are provided on a lot:	An amendment to the regulation as a result of a typographical error in the reference to the correct Subsection 5.2i).
5.2h)i)	Landscaped Areas Area(s) or Landscaped Parking Islands	Landscaped Area(s) and/or Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the parking lot and associated access driveway and manouvering areas shall be provided and maintained;	An amendment to the regulation to state you can have a single landscaped area or landscaped parking island, or many. The original regulation implies you require more

Appendix “D” – Modifications and Updates Summary to Section 5: Parking

Section	Proposed Change	Proposed Revised Zone Regulation	Rationale				
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added					
5.2h)ii)	Each Landscaped Area and of Landscaped Parking Island shall have a minimum width of 2.8 metres and a minimum area of 10.0 square metres;	Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 10.0;	than one landscaped area or landscaped parking island. The amended regulation provides more clarity and flexibility when providing a landscaped parking island. The existing regulation requires all landscaped parking island to have a minimum of 2.8 metres. This cannot be met if the parking islands are required to taper due to vehicle manouvering. The revised regulation includes a minimum area to maintain the intent to have an island large enough to sustain enhanced landscaping.				
5.2h)iii)	In addition to Section 5.6, the number of required parking spaces required to accommodate the Landscaped Area or Landscaped Parking Island within the parking lot shall be reduced by the amount needed to accommodate the minimum Landscaped Parking Island requirement as required by Subsection 5.2h) i) 5.1)v) , up to a maximum of 10% of the required parking spaces.	In addition to Section 5.6, the number of required parking spaces required to accommodate the Landscaped Area or Landscaped Parking Island within the parking lot shall be reduced by the amount needed to accommodate the minimum Landscaped Parking Island requirement as required by Subsection 5.2h) i), up to a maximum of 10% of the required parking spaces.	A revision to the regulation as a result of a typo in the reference to Subsections.				
5.2i)	In addition to Subsection c) herein, the minimum aisle width shall be designed and provided in accordance with the following requirements: <table border="1" data-bbox="261 1728 662 1829"> <tr> <td data-bbox="261 1728 410 1829">Parking Degree Angle</td> <td data-bbox="410 1728 662 1829">One-Way and Two-way Aisle Width</td> </tr> </table>	Parking Degree Angle	One-Way and Two-way Aisle Width	In addition to Subsection c) herein, the minimum aisle width shall be designed and provided in accordance with the following requirements: <table border="1" data-bbox="716 1692 1151 1793"> <tr> <td data-bbox="716 1692 872 1793">Parking Degree Angle</td> <td data-bbox="872 1692 1151 1793">One-Way and Two-way Aisle Width</td> </tr> </table>	Parking Degree Angle	One-Way and Two-way Aisle Width	As part of report PED17089 which reviewed parking space dimensions and associated parking standards in Hamilton Zoning By-law No. 05-200, recommendation (a) (iii) of report PED17089, staff was directed and authorized to proceed with introducing minimum drive aisles widths
Parking Degree Angle	One-Way and Two-way Aisle Width						
Parking Degree Angle	One-Way and Two-way Aisle Width						

Appendix “D” – Modifications and Updates Summary to Section 5: Parking											
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale								
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added									
			<p>for one- and two-way traffic. This was achieved in Subsection 5.2i) where minimum aisle width requirements are in place.</p> <p>An amendment to this regulation provides clarity that this requirement applies to both one-way and two-way aisles. The minimum requirements are unchanged.</p>								
5.5a)	<table border="1"> <thead> <tr> <th>Required Parking Spaces</th> <th>Designated Barrier Free Parking Space</th> </tr> </thead> <tbody> <tr> <td>0 1 – 49</td> <td>Minimum 1 space;</td> </tr> </tbody> </table>	Required Parking Spaces	Designated Barrier Free Parking Space	0 1 – 49	Minimum 1 space;	<table border="1"> <thead> <tr> <th>Required Parking Spaces</th> <th>Designated Barrier Free Parking Space</th> </tr> </thead> <tbody> <tr> <td>1 – 49</td> <td>Minimum 1 space;</td> </tr> </tbody> </table>	Required Parking Spaces	Designated Barrier Free Parking Space	1 – 49	Minimum 1 space;	<p>Previously, the regulation would require a minimum of one barrier free parking space even if no parking space is required. This has been amended where this requirement applies to more than one parking space.</p>
Required Parking Spaces	Designated Barrier Free Parking Space										
0 1 – 49	Minimum 1 space;										
Required Parking Spaces	Designated Barrier Free Parking Space										
1 – 49	Minimum 1 space;										
5.5c)	<p>Subsection 5.5 a) shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, and Duplex Dwellings, and Street Townhouses abutting a public street.</p>	<p>Subsection 5.5 a) shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings, and Street Townhouses abutting a public street.</p>	<p>An amendment to the regulation where Barrier-free parking does not apply to street townhouse abutting a public street as it would be accommodated in a fashion similar to a single detached dwelling, semi-detached dwelling, and duplex dwelling.</p>								
5.7c)	<p>In the Downtown (D1), (D2) and (D5) Zones, Transit Oriented Corridor Zones and Commercial and Mixed Use Zones short-term bicycle parking shall be provided for each and every building in the minimum quantity specified in accordance with the following requirements:</p>	<p>In the Downtown (D1), (D2) and (D5) Zones, Transit Oriented Corridor Zones and Commercial and Mixed Use Zones short-term bicycle parking shall be provided for each and every building in the minimum quantity specified in accordance with the following requirements:</p>	<p>A revision to an existing regulation providing clarity, where short term bicycle parking is required for each building on a property as opposed to only providing bicycle parking for one location on a property.</p>								

Appendix “D” – Modifications and Updates Summary to Section 5: Parking			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
5.7e)	Notwithstanding Section b) and in addition to c) above, in the Downtown (D1), (D2), and (D5) Zones, Transit Oriented Corridor (TOC1), (TOC2), (TOC3) and (TOC4) Zones long-term bicycle parking shall be provided for each and every building in the minimum quantity specified in accordance with the following requirements:	Notwithstanding Section b) and in addition to c) above, in the Downtown (D1), (D2), and (D5) Zones, Transit Oriented Corridor (TOC1), (TOC2), (TOC3) and (TOC4) Zones long-term bicycle parking shall be provided for each and every building in the minimum quantity specified in accordance with the following requirements:	A revision to an existing regulation providing clarity, where long term bicycle parking is required for each building on a property as opposed to only providing bicycle parking for one location on a property.
5.7g)ii)	In addition to Subsection 5.7g)i) 5.7g)i) , 1 motor vehicle space for every 15 square metres of gross floor area of locker, change room or shower facilities specifically accessible to all users of the secure long term bicycle spaces is provided and maintained.	In addition to Subsection 5.7g)i), 1 motor vehicle space for every 15 square metres of gross floor area of locker, change room or shower facilities specifically accessible to all users of the secure long term bicycle spaces is provided and maintained.	A revision to the regulation as a result of a typo in the reference to Subsections. Further, the amendment included adding the word “motor vehicle” to provide further clarity.

**Appendix "E" – Modifications and Updates Summary to the Open Space and Parks Zones:
 Section 7.7: Conservation/Hazard Land – Rural (P7) Zone
 Section 7.8: Conservation/Hazard Land – Rural (P8) Zone**

Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
<p>7.7.2.3) iv) (new regulation)</p>	<p>Notwithstanding Sections 7.7.2.1 a) i) and 7.7.2.2 a) i) above, an existing legally established accessory building or structure which is demolished in whole or in part may be rebuilt provided the setbacks, building height, and gross floor area to the building or structure which had existed on the date of passing of the By-law are maintained.</p>	<p>Notwithstanding Sections 7.7.2.1 a) i) and 7.7.2.2 a) i) above, an existing accessory building or structure which is demolished in whole or in part may be rebuilt provided the setbacks, building height, and gross floor area to the building or structure which had existed on the date of passing of the By-law are maintained.</p>	<p>A new regulation permitting the rebuilding of an existing accessory building or structure which is demolished, provided the buildings and structures are being rebuilt with the existing setbacks, building height, and Gross Floor Area.</p> <p>Previously this regulation was not in the P7 Zone and therefore the rebuilding of an accessory building or structure was not permitted.</p>
<p>7.8.2.2) iii) (new regulation)</p>	<p>Notwithstanding Section 7.8.2.1 above, an existing legally established accessory building or structure which is demolished in whole or in part may be rebuilt provided the setbacks, building height, and gross floor area to the building or structure which had existed on the date of passing of the By-law are maintained.</p>	<p>Notwithstanding Section 7.8.2.1 above, an existing accessory building or structure which is demolished in whole or in part may be rebuilt provided the setbacks, building height, and gross floor area to the building or structure which had existed on the date of passing of the By-law are maintained.</p>	<p>A new regulation permitting the rebuilding of an existing accessory building or structure which is demolished, provided the buildings and structures are being rebuilt with the existing setbacks, building height, and Gross Floor Area.</p> <p>Previously this regulation was not in the P8 Zone and therefore the rebuilding of an accessory building or structure was not permitted.</p>

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Authority: Item ,
Report PED19XXX
CM:
Wards: City Wide

Bill No. XXX

CITY OF HAMILTON

BY-LAW NO. 19-XXX

To Amend By-law 05-200 Respecting Modifications and Updates to certain Definitions, General Provisions, Parking, Open Space, Industrial, Commercial and Mixed Use Zones, Transit Oriented Corridor Zones, Rural Zones Utility Zone, Special Exceptions, and Holding Provisions for the City of Hamilton

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14;

WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

WHEREAS the first stage of the new Zoning By law, being By-law No. 05-200, came into force on the 25th day of May, 2005;

WHEREAS the Council of the City of Hamilton, in adopting Item XX of Report 19-XXX of the Planning Committee, at its meeting held on the XX day of XX, 2019 which recommended that Zoning By-law No. 05-200 be amended as hereinafter provided; and,

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

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

1. That SECTION 3: DEFINITIONS of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix “A” of this By-law.
2. That SECTION 4: GENERAL PROVISIONS of Hamilton Zoning By-law No. 05-0200 is hereby amended in accordance with Appendix “B” of this By-law.
3. That SECTION 5: PARKING of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix “C” of this By-law.
4. That SECTION 7: OPEN SPACE AND PARKS ZONES of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix “D” of this By-law
5. That SECTION 9: INDUSTRIAL ZONES of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix “E” of this By-law.

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6. That SECTION 10: COMMERCIAL AND MIXED USE ZONES of Hamilton Zoning By-law No. 05-200 is hereby amended as follows:
 - 5.1 That Subsection 10.1 be amended in accordance with Appendix “F-1” of this By-law.
 - 5.2 That Subsection 10.2 be amended in accordance with Appendix “F-2” of this By-law.
 - 5.3 That Subsection 10.3 be amended in accordance with Appendix “F-3” of this By-law.
 - 5.4 That Subsection 10.4 be amended in accordance with Appendix “F-4” of this By-law.
 - 5.5 That Subsection 10.5 be amended in accordance with Appendix “F-5” of this By-law.
 - 5.6 That Subsection 10.5a be amended in accordance with Appendix “F-6” of this By-law.
 - 5.7 That Subsection 10.6 be amended in accordance with Appendix “F-7” of this By-law.
 - 5.8 That Subsection 10.7 be amended in accordance with Appendix “F-8” of this By-law.
7. That SECTION 11: TRANSIT ORIENTED CORRIDOR ZONES of Hamilton Zoning By-law No. 05-200 is hereby amended as follows:
 - 6.1 That Subsection 11.1 be amended in accordance with Appendix “G-1” of this By-law.
 - 6.2 That Subsection 11.2 be amended in accordance with Appendix “G-2” of this By-law.
 - 6.3 That Subsection 11.3 be amended in accordance with Appendix “G-3” of this By-law.
8. That SECTION 12: RURAL ZONES of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix “H” of this By-law.
9. That SECTION 13: UTILITIES Hamilton Zoning By-law No. 05-200 is hereby amended as follows:
 - 8.1 That Subsection 13.3 be amended in accordance with Appendix “I” of this By-law.
10. That Maps RU80, RU218, 860, 902, 947, 1043, 1259, 1394, 1450, 1595 1747, 1748, 1749, 1934 of Schedule “A” – Zoning Maps of Zoning By-law No. 05-200 be amended and boundaries of which are shown on a plan hereto annexed as Schedules “A1”, “A2”, “A3”, “A4”, “A5”, “A6”, “A7”, “A8”, “A9”, “A10”, “A11”, “A12” to this By-law, as follows:

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- 9.1 Lands to be added to Zoning By-law No. 05-200 and zoned District Commercial (C6, 706) Zone (1405 Upper Ottawa Street, Hamilton, Schedule “A1”);
- 9.2 Change in zoning from the Neighbourhood Commercial (C2) Zone to the Residential Character Commercial (C1) Zone (328 – 358 Beach Boulevard, Hamilton, Schedule “A2”);
- 9.3 Lands to be added to Zoning By-law No. 05-200 and zoned District Commercial (C6, 708) Zone (3079 Homestead Drive, Glanbrook, Schedule “A3”);
- 9.4 Lands to be added to Zoning By-law No. 05-200 and zoned Mixed Use Medium Density (C5, 709) Zone (118 Hatt Street, Dundas, Schedule “A4”);
- 9.5 Lands to be added to Zoning By-law No. 05-200 and zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 710) Zone (52-64 Ottawa Street North, Hamilton, Schedule “A5”);
- 9.6 Lands to be added to Zoning By-law No. 05-200 and zoned Mixed Use Medium Density (C5) Zone (30 Rymal Road East, Hamilton, Schedule “A6”);
- 9.7 Change in zoning from the District Commercial (C6, 301) Zone to the District Commercial (C6, 301, H112) Zone (1310 South Service Road, Stoney Creek, Schedule “A7”).
- 9.8 Lands to be added to Zoning By-law No. 05-200 and zoned Mixed Use Medium Density (C5, 570) Zone (Part of 1546 Main Street West, Hamilton, Schedule “A8”); and,
- 9.9 Change in zoning from the Community Commercial (C3, H65) Zone to Community Commercial (C3) Zone (8 Kingsborough Drive, Stoney Creek, Schedule “A9”).
- 9.10 Modifications to the zone boundary to the Agriculture (A1, 159) Zone (4080 Hall Road, Glanbrook, “A10”).
- 9.11 Change in zoning from Settlement Residential (S1, 23) Zone to Settlement Residential (S1, 712) Zone (706 Highway 8, Flamborough, Schedule “A11”).
- 9.12 Lands to be added to Zoning By-law No. 05-200 and zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 711, H110) Zone (3079 Binbrook Road, Glanbrook, Schedule “A12”).
11. That SCHEDULE “C” – Special Exceptions of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix “J” of this By-law.
12. That SCHEDULE “D” – Holding Provisions of Hamilton Zoning By-law No. 05-200 is hereby amended in accordance with Appendix “K” of this By-law.
13. 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.

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14. That for the purposes of the Building Code, this by-law or any part of it is not made until it has come into force as provided by sections 34 and 36 of the *Planning Act*.
15. That this By-law comes into force in accordance with sections 34 and 36 of the Planning Act.

PASSED this XX day of XXX, 2019.

F. Eisenberger
Mayor

J. Pilon
City Clerk

CI-18-J

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Appendix “A” – Section 3: Definitions		
Term	Proposed Change	Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
Agricultural Brewery/Cidery/Winery	Shall mean a Secondary Use to an Agricultural operation on the same lot, for the processing of grapes, fruit, honey, hops or other produce in the production of beers, ciders or wines. Agricultural Brewery/Cidery/Winery uses may include the crushing, fermentation, production, bottling, aging, storage, and Accessory sale of beers, ciders, wines and related products to both, a laboratory, an administrative office, and a tasting, hospitality and retail area, but shall not include a Restaurant, a Conference or Convention Centre, or overnight accommodation, or an Alcohol Production Facility.	Shall mean a Secondary Use to an Agricultural operation on the same lot, for the processing of grapes, fruit, honey, hops or other produce in the production of beers, ciders or wines. Agricultural Brewery/Cidery/Winery uses may include the crushing, fermentation, production, bottling, aging, storage, and Accessory sale of beers, ciders, wines and related products to both, a laboratory, an administrative office, and a tasting, hospitality and retail area, but shall not include a Restaurant, a Conference or Convention Centre, overnight accommodation, or an Alcohol Production Facility.
Commercial Entertainment	Shall mean a use of an establishment for the general purpose of providing entertainment or amusement for a fee and shall include, for example, but not be limited to cinemas, circuses , bingo halls, dance clubs, cultural events, and escape rooms. Commercial Entertainment may include reception centres , but shall not include an Amusement Arcade, Adult Entertainment Parlour, or Casino.	Shall mean a use of an establishment for the general purpose of providing entertainment or amusement for a fee and shall include, for example, but not be limited to cinemas, circuses, bingo halls, dance clubs, cultural events, and escape rooms. Commercial Entertainment may include reception centres, but shall not include an Amusement Arcade, Adult Entertainment Parlour, or Casino.
Conference or Convention Centre	Shall mean an establishment, which is not a hotel, where facilities are provided for meetings, seminars, workshops, social gatherings, cultural events and other similar activities including an	Shall mean an establishment, which is not a hotel, where facilities are provided for meetings, seminars, workshops, social gatherings, cultural events and other similar activities including an Exhibition

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Appendix "A" – Section 3: Definitions		
Term	Proposed Change	Revised Zone Regulation
	<p>Eexhibition Ffacility, circus, and public hall. A Conference or Convention Centre may all which may include dining facilities for the exclusive use of conference or convention participants, and the selling of goods related to the event.</p>	<p>Facility, circus, and public hall. A Conference or Convention Centre may include dining facilities for the exclusive use of conference or convention participants, and the selling of goods related to the event.</p>
Dwelling Unit in Conjunction with a Commercial Use	<p>Shall mean a room or suite of rooms building used or intended to be used for human habitation but shall not include a recreational vehicle or tent, and shall be located in the same building as a commercial use permitted in the zone.</p> <p>Shall mean a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule or stairway and shall be located in the same building as a commercial use permitted in the zone.</p>	<p>Shall mean a room or suite of rooms used or intended to be used by one or more persons living together as one household, in which cooking and sanitary facilities are provided for the exclusive use of the household, and to which an independent entrance is provided from outside the building or from a common interior hallway, vestibule or stairway and shall be located in the same building as a commercial use permitted in the zone.</p>
Emergency Shelter	<p>Shall mean a fully detached building used for persons in a crisis situation requiring shelter, protection, assistance and counselling or support which is intended to be short term accommodation of a transient nature. An Emergency Shelter may include an "out of the cold" program but An emergency shelter shall not include a residential care</p>	<p>Shall mean a fully detached building used for persons in a crisis situation requiring shelter, protection, assistance and counselling or support which is intended to be short term accommodation of a transient nature. An Emergency Shelter may include an "out of the cold" program but An emergency shelter shall not include a residential care facility,</p>

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Appendix "A" – Section 3: Definitions		
Term	Proposed Change	Revised Zone Regulation
	facility, a lodging house, a corrections residence, a correctional facility, or any other residential facility which is licensed, approved or regulated under any general or special Act.	a lodging house, a corrections residence, a correctional facility, or any other residential facility which is licensed, approved or regulated under any general or special Act.
Farm Implement Dealership	Shall mean the use of land, building, or structure, or part thereof, where new and/or used equipment or machinery designed and used for agricultural or horticultural uses, including machinery attachments and parts are stored and displayed for the purpose of sale, rental or leasing and may include a building for the storage and sale of machinery attachments and parts, and lubricants for the equipment and machinery. The use shall also be prescribed under the <u>Farm Implements Act</u>.	Shall mean the use of land, building, or structure, or part thereof, where new and/or used equipment or machinery designed and used for agricultural or horticultural uses, including machinery attachments and parts are stored and displayed for the purpose of sale, rental or leasing and may include a building for the storage and sale of machinery attachments and parts, and lubricants for the equipment and machinery. The use shall also be prescribed under the <u>Farm Implements Act</u> .
Health Professional	Shall mean an individual who practices any of the health disciplines regulated under a Provincial Act, such as, but not limited to, physicians, dentists, optometrists, pharmacists, physiotherapists, chiropractors, and psychologists, and disciplines not regulated under a Provincial Act such as an Osteopath.	Shall mean an individual who practices any of the health disciplines regulated under a Provincial Act, such as, but not limited to, physicians, dentists, optometrists, pharmacists, physiotherapists, chiropractors, and psychologists, and disciplines not regulated under a Provincial Act such as an Osteopath.
Landscaped Area	Landscaped Area Shall mean any portion of a lot which: a) Contains no building thereon; b) Is not used for parking, access to parking, driveways or loading	Landscaped Area Shall mean any portion of a lot which: a) Contains no building thereon; b) Is not used for parking, access to parking, driveways or loading

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Appendix "A" – Section 3: Definitions		
Term	Proposed Change	Revised Zone Regulation
	<p>space; and,</p> <p>c) Is used for the purpose of landscaping; and,</p> <p>d) Landscaped areas may include bell pedestals and light standards but shall not include courier or mail boxes.</p>	<p>space; and,</p> <p>c) Is used for the purpose of landscaping; and,</p> <p>d) Landscaped areas may include bell pedestals and light standards but shall not include courier or mail boxes.</p>
<p>Landscaping Landscaped Parking Island</p>	<p>Shall mean a curbed portion of land for the growing of ornamental shrubs or trees, flowers, grass, and other vegetation, suitable to the soil and climatic conditions of the area of land for the purpose of landscaping within a parking lot, and shall include walkways, fire hydrants, decorative walls or features and light standards, and shall not form part of a Planting Strip or Landscaped Area.</p>	<p>Shall mean a curbed portion of land for the growing of ornamental shrubs or trees, flowers, grass, and other vegetation, suitable to the soil and climatic conditions of the area of land for the purpose of landscaping within a parking lot, and shall include walkways, fire hydrants, decorative walls or features and light standards, and shall not form part of a Planting Strip or Landscaped Area.</p>
<p>Manufacturing</p>	<p>Shall mean the production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw or semi-processed or fully-processed goods or materials, and shall include but not be limited to a Biotechnological Establishment, Computer, Dry Cleaning Plant, Electronic and Data Processing Establishment, Pharmaceutical and Medical Establishment, Printing Establishment and/or a Science and Technology Establishment. Manufacturing may also include a Private Power Generation Facility as an accessory use, but shall not include a Waste Management</p>	<p>Shall mean the production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw or semi-processed goods or materials, and shall include but not be limited to a Biotechnological Establishment, Computer, Dry Cleaning Plant, Electronic and Data Processing Establishment, Pharmaceutical and Medical Establishment, Printing Establishment and/or a Science and Technology Establishment. Manufacturing may also include a Private Power Generation Facility as an accessory use, but shall not include a Waste Management Facility or Alcohol Production</p>

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Appendix “A” – Section 3: Definitions		
Term	Proposed Change	Revised Zone Regulation
	Facility or Alcohol Production Facility	Facility
Motor Vehicle – Commercial	<p>Shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses, tractors, and tow trucks used for hauling purposes on the highways, but does not include:</p> <p>a) a commercial motor vehicle, other than a bus, having a gross weight or registered gross weight of not more than 4,500 kilograms, an ambulance, a fire apparatus, a hearse, a casket wagon, a mobile crane, a motor home or vehicle commonly known as a tow truck,</p>	<p>Shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses, tractors, and tow trucks used for hauling purposes on the highways, but does not include:</p> <p>a) a commercial motor vehicle, other than a bus, having a gross weight or registered gross weight of not more than 4,500 kilograms,</p>
Motor Vehicle Dealership	<p>Shall mean a the use of land, within a building or structure, or part thereof, where new and/or used motor vehicles are stored or displayed for the purpose of sale, rental or leasing and may include a building for the storage and sale of accessories and lubricants for motor vehicles and an associated Motor Vehicle Service Station.</p>	<p>Shall mean the use of land, building or structure, or part thereof, where new and/or used motor vehicles are stored or displayed for the purpose of sale, rental or leasing and may include a building for the storage and sale of accessories and lubricants for motor vehicles and an associated Motor Vehicle Service Station.</p>
Personal Service	<p>Shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel, may include, but shall not be limited to an Alternative Massage Establishment, or Yoga Studio or microblading, but shall not include a Dry Cleaning Plant or a Body Rub Parlour.</p>	<p>Shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel, may include, but shall not be limited to an Alternative Massage Establishment, Yoga Studio or microblading, but shall not include a Dry Cleaning Plant or a Body Rub Parlour.</p>

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Appendix "A" – Section 3: Definitions		
Term	Proposed Change	Revised Zone Regulation
Place of Worship	Shall mean a building used by any religious organization for public worship or other ecclesiastical functions and may include accessory or ancillary uses which shall include but not be limited to an assembly hall, auditorium, convent, monastery, rectory, cemetery, book store, out of the cold program , day nursery and educational or recreational uses.	Shall mean a building used by any religious organization for public worship or other ecclesiastical functions and may include accessory or ancillary uses which shall include but not be limited to an assembly hall, auditorium, convent, monastery, rectory, cemetery, book store, out of the cold program, day nursery and educational or recreational uses.
Planting Strip	Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and shall may include low level architectural walls or features, and fire hydrants, but shall not include walkways, sidewalks, and charging stations.	Shall mean an area of land growing ornamental shrubs or trees or both, suitable to the soil and climatic conditions of the area of land for the sole purpose of providing a buffer and may include low level architectural walls or features, and fire hydrants, but shall not include walkways, sidewalks, and charging stations.
Restaurant	Shall mean a building where food and/or drink is prepared and sold for immediate consumption, either on or off site, and which may offer commercial entertainment only if the premises are licensed under the <u>Liquor Licence Act</u> . A Restaurant may also include a night club, tavern and bar.	Shall mean a building where food and/or drink is prepared and sold for immediate consumption, either on or off site, and which may offer commercial entertainment only if the premises are licensed under the <u>Liquor Licence Act</u> . A Restaurant may also include a night club, tavern and bar.

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Appendix "B" – Section 4: General Provisions		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
4.6g)	An existing building may encroach, or further encroach, into a required yard to a maximum of 0.15 metres for the purpose of recladding the building.	An existing building may encroach, or further encroach, into a required yard to a maximum of 0.15 metres for the purpose of recladding the building.
4.18d)	Temporary tent(s), for the purpose of festivals or retail sales events, for a maximum of 5 consecutive days, and shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone, except as it relates to setbacks from residential zoned property lines or zones.	(deleted and replaced with new regulation)
	Temporary tent(s) or stage(s) in a Downtown Zone, Transit Oriented Corridor Zone, Commercial and Mixed Use Zone, or in a Parking (U3) Zone, in accordance with the following provisions: i) Shall not be in operation for more than 5 consecutive days; ii) Shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone, iii) Notwithstanding b) above, minimum setbacks shall apply if abutting a Residential Zone; and, iv) Shall not occupy areas devoted to barrier-free parking space(s) or loading space(s).	Temporary tent(s) or stage(s) in a Downtown Zone, Transit Oriented Corridor Zone, Commercial and Mixed Use Zone, or in a Parking (U3) Zone, in accordance with the following provisions: i) Shall not be in operation for more than 5 consecutive days; ii) Shall not be subject to any minimum or maximum yard setbacks or parking requirements of the zone; iii) Notwithstanding b) above, minimum setbacks shall apply if abutting a Residential Zone; and, iv) Shall not occupy areas devoted to barrier-free parking space(s) or loading space(s).
4.18f)	Trailers used to provide a temporary restaurant service while the associated principal restaurant building is undergoing for a maximum of four months,	Trailers used to provide a temporary restaurant service while the associated principal restaurant building is undergoing for a maximum of four months, shall not

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Appendix "B" – Section 4: General Provisions		
Section	Proposed Change	Proposed Revised Zone Regulation
	shall not be subject to parking requirements provided the Gross Floor Area of the temporary trailer does not exceed the Gross Floor Area of the principal restaurant.	be subject to parking requirements provided the Gross Floor Area of the temporary trailer does not exceed the Gross Floor Area of the principal restaurant.
4.19	Where this By-law requires a visual barrier is required to be provided and maintained, such barrier shall act as a screen between uses and shall be constructed to a minimum height of 1.8 metres, and to a maximum height of 2.5 metres where only that portion of a visual barrier consists consisting of a fence or wall, shall have a maximum height of 2.5 metres and shall not be located within 3.0 metres of a street line. A visual barrier shall consist of the following:	Where this By-law requires a visual barrier to be provided and maintained, such barrier shall act as a screen between uses and shall be constructed to a minimum height of 1.8 metres, and to a maximum height of 2.5 metres where a visual barrier consists of a fence or wall, and shall not be located within 3.0 metres of a street line. A visual barrier shall consist of the following:
4.21	No person shall conduct a home business except as permitted herein and in accordance with the regulations of Subsection b):	No person shall conduct a home business except as permitted herein:
4.21a)x)	Within the A1, A2, S1 and P6 Zones, an office of 1 physical or mental health practitioner, professional physician or dentist existing at the time of passing of this By-law.	Within the A1, A2, S1 and P6 Zones, an office of 1 health professional, physician or dentist existing at the time of passing of this By-law.
4.21e)	A home business within a Dwelling Unit(s) in Conjunction with a Commercial Use shall not be permitted.	A home business within a Dwelling Unit(s) in Conjunction with a Commercial Use shall not be permitted.
4.32	No person shall have deemed to have contravened any provisions of this By-law by reason only to the of the fact that a part or parts of any lot or have been conveyed, acquired, leased, or placement of easements by the City of Hamilton or the Government of Ontario for the placement of public transit facilities. No lot shall be deemed to be in contravention of any provision(s)	No lot shall be deemed to be in contravention of any provision(s) of this By-law by reason only of the fact that a part or parts of any lot has or have been conveyed to, or acquired, leased, or subject to an easement by the City of Hamilton or Province of Ontario for the placement of public transit facilities.

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Appendix "B" – Section 4: General Provisions		
Section	Proposed Change	Proposed Revised Zone Regulation
	of this By-law by reason only of the fact that a part or parts of any lot has or have been conveyed to, or acquired, leased, or subject to an easement by the City of Hamilton or Province of Ontario for the placement of public transit facilities.	

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Appendix "C" – Section 5: Parking		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
5.2d)ii)	The aisle giving access to a parallel parking space shall have a minimum width of 3.6 metres for one-way traffic and a minimum width of 6.0 metres for two-way traffic.	(regulation deleted)
5.2h)	In addition to Section 5.1 a) v) and Subsection 5.2e) herein, the following Planting Strip requirements shall apply to a parking lot in a Commercial and Mixed Use Zone and the Parking (U3) Zone where 50 or more parking spaces are provided on a lot:	In addition to Section 5.1 a) v) and Subsection 5.2e) herein, the following Planting Strip requirements shall apply to a parking lot in a Commercial and Mixed Use Zone and the Parking (U3) Zone where 50 or more parking spaces are provided on a lot:
5.2h)i)	Landscaped Area(s) or Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the parking lot and associated access driveway and manouvering areas shall be provided and maintained;	Landscaped Area(s) or Landscaped Parking Island(s) with a minimum combined area of 10% of the area of the parking lot and associated access driveway and manouvering areas shall be provided and maintained;
5.2h)ii)	Each Landscaped Area and or Landscaped Parking Island shall have a minimum width of 2.8 metres and a minimum area of 10.0 square metres;	Each Landscaped Area and Landscaped Parking Island shall have a minimum area of 10.0 square metres;
5.2h)iii)	In addition to Section 5.6, the number of required parking spaces required to accommodate the Landscaped Area or Landscaped Parking Island within the parking lot shall be reduced by the amount needed to accommodate the minimum Landscaped Parking Island requirement as required by Subsection 5.2h) i) 5.1)v)ii) , up to a maximum of 10% of the required parking spaces.	In addition to Section 5.6, the number of required parking spaces required to accommodate the Landscaped Area or Landscaped Parking Island within the parking lot shall be reduced by the amount needed to accommodate the minimum Landscaped Parking Island requirement as required by Subsection 5.2h) i), up to a maximum of 10% of the required parking spaces.

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Appendix "C" – Section 5: Parking														
Section	Proposed Change	Proposed Revised Zone Regulation												
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added												
5.2i)	<p>In addition to Subsection c) herein, the minimum aisle width shall be designed and provided in accordance with the following requirements:</p> <table border="1"> <tr> <td>Parking Degree Angle</td> <td>One-Way and Two-way Aisle Width</td> </tr> </table>	Parking Degree Angle	One-Way and Two-way Aisle Width	<p>In addition to Subsection c) herein, the minimum aisle width shall be designed and provided in accordance with the following requirements:</p> <table border="1"> <tr> <td>Parking Degree Angle</td> <td>One-Way and Two-way Aisle Width</td> </tr> </table>	Parking Degree Angle	One-Way and Two-way Aisle Width								
Parking Degree Angle	One-Way and Two-way Aisle Width													
Parking Degree Angle	One-Way and Two-way Aisle Width													
5.5a	<table border="1"> <thead> <tr> <th>Required Parking Spaces</th> <th>Designated Barrier Parking Space</th> <th>Free Parking Space</th> </tr> </thead> <tbody> <tr> <td>0 1 – 49</td> <td>Minimum</td> <td>1 space;</td> </tr> </tbody> </table>	Required Parking Spaces	Designated Barrier Parking Space	Free Parking Space	0 1 – 49	Minimum	1 space;	<table border="1"> <thead> <tr> <th>Required Parking Spaces</th> <th>Designated Barrier Parking Space</th> <th>Free Parking Space</th> </tr> </thead> <tbody> <tr> <td>1 – 49</td> <td>Minimum</td> <td>1 space;</td> </tr> </tbody> </table>	Required Parking Spaces	Designated Barrier Parking Space	Free Parking Space	1 – 49	Minimum	1 space;
Required Parking Spaces	Designated Barrier Parking Space	Free Parking Space												
0 1 – 49	Minimum	1 space;												
Required Parking Spaces	Designated Barrier Parking Space	Free Parking Space												
1 – 49	Minimum	1 space;												
5.5b)	Subsection 5.5 a) shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, and Duplex Dwellings, and Street Townhouses abutting a public street.	Subsection 5.5 a) shall not apply to Single Detached Dwellings, Semi-Detached Dwellings, Duplex Dwellings, and Street Townhouses abutting a public street.												
5.7c)	In the Downtown (D1), (D2) and (D5) Zones, Transit Oriented Corridor Zones and Commercial and Mixed Use Zones short-term bicycle parking shall be provided for each and every building in the minimum quantity specified in accordance with the following requirements:	In the Downtown (D1), (D2) and (D5) Zones, Transit Oriented Corridor Zones and Commercial and Mixed Use Zones short-term bicycle parking shall be provided for each and every building in the minimum quantity specified in accordance with the following requirements:												
5.7e)	Notwithstanding Section b) and in addition to c) above, in the Downtown (D1), (D2), and (D5) Zones, Transit Oriented Corridor (TOC1), (TOC2), (TOC3) and (TOC4) Zones long-term bicycle parking shall be provided for each and every building containing the principal use in the minimum quantity specified in accordance with the following requirements:	Notwithstanding Section b) and in addition to c) above, in the Downtown (D1), (D2), and (D5) Zones, Transit Oriented Corridor Zones long-term bicycle parking shall be provided for each and every building containing the principal use in the minimum quantity specified in accordance with the following requirements:												

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Appendix “C” – Section 5: Parking		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
5.7g)ii)	In addition to Subsection 5.7g)i) 5.7g)ii) , 1 motor vehicle space for every 15 square metres of gross floor area of locker, change room or shower facilities specifically accessible to all users of the secure long term bicycle spaces is provided and maintained.	In addition to Subsection 5.7g)i), 1 motor vehicle space for every 15 square metres of gross floor area of locker, change room or shower facilities specifically accessible to all users of the secure long term bicycle spaces.

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Appendix “D” – Section 7: Open Space and Park Zones		
Section 7.7: Conservation/Hazard Land – Rural (P7) Zone		
Section 7.8: Conservation/Hazard Land – Rural (P8) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
7.7.2.3) iv)	Notwithstanding Sections 7.7.2.1 a) i) and 7.7.2.2 a) i) above, an existing legally established accessory building or structure which is demolished in whole or in part may be rebuilt provided the setbacks, building height, and gross floor area to the building or structure which had existed on the date of passing of the By-law are maintained.	Notwithstanding Sections 7.7.2.1 a) i) and 7.7.2.2 a) i) above, an existing accessory building or structure which is demolished in whole or in part may be rebuilt provided the setbacks, building height, and gross floor area to the building or structure which had existed on the date of passing of the By-law are maintained.
7.8.2.2) iii)	Notwithstanding Section 7.8.2.1 above, an existing legally established accessory building or structure which is demolished in whole or in part may be rebuilt provided the setbacks, building height, and gross floor area to the building or structure which had existed on the date of passing of the By-law are maintained.	Notwithstanding Section 7.8.2.1 above, an existing accessory building or structure which is demolished in whole or in part may be rebuilt provided the setbacks, building height, and gross floor area to the building or structure which had existed on the date of passing of the By-law are maintained.

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Appendix “E” – Section 9: Industrial Zones: Section 9.1: Research and Development (M1) Zone Section 9.3: Prestige Business Park (M3) Zone Section 9.6: Light Industrial (M6) Zone Section 9.11: Airport Prestige Business (M11) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
9.1.2 iii)	Notwithstanding Section 9.1.1, the following use is permitted only as an accessory use to a Motor Vehicle Service Station: Motor Vehicle Washing Establishment	Notwithstanding Section 9.1.1, the following use permitted only as an accessory use to a Motor Vehicle Service Station: Motor Vehicle Washing Establishment
9.1.3d)i)	In accordance with the requirements of Section 5 of this By-law;	In accordance with the requirements of Section 5 of this By-law;
9.3.2 iii)	Notwithstanding Section 9.3.1, the following use is permitted only as an accessory use to a Motor Vehicle Service Station: Motor Vehicle Washing Establishment	Notwithstanding Section 9.3.1, the following use is permitted only as an accessory use to a Motor Vehicle Service Station: Motor Vehicle Washing Establishment
9.3.3e)	Location Restriction of Manufacturing Uses Any building or structure used for Manufacturing and Alcohol Production Facilities shall be setback a minimum 20.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone.	Location Restriction of Manufacturing Uses Any building or structure used for Manufacturing and Alcohol Production Facilities shall be setback a minimum 20.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone.
9.4.2 iii)	Notwithstanding Section 9.4.1, the following use is permitted only as an accessory use to a Motor	Notwithstanding Section 9.4.1, the following use is permitted only as an accessory use to a Motor Vehicle

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Appendix “E” – Section 9: Industrial Zones: Section 9.1: Research and Development (M1) Zone Section 9.3: Prestige Business Park (M3) Zone Section 9.6: Light Industrial (M6) Zone Section 9.11: Airport Prestige Business (M11) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
	Vehicle Service Station:	Service Station:
	Motor Vehicle Washing Establishment	Motor Vehicle Washing Establishment
9.6.3f)	Location Restriction of Manufacturing Uses and Alcohol Production Facilities Any building or structure used for Manufacturing and Alcohol Production Facilities shall be setback a minimum 20.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone.	Location Restriction of Manufacturing Uses Any building or structure used for Manufacturing shall be setback a minimum 20.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone.
9.11.3c)ii)	Maximum 25.0 27.0 metres	Maximum 27.0 metres
9.10.2ii)	High School Secondary School	Secondary School
9.11.2ii)	High School Secondary School	Secondary School
9.11.2iv)	Notwithstanding Section 9.11.1, the following use is permitted only as an accessory use to a Motor Vehicle Service Station: Motor Vehicle Washing Establishment	Notwithstanding Section 9.11.1, the following use is permitted only as an accessory use to a Motor Vehicle Service Station: Motor Vehicle Washing Establishment

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Appendix "E" – Section 9: Industrial Zones: Section 9.1: Research and Development (M1) Zone Section 9.3: Prestige Business Park (M3) Zone Section 9.6: Light Industrial (M6) Zone Section 9.11: Airport Prestige Business (M11) Zone				
Section	Proposed Change		Proposed Revised Zone Regulation	
Grey highlighted strikethrough text = text to be deleted			bolded text = text to be added	
9.11.3g)	Location Restriction of Manufacturing Uses and Alcohol Production Facilities	Any building or structure used for Manufacturing and Alcohol Production Facilities shall be setback a minimum 20.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone.	Location Restriction of Manufacturing Uses	Any building or structure used for Manufacturing shall be setback a minimum 20.0 metres from any portion of a property lot line abutting a property lot line within a Residential Zone or an Institutional Zone.

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Appendix “F-1” – Section 10.1: Residential Character Commercial (C1) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
10.1.3	<p>d) e) Maximum Height</p> <p>e) e) Maximum Lot Area</p> <p>f) e) Visual Barrier Requirement</p> <p>g) f) Outdoor Storage</p>	<p>d) Maximum Height</p> <p>e) Maximum Lot Area</p> <p>f) Visual Barrier Requirement</p> <p>g) Outdoor Storage</p>
10.1.4a)	Maximum 3.0 metres Yard Abutting Street	Maximum 3.0 metres Yard Abutting Street
10.1.4e)ii)	Notwithstanding Subsection 10.1.4i), 360.0 square metres shall be required for a corner lot.	360.0 square metres for a corner lot.
10.1.3e)	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone in accordance with the requirements of Section 4.19 of this By-law.

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Appendix “F-2” – Section 10.2: Neighbourhood Commercial (C2) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
10.2.3k)	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone or Downtown (D5) Zone in accordance with the requirements of Section 4.19 of this By-law.
10.2.4a)	Notwithstanding Section 10.2.3a) i) and ii), Minimum 4.5 metres.	Notwithstanding Section 10.2.3a) i) and ii), minimum 4.5 metres.
10.2.4c)	Notwithstanding Section 10.2.3j), a minimum 3.0 metres planting strip in width shall be required abutting any street line, or Residential Zone or Institutional Zone property lot line, except for points for ingress and egress.	Notwithstanding Section 10.2.3j), a minimum 3.0 metres planting strip shall be required abutting any street line, or Residential Zone or Institutional Zone lot line, except for points for ingress and egress.
10.2.4d)	Maximum 175 square metres Area for Accessory Retail Uses to a Motor Vehicle Service Station	Maximum 175 square metres Area for Accessory Retail Uses to a Motor Vehicle Service Station

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Appendix “F-3” – Section 10.3: Community Commercial (C3) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
10.3.3.k)	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone or Downtown (D5) Zone in accordance with the requirements of Section 4.19 of this By-law.
10.3.4a)	Notwithstanding Section 10.3.3a) i) and ii), Minimum 4.5 metres.	Notwithstanding Section 10.3.3a) i) and ii), Minimum 4.5 metres.
10.3.4c)	Notwithstanding Section 10.3.3j), a minimum 3.0 metres planting strip in width shall be required abutting any street line, or Residential Zone or Institutional Zone property lot line, except for points for ingress and egress.	Notwithstanding Section 10.3.3j), minimum 3.0 metres planting strip shall be required abutting any street line, or Residential Zone or Institutional Zone lot line, except for points for ingress and egress.

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Appendix “F-4” – Section 10.4: Mixed Use High Density (C4) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
	Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added
10.4.1.1 ii) 2.	Notwithstanding Section 10.4.1.1 ii) 1., a maximum of one Dwelling Unit(s) shall be permitted in a basement or cellar.	Notwithstanding Section 10.4.1.1 ii)1., Dwelling Units shall be permitted in a basement or cellar.
10.4.3a) ii)	Notwithstanding Section 10.4.3a) i) above, a minimum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.	Notwithstanding Section 10.4.3a) i) above, a minimum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.
10.4.3c)	7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use. 7.5 metres	7.5 metres
10.4.3h)	On a lot containing more than 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:	On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:
10.4.3 h) i)	An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area ; and,	An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area; and,
10.4.3 h) ii)	An area of 6.0 square metres for each dwelling unit more than greater than 50 square metres of gross floor area .	An area of 6.0 square metres for each dwelling unit greater than 50 square metres of gross floor area.
10.4.3j)	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone or Downtown (D5) Zone in accordance with the requirements of Section 4.19 of this By-law.
10.4.3 k) ii)	Notwithstanding Section 10.4.3k) i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.	Notwithstanding Section 10.4.3k) i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.
10.4.5a)	Notwithstanding Section 10.4.3a) i), Minimum 4.5 metres.	Notwithstanding Section 10.4.3a) i), Minimum 4.5 metres.

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Appendix "F-4" – Section 10.4: Mixed Use High Density (C4) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
10.4.5c)	Notwithstanding Section 10.4.3i), a minimum 3.0 metres planting strip in width shall be required abutting any street line, or Residential Zone or Institutional Zone property lot line, except for points for ingress and egress.	Notwithstanding Section 10.4.3i), a minimum 3.0 metres planting strip shall be required abutting any street line, or Residential Zone or Institutional Zone lot line, except for points for ingress and egress.
10.4.8	In addition to Section 4.26 of this By-law, an Urban Farm shall only be permitted in the rear yard or on the roof-top of the principal principle building.	In addition to Section 4.26 of this By-law, an Urban Farm shall only be permitted in the rear yard or on the roof-top of the principal building.
10.4.9	In addition to Section 4.27 of this By-law, a Community Garden shall only be permitted in the rear yard or on the roof-top of the principal principle building.	In addition to Section 4.27 of this By-law, a Community Garden shall only be permitted in the rear yard or on the roof-top of the principal building.

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Appendix “F-5” – Section 10.5: Mixed Use Medium Density (C5) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
Explanatory Note	The C5 Zone is found along collector and arterial roads where the zone permits a range of retail, service, commercial, entertainment, and residential uses serving the surrounding community. The built form encourages an active transit supportive, pedestrian environment that is anchored by single or mixed-use buildings oriented towards the pedestrian realm. Although residential uses are permitted, either as a single or mixed-use building , this zone is predominantly commercial.	The C5 Zone is found along collector and arterial roads where the zone permits a range of retail, service, commercial, entertainment, and residential uses serving the surrounding community. The built form encourages an active transit supportive, pedestrian environment that is anchored by single or mixed-use buildings oriented towards the pedestrian realm. Although residential uses are permitted, either as a single or mixed-use building, this zone is predominantly commercial.
10.5.1.1 i)2.	Notwithstanding Subsection 10.5.1.1 i)1., a maximum of one Dwelling Unit(s) shall be permitted in a basement or cellar.	Notwithstanding Subsection 10.5.1.1 i)1., Dwelling Unit(s) shall be permitted in a basement or cellar.
10.5.3c)	<p>i) 0.0 metres for building(s) less than or equal to 11.0 metres in building height.</p> <p>ii) Notwithstanding Section 10.5.3.d and Section 10.5.3 c) i), a minimum 3.0 metres for building(s) with a building height greater than 11.0 metres to a maximum building height of 14.0 metres.</p> <p>iii) Notwithstanding Section 10.5.3.d and Sections 10.5.3 c) i) and ii), a minimum 6.0 metres for building(s) with a building height greater than 14.0 metres.</p> <p>iv) Notwithstanding Subsections i), ii) and iii), a minimum 7.5 metres for lots abutting a Residential Zone or Institutional Zone or lot</p>	<p>i) 0.0 metres for building(s) less than or equal to 11.0 metres in building height.</p> <p>ii) Notwithstanding Section 10.5.3.d and Section 10.5.3 c) i), a minimum 3.0 metres for building(s) with a building height greater than 11.0 metres to a maximum building height of 14.0 metres.</p> <p>iii) Notwithstanding Section 10.5.3.d and Sections 10.5.3 c) i) and ii), a minimum 6.0 metres for building(s) with a building height greater than 14.0 metres.</p> <p>iv) Notwithstanding Subsections i) and ii), a minimum 7.5 metres for lots abutting a Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.</p>

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Appendix “F-5” – Section 10.5: Mixed Use Medium Density (C5) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
	containing a Residential Use. Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.	
10.5.3h)	On a lot containing more than 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:	On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:
10.5.3h) i)	An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area ; and,	An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area; and,
10.5.3h) ii)	An area of 6.0 square metres for each dwelling unit more than greater than 50 square metres of gross floor area .	An area of 6.0 square metres for each dwelling unit 50 square metres or more of gross floor area.
10.5.3j)	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone lot line in accordance with the requirements of Section 4.19 of this By-law.
10.5.5a)	Notwithstanding Section 10.5.3a) i) and ii), Minimum of 4.5 metres.	Notwithstanding Section 10.5.3a) i) and ii), Minimum of 4.5 metres.
10.5.5c)	Notwithstanding Section 10.5.3i), a minimum 3.0 metres planting strip in width shall be required abutting any street line, or Residential Zone or Institutional Zone property lot line, except for points for ingress and egress.	Notwithstanding Section 10.5.3i), a minimum 3.0 metres planting strip shall be required abutting any street line, or Residential Zone or Institutional Zone lot line, except for points for ingress and egress.
10.5.9	In addition to Section 4.26 of this By-law, an Urban Farm shall only be permitted in the rear yard or on the roof-top of the principal principle building.	In addition to Section 4.26 of this By-law, an Urban Farm shall only be permitted in the rear yard or on the roof-top of the principal building.
10.5.10	In addition to Section 4.27 of this By-law, a Community Garden shall only be permitted in the rear yard or on the roof-top of the principal principle building.	In addition to Section 4.27 of this By-law, a Community Garden shall only be permitted in the rear yard or on the roof-top of the principal building.

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Appendix "F-6" – Section 10.5a: Mixed Use Medium Density – Pedestrian Focus (C5a) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
10.5a.3a) ii)	Notwithstanding Section 10.5a.3a)i), 6.0 metres for that portion of a building providing an access driveway to a parking garage; and,	Notwithstanding Section 10.5a.3a)i), 6.0 metres for that portion of a building providing an access driveway to a parking garage; and,
10.5a.3a) iii)	Section 10.5a.3a)ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5a.3 h)ii) and iii).	Section 10.5a.3a)ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5a.3 h)ii) and iii).
10.5a.3c)	<p>i) 0.0 metres for building(s) less than or equal to 11.0 metres in building height.</p> <p>ii) Notwithstanding Section 10.5a.d. iii) and Section 10.5a.3c) i), a minimum 3.0 metres for building(s) with a building height greater than 11.0 metres to a maximum building height of 14.0 metres.</p> <p>iii) Notwithstanding Section 10.5a.d. iii) and Sections 10.5a.3c) i and ii), a minimum 6.0 metres for building(s) with a building height greater than 14.0 metres.</p> <p>iv) Notwithstanding Subsections i), ii) and iii), a minimum 7.5 metres for lots abutting a Residential Zone or Institutional Zone or lot containing a Residential Use. Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.</p>	<p>i) 0.0 metres for building(s) less than or equal to 11.0 metres in building height.</p> <p>ii) Notwithstanding Section 10.5a.d. iii) and Section 10.5a.3c) i), a minimum 3.0 metres for building(s) with a building height greater than 11.0 metres to a maximum building height of 14.0 metres.</p> <p>iii) Notwithstanding Section 10.5a.d. iii) and Sections 10.5a.3c) i) and ii), a minimum 6.0 metres for building(s) with a building height greater than 14.0 metres.</p> <p>iv) Notwithstanding Subsections i), ii) and iii), a minimum 7.5 metres for lots abutting a Residential Zone or Institutional Zone or lot containing a Residential Use. Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.</p>

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Appendix "F-6" – Section 10.5a: Mixed Use Medium Density – Pedestrian Focus (C5a) Zone																		
Section	Proposed Change		Proposed Revised Zone Regulation															
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added																
10.5a.3d)iii)	In addition to Section 10.5a.3d)i), and notwithstanding Section 10.5a.3d)ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5a.3b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.		In addition to Section 10.5a.3d)i), and notwithstanding Section 10.5a.3d)ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5a.3b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.															
10.5a.3h)iv)	In addition to Section 10.5a.3h) i) ii) and iii), the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.		In addition to Section 10.5a.3h) i) ii) and iii), the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.															
10.5a.3i)	<table border="1"> <thead> <tr> <th>Minimum Amenity Area for Dwelling Units and Multiple Dwellings</th> <th>On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements shall be provided:</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td>i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres; and,</td> </tr> <tr> <td></td> <td>ii) An area of 6.0 square metres for each dwelling unit greater than 50 square metres</td> </tr> </tbody> </table>	Minimum Amenity Area for Dwelling Units and Multiple Dwellings	On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements shall be provided:				i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres; and,		ii) An area of 6.0 square metres for each dwelling unit greater than 50 square metres	<table border="1"> <thead> <tr> <th>Minimum Amenity Area for Dwelling Units and Multiple Dwellings</th> <th>On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements shall be provided:</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td>i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres; and,</td> </tr> <tr> <td></td> <td>ii) An area of 6.0 square metres for each dwelling unit greater than 50 square metres or more of gross floor area.</td> </tr> </tbody> </table>	Minimum Amenity Area for Dwelling Units and Multiple Dwellings	On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements shall be provided:				i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres; and,		ii) An area of 6.0 square metres for each dwelling unit greater than 50 square metres or more of gross floor area.
Minimum Amenity Area for Dwelling Units and Multiple Dwellings	On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements shall be provided:																	
	i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres; and,																	
	ii) An area of 6.0 square metres for each dwelling unit greater than 50 square metres																	
Minimum Amenity Area for Dwelling Units and Multiple Dwellings	On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements shall be provided:																	
	i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres; and,																	
	ii) An area of 6.0 square metres for each dwelling unit greater than 50 square metres or more of gross floor area.																	

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Appendix “F-6” – Section 10.5a: Mixed Use Medium Density – Pedestrian Focus (C5a) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
	<p align="center">or more of gross floor area.</p> <p>iii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.</p>	<p>iii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.</p>
10.5a.3l)	<p>A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.</p>	<p>A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone or Downtown (D5) Zone in accordance with the requirements of Section 4.19 of this By-law.</p>
10.5a.3l)	<p>Notwithstanding Section 10.5a.3l) i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.</p>	<p>Notwithstanding Section 10.5a.3l) i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.</p>

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Appendix “F-6” – Section 10.5a: Mixed Use Medium Density – Pedestrian Focus (C5a) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
Re-numbering	10.5a.4 10.5a.5 10.5a.5 10.5a.6 10.5a.6 10.5a.7 10.5a.7 10.5a.8 10.5a.8 10.5a.9 10.5a.9 10.5a.10	10.5a.4 SINGLE DETACHED AND DUPLEX DWELLINGS LEGALLY EXISTING AT THE TIME OF THE PASSING OF THE BY-LAW 10.5a.5 ACCESSORY BUILDINGS 10.5a.6 PARKING 10.5a.7 URBAN FARM 10.5a.8 COMMUNITY GARDENS 10.5a.9 URBAN FARMERS MARKET

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Appendix “F-7” – Section 10.6: District Commercial (C6) Zone				
Section	Proposed Change		Proposed Revised Zone Regulation	
Grey highlighted strikethrough text = text to be deleted			bolded text = text to be added	
10.6.1	Permitted Uses	Microbrewery	Permitted Uses	Microbrewery
10.6.3i)	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.		A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone or Downtown (D5) Zone in accordance with the requirements of Section 4.19 of this By-law.	
10.6.4a)	Minimum Building Setback from a Street Line	Notwithstanding Sections 10.6.3 a) i) and ii), a Minimum of 4.5 metres.	Minimum Building Setback from a Street Line	Notwithstanding Sections 10.6.3 a) i) and ii), a Minimum of 4.5 metres.
10.6.4c)	Notwithstanding Section 10.6.3h), a minimum 3.0 metres planting strip in width shall be required abutting any street line, or Residential Zone or Institutional Zone property lot line, except for points for ingress and egress.		Notwithstanding Section 10.6.3h), a minimum 3.0 metres planting strip shall be required abutting any street line, or Residential Zone or Institutional Zone lot line, except for points for ingress and egress.	

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Appendix “F-8” – Section 10.7: Arterial Commercial (C7) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
10.7.4a)	Notwithstanding Section 10.7.3a), Minimum 4.5 metres.	Notwithstanding Section 10.7.3a), Minimum 4.5 metres.
10.7.4c)	Notwithstanding Section 10.7.3f), a minimum 3.0 metres planting strip in width shall be required abutting any street line, or Residential Zone or Institutional Zone property line , except for points for ingress and egress.	Notwithstanding Section 10.7.3f), minimum 3.0 metres planting strip shall be required abutting any street line, or Residential Zone or Institutional Zone lot line, except for points for ingress and egress.

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Appendix "G-1" – Section 11.1: Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
11.1.1.1 i) 2.	Notwithstanding Subsection 11.1.1.1 i) 1., a minimum of one Dwelling unit(s) shall be permitted in a basement or cellar.	Notwithstanding Subsection 11.1.1.1 i) 1., Dwelling Unit(s) shall be permitted in a basement or cellar.
11.1.3 c)i)	<p>i) 0.0 metres for the portion of the building less than or equal to 11.0 metres in building height.</p> <p>ii) In addition to Subsection i) and notwithstanding Section 11.1.3 d) iii), a minimum 3.0 metres step back for the portion of the building(s) greater than 11.0 metres and less than or equal to 14.0 metres in building height, and an additional 3.0 metres step back for every 6.0 metres in building height thereafter.</p> <p>iii) Notwithstanding Sub-sections i) and ii), a minimum 7.5 metres for lots abutting a Residential Zone or Institutional Zone or lot containing a Residential Use. Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.</p>	<p>i) 0.0 metres for the portion of the building less than or equal to 11.0 metres in building height.</p> <p>ii) In addition to Subsection i) and notwithstanding Section 11.1.3 d) iii), a minimum 3.0 metres step back for the portion of the building(s) greater than 11.0 metres and less than or equal to 14.0 metres in building height, and an additional 3.0 metres step back for every 6.0 metres in building height thereafter.</p> <p>iii) Notwithstanding Sub-sections i) and ii), a minimum 7.5 metres for lots abutting a Residential Zone or Institutional Zone or lot containing a Residential Use. Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.</p>

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Appendix "G-2" – Section 11.2: Transit Oriented Corridor Local Commercial (TOC2) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
11.2.3c)ii)	i) A minimum 7.5 metres for lots abutting a Residential Zone or Institutional Zone or lot containing a Residential Use. Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.	i) A minimum 7.5 metres for lots abutting a Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.

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Appendix "G-3" – Section 11.3: Transit Oriented Corridor Multiple Residential (TOC3) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
11.3.1	Permitted Uses: Artist Studio Catering Service Commercial School Communications Establishment Community Garden Craftsperson Shop Day Nursery Emergency Shelter Financial Institution Lodging House Multiple Dwelling Office Performing Arts Theatre Personal Service Repair Service Residential Care Facility Restaurant Retail Retirement Home Street Townhouse Dwelling Tradesperson's Shop	Permitted Uses: Community Garden Emergency Shelter Lodging House Multiple Dwelling Residential Care Facility Retirement Home Street Townhouse Dwelling
11.3.1.1 i)2.	Notwithstanding Subsection 11.3.1.1 i)2., a minimum of one Dwelling unit(s) shall be permitted in a basement or cellar.	Notwithstanding Subsection 11.3.1.1 i)2., Dwelling Unit(s) shall be permitted in a basement or cellar.
11.3.1.1. ii)	Restriction of Existing Commercial Uses 1. Notwithstanding Subsection 11.3.1, commercial uses that were legally established within buildings existing at the date of passing of the by-law may convert to any of the following commercial uses: Artist Studio Catering Service Commercial School Communications Establishment	Restriction of Existing Commercial Uses 1. Notwithstanding Subsection 11.3.1, commercial uses that were legally established within buildings existing at the date of passing of the by-law may convert to any of the following commercial uses: Artist Studio Catering Service Commercial School Communications

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Appendix “G-3” – Section 11.3: Transit Oriented Corridor Multiple Residential (TOC3) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
	Craftsperson Shop Day Nursery Financial Institution Office Performing Arts Theatre Personal Service Repair Service Restaurant Retail Tradesperson’s Shop	Establishment Craftsperson Shop Day Nursery Financial Institution Office Performing Arts Theatre Personal Service Repair Service Restaurant Retail Tradesperson’s Shop
11.3.1.1 ii) - 11.3.1.1 iii)	That the existing Subclauses 11.3.1.1 ii) - 11.3.1.1 iii) be renumbered to 11.3.1.1 iii) - 11.3.1.1 iv) respectively.	
11.3.2c)	i) 0.0 metres for the portion of the building(s) less than or equal to 11.0 metres in building height. ii) In addition to Subsection i), a minimum 3.0 metres step back for the portion of the building(s) greater than 11.0 metres and less than or equal to 14.0 metres in building height, and an additional 3.0 metres step back for every 6.0 metres in building height thereafter. iii) Notwithstanding Sub-sections i) and ii), a minimum 7.5 metres for lots abutting a Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.	i) 0.0 metres for the portion of the building(s) less than or equal to 11.0 metres in building height. ii) In addition to Subsection i), a minimum 3.0 metres step back for the portion of the building(s) greater than 11.0 metres and less than or equal to 14.0 metres in building height, and an additional 3.0 metres step back for every 6.0 metres in building height thereafter. iii) Notwithstanding Sub-sections i) and ii), a minimum 7.5 metres for lots abutting a Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.
11.3.5	COMMERCIAL USES IN COMMERCIAL BUILDINGS EXISTING AT THE DATE OF PASSING OF THE BY-LAW (February 14, 2018)	<i>(Regulation deleted)</i>
11.3.5 - 11.3.8	That the existing Subsections 11.3.6 to 11.3.8 be renumbered to 11.3.5 to 11.3.7 respectively.	

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Appendix "H" – Section 12.1: Agriculture (A1) Zone Section 12.2: Rural (A2) Zone Section 12.6: Existing Rural Commercial (E1) Zone Section 12.7: Existing Rural Industrial (E2) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
12.1.3.1 i) i)	The total maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation, exclusive of a Farm Produce/Product Stand, shall be 200.0 square metres;	The total maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation, exclusive of a Farm Produce/Product Stand, shall be 200.0 square metres;
12.1.3.1 i) iii)	In addition to Section 12.1.3.1 i) i), the total maximum gross floor area of a Farm Produce/Product Stand shall be 18.5 square metres;	In addition to Section 12.1.3.1 i) i), the total maximum gross floor area of a Farm Produce/Product Stand shall be 18.5 square metres;
12.1.3.2d) i)	The total maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment - Secondary shall not exceed 500.0 square metres;	The total maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment - Secondary shall not exceed 500.0 square metres;
12.1.3.2e)	The total maximum gross floor area of all buildings or structures devoted to the Agritourism use shall not exceed 500.0 square metres.	The total maximum gross floor area of all buildings or structures devoted to the Agritourism use shall not exceed 500.0 square metres.
12.1.3.2g)	The total maximum gross floor area for all buildings and structures devoted to a Kennel use shall be 500.0 square metres.	The total maximum gross floor area for all buildings and structures devoted to a Kennel use shall be 500.0 square metres.
12.1.3.2h) ii)	The total maximum building area devoted to an Agricultural Brewery/Cidery/ Winery use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.	The total maximum building area devoted to an Agricultural Brewery/Cidery/ Winery use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.

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Appendix “G-3” – Section 11.3: Transit Oriented Corridor Multiple Residential (TOC3) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
12.1.3. 2 i) iii)	All buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall be set back a minimum of 15.0 metres from any lot line, and the total gross floor area of all buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall not exceed an total maximum gross floor area of 250.0 square metres;	All buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall be set back a minimum of 15.0 metres from any lot line, and the total gross floor area of all buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall not exceed an total maximum gross floor area of 250.0 square metres;
12.2.3.1 i) i)	The total maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation, exclusive of a Farm Produce/Product Stand, shall be 200.0 square metres;	The total maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation, exclusive of a Farm Produce/Product Stand, shall be 200.0 square metres;
12.2.3.1 i) iii)	In addition to Section 12.2.3.1 i) i), the total maximum gross floor area of a Farm Produce/Product Stand shall be 18.5 square metres;	In addition to Section 12.2.3.1 i) i), the total maximum gross floor area of a Farm Produce/Product Stand shall be 18.5 square metres;
12.2.3.2 d) i)	The total maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment - Secondary shall not exceed 500.0 square metres;	The total maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment - Secondary shall not exceed 500.0 square metres;
12.2.3.2 e)	The total maximum gross floor area of all buildings or structures devoted to the Agritourism use shall not exceed 500.0 square metres.	The total maximum gross floor area of all buildings or structures devoted to the Agritourism use shall not exceed 500.0 square metres.
12.2.3.2 g) ii)	The total maximum building area devoted to an Agricultural Brewery/Cidery/ Winery use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.	The total maximum building area devoted to an Agricultural Brewery/Cidery/ Winery use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.

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Appendix “G-3” – Section 11.3: Transit Oriented Corridor Multiple Residential (TOC3) Zone			
Section	Proposed Change		Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
12.2.3.2 h) iii)	All buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall be set back a minimum of 15.0 metres from any lot line, and the total gross floor area of all buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall not exceed an total maximum gross floor area of 250.0 square metres;		All buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall be set back a minimum of 15.0 metres from any lot line, and the total gross floor area of all buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall not exceed an total maximum gross floor area of 250.0 square metres;
12.2.3.4c)	Maximum Gross Floor Area	An total maximum of 500.0 square metres.	Maximum Gross Floor Area An total maximum of 500.0 square metres.
12.2.3.5 c)	Maximum Gross Floor Area	An total maximum of 500.0 square metres.	Maximum Gross Floor Area An total maximum of 500.0 square metres.
12.2.3.6c)	Maximum Gross Floor Area	An total maximum of 500.0 square metres.	Maximum Gross Floor Area An total maximum of 500.0 square metres.
12.2.3.6f)	Parking	In accordance with the requirements of Section 5 of this By-law.	Parking In accordance with the requirements of Section 5 of this By-law.

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Appendix "G-3" – Section 11.3: Transit Oriented Corridor Multiple Residential (TOC3) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
12.6.3k)	Parking ii) Notwithstanding Section 12.6.3 k) i) above , a Farm Product Supply Dealer shall be subject to the requirements of Section 5.6 c) vi vii .	Parking ii) Notwithstanding Section 12.6.3 k) i), a Farm Product Supply Dealer shall be subject to the requirements of Section 5.6 c) vii).
12.6.4g)	Parking In accordance with the requirements of Section 5.6 c) vi vii) of this By-law.	Parking In accordance with the requirements of Section 5.6 c) vii) of this By-law.
12.7.3l)	Parking i) Notwithstanding Section 12.7.3 l) i) above, a Farm Product Supply Dealer shall be subject to the requirements of Section 5.6 c) vi vii)	Parking i) Notwithstanding Section 12.7.3 l) i) above, a Farm Product Supply Dealer shall be subject to the requirements of Section 5.6 c) vii)"

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Appendix “I” – Section 13.3: Parking (U3) Zone		
Section	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
13.3.2a)ii)	Maximum 3.0 metres for the first storey, but except where a visibility triangle is required for a driveway setback;	Maximum 3.0 metres for the first storey, except where a visibility triangle is required for a driveway setback;
13.3.2i)	A visual barrier shall be required along any side or rear lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone, Downtown (D6) Zone, or Residential Character Commercial (C1) Zone property line in accordance with the requirements of Section 4.19 of this By-law.	A visual barrier shall be required along any side or rear lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Residential Character Commercial (C1) Zone in accordance with the requirements of Section 4.19 of this By-law.

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Appendix “J” – Schedule “C” – Special Exceptions			
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added
SE 70	n/a	In addition to Section 12.3.1, on those lands zoned Settlement Residential (S1) Zone, identified on Maps 49, 61 and 62 of Schedule “A” – Zoning Maps and described as part of 715 Centre Road, Agriculture and a cemetery shall also be permitted.	In addition to Section 12.3.1, on those lands zoned Settlement Residential (S1) Zone, identified on Maps 49, 61 and 62 of Schedule “A” – Zoning Maps and described as part of 715 Centre Road, a cemetery shall also be permitted.
SE 83	n/a	Notwithstanding Sections 4.5 and in addition to 12.2.1, on those lands zoned Rural (A2) Zone, identified on Maps 35, 36, 46 and 47 of Schedule “A” – Zoning Maps, and described as part of 771 Safari Road, a maximum of 5 single detached dwellings shall be permitted on one lot.	Notwithstanding Sections 4.5 and in addition to 12.2.1, on those lands zoned Rural (A2) Zone, identified on Maps 35, 36, 46 and 47 of Schedule “A” – Zoning Maps, and described as part of 771 Safari Road, a maximum of 5 single detached dwellings shall be permitted on one lot.
SE 84	n/a	Notwithstanding Sections 4.5 and in addition to 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Maps 179 and 192 of Schedule “A” – Zoning Maps, and described as part of 1511 Nebo Road, a maximum of 2 single detached dwellings shall be permitted on one lot.	Notwithstanding Sections 4.5 and in addition to 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Maps 179 and 192 of Schedule “A” – Zoning Maps, and described as part of 1511 Nebo Road, a maximum of 2 single detached dwellings shall be permitted on one lot.
SE 85	n/a	Notwithstanding Sections 4.5, and in addition to 12.2.1, 7.7.1 and 7.8.1, on those lands zoned Rural (A2) Zone, Conservation/Hazard Land – Rural (P7) Zone and Conservation/Hazard Land – Rural (P8) Zone, identified on Maps 46 and 47 of Schedule “A” – Zoning Maps, and described as part of 784 Safari Road, a maximum of 4 single detached dwellings shall be permitted on one lot.	Notwithstanding Sections 4.5, and in addition to 12.2.1, 7.7.1 and 7.8.1, on those lands zoned Rural (A2) Zone, Conservation/Hazard Land – Rural (P7) Zone and Conservation/Hazard Land – Rural (P8) Zone, identified on Maps 46 and 47 of Schedule “A” – Zoning Maps, and described as part of 784 Safari Road, a maximum of 4 single detached dwellings shall be permitted on one lot.

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Appendix “J” – Schedule “C” – Special Exceptions			
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added
SE 86	n/a	Notwithstanding Sections 4.5 and in addition to 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Maps 122 and 131 of Schedule “A” – Zoning Maps, and described as part of 1341, 1375 and 1399 Powerline Road West, a maximum of 3 single detached dwellings shall be permitted on one lot.	Notwithstanding Sections 4.5 and in addition to 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Maps 122 and 131 of Schedule “A” – Zoning Maps, and described as part of 1341, 1375 and 1399 Powerline Road West, a maximum of 3 single detached dwellings shall be permitted on one lot.
SE 93	n/a	In addition to Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 166 of Schedule “A” – Zoning Maps and described as 54 and 62 Upper Centennial Parkway, a Salvage Yard shall also be permitted and in accordance with the provisions of Section 12.7.3.	In addition to Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 166 of Schedule “A” – Zoning Maps and described as 54 and 62 Upper Centennial Parkway, a Salvage Yard shall also be permitted and in accordance with the provisions of Section 12.7.3.
SE 98	b)	The use identified in a) above shall be subject to the regulations contained within Section 12.2.3.6 b) through f) e).	The use identified in a) above shall be subject to the regulations contained within Section 12.2.3.6 b) through f).
SE 99	Pre- amble	In addition to Sections 12.1.1 and 12.2.1, on those lands zoned Agriculture (A1) Zone and Rural (A2) Zone, identified on Maps 9, 32, 36, 38, 49, 57, 61, 84, 105, 138, 139, 141, 145, 152, 162, 166, 167, 168 and 177 of Schedule “A” – Zoning Maps, described as addresses: 583 Tapleypown Map 152 Road	In addition to Sections 12.1.1 and 12.2.1, on those lands zoned Agriculture (A1) Zone and Rural (A2) Zone, identified on Maps 9, 32, 36, 38, 49, 57, 61, 84, 105, 138, 139, 141, 145, 152, 162, 166, 167, 168 and 177 of Schedule “A” – Zoning Maps, described as addresses: 583 Tapleypown Map 152 Road
	b)	Notwithstanding a) above Section 12.1.3.1b) for the Place of Worship located at 2149 Upper James Street, a minimum northerly side yard of 2.0 m shall be provided.	Notwithstanding Section 12.1.3.1b) for the Place of Worship located at 2149 Upper James Street, a minimum northerly side yard of 2.0 m shall be provided.
	c)	Parking shall be provided in accordance with Section 5.6c)ii.	Parking shall be provided in accordance with Section 5.6c)ii.

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Appendix “J” – Schedule “C” – Special Exceptions			
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added
SE 100	a)	An Educational Establishment shall also be permitted and shall be in accordance with Section 12.1.3.1 b) through g).	An Educational Establishment shall also be permitted and shall be in accordance with Section 12.1.3.1 b) through g).
	b)	Parking shall be provided in accordance with Section 5.6c)ii)	Parking shall be provided in accordance with Section 5.6c)ii)
SE 104	Pre- amble	In addition to Sections 12.1.1, 12.2.1 and 12.6.1, on those lands zoned Agriculture (A1) Zone, Rural (A2) Zone and Existing Rural Commercial (E1) Zone , identified on Maps 49, 61, 73, 84, 85, 166, 182 and 190 of Schedule “A” – Zoning Maps, described as addresses: 8 and 20 5 th Maps 61 and Concession Road East 73	In addition to Sections 12.1.1, 12.2.1 and 12.6.1, on those lands zoned Agriculture (A1) Zone, Rural (A2) Zone and Existing Rural Commercial (E1), identified on Maps 49, 61, 73, 84, 85, 166, 182 and 190 of Schedule “A” – Zoning Maps, described as addresses: 8 5 th Concession Maps 61 and Road East 73
SE 117	b)	The following regulations shall also apply to the use identified in a) above: iii) Parking in accordance with Section 5.6 c) iii).	The following regulations shall also apply to the use identified in a) above: iii) Parking In accordance with Section 5.6 c) iii).
SE 150	b)	The permitted uses identified in a) above shall be in accordance with the provisions of Section 12.7.3.	The permitted uses identified in a) above shall be in accordance with the provisions of Section 12.7.3.
SE 168	Pre- amble	In addition to Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 138 of Schedule “A” – Zoning Maps and described as 934 and 936 Highway 8 and 190 Glover Road, a Place of Worship, Day Nursery and Educational Establishment shall also be permitted and shall be in accordance with Section 12.1.3.1 b) through h).	In addition to Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 138 of Schedule “A” – Zoning Maps and described as 934 and 936 Highway 8 and 190 Glover Road,

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Appendix "J" – Schedule "C" – Special Exceptions			
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added
	a)	The following uses shall also be permitted: i) Place of Worship; ii) Day Nursery; and, iii) Educational Establishment.	The following uses shall also be permitted: i) Place of Worship; ii) Day Nursery; and, iii) Educational Establishment.
	b)	The following regulations shall apply to the uses identified in a) above: i) In accordance with Section 12.1.3.1 b) through g); and, ii) Parking shall be provided in accordance with Section 5.6 c) ii)	The following regulations shall apply to the uses identified in a) above: i) In accordance with Section 12.1.3.1 b) through g); and, ii) Parking shall be provided in accordance with Section 5.6 c) ii)
SE 179	d)	Parking shall be provided in accordance with Section 5.6 c) i) and ii).	Parking shall be provided in accordance with Section 5.6 c) i) and ii).
SE 227	b)	The following regulations shall apply to the use identified in a) above: i) The minimum setback for any buildings or structures shall be 16.0 metres from the barn on the abutting property to the north. ii) Maximum 1,340 square metres Gross Floor Area iii) Minimum 10 percent Landscaped Open Space iv) Minimum 3.0 metre width across all lot lines adjacent to a street except for point of	The following regulations shall apply to the use identified in a) above: i) The minimum setback for any buildings or structures shall be 16.0 metres from the barn on the abutting property to the north. ii) Maximum 1,340 square metres Gross Floor Area iii) Minimum 10 percent Landscaped Open Space iv) Minimum 3.0 metre width across all lot lines adjacent to a street except for point of ingress and egress.

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Appendix “J” – Schedule “C” – Special Exceptions			
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added
		<p align="center">ingress and egress.</p> <p>v) Parking shall be provided in accordance with Section 5.6 c) ii)</p>	<p>v) Parking shall be provided in accordance with Section 5.6 c) ii)</p>
SE 249	d)	<p>The following regulations shall apply to the uses identified in a) above:</p> <p>i) In accordance with Section 12.7.3</p>	<p>The following regulations shall apply to the uses identified in a) above:</p> <p>i) In accordance with Section 12.7.3</p>
SE 250	Pre- amble	<p>In addition to Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 120 of Schedule “A” – Zoning Maps and described as part of 1974 Concession 2 West, the following provisions shall apply: a private school shall also be permitted and shall be subject to Section 12.1.3.1 b) through g).</p> <p>a) The following uses shall also be permitted:</p> <p>i) Private School.</p> <p>b) Sections 12.1.3.1b) through g) shall apply for a Private School; and,</p> <p>c) Parking shall be provided in accordance with Section 5.6 c) iii.</p>	<p>In addition to Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 120 of Schedule “A” – Zoning Maps and described as part of 1974 Concession 2 West, the following provisions shall apply:</p> <p>a) The following uses shall also be permitted:</p> <p>i) Private School.</p> <p>b) Sections 12.1.3.1b) through g) shall apply for a Private School; and,</p> <p>c) Parking shall be provided in accordance with Section 5.6 c) iii.</p>

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Appendix “J” – Schedule “C” – Special Exceptions			
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added
SE 254	Pre- amble	In addition to Section 12.6.1 12.1.1 and Section 12.1.1 12.6.1 and notwithstanding Section 12.6.3f , on those lands zoned Existing Rural Commercial (E1) Zone and Agriculture (A1) Zone, identified on Map 168 on Schedule “A” – Zoning Maps and described as 735 Mud Street East, a salvage yard shall also be permitted with an aggregate maximum gross floor area of 5,349 square metres in three buildings, and a maximum height of 7.3 m.	In addition to Section 12.1.1 and Section 12.6.1 and notwithstanding Section 12.6.3f), on those lands zoned Existing Rural Commercial (E1) Zone and Agriculture (A1) Zone, identified on Map 168 on Schedule “A” – Zoning Maps and described as 735 Mud Street East, a salvage yard shall also be permitted with an aggregate maximum gross floor area of 5,349 square metres in three buildings, and a maximum height of 7.3 m.
SE 256	Pre- amble	In addition to Section 12.2.1 12.6.1 and Section 12.2.1 12.6.1 , on those lands zoned Existing Rural Commercial (E1) Zone and Rural (A2) Zone, identified on Maps 48 and 60 of Schedule “A” – Zoning Maps and described as 992 Highway 6, an Agricultural Processing Establishment for the packaging, treating and storing of produce grown on or off the premises shall be permitted and in accordance with the provisions of Section 12.6.3.	In addition to Section 12.2.1 and Section 12.6.1, on those lands zoned Existing Rural Commercial (E1) Zone and Rural (A2) Zone, identified on Maps 48 and 60 of Schedule “A” – Zoning Maps and described as 992 Highway 6, an Agricultural Processing Establishment for the packaging, treating and storing of produce grown on or off the premises shall be permitted and in accordance with the provisions of Section 12.6.3.
SE 263	Pre- amble	Notwithstanding Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Map 60 of Schedule “A” – Zoning Maps and described as part of 524 Concession 6 Road West, Manufacturing shall also be permitted and in accordance with the provisions of Section 12.7.3.	Notwithstanding Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Map 60 of Schedule “A” – Zoning Maps and described as part of 524 Concession 6 Road West, Manufacturing shall also be permitted and in accordance with the provisions of Section 12.7.3.
SE 268	Pre- amble	Notwithstanding Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 169 of Schedule “A” – Zoning Maps and described as part of 913 Mud Street, a contractor’s establishment shall also be permitted and in accordance with the provisions of Section 12.7.3.	Notwithstanding Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 169 of Schedule “A” – Zoning Maps and described as part of 913 Mud Street, a contractor’s establishment shall also be permitted and in accordance with the provisions of Section 12.7.3.

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Appendix “J” – Schedule “C” – Special Exceptions			
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added
SE 269	b)	ii) The uses identified in a) above shall be in accordance with the provisions of Section 12.7.3.	ii) The uses identified in a) above shall be in accordance with the provisions of Section 12.7.3.
SE 279	b)	The uses identified in a) above shall be in accordance with the provisions of Section 12.2.3.1.	The uses identified in a) above shall be in accordance with the provisions of Section 12.2.3.1.
SE 284	b)	The following regulations shall apply to the uses identified in a) above: iv) Parking shall be provided in accordance with Section 5.6 c) ii)	The following regulations shall apply to the uses identified in a) above: iv) Parking shall be provided in accordance with Section 5.6 c) ii)
SE 297	c)	e) In addition to Subsection 5.1 a) v), the boundary of the parking area shall not be less than 1.0 metre from a Residential Zone.	d) In addition to Subsection 5.1 a) v), the boundary of the parking area shall not be less than 1.0 metre from a Residential Zone.
SE 303	c)	Place of Worship - A building used by any religious organization for public worship or other ecclesiastical functions and may include accessory or ancillary uses which shall include accessory or ancillary uses which shall include including but not be limited to an assembly hall, auditorium, convent, monastery, rectory, cemetery, day nursery and educational or recreational uses.	Place of Worship - A building used by any religious organization for public worship or other ecclesiastical functions and may include accessory or ancillary uses including but not be limited to an assembly hall, auditorium, convent, monastery, rectory, cemetery, day nursery and educational or recreational uses.
SE 319	b)C) vii) B.	No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 6.0 metres from the east and south lot lines or closer than 7.5 metres from the north and not than west lot lines.	No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 6.0 metres from the east and south lot lines or closer than 7.5 metres from the north and west lot lines.

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Appendix “J” – Schedule “C” – Special Exceptions			
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added
	e) 4.	Notwithstanding Subsections 4.6d), 10.5.3a), b), c), d), g) ii) and iii) , and h), the following regulations shall apply	Notwithstanding Subsections 4.6d), 10.5.3a), b), c), d), g) ii) and iii) , and h), the following regulations shall apply
	e) 4. ii)	Yard Projection of a Balcony Perch A balcony may project a maximum of 1.6 4.5 metres into any required rear yard and 1.6 metres into any required side yard.	Yard Projection of a balcony may project a maximum of 1.6 metres into any required rear yard and 1.6 metres into any required side yard.
SE 323	b)	i) vii) Existing Heritage Building ii) viii) Landscaped Strip	i) Existing Heritage Building ii) Landscaped Strip
SE 326	b) viii)	Minimum Rear Yard but not abutting a streetline or Provincial Highway.	Minimum Rear Yard not abutting a streetline or Provincial Highway.
SE 375	Pre- amble	Property Address Map Number 3, 16, 18, 20, 22, 24, 870, 912 32, 36 Clark Avenue	Property Address Map Number 3, 16, 18, 20, 22, 24, 870, 912 32, 36 Clark Avenue
SE 461	b)	Notwithstanding Section 11.1 6.3 of this By-law, the following special regulations shall apply: No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Transit Oriented Corridor Mixed Use Medium Density (TOC1) Downtown D3 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations.	Notwithstanding Section 11.1 of this By-law, the following special regulations shall apply: No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations.

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Appendix “J” – Schedule “C” – Special Exceptions											
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation								
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added								
SE 555	b) ii)	No parking space or part thereof shall be located, and no land shall be used for the temporary parking or storage of any vehicle at a distance of not less than:	No parking space or part thereof shall be located, and no land shall be used for the temporary parking or storage of any vehicle at a distance of less than:								
SE 579	Pre- amble	<p>Within the lands zoned Neighbourhood Commercial (C2) Zone and Community Commercial (C3) Zone, identified on Maps 1100, 1145, 1146, 1150, 1185, 1194, 1196, 1198, 1199, 1205, 1247, 1248, 1249, 1251, 1252, 1259, 1260, 1305, 1306, 1403, 1405, 1454, 1502 1503 and 1640 of Schedule “A” – Zoning Maps and described as:</p> <table border="1"> <thead> <tr> <th>Property Address</th> <th>Map Number</th> </tr> </thead> <tbody> <tr> <td>136 - 146 Upper Mount Albion Road</td> <td>1502</td> </tr> </tbody> </table>	Property Address	Map Number	136 - 146 Upper Mount Albion Road	1502	<p>Within the lands zoned Neighbourhood Commercial (C2) Zone and Community Commercial (C3) Zone, identified on Maps 1100, 1145, 1146, 1150, 1185, 1194, 1196, 1198, 1199, 1205, 1247, 1248, 1249, 1251, 1252, 1259, 1260, 1305, 1306, 1403, 1405, 1454, 1502 1503 and 1640 of Schedule “A” – Zoning Maps and described as:</p> <table border="1"> <thead> <tr> <th>Property Address</th> <th>Map Number</th> </tr> </thead> <tbody> <tr> <td>136 - 146 Upper Mount Albion Road</td> <td>1502</td> </tr> </tbody> </table>	Property Address	Map Number	136 - 146 Upper Mount Albion Road	1502
Property Address	Map Number										
136 - 146 Upper Mount Albion Road	1502										
Property Address	Map Number										
136 - 146 Upper Mount Albion Road	1502										
SE 598	b)	iv) iii) Drive-Through Restaurant accessory to a Motor Vehicle Gas Bar	iv) Drive – Through Restaurant accessory to a Motor Vehicle Gas Bar								
SE 600	b)	<p>i) viii) Combined Maximum Gross Floor Area for Office</p> <p>ii) ix) Combined Maximum Gross Floor Area for Retail</p>	<p>i) Combined Maximum Gross Floor Area for Office</p> <p>ii) Combined Maximum Gross Floor Area for Retail</p>								

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Appendix "J" – Schedule "C" – Special Exceptions			
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added
SE 655	a)	<p>i) ii) Notwithstanding Subsection 5.2 b) i), the minimum parking space size dimension of 2.6 metres by 5.5 metres shall be provided and maintained.</p> <p>ii) iii) Section 5.2.1 a) shall not apply.</p> <p>iii) iv) Notwithstanding Section 10.5.3 a) ii), the maximum setback from the street line shall be 5.0 metres from Wilson Street West.</p>	<p>i) Notwithstanding Subsection 5.2 b) i), the minimum parking space size dimension of 2.6 metres by 5.5 metres shall be provided and maintained.</p> <p>ii) Section 5.2.1 a) shall not apply.</p> <p>iii) Notwithstanding Section 10.5.3 a) ii), the maximum setback from the street line shall be 5.0 metres from Wilson Street West.</p>
SE 652	a)	In addition to Subsection 10.5 a .1, the following additional uses shall be permitted:	In addition to Subsection 10.5.1, the following additional uses shall be permitted:
	b)	Notwithstanding Subsection 10.5 a .3 a), 10.5 a .3 b), 10.5 a .3 d), and in addition to Subsection 10.5 a .3, the following special regulations shall apply:	Notwithstanding Subsection 10.5.3 a), 10.5.3 b), 10.5.3 d), and in addition to Subsection 10.5.3, the following special regulations shall apply:

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Appendix "J" – Schedule "C" – Special Exceptions		
Special Exception	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
SE 706	<p>Within the lands zoned District Commercial (C6) Zone, identified on Map 1450 of Schedule "A" – Zoning Maps and described as 1405 Upper Ottawa Street, the following special provisions shall apply:</p> <p>a) In addition to Subsection 10.6.2, the following uses shall also be permitted only as an accessory use to a pet store or veterinary clinic:</p> <p>i) Animal Shelter ii) Indoor Kennel</p> <p>b) Notwithstanding Subsection 10.6.1 and in addition to Subsection 10.6.1.1, Medical Clinic and Office shall only be permitted above the ground floor.</p>	<p>Within the lands zoned District Commercial (C6) Zone, identified on Map 1450 of Schedule "A" – Zoning Maps and described as 1405, 1439, 1447 Upper Ottawa Street, the following special provisions shall apply:</p> <p>a) In addition to Subsection 10.6.2, the following uses shall also be permitted only as an accessory use to a pet store or veterinary clinic:</p> <p>i) Animal Shelter ii) Indoor Kennel</p> <p>b) Notwithstanding Subsection 10.6.1 and in addition to Subsection 10.6.1.1, Medical Clinic and Office shall only be permitted above the ground floor.</p>
SE 708	<p>Within the lands zoned District Commercial (C6) Zone, identified on Maps 1748 and 1749 of Schedule "A" – Zoning Maps and described as 3079 Homestead Drive, the following special provisions shall apply:</p> <p>a) Notwithstanding Subsection 10.6.1, the following uses shall be prohibited:</p> <p>i) Boat and/or motorized snow vehicle sales establishment; ii) Cold storage locker establishment; iii) Dairies; iv) Farm equipment</p>	<p>Within the lands zoned District Commercial (C6) Zone, identified on Maps 1748 and 1749 of Schedule "A" – Zoning Maps and described as 3079 Homestead Drive, the following special provisions shall apply:</p> <p>a) Notwithstanding Subsection 10.6.1, the following uses shall be prohibited:</p> <p>i) Boat and/or motorized snow vehicle sales establishment; ii) Cold storage locker establishment; iii) Dairies; iv) Farm equipment sales establishment;</p>

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Appendix "J" – Schedule "C" – Special Exceptions		
Special Exception	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
	<p>sales establishment;</p> <p>v) Garden Centre;</p> <p>vi) Motor vehicle rental establishment;</p> <p>vii) New and used motor vehicle dealership;</p> <p>viii) Public and private parking lots and structures;</p> <p>ix) Transportation depot;</p> <p>x) Major recreational equipment sales, rental, and service establishment;</p> <p>xi) Taxi establishment</p> <p>b) Notwithstanding Subsection 10.6.1 and in addition to Subsection 10.6.1.1 i) 2., a Medical Clinic shall only be permitted above the ground floor.</p>	<p>v) Garden Centre;</p> <p>vi) Motor vehicle rental establishment;</p> <p>vii) New and used motor vehicle dealership;</p> <p>viii) Public and private parking lots and structures;</p> <p>ix) Transportation depot;</p> <p>x) Major recreational equipment sales, rental, and service establishment;</p> <p>xi) Taxi establishment</p> <p>b) Notwithstanding Subsection 10.6.1 and in addition to Subsection 10.6.1.1 i) 2., a Medical Clinic shall only be permitted above the ground floor.</p>
SE 709	<p>Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 860 and 902 of Schedule "A" – Zoning Maps and described as 118 Hatt Street, the following special provisions shall apply:</p> <p>a) Notwithstanding Subsection 5.1a)v)b), the following regulations shall apply:</p> <p>i) Minimum 3.0 metres, except where the lot is used for a non-residential use, a 0.0 metre wide planting strip shall be provided and maintained between the street line and the said parking</p>	<p>Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 860 and 902 of Schedule "A" – Zoning Maps and described as 118 Hatt Street, the following special provisions shall apply:</p> <p>a) Notwithstanding Subsection 5.1a)v)b), the following regulations shall apply:</p> <p>i) Minimum 3.0 metres, except where the lot is used for a non-residential use, a 0.0 metre wide planting strip shall be provided and maintained between the street line and the said parking spaces or aisle.</p>

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Appendix “J” – Schedule “C” – Special Exceptions		
Special Exception	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted	spaces or aisle.	bolded text = text to be added
	<p>b) Notwithstanding Subsection 10.5.3a), c), and i), the following regulations shall apply:</p> <p>i) Minimum 0.0 metres Front Yard along McMurray Street and the hypotenuse of the daylight triangle. Setback</p> <p>ii) Minimum 0.0 metres Flankage to the hypotenuse of the daylight triangle at the corner of Hatt Street and McMurray Street. (east) Yard Setback</p> <p>iii) Minimum 4.5 metres Interior Side Yard Setback</p> <p>iv) Planting Strip Requirement A minimum 0.9 metre wide Planting Strip along the westerly lot line shall be provided and maintained.</p>	<p>b) Notwithstanding Subsection 10.5.3a), c), and i), the following regulations shall apply:</p> <p>i) Minimum 0.0 metres Front Yard along McMurray Street and the hypotenuse of the daylight triangle. Setback</p> <p>ii) Minimum 0.0 metres Flankage to the hypotenuse of the daylight triangle at the corner of Hatt Street and McMurray Street. (east) Yard Setback</p> <p>iii) Minimum 4.5 metres Interior Side Yard Setback</p> <p>iv) Planting Strip Requirement A minimum 0.9 metre wide Planting Strip along the westerly lot line shall be provided and maintained.</p>

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Appendix "J" – Schedule "C" – Special Exceptions		
Special Exception	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
SE 710	<p>Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 1043 of Schedule "A" – Zoning Maps and identified as 52 – 64 Ottawa Street North, the following special provisions shall apply:</p> <p>a) Notwithstanding Subsections 5.2b), 5.2f), 5.2i), and 5.6c), the following regulations shall also apply:</p> <p>i) Parking Space Size Dimension A minimum parking space size of 2.7 metres by 5.7 metres shall be provided.</p> <p>ii) Barrier-Free Parking Space Size Dimension A minimum barrier-free parking space size of 4.4 metres by 5.7 metres shall be provided.</p> <p>iii) Parking Space Requirement for Multiple Dwelling and Community Centre 0 parking spaces.</p> <p>iv) Parking Space Requirement for a Day Nursery 2 parking spaces.</p> <p>v) Visitor Parking Space Additional 0.16 parking spaces per</p>	<p>Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 1043 of Schedule "A" – Zoning Maps and identified as 52 Ottawa Street North, the following special provisions shall apply:</p> <p>a) Notwithstanding Subsections 5.2b), 5.2f), 5.2i), and 5.6c), the following regulations shall also apply:</p> <p>i) Parking Space Dimension A minimum parking space size of 2.7 metres by 5.7 metres shall be provided.</p> <p>ii) Barrier-Free Parking Space Dimension A minimum barrier-free parking space size of 4.4 metres by 5.7 metres shall be provided.</p> <p>iii) Parking Space Requirement for Multiple Dwelling and Community Centre 0 parking spaces.</p> <p>iv) Parking Space Requirement for a Day Nursery 2 parking spaces.</p> <p>v) Visitor Parking Space Additional 0.16 parking spaces per dwelling unit.</p>

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Appendix "J" – Schedule "C" – Special Exceptions		
Special Exception	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added	
	<p>dwelling unit.</p> <p>vi) Minimum Aisle Width 3.0 metres</p> <p>b) In addition to Subsection 10.5a.1.1 and notwithstanding 10.5a.3c) and d) ii), the following regulations shall apply:</p> <p>i) Restriction of Uses within a Building</p> <p>1. A Multiple Dwelling with a maximum of 50 dwelling units.</p> <p>2. A Day Nursery with a maximum of 31 children</p> <p>ii) Minimum Side Yard (northerly) 1.4 metres</p> <p>iii) Building Height Maximum 20.0 metres.</p>	<p>vi) Minimum Aisle Width 3.0 metres</p> <p>b) In addition to Subsection 10.5a.1 and notwithstanding 10.5a.3c) and d) ii), the following regulations shall apply:</p> <p>i) Restriction of Uses within a Building</p> <p>1. A Multiple Dwelling with a maximum of 50 dwelling units.</p> <p>2. A Day Nursery with a maximum of 31 children</p> <p>ii) Minimum Side Yard (northerly) 1.4 metres</p> <p>iii) Building Height Maximum 20.0 metres.</p>
SE 711	<p>Within the lands zone Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 1934 of Schedule "A" – Zoning Maps and identified as 3079 Binbrook Road, the following special provisions shall apply:</p> <p>a) In addition to Subsection 10.5a.1, the following use shall</p>	<p>Within the lands zone Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 1934 of Schedule "A" – Zoning Maps and identified as 3079 Binbrook Road, the following special provisions shall apply:</p> <p>a) In addition to Subsection 10.5a.1, the following use shall also be permitted:</p>

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Appendix "J" – Schedule "C" – Special Exceptions		
Special Exception	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
	<p>also be permitted:</p> <p>i) Funeral Home</p> <p>b) Notwithstanding Subsection 4.6a), the following regulation shall also apply</p> <p>i) Sills, belt cornices, eaves or gutters, chimneys, bay windows, or pilasters may project into any required yard a distance of not more than 0.7 metres</p> <p>c) Notwithstanding Subsections 10.5a.3b), c), d) ii), i), h) v), and k), the following provisions shall also apply:</p> <p>i) Minimum 1.0 metre Side Yard</p> <p>ii) Minimum 1.5 metres Rear Yard</p> <p>iii) Maximum 14.0 metres Building Height</p> <p>iv) Planting Strip Requirements Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone, a minimum 0.7 metre wide</p>	<p>i) Funeral Home</p> <p>b) Notwithstanding Subsection 4.6a), the following regulation shall also apply</p> <p>i) Sills, belt cornices, eaves or gutters, chimneys, bay windows, or pilasters may project into any required yard a distance of not more than 0.7 metres</p> <p>c) Notwithstanding Subsections 10.5a.3b), c), d) ii), i), h) v), and k), the following provisions shall also apply:</p> <p>i) Minimum 1.0 metre Side Yard</p> <p>ii) Minimum 1.5 metres Rear Yard</p> <p>iii) Maximum 14.0 metres Building Height</p> <p>iv) Planting Strip Requirements Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone, a minimum 0.7 metre wide Planting Strip shall be provided and</p>

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Appendix "J" – Schedule "C" – Special Exceptions		
Special Exception	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
	<p>Planting Strip shall be provided and maintained.</p> <p>v) Parking between Building and Street No parking or aisles may be located within 2.4 metres of any street line or 0.7 metres abutting a Residential or Institutional Zone, or lot containing a residential or institutional use.</p> <p>vi) Outdoor Storage Outdoor display areas, in the form of benches, other street furniture, and outdoor recreational equipment shall be permitted abutting a street and/or the boundary of any Residential or Institutional Zone or residential or institutional use and shall comprise no more than 22% of the total area of the required front yard.</p>	<p>maintained.</p> <p>v) Parking between Building and Street No parking or aisles may be located within 2.4 metres of any street line or 0.7 metres abutting a Residential or Institutional Zone, or lot containing a residential or institutional use.</p> <p>vi) Outdoor Storage Outdoor display areas, in the form of benches, other street furniture, and outdoor recreational equipment shall be permitted abutting a street and/or the boundary of any Residential or Institutional Zone or residential or institutional use and shall comprise no more than 22% of the total area of the required front yard.</p> <p>d) In addition to Subsections 5.1a)v) a), b) and c), and 5.2 b) i), and 5.2b) f), the following use shall also be permitted:</p>

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Appendix "J" – Schedule "C" – Special Exceptions		
Special Exception	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
	<p>d) In addition to Subsections 5.1a)v a), b) and c), and 5.2 b) i), and 5.2b) f), the following use shall also be permitted:</p> <p>i) Parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from a street, shall be subject to the following:</p> <p>a) Shall not be located within 2.4 metres of a street line.</p> <p>b) Shall provide a 2.4 metres wide Planting Strip being required and permanently maintained between the street and parking spaces or aisles.</p> <p>c) Where a Planting Strip is provided as per b) above, benches, other street furniture, and outdoor recreational equipment shall be permitted within a required Planting Strip.</p> <p>d) Where a parking area which is required to provide for more than four (4) vehicles abuts a Residential or Institutional Zone or a Residential or Institutional use, a Planting Strip of a</p>	<p>i) Parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from a street, shall be subject to the following:</p> <p>a) Shall not be located within 2.4 metres of a street line.</p> <p>b) Shall provide a 2.4 metres wide Planting Strip being required and permanently maintained between the street and parking spaces or aisles.</p> <p>c) Where a Planting Strip is provided as per b) above, benches, other street furniture, and outdoor recreational equipment shall be permitted within a required Planting Strip.</p> <p>d) Where a parking area which is required to provide for more than four (4) vehicles abuts a Residential or Institutional Zone or a Residential or Institutional use, a Planting Strip of a minimum width of 0.7 metres shall be provided and maintained, which shall also include fencing and also permit pedestrian and access walkways.</p>

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Appendix “J” – Schedule “C” – Special Exceptions		
Special Exception	Proposed Change	Proposed Revised Zone Regulation
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added
	<p>minimum width of 0.7 metres shall be provided and maintained, which shall also include fencing and also permit pedestrian and access walkways.</p> <p>ii) Parking Space Size Dimension A minimum parking space size of 2.6 metres by 5.5 metres.</p> <p>iii) Barrier Free Parking Space Size Dimension A minimum barrier free parking space size of 4.4 metres by 5.5 metres.</p>	<p>ii) Parking Space Size Dimension A minimum parking space size of 2.6 metres by 5.5 metres.</p> <p>iii) Barrier Free Parking Space Size Dimension A minimum barrier free parking space size of 4.4 metres by 5.5 metres.</p>
SE 23 SE 712	With the lands zoned Settlement Residential (S1) Zone, identified on Map 80 of Schedule “A” – Zoning Maps and described as 706 Highway No. 8, the following special provisions apply:	With the lands zoned Settlement Residential (S1) Zone, identified on Map 80 of Schedule “A” – Zoning Maps and described as 706 Highway No. 8, the following special provisions apply:

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Appendix "K" – Schedule "D" – Holding Provision			
Holding Provision	Sub-section	Proposed Change	Proposed Revised Zone Regulation
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added
H65	Entire Section	<p>Notwithstanding Subsection 10.3.1, on those lands zoned Community Commercial (C3) Zone, identified on Map 1595 of Schedule "A" – Zoning Maps and described as 8 Kingsborough Drive, no development shall be permitted until such time as:</p> <p>i) The subject lands are consolidated with adjacent lands to ensure orderly development or demonstrate that the property can be developed on its own in accordance with the provisions of the Community Commercial (C3) Zone to the satisfaction of the Director of Planning and Chief Planner.</p>	
H66	Pre-amble	<p>Notwithstanding Subsection 10.6 and Special Exception No. 349 of this Bylaw, on those lands zoned District Commercial (C6, 349, H66, H67 H95, H96, H100, H104) Zone, Modified, identified on Maps 1501 and 1502 of Schedule "A" – Zoning Maps and described as 512 Highland Road West, the H66 H95 symbol may be removed by further amendment to this By-law at such time the Trinity Church Arterial Road is constructed to Rymal Road as the following condition has been satisfied:</p>	<p>Notwithstanding Subsection 10.6 and Special Exception No. 349 of this Bylaw, on those lands zoned District Commercial (C6, 349, H66, H67) Zone, Modified, identified on Maps 1501 and 1502 of Schedule "A" – Zoning Maps and described as 512 Highland Road West, the H66 symbol may be removed by further amendment to this By-law at such time the Trinity Church Arterial Road is constructed to Rymal Road as the following condition has been satisfied:</p>
H67	Pre-amble	<p>Notwithstanding Subsection 10.6 and Special Exception No. 349 of this Bylaw, on those lands zoned District Commercial (C6, 349, H66, H67 H95, H96, H100, H104) Zone, Modified, identified on Maps 1501 and 1502 of Schedule "A" – Zoning Maps and described as 512 Highland Road West, the H67 H96 symbol may be removed to permit limited development abutting Stone Church Road by further amendment to this By-law at such time as the following conditions have been satisfied:</p>	<p>Notwithstanding Subsection 10.6 and Special Exception No. 349 of this Bylaw, on those lands zoned District Commercial (C6, 349, H66, H67) Zone, Modified, identified on Maps 1501 and 1502 of Schedule "A" – Zoning Maps and described as 512 Highland Road West, the H67 symbol may be removed to permit limited development abutting Stone Church Road by further amendment to this By-law at such time as the following conditions have been satisfied:</p>

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Appendix “K” – Schedule “D” – Holding Provision			
Holding Provision	Sub-section	Proposed Change	Proposed Revised Zone Regulation
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added
H102	Pre-amble	Notwithstanding Subsection 10.5 and Special Exception 652, on those lands designated on those lands zoned Mixed Use Medium Density (C5, 652 H102) Zone, Modified, identified on Maps 1748, 1749 and 1785 of Schedule “A” – Zoning Maps, no residential development shall be permitted until such time:	Notwithstanding Subsection 10.5 and Special Exception 652, on those lands zoned Mixed Use Medium Density (C5, 652 H102) Zone, Modified, identified on Maps 1748, 1749 and 1785 of Schedule “A” – Zoning Maps, no residential development shall be permitted until such time:
H110	New Holding Provision	Notwithstanding Subsection 10.5a and Special Exception 711 on those lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 711) Zone, Modified, identified on Map 1934 of Schedule “A” – Zoning Maps and described as 3079 Binbrook Road, no development shall be permitted until such time as: i) The necessary upgrades to the Binbrook Sanitary Sewer Pumping Station are completed to the satisfaction of the Senior Director of Growth Management. ii) Notwithstanding Clause i) herein, the “H” Symbol shall not apply to a Personal Service use having a maximum Gross Floor Area of 675 square metres.	Notwithstanding Subsection 10.5a and Special Exception 711 on those lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 711) Zone, Modified, identified on Map 1934 of Schedule “A” – Zoning Maps, no development shall be permitted until such time as: i) The necessary upgrades to the Binbrook Sanitary Sewer Pumping Station are completed to the satisfaction of the Senior Director of Growth Management. ii) Notwithstanding Clause i) herein, the “H” Symbol shall not apply to a Personal Service use having a maximum Gross Floor Area of 675 square metres.
H112	New Holding Provision	Notwithstanding Section 10.6 and Special Exception 301 on those lands zoned District Commercial (C6) Zone, Modified, identified on Map 1259 of Schedule “A” – Zoning Maps, and described as 1310 South Service Road, no development shall be permitted until such time as: i) Submission and approval of Urban Design Guidelines, to the	Notwithstanding Section 10.6 and Special Exception 301 on those lands zoned District Commercial (C6) Zone, Modified, identified on Map 1259 of Schedule “A” – Zoning Maps, no development shall be permitted until such time as: i) Submission and approval of Urban Design Guidelines, to the satisfaction of the Director of

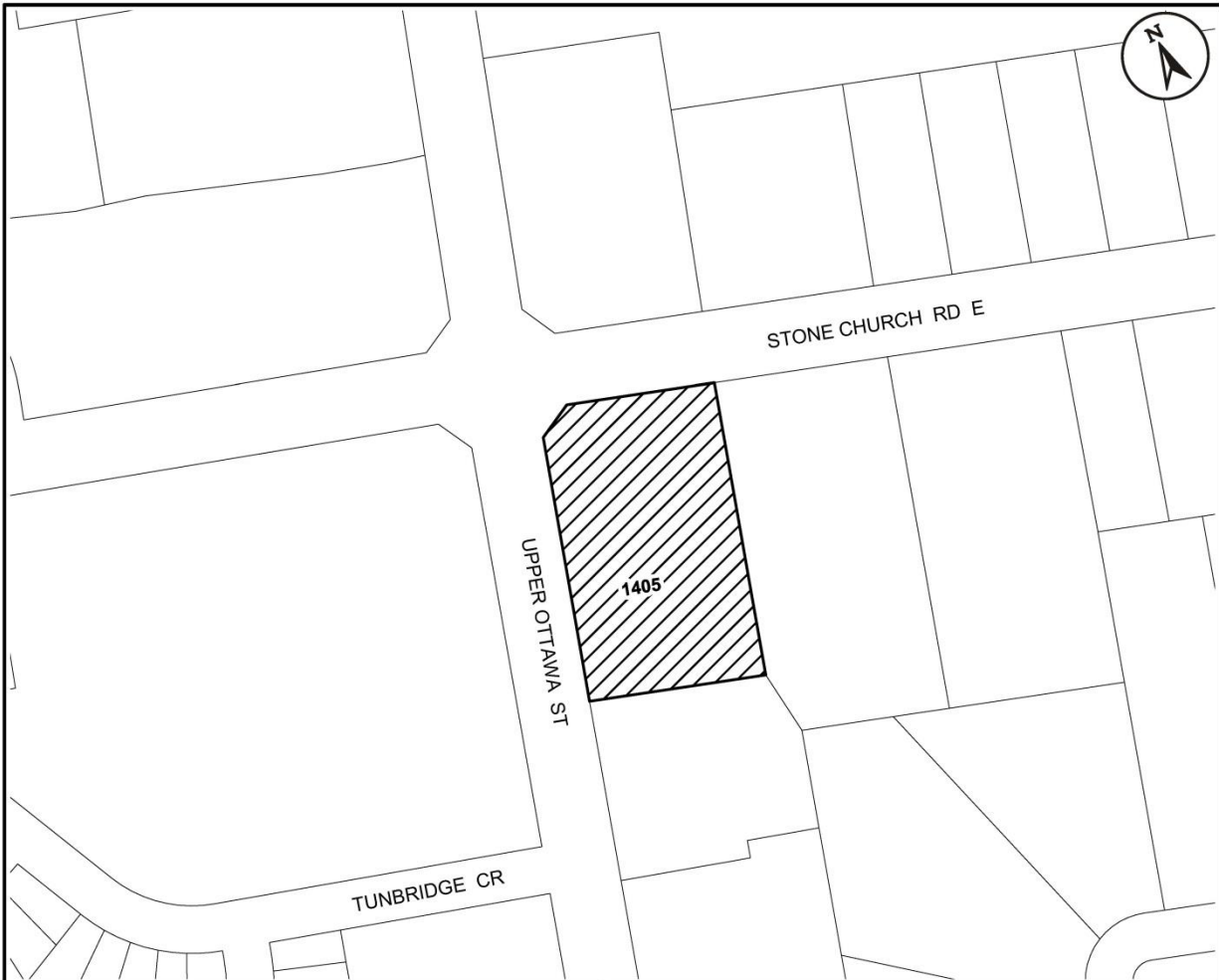
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Appendix “K” – Schedule “D” – Holding Provision			
Holding Provision	Sub-section	Proposed Change	Proposed Revised Zone Regulation
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added
		<p>satisfaction of the Director of Planning;</p> <p>ii) Completion of the Stoney Creek Transit Hub Feasibility Study, to the satisfaction of the Director of Strategic and Environmental Planning;</p> <p>iii) Completion and implementation of a stormwater management study detailing requirements for quality and quantity control in accordance with the SCUBE Subwatershed Study and Parcel A and B Master Drainage Plan, to the satisfaction of the Directors of Development Engineering, and Strategic and Environmental Planning, and the Ontario Ministry of Transportation;</p> <p>iv) Approval and implementation of the Traffic Impact Study submitted by Delcan, dated April 2009, by the Manager of Traffic Engineering and Operations, Public Works Department, and the Ontario Ministry of Transportation;</p> <p>v) That the owner/applicant shall submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee;</p> <p>vi) That Sustainability Design</p>	<p>Planning;</p> <p>ii) Completion of the Stoney Creek Transit Hub Feasibility Study, to the satisfaction of the Director of Strategic and Environmental Planning;</p> <p>iii) Completion and implementation of a stormwater management study detailing requirements for quality and quantity control in accordance with the SCUBE Subwatershed Study and Parcel A and B Master Drainage Plan, to the satisfaction of the Directors of Development Engineering, and Strategic and Environmental Planning, and the Ontario Ministry of Transportation;</p> <p>iv) Approval and implementation of the Traffic Impact Study submitted by Delcan, dated April 2009, by the Manager of Traffic Engineering and Operations, Public Works Department, and the Ontario Ministry of Transportation;</p> <p>v) That the owner/applicant shall submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee;</p> <p>vi) That Sustainability Design Elements/Guidelines be prepared, submitted, and agreements implemented, to the satisfaction of Director of Planning; and,</p> <p>vii) That the owner/applicant shall</p>

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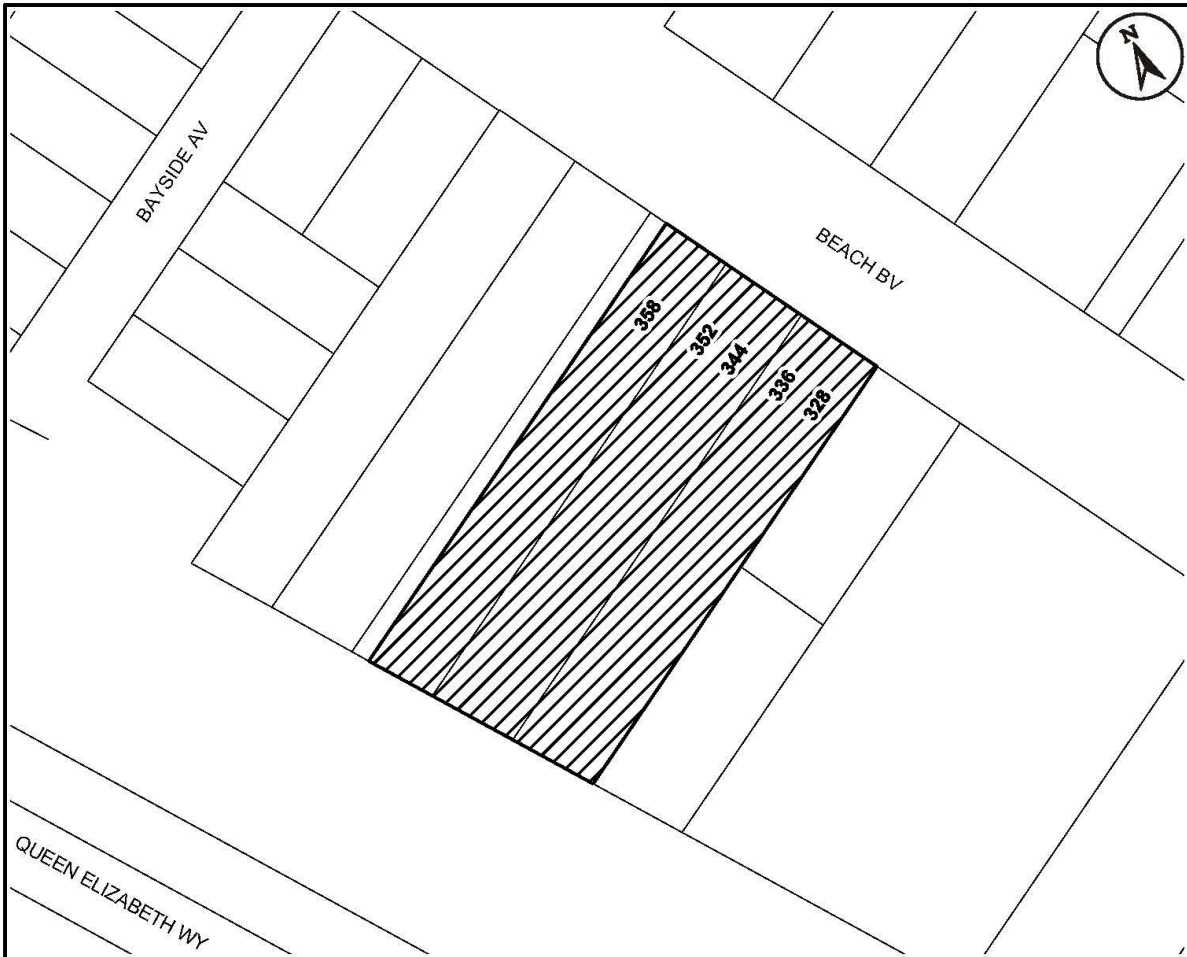
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Appendix "K" – Schedule "D" – Holding Provision			
Holding Provision	Sub-section	Proposed Change	Proposed Revised Zone Regulation
		<p>Grey highlighted strikethrough text = text to be deleted</p> <p>Elements/Guidelines be prepared, submitted, and agreements implemented, to the satisfaction of Director of Planning; and,</p> <p>vii) That the owner/applicant shall conduct an archaeological assessment of the entire development property and mitigate, through preservation and resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.</p>	<p>bolded text = text to be added</p> <p>conduct an archaeological assessment of the entire development property and mitigate, through preservation and resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.</p>



<p>This is Schedule "A1" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A1"</h2> <p>Map Forming Part of By-law No. 19-_____</p> <p>to Amend By-law No. 05-200 Map 1450</p>		<p>Subject Property 1405 Upper Ottawa Street</p> <p> Lands added to By-law 05-200 and zoned District Commercial "C6, 706" Zone, Modified</p>
<p>Scale: N.T.S.</p>	<p>File Name/Number: CMU</p>	<p>Hamilton</p>
<p>Date: Dec. 12, 2018</p>	<p>Planner/Technician: TL/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

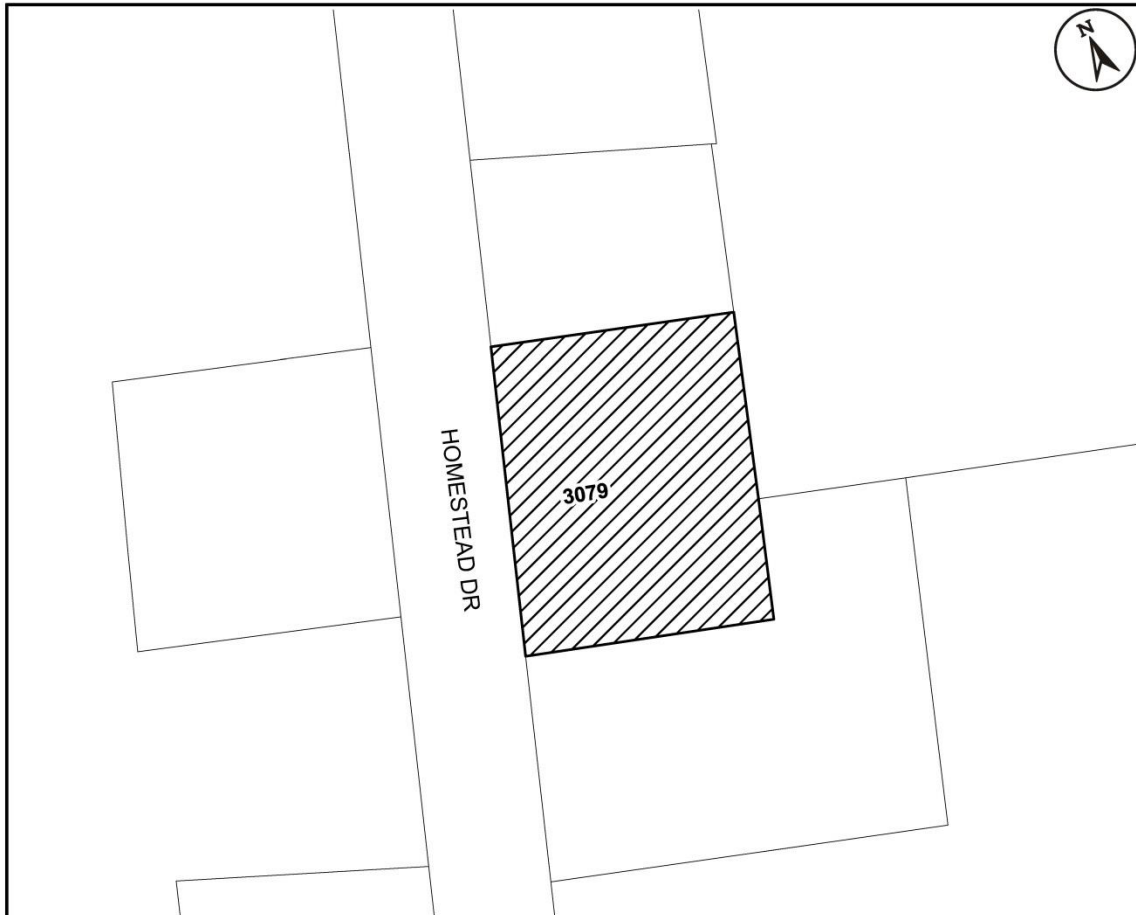


<p>This is Schedule "A2" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A2"</h2> <p>Map Forming Part of By-law No. 19-_____</p> <p>to Amend By-law No. 05-200 Map 834</p>	<p>Subject Property 328 - 358 Beach Boulevard</p> <p> Change in zoning from the Neighbourhood Commercial (C2) Zone to the Residential Character Commercial (C1) Zone</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: CI-18-J</p>	
<p>Date: Dec. 20, 2018</p>	<p>Planner/Technician: TL/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

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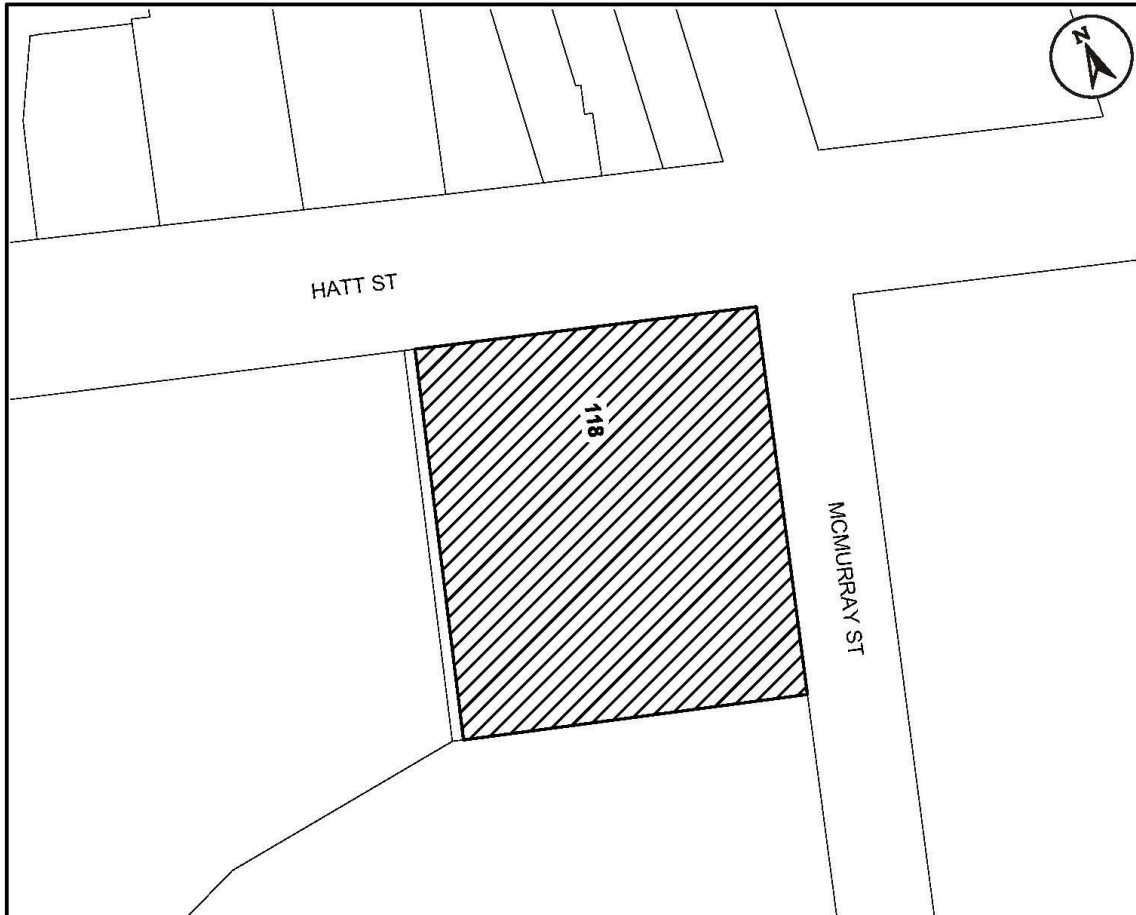


This is Schedule "A3" to By-law No. 19- Passed the day of, 2019	----- Mayor ----- Clerk
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<h2>Schedule "A3"</h2> Map Forming Part of By-law No. 19-_____ to Amend By-law No. 05-200 Maps 1748 & 1749	Subject Property 3079 Homestead Drive Lands added to By-law 05-200 and zoned District Commercial (C6, 708) Zone, Modified
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Scale: N.T.S.	File Name/Number: CMU	Hamilton
Date: Dec. 12, 2018	Planner/Technician: TL/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

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This is Schedule "A4" to By-law No. 19- Passed the day of, 2019	----- Mayor ----- Clerk
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<p>Schedule "A4"</p> <p>Map Forming Part of By-law No. 19-_____</p> <p>to Amend By-law No. 05-200 Maps 860 & 902</p>	<p>Subject Property 118 Hatt Street</p> <p> Lands added to By-law No. 05-200 and zoned Mixed Use Medium Density (C5, 709) Zone, Modified</p>
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Scale: N.T.S.	File Name/Number: CMU		Date: Dec. 20, 2018
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT			Planner/Technician: TL/AL

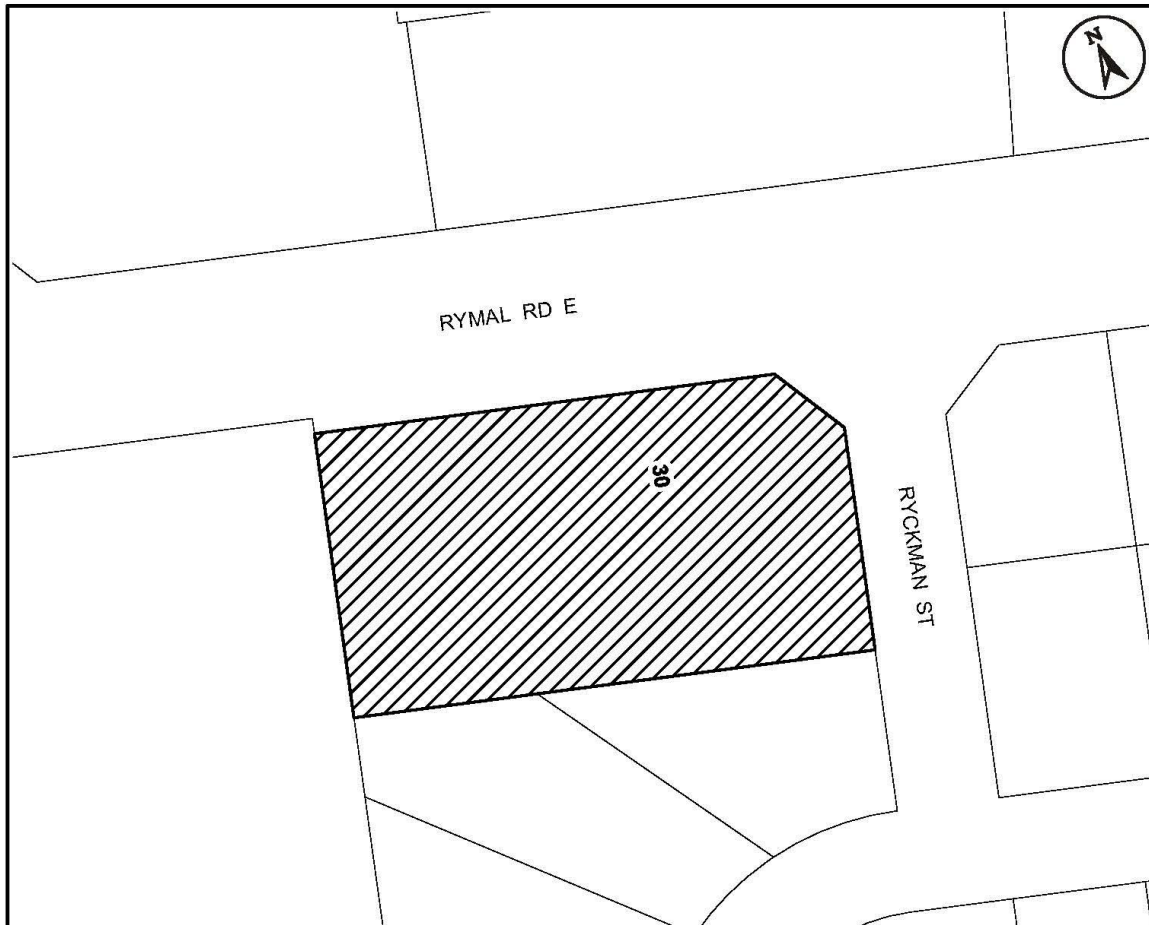
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This is Schedule "A5" to By-law No. 19- Passed the day of, 2019	----- Mayor ----- Clerk
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<h2>Schedule "A5"</h2> <p>Map Forming Part of By-law No. 19-_____</p> <p>to Amend By-law No. 05-200 Map 1043</p>		<p>Subject Property 52 - 64 Ottawa Street North</p> <p> Lands added to By-law 05-200 and zoned Mixed Use Medium Density-Pedestrian Focus (C5a, 710) Zone, Modified</p>
Scale: N.T.S.	File Name/Number: CMU	<p>Hamilton</p>
Date: Dec. 12, 2018	Planner/Technician: TL/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

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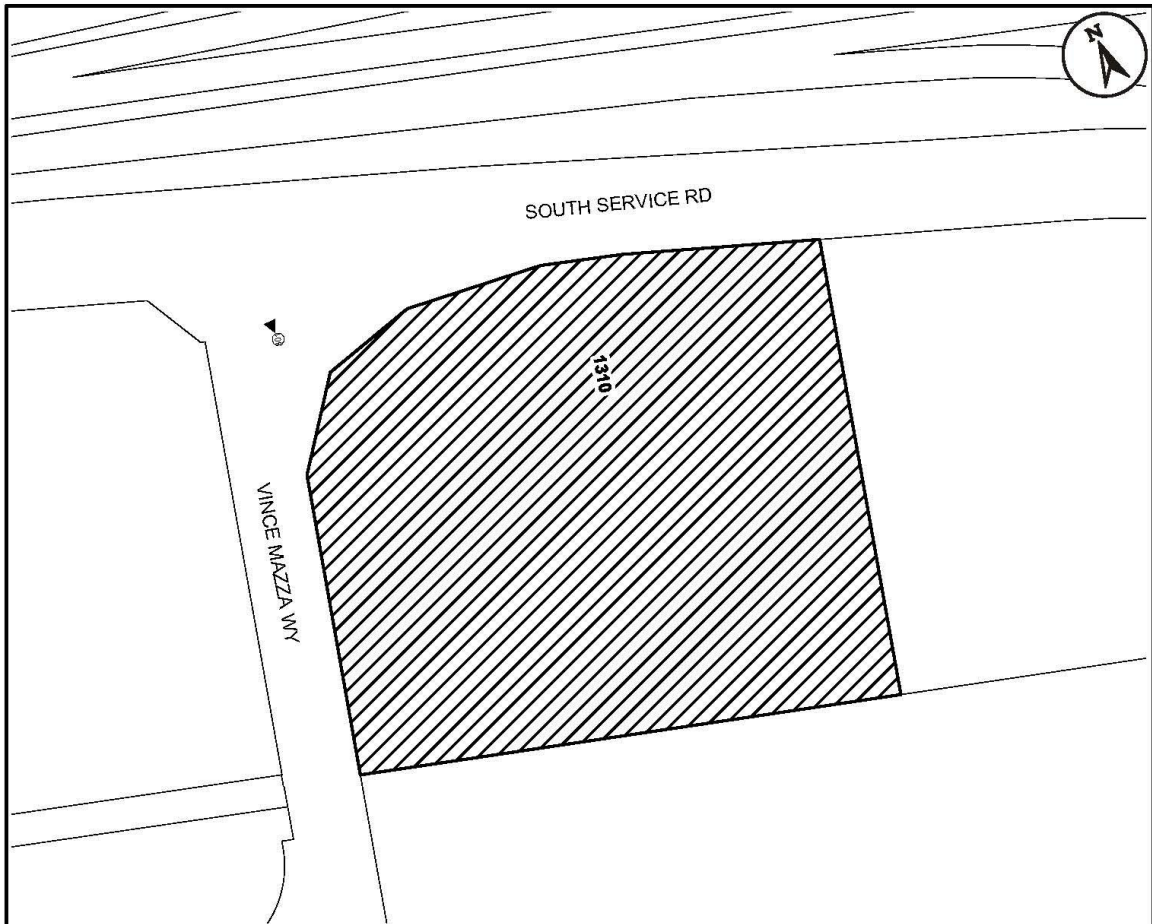


This is Schedule "A6" to By-law No. 19- Passed the day of, 2019	----- Mayor ----- Clerk
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<h2>Schedule "A6"</h2> Map Forming Part of By-law No. 19-_____ to Amend By-law No. 05-200 Map 1394	Subject Property 30 Rymal Road East Lands added to By-law 05-200 and zoned Mixed Use Medium Density (C5) Zone
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Scale: N.T.S.	File Name/Number: CMU	
Date: Dec. 12, 2018	Planner/Technician: TL/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

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<p>This is Schedule "A7" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p>Schedule "A7"</p> <p>Map Forming Part of By-law No. 19-_____</p> <p>to Amend By-law No. 05-200 Map 1259</p>	<p>Subject Property 1310 South Service Road</p> <p> Change in Zoning from the District Commercial (C6, SE301) Zone to District Commercial (C6, SE301, H112) Zone, Modified with a Holding</p>
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<p>Scale: N.T.S.</p>	<p>File Name/Number: CI-18-J</p>	<p>Hamilton</p>
<p>Date: Dec. 12, 2018</p>	<p>Planner/Technician: TL/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

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This is Schedule "A8" to By-law No. 19- Passed the day of, 2019	----- Mayor ----- Clerk
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<h2>Schedule "A8"</h2> Map Forming Part of By-law No. 19-_____ to Amend By-law No. 05-200 Map 947	Subject Property 1546 Main Street West Lands added to By-law 05-200 and zoned Mixed Use Medium Density (C5, 570) Zone, Modified
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Scale: N.T.S.	File Name/Number: CMU	
Date: Dec. 12, 2018	Planner/Technician: TL/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

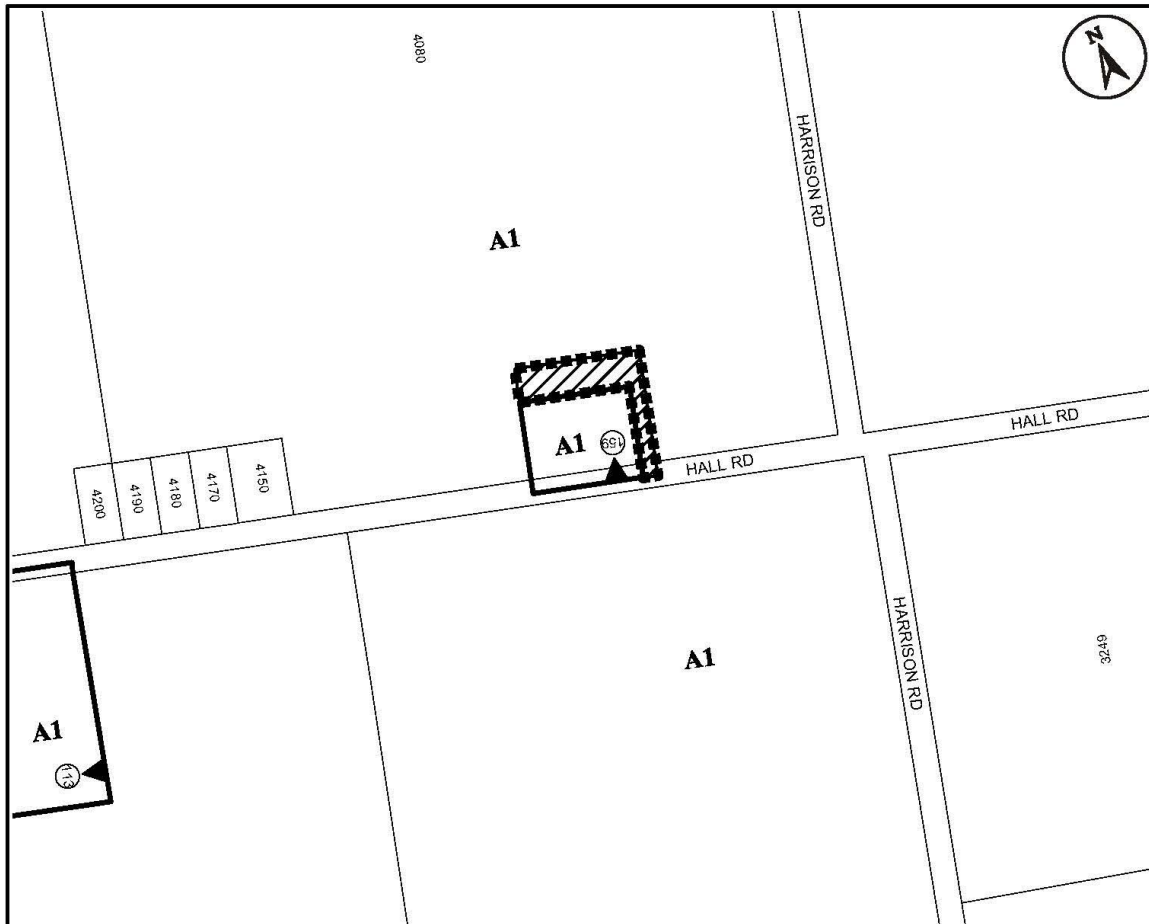


<p>This is Schedule "A9" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p>Schedule "A9"</p> <p>Map Forming Part of By-law No. 19-_____</p> <p>to Amend By-law No. 05-200 Map 1595</p>	<p>Subject Property 8 Kingsborough Drive</p> <p> Change in zoning from the Community Commercial (C3, H65) Zone with a Holding to the Community Commercial (C3) Zone</p>
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Scale: N.T.S.	File Name/Number: CMU	
Date: Dec. 13, 2018	Planner/Technician: TL/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

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<p>This is Schedule "A10" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A10"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 19-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 05-200 Map RU 218</p>	<p>Subject Property 4080 Hall Road, Glanbrook</p> <ul style="list-style-type: none"> Lands to be rezoned from Agriculture (A1) Zone to Agriculture (A1, 159) Zone, Modified Proposed Zoning Boundary Adjustment Existing Zoning Boundary
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Scale: N.T.S.	File Name/Number: CI-18-J	
Date: Dec. 20, 2018	Planner/Technician: TL/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

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<p>This is Schedule "A11" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>----- Mayor</p> <p>----- Clerk</p>		
<p style="text-align: center;">Schedule "A11"</p> <p style="text-align: center;">Map Forming Part of By-law No. 19-_____</p> <p style="text-align: center;">to Amend By-law No. 05-200 Map RU 80</p>	<p>Subject Property 706 Highway No. 8</p> <p> Change in zoning from Settlement Residential (S1, 23) Zone to Settlement Residential (S1, 712) Zone, Modified</p>		
<p>Scale: N.T.S.</p>	<p>File Name/Number: CMU</p>		
<p>Date: Dec. 20, 2018</p>	<p>Planner/Technician: TL/AL</p>		
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>			



<p>This is Schedule "A12" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A12"</h2> <p>Map Forming Part of By-law No. 19-_____</p> <p>to Amend By-law No. 05-200 Map 1934</p>	<p>Subject Property 3079 Binbrook Road</p> <p> Lands to be added to By-law 05-200 and zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 711, H110) Zone, Modified with a Holding</p>
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Scale: N.T.S.	File Name/Number: CMU	
Date: Dec. 20, 2018	Planner/Technician: TL/JAL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Appendix “F” – Modifications and Updates Summary to the Industrial Zones: Section 9.1: Research and Development (M1) Zone Section 9.3: Prestige Business Park (M3) Zone Section 9.4: Business Park Support (M4) Zone Section 9.6: Light Industrial (M6) Zone Section 9.10: Airport Light Industrial (M10) Zone Section 9.11: Airport Prestige Business (M11) Zone				
Section	Proposed Change		Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added		
9.1.2 iii) (new regulation)	Notwithstanding Section 9.1.1, the following use is permitted only as an accessory use to a Motor Vehicle Service Station: Motor Vehicle Washing Establishment		Notwithstanding Section 9.1.1, the following use permitted only as an accessory use to a Motor Vehicle Service Station: Motor Vehicle Washing Establishment	A new regulation added to the zone to provide clarity where a Motor Vehicle Washing Establishment is only permitted as an accessory use to a Motor Vehicle Service Station, which is a permitted use.
9.1.3d)i)	In accordance with the requirements of Section 5 of this By-law;		In accordance with the requirements of Section 5 of this By-law;	Addition of the words for referencing purposes. This does not change the intent of the By-law.
9.3.2 iii) (new regulation)	Notwithstanding Section 9.3.1, the following use is permitted only as an accessory use to a Motor Vehicle Service Station: Motor Vehicle Washing Establishment		Notwithstanding Section 9.3.1, the following use permitted only as an accessory use to a Motor Vehicle Service Station: Motor Vehicle Washing Establishment	A new regulation added to the zone to provide clarity where a Motor Vehicle Washing Establishment is only permitted as an accessory use to a Motor Vehicle Service Station, which is a permitted use.
9.3.3e) 9.6.3f) 9.11.3g)	Location Restriction of Manufacturing Uses	Any building or structure used for Manufacturing and Alcohol Production Facilities shall be setback a minimum 20.0 metres from any portion of a property lot	Location Restriction of Manufacturing Uses Any building or structure used for Manufacturing and Alcohol Production Facilities shall be setback a minimum 20.0 metres from any portion of a property lot abutting a	The zone regulation is amended to include location restrictions for Alcohol Production Facilities, where a minimum 20 metre setback from any portion of the property lot line within a Residential Zone or an Institutional Zone will provide a separation between an industrial

Appendix “F” – Modifications and Updates Summary to the Industrial Zones:

Section 9.1: Research and Development (M1) Zone

Section 9.3: Prestige Business Park (M3) Zone

Section 9.4: Business Park Support (M4) Zone

Section 9.6: Light Industrial (M6) Zone

Section 9.10: Airport Light Industrial (M10) Zone

Section 9.11: Airport Prestige Business (M11) Zone

Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
	<p>line abutting a property lot line within a Residential Zone or an Institutional Zone.</p>	<p>property lot line within a Residential Zone or an Institutional Zone.</p>	<p>use and a sensitive land use such as residential and institutional uses.</p>
<p>9.4.2 iii)</p>	<p>Notwithstanding Section 9.4.1, the following use is permitted only as an accessory use to a Motor Vehicle Service Station:</p> <p>Motor Vehicle Washing Establishment</p>	<p>Notwithstanding Section 9.4.1, the following use permitted only as an accessory use to a Motor Vehicle Service Station:</p> <p>Motor Vehicle Washing Establishment</p>	<p>A new regulation added to the zone to provide clarity where a Motor Vehicle Washing Establishment is only permitted as an accessory use to a Motor Vehicle Service Station, which is a permitted use.</p>
<p>9.10.2ii) 9.11.2ii)</p>	<p>High School Secondary School</p>	<p>Secondary School</p>	<p>Consistency in wording. Does not change the intent that Secondary School is a prohibited use in the zone.</p>
<p>9.11.2iv)</p>	<p>Notwithstanding Section 9.11.1, the following use is permitted only as an accessory use to a Motor Vehicle Service Station:</p> <p>Motor Vehicle Washing Establishment</p>	<p>Notwithstanding Section 9.11.1, the following use permitted only as an accessory use to a Motor Vehicle Service Station:</p> <p>Motor Vehicle Washing Establishment</p>	<p>A new regulation added to the zone to provide clarity where a Motor Vehicle Washing Establishment is only permitted as an accessory use to a Motor Vehicle Service Station, which is a permitted use.</p>

Appendix “F” – Modifications and Updates Summary to the Industrial Zones:

Section 9.1: Research and Development (M1) Zone

Section 9.3: Prestige Business Park (M3) Zone

Section 9.4: Business Park Support (M4) Zone

Section 9.6: Light Industrial (M6) Zone

Section 9.10: Airport Light Industrial (M10) Zone

Section 9.11: Airport Prestige Business (M11) Zone

Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added			
9.11.3c)ii)	Maximum 25.0 27.0 metres	Maximum 27.0 metres	An amendment to the regulation is required to accommodate the increase in the parking stall length from 5.5 metres to 6.0 metres as contained in Subsection 5.2b)i).

Appendix “G-1” – Modifications and Updates Summary to Section 10.1: Residential Character Commercial (C1) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
10.1.3	<p>d) e) Maximum Height</p> <p>e) d) Maximum Lot Area</p> <p>f) e) Visual Barrier Requirement</p> <p>g) f) Outdoor Storage</p>	<p>d) Maximum Height</p> <p>e) Maximum Lot Area</p> <p>f) Visual Barrier Requirement</p> <p>g) Outdoor Storage</p>	<p>A minor numbering change to the regulation as a result of a typo in the reference in Subsection 10.1.3. This does not affect other regulations.</p>
10.1.4a)	<p>Maximum 3.0 metres Yard Abutting Street</p>	<p>Maximum 3.0 metres Yard Abutting Street</p>	<p>An amendment to the regulation by adding the word “Maximum”. Without the word maximum, a building must be set back from the street by 3.0 metres, which was not the intent. Rather, there should be a range to allow for flexibility.</p>
10.1.4e)ii)	<p>Notwithstanding Subsection 10.1.4i), 360.0 square metres for a corner lot.</p>	<p>360.0 square metres for a corner lot.</p>	<p>An amendment to the regulation by removing duplication and unnecessary wording in the regulation. Does not change the intent of the regulation.</p>
10.1.3e)	<p>A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.</p>	<p>A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone in accordance with the requirements of Section 4.19 of this By-law.</p>	<p>An amendment to the regulation to delete reference to Downtown (D6) Zone. Recent amendments to the Downtown Secondary Plan and implementing Downtown Zones in Hamilton Zoning By-law No. 05-200 resulted in the deletion of the zone.</p> <p>In addition, removed the words “line” to have consistent wording with other zones</p>

Appendix “G-2” – Modifications and Updates Summary to Section 10.2: Neighbourhood Commercial (C2) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
10.2.3k)	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone or Downtown (D5) Zone in accordance with the requirements of Section 4.19 of this By-law.	An amendment to the regulation to delete reference to Downtown (D6) Zone. Recent amendments to the Downtown Secondary Plan and implementing Downtown Zones in Hamilton Zoning By-law No. 05-200 resulted in the deletion of the zone. In addition, removed the words “line” to have consistent wording with other zones
10.2.4a)	Notwithstanding Section 10.2.3a) i) and ii), Minimum 4.5 metres.	Notwithstanding Section 10.2.3a) i) and ii), minimum 4.5 metres.	An amendment to the regulation adding a “Notwithstanding” clause and reference to another subsection for further clarity. Does not change the intent of the regulation.
10.2.4c)	Notwithstanding Section 10.2.3j), a minimum 3.0 metres planting strip in width shall be required abutting any street line, or Residential Zone or Institutional Zone property lot line, except for points for ingress and egress.	Notwithstanding Section 10.2.3j), a minimum 3.0 metres planting strip shall be required abutting any street line, or Residential Zone or Institutional Zone lot line, except for points for ingress and egress.	An amendment to the regulation adding “Notwithstanding” clause and reference to another subsection for further clarity. Also add the word “planting strip” to provide clarity to the regulation. In addition, replace the word “property” with “lot” for wording consistency. The amendments do not change the intent of the regulation.
10.2.4d) (new regulation)	Maximum 175 Gross square Floor Area metres for Accessory Retail Uses to a Motor Vehicle Service Station	Maximum 175 Gross square Floor Area metres for Accessory Retail Uses to a Motor Vehicle Service Station	Addition of a new regulation to Section 10.2.4 of the C2 Zone restricting the maximum Gross Floor Area of an accessory Retail Use in Motor Vehicle Service Station to 175 square metres. This is consistent with other zones with this regulation where the use is also permitted. The purpose is to allow for limited selling of merchandise.

Appendix “G-3” – Modifications and Updates Summary to Section 10.3: Community Commercial (C3) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
10.3.3.k)	<p>A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.</p>	<p>A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone or Downtown (D5) Zone in accordance with the requirements of Section 4.19 of this By-law.</p>	<p>An amendment to the regulation to delete reference to Downtown (D6) Zone. Recent amendments to the Downtown Secondary Plan and implementing Downtown Zones in Hamilton Zoning By-law No. 05-200 resulted in the deletion of the zone.</p> <p>In addition, removed the words “line” to have consistent wording with other zones.</p>
10.3.4a)	<p>Notwithstanding Section 10.3.3a) i) and ii), Minimum 4.5 metres.</p>	<p>Notwithstanding Section 10.3.3a) i) and ii), a Minimum of 4.5 metres.</p>	<p>An amendment to add a “notwithstanding” clause to provide clarity on when to apply the setback regulations, and reference to the subsection.</p> <p>The amendment does not change the intent of the regulation.</p>
10.3.4c)	<p>Notwithstanding Section 10.3.3j), 3.0 metres in width shall be required abutting any street line, or Residential Zone or Institutional Zone property line, except for points for ingress and egress.</p>	<p>Notwithstanding Section 10.3.3j), 3.0 metres in width shall be required abutting any street line, or Residential Zone or Institutional Zone property line, except for points for ingress and egress.</p>	<p>An amendment to add a “Notwithstanding” clause and reference to another subsection for further clarity. Also add the word “planting strip” to provide clarity to the regulation.</p> <p>The amendment does not change the intent of the regulation.</p>

Appendix "G-4" – Modifications and Updates Summary to Section 10.4: Mixed Use High Density (C4) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
10.4.1.1 ii)2.	Notwithstanding Section 10.4.1.1 ii) 1., a maximum of one Dwelling Unit(s) shall be permitted in a basement or cellar.	Notwithstanding Section 10.4.1.1 ii)1., Dwelling Units shall be permitted in a basement or cellar.	An amendment to provide clarity in wording. The intent of the regulation to permit residential uses in the basement or cellar remains unchanged.
10.4.3a) ii)	Notwithstanding Section 10.4.3a) i) above, a minimum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.	Notwithstanding Section 10.4.3a) i) above, a minimum setback of 6.0 metres for that portion of a building providing an access driveway to a garage.	An amendment to add a minimum requirement to provide more flexibility in the regulation. Previous wording was too restrictive that a 6.0 metre setback had to be met without flexibility.
10.4.3c)	7.5 metres abutting a Residential or Institutional Zone or lot containing a residential use. 7.5 metres	7.5 metres	An amendment to the regulation to replace the existing zone regulation for 7.5 metres if abutting Residential or Institutional Zone or lot containing a residential use, to a broader requirement of 7.5 metres where it applies regardless of abutting land use. A Mixed Use High Density Zone would have a built form and development potential different from other Mixed Use Medium Density Zones (i.e. C5, C5a Zones). A minimum interior side yard would be required to provide the buffer from any zone, including residential and institutional zone. Further, the land parcels of a C4 Zone are much larger and able to accommodate an interior side yard setback.
10.4.3h)	On a lot containing more than 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:	On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:	An amendment to the preamble for more clarity that the regulation applies to 10 or more dwelling units.

Appendix “G-4” – Modifications and Updates Summary to Section 10.4: Mixed Use High Density (C4) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
10.4.3 h) i)	An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area ; and,	An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area; and,	<p>The current regulation was not clear on what regulation to apply when the dwelling unit is exactly 50 square metres of Gross Floor Area. An amendment to the regulation to add the word “equal to” provide greater clarity on what regulation to apply when a dwelling unit is exactly 50 square metres.</p> <p>Further, “gross floor area” provides clarity on what is included in the 50 square metres, as per the definitions of Gross Floor Area in Section 3 of the Hamilton Zoning By-law. No. 05-200.</p>
10.4.3 h) ii)	An area of 6.0 square metres for each dwelling unit more than greater than 50 square metres of gross floor area .	An area of 6.0 square metres for each dwelling unit greater than 50 square metres of gross floor area.	<p>An amendment to the regulation includes adding the words “gross floor area” provides clarity on what is included in the 50 square metres, as per the definitions of Gross Floor Area in Section 3 of the Hamilton Zoning By-law. No. 05-200.</p> <p>In addition, the amendment also includes a word change replace “more than” with “greater than”.</p>

Appendix “G-4” – Modifications and Updates Summary to Section 10.4: Mixed Use High Density (C4) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
10.4.3j)	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone or Downtown (D5) Zone in accordance with the requirements of Section 4.19 of this By-law.	An amendment to the regulation to delete reference to Downtown (D6) Zone. Recent amendments to the Downtown Secondary Plan and implementing Downtown Zones in Hamilton Zoning By-law No. 05-200 resulted in the deletion of the zone. In addition, removed the word “line” to have consistent wording with other zones
10.4.3 k) ii)	Notwithstanding Section 10.4.3k) i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.	Notwithstanding Section 10.4.3k) i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.	An amendment to the regulation to correct the reference of a subsection by adding the letter “k”.. This does not change the intent of the regulations.
10.4.5a)	Notwithstanding Section 10.4.3a) i), a Minimum of 4.5 metres.	Notwithstanding Section 10.4.3a) i), a Minimum of 4.5 metres.	An amendment to added a “notwithstanding” clause to provide clarity on when to apply the setback regulations. The amendment also includes adding the words “a Minimum of” to provide further clarity in the regulation.
10.4.5c)	Notwithstanding Section 10.4.3i), a minimum 3.0 metres planting strip in width shall be required abutting any street line, or Residential Zone or Institutional Zone property lot line, except for points for ingress and egress.	Notwithstanding Section 10.4.3i), a minimum 3.0 metres planting strip shall be required abutting any street line, or Residential Zone or Institutional Zone lot line, except for points for ingress and egress.	An amendment to the regulation adding a “Notwithstanding” clause and reference to another subsection for further clarity. Also add the word “planting strip” to provide clarity to the regulation. The amendments do not change the intent of the regulation.
10.4.8	In addition to Section 4.26 of this By-law, an Urban Farm shall only be permitted in the rear yard or on the roof-top of the principal principle building.	In addition to Section 4.26 of this By-law, an Urban Farm shall only be permitted in the rear yard or on the roof-top of the principal building.	Revision of the words from “principle” to “principal”.

Appendix "G-4" – Modifications and Updates Summary to Section 10.4: Mixed Use High Density (C4) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
10.4.9	In addition to Section 4.27 of this By-law, a Community Garden shall only be permitted in the rear yard or on the roof-top of the principle principal building.	In addition to Section 4.27 of this By-law, a Community Garden shall only be permitted in the rear yard or on the roof-top of the principal building.	Revision of the words from "principle" to "principal".

Appendix “G-5” – Modifications and Updates Summary to Section 10.5: Mixed Use Medium Density (C5) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
Explanatory Note	The C5 Zone is found along collector and arterial roads where the zone permits a range of retail, service, commercial, entertainment, and residential uses serving the surrounding community. The built form encourages an active transit supportive, pedestrian environment that is anchored by single or mixed-use buildings oriented towards the pedestrian realm. Although residential uses are permitted, either as a single or mixed-use building , this zone is predominantly commercial.	The C5 Zone is found along collector and arterial roads where the zone permits a range of retail, service, commercial, entertainment, and residential uses serving the surrounding community. The built form encourages an active transit supportive, pedestrian environment that is anchored by single or mixed-use buildings oriented towards the pedestrian realm. Although residential uses are permitted, either as a single or mixed-use building, this zone is predominantly commercial.	The word “building” is added to the preamble for further clarity in the intent, where the residential uses are permitted either in a single-use or mixed-use building.
10.5.1.1 i)2.	Notwithstanding Subsection 10.5.1.1 i)1., a maximum of one Dwelling Unit(s) shall be permitted in a basement or cellar.	Notwithstanding Subsection 10.5.1.1 i)1., Dwelling Unit(s) shall be permitted in a basement or cellar.	A revision to the regulation provides further clarity in wording. The intent of the regulation to permit residential uses in the basement or cellar remains unchanged.

Appendix "G-5" – Modifications and Updates Summary to Section 10.5: Mixed Use Medium Density (C5) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
10.5.3c)	<p>i) 0.0 metres for building(s) less than or equal to 11.0 metres in building height.</p> <p>ii) Notwithstanding Section 10.5.3.d and Section 10.5.3 c) i), a minimum 3.0 metres for building(s) with a building height greater than 11.0 metres to a maximum building height of 14.0 metres.</p> <p>iii) Notwithstanding Section 10.5.3.d and Sections 10.5.3 c) i) and ii), a minimum 6.0 metres for building(s) with a building height greater than 14.0 metres.</p> <p>iii) Notwithstanding Section 10.5.3.d and Sections 10.5.3 c) i) and ii), a minimum 6.0 metres for building(s) with a building height greater than 14.0 metres.</p> <p>iv) Notwithstanding Subsections i), ii) and iii), a minimum 7.5 metres for lots abutting a Residential Zone or Institutional Zone or lot containing a Residential Use. Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.</p> <p>iv) Notwithstanding Subsections i), ii) and iii), a minimum 7.5 metres for lots abutting a Residential Zone or Institutional Zone or lot containing a Residential Use. Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.</p>	<p>i) 0.0 metres for building(s) less than or equal to 11.0 metres in building height.</p> <p>ii) Notwithstanding Section 10.5.3.d and Section 10.5.3 c) i), a minimum 3.0 metres for building(s) with a building height greater than 11.0 metres to a maximum building height of 14.0 metres.</p> <p>iii) Notwithstanding Section 10.5.3.d and Sections 10.5.3 c) i) and ii), a minimum 6.0 metres for building(s) with a building height greater than 14.0 metres.</p> <p>iv) Notwithstanding Subsections i) and ii), a minimum 7.5 metres for lots abutting a Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.</p>	<p>The existing regulation required a minimum 7.5 metres interior side yard setback when abutting any residential use regardless of lot size and lot width. This resulted in skinny lots becoming sterilized if this requirement broadly applied.</p> <p>An amendment includes:</p> <ul style="list-style-type: none"> • Specifying when the minimum 7.5 metres interior side yard setback applies to only single-detached, semi-detached, and townhouse dwellings. • A new regulation requiring a minimum 3.0 metres for buildings between 11.0 metres and 14.0 metres, and 6.0 metres for buildings over 14.0 metres. This allows for transition and buffering due to height. • A new regulation where for buildings of up to 11.0 metres no interior side yard setback shall apply. This applies to commercial streets such as Barton Street, where buildings are built close together and would like to maintain the overall street scape.
10.5.3h)	<p>On a lot containing more than 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:</p>	<p>On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:</p>	<p>An amendment to the preamble for more clarity that the regulation applies to 10 or more dwelling units.</p>

Appendix “G-5” – Modifications and Updates Summary to Section 10.5: Mixed Use Medium Density (C5) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
10.5.3h) i)	An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area ; and,	An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres of gross floor area; and,	<p>The current regulation was not clear on what regulation to apply when the dwelling unit is exactly 50 square metres of Gross Floor Area. An amendment to the regulation to add the word “equal to” provide greater clarity on what regulation to apply when a dwelling unit is exactly 50 square metres.</p> <p>Further, “gross floor area” provides clarity on what is included in the 50 square metres, as per the definitions of Gross Floor Area in Section 3 of the Hamilton Zoning By-law. No. 05-200</p>
10.5.3h) ii)	An area of 6.0 square metres for each dwelling unit greater than 50 square metres of gross floor area .	An area of 6.0 square metres for each dwelling unit 50 square metres or more of gross floor area.	<p>An amendment to the regulation includes adding the words “gross floor area” provides clarity on what is included in the 50 square metres, as per the definitions of Gross Floor Area in Section 3 of the Hamilton Zoning By-law. No. 05-200.</p> <p>In addition, the amendment also includes a word change replace “more than” with “greater than”.</p>
10.5.3j)	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone in accordance with the requirements of Section 4.19 of this By-law.	<p>An amendment to the regulation to delete reference to Downtown (D6) Zone. Recent amendments to the Downtown Secondary Plan and implementing Downtown Zones in Hamilton Zoning By-law No. 05-200 resulted in the deletion of the zone.</p> <p>In addition, removed the word “line” to have consistent wording with other zones</p>

Appendix “G-5” – Modifications and Updates Summary to Section 10.5: Mixed Use Medium Density (C5) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
10.5.5a)	Notwithstanding Section 10.5.3a) i) and ii), Minimum of 4.5 metres.	Notwithstanding Section 10.5.3a) i) and ii), Minimum of 4.5 metres.	An amendment adding a “notwithstanding” clause to provide clarity on when to apply the setback regulations. This does not change the intent of the zone regulation.
10.5.5c)	Notwithstanding Section 10.5.3i), a planting strip 3.0 metres in width shall be required abutting any street line, or Residential Zone or Institutional Zone property lot line, except for points for ingress and egress.	Notwithstanding Section 10.5.3i), a planting strip 3.0 metres in width shall be required abutting any street line, or Residential Zone or Institutional Zone lot line, except for points for ingress and egress.	An amendment adding a “notwithstanding” clause to provide clarity on when to apply the setback regulations. This does not change the intent of the zone regulation. In addition, replace the word “property” with “lot” for wording consistency.
10.5.9	In addition to Section 4.26 of this By-law, an Urban Farm shall only be permitted in the rear yard or on the roof-top of the principal principle building.	In addition to Section 4.26 of this By-law, an Urban Farm shall only be permitted in the rear yard or on the roof-top of the principal building.	Revision of the words from “principle” to “principal”.
10.5.10	In addition to Section 4.27 of this By-law, a Community Garden shall only be permitted in the rear yard or on the roof-top of the principal principle building.	In addition to Section 4.27 of this By-law, a Community Garden shall only be permitted in the rear yard or on the roof-top of the principal building.	Revision of the words from “principle” to “principal”.

Appendix “G-7” – Modifications and Updates Summary to Section 10.6: District Commercial (C6) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
10.6.1	<p>Permitted Microbrewery Uses</p>	<p>Permitted Microbrewery Uses</p>	<p>An amendment to the regulation to add a Microbrewery as a permitted use. The intent was to permit microbrewery in the District Commercial (C6) Zone similar to other commercial zones.</p>
10.6.3i)	<p>A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone or Downtown (D6) Zone property lot line in accordance with the requirements of Section 4.19 of this By-law.</p>	<p>A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone or Downtown (D5) Zone lot line in accordance with the requirements of Section 4.19 of this By-law.</p>	<p>An amendment to the regulation to delete reference to Downtown (D6) Zone. Recent amendments to the Downtown Secondary Plan and implementing Downtown Zones in Hamilton Zoning By-law No. 05-200 resulted in the deletion of the zone.</p> <p>In addition, removed the words “line” to have consistent wording with other zones</p>
10.6.4a)	<p>Minimum Building Setback from a Street Line Notwithstanding Sections 10.6.3 a) i) and ii), a Minimum of 4.5 metres.</p>	<p>Minimum Building Setback from a Street Line Notwithstanding Sections 10.6.3 a) i) and ii), a Minimum of 4.5 metres.</p>	<p>An amendment to add a “notwithstanding” clause to provide clarity on when to apply the setback regulations. This does not change the intent of the zone regulation.</p>
10.6.4c)	<p>Notwithstanding Section 10.6.3h), a minimum 3.0 metres planting strip # width shall be required abutting any street line, or Residential Zone or Institutional Zone property lot line, except for points for ingress and egress.</p>	<p>Notwithstanding Section 10.6.3h), a minimum 3.0 metres planting strip shall be required abutting any street line, or Residential Zone or Institutional Zone lot line, except for points for ingress and egress.</p>	<p>An amendment to add a “Notwithstanding” clause and reference to another subsection for further clarity. Also add the word “planting strip” to provide clarity to the regulation.</p> <p>In addition, replace the word “property” with “lot” for wording consistency. The amendments do not change the intent of the regulation.</p>

Appendix “G-6” – Modifications and Updates Summary to Section 10.5a: Mixed Use Medium Density – Pedestrian Focus (C5a) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
10.5a.3a) ii)	Notwithstanding Section 10.5a.3a)i), 6.0 metres for that portion of a building providing an access driveway to a parking garage; and,	Notwithstanding Section 10.5a.3a)i), 6.0 metres for that portion of a building providing an access driveway to a parking garage; and,	An amendment to add the letter “a” as the reference to the Subsection was left out. This does not change the intent of the regulation.
10.5a.3a) iii)	Section 10.5a.3a)ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5a.3 h)ii) and iii).	Section 10.5a.3a)ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5a.3 h)ii) and iii).	An amendment to add the letter “a” as the reference to the Subsection was left out. This does not change the intent of the regulation.
10.5a.3c)	<p>i) 0.0 metres for building(s) less than or equal to 11.0 metres in building height.</p> <p>ii) Notwithstanding Section 10.5a.d. iii) and Section 10.5a.3c) i), a minimum 3.0 metres for building(s) with a building height greater than 11.0 metres to a maximum building height of 14.0 metres.</p> <p>iii) Notwithstanding Section 10.5a.d. iii) and Sections 10.5a.3c) i and ii), a minimum 6.0 metres for building(s) with a building height greater than 14.0 metres.</p> <p>iv) Notwithstanding Subsections i), ii) and iii), a minimum 7.5 metres for lots abutting a Residential Zone or Institutional Zone or lot containing a Residential Use. Single Detached Dwelling, Semi-Detached Dwelling, and Street</p>	<p>i) 0.0 metres for building(s) less than or equal to 11.0 metres in building height.</p> <p>ii) Notwithstanding Section 10.5a.d. iii) and Section 10.5a.3c) i), a minimum 3.0 metres for building(s) with a building height greater than 11.0 metres to a maximum building height of 14.0 metres.</p> <p>iii) Notwithstanding Section 10.5a.d. iii) and Sections 10.5a.3c) i and ii), a minimum 6.0 metres for building(s) with a building height greater than 14.0 metres.</p> <p>iv) Notwithstanding Subsections i), ii) and iii), a minimum 7.5 metres for lots abutting a Residential Zone or Institutional Zone or lot containing a Residential Use. Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.</p>	<p>The existing regulation required a minimum 7.5 metres interior side yard setback when abutting any residential use regardless of lot size and lot width. This resulted in skinny lots becoming sterilized if this requirement broadly applied.</p> <p>An amendment includes:</p> <ul style="list-style-type: none"> • Specifying when the minimum 7.5 metres interior side yard setback applies to only single-detached, semi-detached, and townhouse dwellings. • A new regulation requiring a minimum 3.0 metres for buildings between 11.0 metres and 14.0 metres, and 6.0 metres for buildings over 14.0 metres. This allows for transition and buffering due to height. • A new regulation where for buildings of up to 11.0 metres no interior side yard setback shall apply. This applies to commercial streets such as Barton Street, where buildings are built close together and would like to maintain the overall street scape.

Appendix “G-6” – Modifications and Updates Summary to Section 10.5a: Mixed Use Medium Density – Pedestrian Focus (C5a) Zone													
Section	Proposed Change		Proposed Revised Zone Regulation		Rationale								
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added													
	Townhouse.		.										
10.5a.3d)iii)	In addition to Section 10.5a.3d)i), and notwithstanding Section 10.5a.3d)ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5a.3b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.		In addition to Section 10.5a.3d)i), and notwithstanding Section 10.5a.3d)ii), any building height above 11.0 metres may be equivalently increased as the yard increases beyond the minimum yard requirement established in Section 10.5a.3b) and c) when abutting a Residential or Institutional Zone to a maximum of 22.0 metres.		An amendment to add the letter “d” as the reference to the Subsection was left out. This does not change the intent of the regulation.								
10.5a.3h)i v)	In addition to Section 10.5a.3h) i) ii) and iii), the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.		In addition to Section 10.5a.3h) i) ii) and iii), the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.		An amendment to add the letter “h” as the reference to the Subsection was left out. This does not change the intent of the regulation.								
10.5a.3i) (new regulation)	<table border="1" style="width: 100%;"> <tr> <th style="width: 25%;">Minimum Amenity Area for Dwelling Units and Multiple Dwellings</th> <th style="width: 75%;">On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:</th> </tr> <tr> <td></td> <td> i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres; and, </td> </tr> </table>		Minimum Amenity Area for Dwelling Units and Multiple Dwellings	On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:		i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres; and,	<table border="1" style="width: 100%;"> <tr> <th style="width: 25%;">Minimum Amenity Area for Dwelling Units and Multiple Dwellings</th> <th style="width: 75%;">On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:</th> </tr> <tr> <td></td> <td> i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres; and, </td> </tr> </table>		Minimum Amenity Area for Dwelling Units and Multiple Dwellings	On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:		i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres; and,	Adding Amenity Space requirements for the Mixed Use Medium – Pedestrian Focus (C5a) Zone. The intent is to require a minimum amount of amenity space for each lot containing more than 10 dwelling units. Smaller mixed use development containing less than 10 dwelling units would not be subject to this requirement. This regulation is also found in the Mixed Use High Density (C4) Zone and the Mixed Use Medium Density (C5) Zone where the regulation ensures there is a minimum amount of amenity space for residents. There is a different
Minimum Amenity Area for Dwelling Units and Multiple Dwellings	On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:												
	i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres; and,												
Minimum Amenity Area for Dwelling Units and Multiple Dwellings	On a lot containing 10 or more dwelling units, the following Minimum Amenity Area requirements be provided:												
	i) An area of 4.0 square metres for each dwelling unit less than or equal to 50 square metres; and,												

Appendix “G-6” – Modifications and Updates Summary to Section 10.5a: Mixed Use Medium Density – Pedestrian Focus (C5a) Zone

Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
	<p>ii) An area of 6.0 square metres for each dwelling unit greater than 50 square metres or more of gross floor area.</p> <p>iii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.</p>	<p>ii) An area of 6.0 square metres for each dwelling unit greater than 50 square metres or more of gross floor area.</p> <p>iii) In addition to the definition of Amenity Area in Section 3: Definitions, an Amenity Area located outdoors shall be unobstructed and shall be at or above the surface, and exposed to light and air.</p>	<p>requirement for smaller units as generally there are fewer members of households living in small multiple dwelling units compared to larger units.</p>
10.5a.3j)	<p>A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, or Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.</p>	<p>A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone or Downtown (D5) Zone in accordance with the requirements of Section 4.19 of this By-law.</p>	<p>An amendment to the regulation to delete reference to Downtown (D6) Zone. Recent amendments to the Downtown Secondary Plan and implementing Downtown Zones in Hamilton Zoning By-law No. 05-200 resulted in the deletion of the zone.</p> <p>In addition, removed the words “line” to have consistent wording with other zones</p>

Appendix "G-6" – Modifications and Updates Summary to Section 10.5a: Mixed Use Medium Density – Pedestrian Focus (C5a) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<small>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</small>			
10.5a.3l)	Notwithstanding Section 10.5a.3l) i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.	Notwithstanding Section 10.5a.3l) i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.	An amendment to add the letter "l" as the reference to the Subsection was left out. This does not change the intent of the regulation.
Re-numbering	10.5a.4 10.5a.5 10.5a.5 10.5a.6 10.5a.6 10.5a.7 10.5a.7 10.5a.8 10.5a.8 10.5a.9 10.5a.9 10.5a.10	10.5a.4 SINGLE DETACHED AND DUPLEX DWELLINGS LEGALLY EXISTING AT THE TIME OF THE PASSING OF THE BY- LAW 10.5a.5 ACCESSORY BUILDINGS 10.5a.6 PARKING 10.5a.7 URBAN FARM 10.5a.8 COMMUNITY GARDENS 10.5a.9 URBAN FARMERS MARKET	Re-numbering of the zone regulations. This does not change the intent of the regulations.

Appendix “G-8” – Modifications and Updates Summary to Section 10.7: Arterial Commercial (C7) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
10.7.4a)	Notwithstanding Section 10.7.3a), Minimum 4.5 metres.	Notwithstanding Section 10.7.3a), Minimum 4.5 metres.	An amendment to add a reference to a Subsection. This does not change the intent of the regulations.
10.7.4c)	Notwithstanding Section 10.7.3f), a minimum 3.0 metres planting strip in width shall be required abutting any street line, or Residential Zone or Institutional Zone property lot line, except for points for ingress and egress.	Notwithstanding Section 10.7.3f), minimum 3.0 metres planting strip shall be required abutting any street line, or Residential Zone or Institutional Zone lot line, except for points for ingress and egress.	<p>An amendment to add a “Notwithstanding” clause and reference to another subsection for further clarity. Also add the word “planting strip” to provide clarity to the regulation.</p> <p>In addition, replace the word “property” with “lot” for wording consistency. The amendments do not change the intent of the regulation.</p>

Appendix “H-1” – Modifications and Updates Summary to Section 11.1: Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
11.1.1.1 i) 2.	Notwithstanding Subsection 11.1.1.1 i) 1., a minimum of one Dwelling Unit(s) shall be permitted in a basement or cellar.	Notwithstanding Subsection 11.1.1.1 i) 1., Dwelling Unit(s) shall be permitted in a basement or cellar.	An amendment to provide clarity in wording. The intent of the regulation to permit residential uses in the basement or cellar remains unchanged.
11.1.3 c)i)	i) A minimum 7.5 metres for lots abutting a Residential Zone or Institutional Zone or lot containing a Residential Use. Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.	i) A minimum 7.5 metres for lots abutting a Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.	<p>The existing regulation required a minimum 7.5 metres interior side yard setback when abutting any residential use regardless of lot size and lot width. This resulted in skinny lots becoming sterilized if this requirement broadly applied.</p> <p>The amendment includes specifying when the minimum 7.5 metres interior side yard setback applies to only single-detached, semi-detached, and townhouse dwellings. Previously, the regulation did not specify the exact dwelling type and could have been interpreted to include all dwelling types including multiple dwellings and Mixed Use buildings.</p>

Appendix “H-2” – Modifications and Updates Summary to Section 11.2: Transit Oriented Corridor Local Commercial (TOC2) Zone

Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
11.2.3c)ii)	<p>ii) A minimum 7.5 metres for lots abutting a Residential Zone or Institutional Zone or lot containing a Residential Use. Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.</p>	<p>i) A minimum 7.5 metres for lots abutting a Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.</p>	<p>The existing regulation required a minimum 7.5 metres interior side yard setback when abutting any residential use regardless of lot size and lot width. This resulted in skinny lots becoming sterilized if this requirement broadly applied.</p> <p>The amendment includes Specifying when the minimum 7.5 metres interior side yard setback applies to only single-detached, semi-detached, and townhouse dwellings. Previously, the regulation did not specify the exact dwelling type and could have been interpreted to include all dwelling types including multiple dwellings and Mixed Use buildings.</p>

Appendix “H-3” – Modifications and Updates Summary to Section 11.3: Transit Oriented Corridor Multiple Residential (TOC3) Zone

Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
11.3.1	<p>Permitted Uses:</p> <p>Artist Studio Catering Service Commercial School Communications Establishment Community Garden Craftsperson Shop Day Nursery Emergency Shelter Financial Institution Lodging House Multiple Dwelling Office Performing Arts Theatre Personal Service Repair Service Residential Care Facility Restaurant Retail Retirement Home Street Townhouse Dwelling Tradesperson’s Shop</p>	<p>Permitted Uses:</p> <p>Community Garden Emergency Shelter Lodging House Multiple Dwelling Residential Care Facility Retirement Home Street Townhouse Dwelling</p>	<p>An amendment to Section 11.3.1 to relocated the list of commercial uses from this section to a new Subsection 11.3.1.1. The remaining permitted uses in this subsection includes residential uses, emergency shelter, and community garden. These uses are permitted as of right on all properties under the TOC3 Zone.</p> <p>Commercial uses were removed from this subsection as they are only permitted in buildings that existed on the day of the passage of the By-law (being October 12, 2016) and where commercial uses were legally established (See page 2).</p> <p>The removal of commercial uses in Section 11.3.1 means these uses are not permitted universally but rather only in regulated through Subsection 11.3.1.1 ii).</p>
11.3.1.1 i)2.	<p>Notwithstanding Subsection 11.3.1.1 i)2., a minimum of one Dwelling unit(s) shall be permitted in a basement or cellar.</p>	<p>Notwithstanding Subsection 11.3.1.1 i)2., Dwelling Unit(s) shall be permitted in a basement or cellar.</p>	<p>A revision to the regulation provides further clarity in wording. The intent of the regulation to permit residential uses in the basement or cellar remains unchanged.</p>

Appendix “H-3” – Modifications and Updates Summary to Section 11.3: Transit Oriented Corridor Multiple Residential (TOC3) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
11.3.1.1 ii) (new regulation)	<p>Restriction of Commercial Uses</p> <p>1. Notwithstanding Subsection 11.3.1, commercial uses that were legally established within buildings existing at the date of passing of the by-law may convert to any of the following commercial uses:</p> <p>Artist Studio Catering Service Commercial School Communications Establishment Craftsperson Shop Day Nursery Financial Institution Office Performing Arts Theatre Personal Service Repair Service Restaurant Retail Tradesperson’s Shop</p>	<p>Restriction of Commercial Uses</p> <p>1. Notwithstanding Subsection 11.3.1, commercial uses that were legally established within buildings existing at the date of passing of the by-law may convert to any of the following commercial uses:</p> <p>Artist Studio Catering Service Commercial School Communications Establishment Craftsperson Shop Day Nursery Financial Institution Office Performing Arts Theatre Personal Service Repair Service Restaurant Retail Tradesperson’s Shop</p>	<p>The TOC2 Zone is primarily a residential zone permitting residential uses to support the LRT. However, it is recognized there are existing commercial uses that continue to serve the local community.</p> <p>A new regulation permits commercial uses in the TOC2 Zone but only in restrictive circumstances. Commercial uses are only permitted in buildings that existed on the day of the passage of the By-law (being October 12, 2016) and where commercial uses were legally established.</p> <p>For example, an artist studio legally established can continue to operate, or a new buyer of the property can convert the space to any other commercial uses so long as the use is located in the building that existed at the date of the passing of the By-law (being October 12, 2016).</p>

Appendix “H-3” – Modifications and Updates Summary to Section 11.3: Transit Oriented Corridor Multiple Residential (TOC3) Zone

Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
11.3.2c)	<p>i) 0.0 metres for the portion of the building(s) less than or equal to 11.0 metres in building height.</p> <p>ii) In addition to Subsection i), a minimum 3.0 metres step back for the portion of the building(s) greater than 11.0 metres and less than or equal to 14.0 metres in building height, and an additional 3.0 metres step back for every 6.0 metres in building height thereafter.</p> <p>iii) Notwithstanding Sub-sections i) and ii), a minimum 7.5 metres for lots abutting a Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.</p>	<p>i) 0.0 metres for the portion of the building(s) less than or equal to 11.0 metres in building height.</p> <p>ii) In addition to Subsection i), a minimum 3.0 metres step back for the portion of the building(s) greater than 11.0 metres and less than or equal to 14.0 metres in building height, and an additional 3.0 metres step back for every 6.0 metres in building height thereafter.</p> <p>iii) Notwithstanding Sub-sections i) and ii), a minimum 7.5 metres for lots abutting a Single Detached Dwelling, Semi-Detached Dwelling, and Street Townhouse.</p>	<p>The existing regulation required a minimum 7.5 metres interior side yard setback when abutting any residential or institutional zone regardless of lot size and lot width. This resulted in skinny lots becoming sterilized if this requirement broadly applied.</p> <p>An amendment includes:</p> <ul style="list-style-type: none"> • Specifying when the minimum 7.5 metres interior side yard setback applies to only single-detached, semi-detached, and townhouse dwellings. • A new regulation requiring a minimum 3.0 metres in step back of the building at and beyond 11.0 metres, and an additional 3.0 metres for every 6.0 metres in building height. This requires the building envelope to be pushed back slightly at the side to allow for transition with the properties. Further, this creates some visual and architectural interest. <p>A new regulation where for buildings of up to 11.0 metres and where the interior side yard setback of the adjacent building is less than 0.25 metres, the 7.5 metres setback shall not apply. This applies to commercial streets such as Main Street, where the 7.5 metres interior side yard requirement may render the lot unusable due to the narrow lot widths.</p>

Appendix “H-3” – Modifications and Updates Summary to Section 11.3: Transit Oriented Corridor Multiple Residential (TOC3) Zone

Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
11.3.5	<p>COMMERCIAL USES IN COMMERCIAL BUILDINGS EXISTING AT THE DATE OF PASSING OF THE BY-LAW (February 14, 2018)</p>	<p><i>(Regulation deleted)</i></p>	<p>Remove commercial use restrictions from this subsection and relocate under “Restricted Uses” under Subsection 11.3.1.1. Listing the permitted commercial uses and restrictions in one Subsection provides further clarity in identifying use restrictions.</p>

Appendix "I" – Section 12.1: Agriculture (A1) Zone Section 12.2: Rural (A2) Zone Section 12.6: Existing Rural Commercial (E1) Zone Section 12.7: Existing Rural Industrial (E2) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
12.1.3.1 i) i)	The total maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation, exclusive of a Farm Produce/Product Stand, shall be 200.0 square metres;	The total maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation, exclusive of a Farm Produce/Product Stand, shall be 200.0 square metres;	An amendment to include the word "total" due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.
12.1.3.1 i) iii)	In addition to Section 12.1.3.1 i) i), the total maximum gross floor area of a Farm Produce/Product Stand shall be 18.5 square metres;	In addition to Section 12.1.3.1 i) i), the total maximum gross floor area of a Farm Produce/Product Stand shall be 18.5 square metres;	An amendment to include the word "total" due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.
12.1.3.2d) i)	The total maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment - Secondary shall not exceed 500.0 square metres;	The total maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment - Secondary shall not exceed 500.0 square metres;	An amendment to include the word "total" due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.
12.1.3.2e)	The total maximum gross floor area of all buildings or structures devoted to the Agritourism use shall not exceed 500.0 square metres.	The total maximum gross floor area of all buildings or structures devoted to the Agritourism use shall not exceed 500.0 square metres.	An amendment to include the word "total" due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.
12.1.3.2g)	The total maximum gross floor area for all buildings and structures devoted to a Kennel use shall be 500.0 square metres.	The total maximum gross floor area for all buildings and structures devoted to a Kennel use shall be 500.0 square metres.	An amendment to include the word "total" due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.

Appendix "I" – Section 12.1: Agriculture (A1) Zone Section 12.2: Rural (A2) Zone Section 12.6: Existing Rural Commercial (E1) Zone Section 12.7: Existing Rural Industrial (E2) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
12.1.3. 2h) ii)	The total maximum building area devoted to an Agricultural Brewery/Cidery/ Winery use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.	The total maximum building area devoted to an Agricultural Brewery/Cidery/ Winery use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.	An amendment to include the word "total" due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.
12.1.3. 2 i) iii)	All buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall be set back a minimum of 15.0 metres from any lot line, and the total gross floor area of all buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall not exceed an total maximum gross floor area of 250.0 square metres ;	All buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall be set back a minimum of 15.0 metres from any lot line, and the total gross floor area of all buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall not exceed an total maximum gross floor area of 250.0 square metres;	An amendment to include the word "total" due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.
12.2.3.1 i) i)	The total maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation, exclusive of a Farm Produce/Product Stand, shall be 200.0 square metres;	The total maximum gross floor area of all buildings and structures devoted to retailing of agricultural products grown primarily as part of the farm operation, exclusive of a Farm Produce/Product Stand, shall be 200.0 square metres;	An amendment to include the word "total" due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.
12.2.3.1 i) iii)	In addition to Section 12.2.3.1 i) i), the total maximum gross floor area of a Farm Produce/Product Stand shall be 18.5 square metres;	In addition to Section 12.2.3.1 i) i), the total maximum gross floor area of a Farm Produce/Product Stand shall be 18.5 square metres;	An amendment to include the word "total" due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.
12.2.3.2 d) i)	The total maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment - Secondary shall not exceed 500.0 square metres;	The total maximum gross floor area for all buildings and structures devoted to an Agricultural Processing Establishment - Secondary shall not exceed 500.0 square metres;	An amendment to include the word "total" due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.

Appendix "I" – Section 12.1: Agriculture (A1) Zone Section 12.2: Rural (A2) Zone Section 12.6: Existing Rural Commercial (E1) Zone Section 12.7: Existing Rural Industrial (E2) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added	
12.2.3.2 e)	The total maximum gross floor area of all buildings or structures devoted to the Agritourism use shall not exceed 500.0 square metres.	The total maximum gross floor area of all buildings or structures devoted to the Agritourism use shall not exceed 500.0 square metres.	An amendment to include the word "total" due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.
12.2.3.2 g) ii)	The total maximum building area devoted to an Agricultural Brewery/Cidery/ Winery use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.	The total maximum building area devoted to an Agricultural Brewery/Cidery/ Winery use shall be 500.0 square metres of gross floor area exclusive of the basement or cellar, of which a maximum of 25% of the gross floor area may be used for Retail and/or hospitality/tasting purposes.	An amendment to include the word "total" due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.
12.2.3.2 h) iii)	All buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall be set back a minimum of 15.0 metres from any lot line, and the total gross floor area of all buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall not exceed an total maximum gross floor area of 250.0 square metres;	All buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall be set back a minimum of 15.0 metres from any lot line, and the total gross floor area of all buildings or structures used as part of the Landscape Contracting Establishment – Secondary shall not exceed an total maximum gross floor area of 250.0 square metres;	An amendment to include the word "total" due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.
12.2.3.4c)	Maximum Gross Floor Area An total maximum of 500.0 square metres.	Maximum Gross Floor Area An total maximum of 500.0 square metres.	An amendment to include the word "total" due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.
12.2.3.5 c)	Maximum Gross Floor Area An total maximum of 500.0 square metres.	Maximum Gross Floor Area An total maximum of 500.0 square metres.	An amendment to include the word "total" due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.

Appendix “I” – Section 12.1: Agriculture (A1) Zone Section 12.2: Rural (A2) Zone Section 12.6: Existing Rural Commercial (E1) Zone Section 12.7: Existing Rural Industrial (E2) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<small>Grey highlighted strikethrough text = text to be deleted</small>		<small>bolded text = text to be added</small>	
12.2.3.6c)	Maximum Gross Floor Area An total maximum of 500.0 square metres.	Maximum Gross Floor Area An total maximum of 500.0 square metres.	An amendment to include the word “total” due to an interpretation of the regulation to a combine the total of the gross floor area for all buildings and structures of the entire lot.
12.2.3.6f)	Parking In accordance with the requirements of Section 5 of this By-law.	Parking In accordance with the requirements of Section 5 of this By-law.	An added zone regulation for parking requirements in accordance with Section 5 – Parking of the Zoning By-law.
12.6.3k)	Parking ii) Notwithstanding Section 12.6.3 k) i) above , a Farm Product Supply Dealer shall be subject to the requirements of Section 5.6 c) vi vii).	Parking ii) Notwithstanding Section 12.6.3 k) i), a Farm Product Supply Dealer shall be subject to the requirements of Section 5.6 c) vii).	A revision to the regulation as a result of a typo in the reference to Subsections.
12.6.4g)	Parking In accordance with the requirements of Section 5.6 c) vi vii) of this By-law.	Parking In accordance with the requirements of Section 5.6 c) vii) of this By-law.	A revision to the regulation as a result of a typo in the reference to Subsections.
12.7.3l)	Parking i) Notwithstanding Section 12.7.3 l) i) above, a Farm Product Supply Dealer shall be subject to the requirements of Section 5.6 c) vi vii)	Parking i) Notwithstanding Section 12.7.3 l) i) above, a Farm Product Supply Dealer shall be subject to the requirements of Section 5.6 c) vii)	A revision to the regulation as a result of a typo in the reference to Subsections.

Appendix “J” – Modifications and Updates Summary to Section 13.3: Parking (U3) Zone			
Section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>			
13.3.2a)ii)	<p>Maximum 3.0 metres for the first storey, but except where a visibility triangle is required for a driveway setback;</p>	<p>Maximum 3.0 metres for the first storey, except where a visibility triangle is required for a driveway setback;</p>	<p>And amendment to add a maximum requirement where the previous regulation was too restrictive that a 3.0 metre setback must be met.</p>
13.3.2i)	<p>A visual barrier shall be required along any side or rear lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone, Downtown (D6) Zone, or Residential Character Commercial (C1) Zone property line in accordance with the requirements of Section 4.19 of this By-law.</p>	<p>A visual barrier shall be required along any side or rear lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Residential Character Commercial (C1) Zone in accordance with the requirements of Section 4.19 of this By-law.</p>	<p>An amendment to the regulation to delete reference to Downtown (D6) Zone. Recent amendments to the Downtown Secondary Plan and implementing Downtown Zones in Hamilton Zoning By-law No. 05-200 resulted in the deletion of the zone.</p> <p>In addition, removed the words “line” to have consistent wording with other zones.</p>

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
SE 70	n/a	In addition to Section 12.3.1, on those lands zoned Settlement Residential (S1) Zone, identified on Maps 49, 61 and 62 of Schedule “A” – Zoning Maps and described as part of 715 Centre Road, Agriculture a cemetery shall also be permitted.	In addition to Section 12.3.1, on those lands zoned Settlement Residential (S1) Zone, identified on Maps 49, 61 and 62 of Schedule “A” – Zoning Maps and described as part of 715 Centre Road, a cemetery shall also be permitted.	Remove “Agricultural” as a permitted use, as the parent zone already permits this use. This is a typographical correction and does not changes the intent of the Special Exception.
SE 83	n/a	Notwithstanding Sections 4.5 and in addition to 12.2.1, on those lands zoned Rural (A2) Zone, identified on Maps 35, 36, 46 and 47 of Schedule “A” – Zoning Maps, and described as part of 771 Safari Road, a maximum of 5 single detached dwellings shall be permitted on one lot.	Notwithstanding Sections 4.5 and in addition to 12.2.1, on those lands zoned Rural (A2) Zone, identified on Maps 35, 36, 46 and 47 of Schedule “A” – Zoning Maps, and described as part of 771 Safari Road, a maximum of 5 single detached dwellings shall be permitted on one lot.	Add the word “in addition to” to provide clarity that Section 12.2.1 also applies. This is a typographical correction and does not change the intent of the Special Exception.
SE 84	n/a	Notwithstanding Sections 4.5 and in addition to 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Maps 179 and 192 of Schedule “A” – Zoning Maps, and described as part of 1511 Nebo Road, a maximum of 2 single detached dwellings shall be permitted on one lot.	Notwithstanding Sections 4.5 and in addition to 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Maps 179 and 192 of Schedule “A” – Zoning Maps, and described as part of 1511 Nebo Road, a maximum of 2 single detached dwellings shall be permitted on one lot.	Add the word “in addition to” to provide clarity that Section 12.1.1 also applies. This is a typographical correction and does not change the intent of the Special Exception.

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
SE 85	n/a	Notwithstanding Sections 4.5, and in addition to 12.2.1, 7.7.1 and 7.8.1, on those lands zoned Rural (A2) Zone, Conservation/Hazard Land – Rural (P7) Zone and Conservation/Hazard Land – Rural (P8) Zone, identified on Maps 46 and 47 of Schedule “A” – Zoning Maps, and described as part of 784 Safari Road, a maximum of 4 single detached dwellings shall be permitted on one lot.	Notwithstanding Sections 4.5, and in addition to 12.2.1, 7.7.1 and 7.8.1, on those lands zoned Rural (A2) Zone, Conservation/Hazard Land – Rural (P7) Zone and Conservation/Hazard Land – Rural (P8) Zone, identified on Maps 46 and 47 of Schedule “A” – Zoning Maps, and described as part of 784 Safari Road, a maximum of 4 single detached dwellings shall be permitted on one lot.	Add the word “in addition to” to provide clarity that Sections 12.2.1, 7.7.1, and 7.8.1 also applies. This is a typographical correction and does not change the intent of the Special Exception.
SE 86	n/a	Notwithstanding Sections 4.5 and in addition to 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Maps 122 and 131 of Schedule “A” – Zoning Maps, and described as part of 1341, 1375 and 1399 Powerline Road West, a maximum of 3 single detached dwellings shall be permitted on one lot.	Notwithstanding Sections 4.5 and in addition to 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Maps 122 and 131 of Schedule “A” – Zoning Maps, and described as part of 1341, 1375 and 1399 Powerline Road West, a maximum of 3 single detached dwellings shall be permitted on one lot.	Add the word “in addition to” to provide clarity that Section 12.1.1 also applies. This is a typographical correction and does not change the intent of the Special Exception.
SE 93	n/a	In addition to Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 166 of Schedule “A” – Zoning Maps and described as 54 and 62 Upper Centennial Parkway, a Salvage Yard shall also be permitted and in accordance with the provisions of Section 12.7.3.	In addition to Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 166 of Schedule “A” – Zoning Maps and described as 54 and 62 Upper Centennial Parkway, a Salvage Yard shall also be permitted and in accordance with the provisions of Section 12.7.3.	Previous Special Exception was silent on the requirement to meet zone provisions such as setbacks. This amendment provides further clarity on what regulations to apply.

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
SE 98	b)	The use identified in a) above shall be subject to the regulations contained within Section 12.2.3.6 b) through f) e).	The use identified in a) above shall be subject to the regulations contained within Section 12.2.3.6 b) through f).	Clarification due to incorrect reference of Subsection. This is a typographical correction and does not change the intent of the Special Exception.
SE 99	Pre- amble	In addition to Sections 12.1.1 and 12.2.1, on those lands zoned Agriculture (A1) Zone and Rural (A2) Zone, identified on Maps 9, 32, 36, 38, 49, 57, 61, 84, 105, 138, 139, 141, 145, 152, 162, 166, 167, 168 and 177 of Schedule “A” – Zoning Maps, described as addresses: 583 Tapleystown Map 152 Road	In addition to Sections 12.1.1 and 12.2.1, on those lands zoned Agriculture (A1) Zone and Rural (A2) Zone, identified on Maps 9, 32, 36, 38, 49, 57, 61, 84, 105, 138, 139, 141, 145, 152, 162, 166, 167, 168 and 177 of Schedule “A” – Zoning Maps, described as addresses: 583 Tapleystown Map 152 Road	Added the subject lands located at 583 Tapleystown Road in Stoney Creek to the list of municipal addresses. This amendment is due to an omission of the subject property from the preamble of the Special Exception.
	b)	Notwithstanding a) above Section 12.1.3.1b) for the Place of Worship located at 2149 Upper James Street, a minimum northerly side yard of 2.0 m shall be provided.	Notwithstanding Section 12.1.3.1b) for the Place of Worship located at 2149 Upper James Street, a minimum northerly side yard of 2.0 m shall be provided.	Clarification on the cross-referencing of Section 12.1.3.1b). This amendment is a typographical correction.

Appendix "K" – Modifications and Updates Summary to Schedule "C" – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
	c)	Parking shall be provided in accordance with Section 5.6c)ii.	Parking shall be provided in accordance with Section 5.6c)ii.	Existing Special Exception did not reference parking requirements. The amendment includes a cross reference to Section 5: Parking. This regulation is needed to ensure parking is required for the use.
SE 100	a)	An Educational Establishment shall also be permitted and shall be in accordance with Section 12.1.3.1 b) through g).	An Educational Establishment shall also be permitted and shall be in accordance with Section 12.1.3.1 b) through g).	Renumbering of existing regulations. This amendment does not change the intent of the Special Exception.
	b)	Parking shall be provided in accordance with Section 5.6c)ii)	Parking shall be provided in accordance with Section 5.6c)ii)	Existing Special Exception did not reference parking requirements. The amendment includes a cross reference to Section 5: Parking. This regulation is needed to ensure parking is required for the use.

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
SE 104	Pre- amble	In addition to Sections 12.1.1, 12.2.1 and 12.6.1, on those lands zoned Agriculture (A1) Zone, Rural (A2) Zone and Existing Rural Commercial (E1) Zone , identified on Maps 49, 61, 73, 84, 85, 166, 182 and 190 of Schedule “A” – Zoning Maps, described as addresses: 8 and 20 5 th Maps 61 and Concession Road 73 East	In addition to Sections 12.1.1, 12.2.1 and 12.6.1, on those lands zoned Agriculture (A1) Zone, Rural (A2) Zone and Existing Rural Commercial (E1) Zone , identified on Maps 49, 61, 73, 84, 85, 166, 182 and 190 of Schedule “A” – Zoning Maps, described as addresses: 8 5 th Concession Maps 61 and Road East 73	Removed 20 5 th Concession Road East from the list of municipal addresses. Also added the word “Zone” for consistent zone naming convention. These two amendments are typographical changes.
SE 117	b)	The following regulations shall also apply to the use identified in a) above: iii) Parking In accordance with Section 5.6 c) iii).	The following regulations shall also apply to the use identified in a) above: iii) Parking In accordance with Section 5.6 c) iii).	Existing Special Exception did not reference parking requirements. The amendment includes a cross reference to Section 5: Parking. This regulation is needed to ensure parking is required for the use.
SE 150	b)	The permitted uses identified in a) above shall be in accordance with the provisions of Section 12.7.3.	The permitted uses identified in a) above shall be in accordance with the provisions of Section 12.7.3.	Amendment includes adding a cross-referencing zone regulation to Section 12.7.3. This amendment does not change the intent of the Special Exception.

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
SE 168	n/a	In addition to Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 138 of Schedule “A” – Zoning Maps and described as 934 and 936 Highway 8 and 190 Glover Road, a Place of Worship, Day Nursery and Educational Establishment shall also be permitted and shall be in accordance with Section 12.1.3.1 b) through h).	In addition to Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 138 of Schedule “A” – Zoning Maps and described as 934 and 936 Highway 8 and 190 Glover Road,	The amendments are to remove the words “a Place of Worship, Day Nursery and Educational Establishment shall also be permitted and shall be in accordance with Section 12.1.3.1 b) through h)” from the preamble and relocated the special permissions to Subsection a) of the Special Exception. This is a structural change to the Special Exception and does not change the intent of the Special Exception.
	a)	The following uses shall also be permitted: i) Place of Worship; ii) Day Nursery; and, iii) Educational Establishment.	The following uses shall also be permitted: i) Place of Worship; ii) Day Nursery; and, iii) Educational Establishment.	
	b)	The following regulations shall apply to the uses identified in a) above: i) In accordance with Section 12.1.3.1 b) through g); and, ii) Parking shall be provided in accordance with Section 5.6 c) ii)	The following regulations shall apply to the uses identified in a) above: i) In accordance with Section 12.1.3.1 b) through g); and, ii) Parking shall be provided in accordance with Section 5.6 c) ii)	

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
SE 179	d)	Parking shall be provided in accordance with Section 5.6 c) i) and ii).	Parking shall be provided in accordance with Section 5.6 c) i) and ii).	The existing Special Exception did not reference parking requirements. g. The amendment includes a cross reference to Section 5: Parking. This regulation is needed to ensure parking is required for the use.
SE 227	b)	The following regulations shall apply to the use identified in a) above: i) The minimum setback for any buildings or structures shall be 16.0 metres from the barn on the abutting property to the north. ii) Maximum 1,340 square Gross Floor metres Area iii) Minimum 10 percent Landscaped Open Space iv) Minimum 3.0 metre width across all lot lines adjacent to a street except for point of	The following regulations shall apply to the use identified in a) above: i) The minimum setback for any buildings or structures shall be 16.0 metres from the barn on the abutting property to the north. ii) Maximum 1,340 square Gross Floor metres Area iii) Minimum 10 percent Landscaped Open Space iv) Minimum 3.0 metre width across all lot lines adjacent to a street except for point of ingress	Existing Special Exception permitted additional uses but did not include certain zone regulations pertaining to these additional uses. The amendment to the Special Exception includes additional zone regulations such as Maximum Gross Floor Area, Minimum Landscape Open Space, and Minimum Planting Strip. The Amendment also includes parking regulations under Section 5.6 c) ii). This amendment provides further clarity to ensure

Appendix "K" – Modifications and Updates Summary to Schedule "C" – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
		ingress and egress. v) Parking shall be provided in accordance with Section 5.6 c) ii)	and egress. v) Parking shall be provided in accordance with Section 5.6 c) ii)	there are appropriate open space, planting strips, and parking.
SE 249	d)	The following regulations shall apply to the uses identified in a) above: i) In accordance with Section 12.7.3	The following regulations shall apply to the uses identified in a) above: i) In accordance with Section 12.7.3	Amendment includes adding a cross-referencing zone regulation to Section 12.7.3 The existing Special Exception does not include regulations with respect to maximum lot coverage, setback requirements, maximum building height, planting strip requirements, and minimum landscaped open space. This amendment ensures these regulations are now a requirement for uses identified in Subsection a).

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
SE 250	Pre- amble	In addition to Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 120 of Schedule “A” – Zoning Maps and described as part of 1974 Concession 2 West, the following provisions shall apply: a private school shall also be permitted and shall be subject to Section 12.1.3.1 b) through g). <ul style="list-style-type: none"> a) The following uses shall also be permitted: <ul style="list-style-type: none"> i) Private School. b) Sections 12.1.3.1b) through g) shall apply for a Private School; and, c) Parking shall be provided in accordance with Section 5.6 c) iii. 	In addition to Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 120 of Schedule “A” – Zoning Maps and described as part of 1974 Concession 2 West, the following provisions shall apply: <ul style="list-style-type: none"> a) The following uses shall also be permitted: <ul style="list-style-type: none"> i) Private School. b) Sections 12.1.3.1b) through g) shall apply for a Private School; and, c) Parking shall be provided in accordance with Section 5.6 c) iii. 	The amendment includes a formatting change to the Special Exception but does not change the intent of the zone provisions. Further, the existing Special Exception did not reference parking requirements. The amendment includes a cross reference to Section 5: Parking.
SE 254	n/a	In addition to Section 12.6.1 12.1.1 and Section 12.1.1 12.6.1 and notwithstanding Section 12.6.3f) , on those lands zoned Existing Rural Commercial (E1) Zone and Agriculture (A1) Zone, identified on Map 168 on Schedule “A” – Zoning Maps and described as 735 Mud Street East, a salvage yard shall also be permitted with an aggregate maximum gross floor area of 5,349 square metres in three buildings, and a maximum height of 7.3 m.	In addition to Section 12.1.1 and Section 12.6.1 and notwithstanding Section 12.6.3f), on those lands zoned Existing Rural Commercial (E1) Zone and Agriculture (A1) Zone, identified on Map 168 on Schedule “A” – Zoning Maps and described as 735 Mud Street East, a salvage yard shall also be permitted with an aggregate maximum gross floor area of 5,349 square metres in three buildings, and a maximum height of 7.3 m.	Amend the Special Exception to reference the correct Subsections. The amendment also includes adding the word “notwithstanding” so certain zone regulations do not apply.

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions

Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
SE 256	n/a	In addition to Section 12.2.1 12.6.1 and Section 12.2.1 12.6.1 , on those lands zoned Existing Rural Commercial (E1) Zone and Rural (A2) Zone, identified on Maps 48 and 60 of Schedule “A” – Zoning Maps and described as 992 Highway 6, an Agricultural Processing Establishment for the packaging, treating and storing of produce grown on or off the premises shall be permitted and in accordance with the provisions of Section 12.6.3.	In addition to Section 12.2.1 and Section 12.6.1, on those lands zoned Existing Rural Commercial (E1) Zone and Rural (A2) Zone, identified on Maps 48 and 60 of Schedule “A” – Zoning Maps and described as 992 Highway 6, an Agricultural Processing Establishment for the packaging, treating and storing of produce grown on or off the premises shall be permitted and in accordance with the provisions of Section 12.6.3.	<p>The existing Special Exception did not reference Section 12.6.3, which in effect the zone regulations in that subsection did not apply. This was an omission when the Special Exception was created.</p> <p>The amendment to the Special Exception includes an added cross-referencing to Section 12.6.3 where previously, performance standards such as lot coverage, setback, building height, and storage requirements were not applied to this property.</p>
SE 263	n/a	Notwithstanding Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Map 60 of Schedule “A” – Zoning Maps and described as part of 524 Concession 6 Road West, Manufacturing shall also be permitted and in accordance with the provisions of Section 12.7.3.	Notwithstanding Section 12.2.1, on those lands zoned Rural (A2) Zone, identified on Map 60 of Schedule “A” – Zoning Maps and described as part of 524 Concession 6 Road West, Manufacturing shall also be permitted and in accordance with the provisions of Section 12.7.3.	<p>The existing Special Exception did not reference Section 12.7.3, which in effect the zone regulations in that subsection did not apply. This was an omission when the Special Exception was created.</p>

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added	
				Performance standards such as lot coverage, setback, building height, landscaping, and storage regulations now apply.
SE 268	n/a	Notwithstanding Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 169 of Schedule “A” – Zoning Maps and described as part of 913 Mud Street, a contractor’s establishment shall also be permitted and in accordance with the provisions of Section 12.7.3.	Notwithstanding Section 12.1.1, on those lands zoned Agriculture (A1) Zone, identified on Map 169 of Schedule “A” – Zoning Maps and described as part of 913 Mud Street, a contractor’s establishment shall also be permitted and in accordance with the provisions of Section 12.7.3.	The existing Special Exception did not reference Section 12.7.3, which in effect the zone regulations in that subsection did not apply. This was an omission when the Special Exception was created. Performance standards such as lot coverage, setback, building height, landscaping, and storage regulations now apply.
SE 269	b)	ii) The uses identified in a) above shall be in accordance with the provisions of Section 12.7.3.	ii) The uses identified in a) above shall be in accordance with the provisions of Section 12.7.3.	The amendment to the Special Exception includes an added cross-referencing to Section 12.7.3. Performance standards such as lot coverage, setback, building height, landscaping, and storage regulations now apply.
SE 279	b)	The uses identified in a) above shall be in	The uses identified in a) above shall be in	The existing Special

Appendix "K" – Modifications and Updates Summary to Schedule "C" – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
		accordance with the provisions of Section 12.2.3.1.	accordance with the provisions of Section 12.2.3.1.	Exception did not reference Section 12.2.3.1, which in effect the zone regulations in that subsection did not apply. This was an omission when the Special Exception was created. The amendment to the Special Exception includes an added cross-referencing to Section 12.2.3.1.
SE 284	b)	The following regulations shall apply to the uses identified in a) above: iv) Parking shall be provided in accordance with Section 5.6 c) ii)	The following regulations shall apply to the uses identified in a) above: iv) Parking shall be provided in accordance with Section 5.6 c) ii)	Existing Special Exception did not reference parking requirements. The amendment includes a cross reference to Section 5: Parking. This was an omission when the Special Exception was created.

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
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SE 297	c)	d) e) In addition to Subsection 5.1 a) v), the boundary of the parking area shall not be less than 1.0 metre from a Residential Zone.	d) In addition to Subsection 5.1 a) v), the boundary of the parking area shall not be less than 1.0 metre from a Residential Zone.	A revision due to typo in the reference to Subsection. This does not change the intent of the regulation.
SE 303	c)	Place of Worship - A building used by any religious organization for public worship or other ecclesiastical functions and may include accessory or ancillary uses which shall include accessory or ancillary uses which shall include including but not be limited to an assembly hall, auditorium, convent, monastery, rectory, cemetery, day nursery and educational or recreational uses.	Place of Worship - A building used by any religious organization for public worship or other ecclesiastical functions and may include accessory or ancillary uses including but not be limited to an assembly hall, auditorium, convent, monastery, rectory, cemetery, day nursery and educational or recreational uses.	Removal of redundant wording in the definition of Place of Worship. This was a typographical correction and does not change the intent of the Special Exception.
SE 319	b)C) vii) B.	No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 6.0 metres from the east and south lot lines or closer than 7.5 metres from the north and not than west lot lines.	No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 6.0 metres from the east and south lot lines or closer than 7.5 metres from the north and west lot lines.	A revision due to typo in the reference to Subsection. This does not change the intent of the Special Exception.
	e) 4.	Notwithstanding Subsections 4.6d), 10.5.3a), b), c), d), g) ii) and iii), and h), the following regulations shall apply	Notwithstanding Subsections 4.6d), 10.5.3a), b), c), d), g) ii) and iii), and h), the following regulations shall apply	A revision due to an omission of a parenthesis in the Subsection. This does not change the intent of the regulation.

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
	e) 4. ii)	Yard Projection of a Porch Balcony may project a maximum of 4.5 1.6 metres into any required rear yard and 1.6 metres into any required side yard.	Yard Projection of a Balcony A balcony may project a maximum of 1.6 metres into any required rear yard and 1.6 metres into any required side yard.	The word “Porch” has been replaced by “Balcony”. As part of the original Zoning By-law Amendment application that was approved in 2015, it was intended to read “Balcony”. This correction is based on consultations with the original applicant of Zoning By-law Amendment application and reviewing the Site Plan application which is currently being processed.
SE 323	b)	i) vii) Existing Heritage Building ii) viii) Landscape Strip	i) Existing Heritage Building ii) Landscape Strip	A revision due to typo in the reference to Subsection and changes the numbering of the regulations. This does not change the intent of the regulation or Special Exception.
SE 326	b) viii)	Minimum Rear Yard but not abutting a streetline or Provincial Highway.	Minimum Rear Yard not abutting a streetline or Provincial Highway.	A deletion of a redundant word. Does not change the intent of the regulation.

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions						
Special Exception	Sub-section	Proposed Change		Proposed Revised Zone Regulation	Rationale	
		Grey highlighted strikethrough text = text to be deleted		bolded text = text to be added		
SE 375	Pre- amble	Property Address 3, 16, 18, 20, 22, 24, 32, 36 Clark Avenue	Map Number 870, 912	Property Address 3, 16, 18, 20, 22, 24, 32, 36 Clark Avenue	Map Number 870, 912	A revision due to the omission of the street name. This amendment does not change intent of the Special Exception.
SE 461	b)	Notwithstanding Section 11.1 6.3 of this By-law, the following special regulations shall apply: No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Transit Oriented Corridor Mixed Use Medium Density (TOC1) Downtown D3 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations.		Notwithstanding Section 11.1 of this By-law, the following special regulations shall apply: No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Transit Oriented Corridor Mixed Use Medium Density (TOC1) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations.		A revision as the property is subject to the TOC1 Zone. The reference to the Downtown (D3) Zone has been corrected. The amendment provides clarity and is a typographical correction.
SE 555	b) ii)	No parking space or part thereof shall be located, and no land shall be used for the temporary parking or storage of any vehicle at a distance of not less than:		No parking space or part thereof shall be located, and no land shall be used for the temporary parking or storage of any vehicle at a distance of less than:		The removal of the word “not”. There was a double-negative. The amendment provides clarity and is a typographical correction.
SE 579	Pre- amble	Within the lands zoned Neighbourhood Commercial (C2) Zone and Community Commercial (C3) Zone, identified on Maps 1100, 1145, 1146, 1150, 1185, 1194, 1196, 1198, 1199, 1205, 1247, 1248, 1249, 1251, 1252, 1259, 1260, 1305, 1306, 1403, 1405, 1454, 1502 1503 and 1640 of Schedule “A” – Zoning Maps and described as:		Within the lands zoned Neighbourhood Commercial (C2) Zone and Community Commercial (C3) Zone, identified on Maps 1100, 1145, 1146, 1150, 1185, 1194, 1196, 1198, 1199, 1205, 1247, 1248, 1249, 1251, 1252, 1259, 1260, 1305, 1306, 1403, 1405, 1454, 1502 1503 and 1640 of Schedule “A” – Zoning Maps and described as:		The addition of an address as this property was originally omitted in the text of the Zoning By-law. This was correctly identified in the map but was the address was not identified in the Special Exception.

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions												
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale								
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added												
		<table border="1"> <thead> <tr> <th>Property Address</th> <th>Map Number</th> </tr> </thead> <tbody> <tr> <td>136 - 146 Upper Mount Albion Road</td> <td>1502</td> </tr> </tbody> </table>	Property Address	Map Number	136 - 146 Upper Mount Albion Road	1502	<table border="1"> <thead> <tr> <th>Property Address</th> <th>Map Number</th> </tr> </thead> <tbody> <tr> <td>136 - 146 Upper Mount Albion Road</td> <td>1502</td> </tr> </tbody> </table>	Property Address	Map Number	136 - 146 Upper Mount Albion Road	1502	
Property Address	Map Number											
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136 - 146 Upper Mount Albion Road	1502											
SE 598	b)	iv) iii) Drive-Through Restaurant accessory to a Motor Vehicle Gas Bar	i) Drive – Through Restaurant accessory to a Motor Vehicle Gas Bar	A revision due to typo in the reference to Subsection. This does not change the intent of the Special Exception.								
SE 600	b)	i) viii) Combined Maximum Gross Floor Area for Office ii) ix) Combined Maximum Gross Floor Area for Retail	i) Combined Maximum Gross Floor Area for Office ii) Combined Maximum Gross Floor Area for Retail	A revision due to typo in the reference to Subsection. This does not change the intent of the Special Exception.								
SE 655	a)	Notwithstanding Subsection 5.2 b) i), the minimum parking space size dimension of 2.6 metres by 5.5 metres shall be provided and maintained. ii) iii) Section 5.2.1 a) shall not apply. iii) iv) Notwithstanding Section 10.5.3 a) ii), the maximum setback from the street line shall be 5.0 metres from Wilson Street West.	Notwithstanding Subsection 5.2 b) i), the minimum parking space size dimension of 2.6 metres by 5.5 metres shall be provided and maintained. ii) Section 5.2.1 a) shall not apply. iii) Notwithstanding Section 10.5.3 a) ii), the maximum setback from the street line shall be 5.0 metres from Wilson Street West.	A revision due to typo in the reference to Subsection. This does not change the intent of the regulation.								
SE 652	a)	In addition to Subsection 10.5a.1, the following additional uses shall be permitted:	In addition to Subsection 10.5.1, the following additional uses shall be permitted:	A revision due to an incorrect reference of the C5a Zone in the Subsection. This does not change the intent of the regulation.								

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>				
	b)	Notwithstanding Subsection 10.5a.3 a), 10.5a.3 b), 10.5a.3 d), and in addition to Subsection 10.5a.3, the following special regulations shall apply:	Notwithstanding Subsection 10.5.3 a), 10.5.3 b), 10.5.3 d), and in addition to Subsection 10.5.3, the following special regulations shall apply:	A revision due to an incorrect reference of the C5a Zone in the Subsection. This does not change the intent of the regulation.
SE706	New SE	<p>Within the lands zoned District Commercial (C6) Zone, identified on Map 1450 of Schedule “A” – Zoning Maps and described as 1405 Upper Ottawa Street, the following special provisions shall apply:</p> <p>a) In addition to Subsection 10.6.2, the following uses shall also be permitted only as an accessory use to a pet store or veterinary clinic:</p> <p>i) Animal Shelter ii) Indoor Kennel</p> <p>b) Notwithstanding Subsection 10.6.1 and in addition to Subsection 10.6.1.1, Medical Clinic and Office shall only be permitted above the ground floor.</p>	<p>Within the lands zoned District Commercial (C6) Zone, identified on Map 1450 of Schedule “A” – Zoning Maps and described as 1405, 1439, 1447 Upper Ottawa Street, the following special provisions shall apply:</p> <p>a) In addition to Subsection 10.6.2, the following uses shall also be permitted only as an accessory use to a pet store or veterinary clinic: i) Animal Shelter ii) Indoor Kennel</p> <p>b) Notwithstanding Subsection 10.6.1 and in addition to Subsection 10.6.1.1, Medical Clinic and Office shall only be permitted above the ground floor.</p>	<p>Zoning By-law Amendment application was approved by Council on June 14, 2017. Subject lands added to the CMU Zone with a Special Exception to recognize Council adopted modifications.</p>

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>				
SE 707	New SE	<p>Within the lands zoned District Commercial (C6) Zone, identified on Maps 1747, 1748 of Schedule “A” – Zoning Maps and described as 9255 Airport Road West, the following special provisions shall apply:</p> <p>a) Notwithstanding Subsection 10.6.3a) i) and ii), b), and c) the following regulations shall apply:</p> <p>i) Minimum Front Yard Setback 6.0 metres</p> <p>ii) Minimum Rear Yard Setback 5.0 metres</p> <p>iii) Minimum Interior Side Yard Setback 5.0 metres</p>	<p>Within the lands zoned District Commercial (C6) Zone, identified on Maps 1747, 1748 of Schedule “A” – Zoning Maps and described as 9255 Airport Road West, the following special provisions shall apply:</p> <p>a) Notwithstanding Subsection 10.6.3a) i) and ii), b), and c) the following regulations shall apply:</p> <p>i) Minimum Front Yard Setback 6.0 metres</p> <p>ii) Minimum Rear Yard Setback 5.0 metres</p> <p>iii) Minimum Interior Side Yard Setback 5.0 metres</p>	<p>Zoning By-law Amendment application was approved by Council in January 2018. Subject lands added to the CMU Zone with a Special Exception to recognize Council adopted modifications.</p>
SE 708	New SE	<p>Within the lands zoned District Commercial (C6) Zone, identified on Maps 1748 and 1749 of Schedule “A” – Zoning Maps and described as 3079 Homestead Drive, the following special provisions shall apply:</p> <p>a) Notwithstanding Subsection 10.6.1, the following uses shall be prohibited:</p>	<p>Within the lands zoned District Commercial (C6) Zone, identified on Maps 1748 and 1749 of Schedule “A” – Zoning Maps and described as 3079 Homestead Drive, the following special provisions shall apply:</p> <p>a) Notwithstanding Subsection 10.6.1, the following uses shall be prohibited:</p> <p>i) Boat and/or motorized</p>	<p>Zoning By-law Amendment application was approved by Council on April 12, 2017. Subject lands added to the CMU Zone with a Special Exception to recognize Council adopted modifications.</p>

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
		i) Boat and/or motorized snow vehicle sales establishment; ii) Cold storage locker establishment; iii) Dairies; iv) Farm equipment sales establishment; v) Garden Centre; vi) Motor vehicle rental establishment; vii) New and used motor vehicle dealership; viii) Public and private parking lots and structures; ix) Transportation depot; x) Major recreational equipment sales, rental, and service establishment; xi) Taxi establishment b) Notwithstanding Subsection 10.6.1 and in addition to Subsection 10.6.1.1 i) 2., a Medical Clinic shall only be permitted above the ground floor.	snow vehicle sales establishment; ii) Cold storage locker establishment; iii) Dairies; iv) Farm equipment sales establishment; v) Garden Centre; vi) Motor vehicle rental establishment; vii) New and used motor vehicle dealership; viii) Public and private parking lots and structures; ix) Transportation depot; x) Major recreational equipment sales, rental, and service establishment; xi) Taxi establishment b) Notwithstanding Subsection 10.6.1 and in addition to Subsection 10.6.1.1 i) 2., a Medical Clinic shall only be permitted above the ground floor.	
SE 709	New SE	Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 860 and	Within the lands zoned Mixed Use Medium Density (C5) Zone, identified on Maps 860 and	Zoning By-law Amendment application

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
<p>Grey highlighted strikethrough text = text to be deleted bolded text = text to be added</p>				
		<p>902 of Schedule “A” – Zoning Maps and described as 118 Hatt Street, the following special provisions shall apply:</p> <p>a) Notwithstanding Subsection 5.1a)v)b), the following regulations shall apply:</p> <p>i) Minimum 3.0 metres, except where the lot is used for a non-residential use, a 0.0 metre wide planting strip shall be provided and maintained between the street line and the said parking spaces or aisle.</p> <p>b) Notwithstanding Subsection 10.5.3a), c), and i), the following regulations shall apply:</p> <p>i) Minimum Front Yard Setback 0.0 metres along McMurray Street and the hypotenuse of the daylight triangle</p>	<p>902 of Schedule “A” – Zoning Maps and described as 118 Hatt Street, the following special provisions shall apply:</p> <p>a) Notwithstanding Subsection 5.1a)v)b), the following regulations shall apply:</p> <p>i) Minimum 3.0 metres, except where the lot is used for a non-residential use, a 0.0 metre wide planting strip shall be provided and maintained between the street line and the said parking spaces or aisle.</p> <p>b) Notwithstanding Subsection 10.5.3a), c), and i), the following regulations shall apply:</p> <p>i) Minimum 0.0 metres Front Yard Setback along McMurray Street and the hypotenuse of the daylight triangle</p> <p>ii) Minimum 0.0 metres Flankage (east) Yard Setback to the hypotenuse of the</p>	<p>was approved by Council on August 18, 2017. Subject lands added to the CMU Zone with a Special Exception to recognize Council adopted modifications.</p>

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added	
		ii) Minimum Flankage (east) Yard Setback 0.0 metres to the hypotenuse of the daylight triangle at the corner of Hatt Street and McMurray Street	daylight triangle at the corner of Hatt Street and McMurray Street iii) Minimum Interior Side Yard Setback 4.5 metres	
		iii) Minimum Interior Side Yard Setback 4.5 metres	iv) Planting Strip Requirement A minimum 0.9 metre wide Planting Strip along the westerly lot line shall be provided and maintained.	
		iv) Planting Strip Requirement A minimum 0.9 metre wide Planting Strip along the westerly lot line shall be provided and maintained.		

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
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SE 710	New SE	<p>Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 1043 of Schedule “A” – Zoning Maps and identified as 52 Ottawa Street North, the following special provisions shall apply:</p> <p>a) Notwithstanding Subsections 5.2b), 5.2f), 5.2i), and 5.6c), the following regulations shall also apply:</p> <p>i) Parking Space Size Dimension A minimum parking space size of 2.7 metres by 5.7 metres shall be provided.</p> <p>ii) Barrier-Free Parking Space Size Dimension A minimum barrier-free parking space size of 4.4 metres by 5.7 metres shall be provided.</p> <p>iii) Parking Space Requirement for Multiple Dwelling and Community 0 parking spaces.</p>	<p>Within the lands zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 1043 of Schedule “A” – Zoning Maps and identified as 52 Ottawa Street North, the following special provisions shall apply:</p> <p>a) Notwithstanding Subsections 5.2b), 5.2f), 5.2i), and 5.6c), the following regulations shall also apply:</p> <p>i) Parking Space Size Dimension A minimum parking space size of 2.7 metres by 5.7 metres shall be provided.</p> <p>ii) Barrier-Free Parking Space Size Dimension A minimum barrier-free parking space size of 4.4 metres by 5.7 metres shall be provided.</p> <p>iii) Parking Space Requirement for Multiple Dwelling and Community 0 parking spaces.</p> <p>iv) Parking Space 2 parking</p>	<p>Zoning By-law Amendment application was approved by Council on July 14, 2017. Subject lands added to the CMU Zone with a Special Exception to recognize Council adopted modifications.</p>

Appendix "K" – Modifications and Updates Summary to Schedule "C" – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
		Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
		<p style="text-align: center;">Centre</p> <p>iv) Parking Space Requirement for a Day Nursery 2 parking spaces.</p> <p>v) Visitor Parking Space Additional 0.16 parking spaces per dwelling unit.</p> <p>vi) Minimum Aisle Width 3.0 metres</p> <p>b) In addition to Subsection 10.5a.1.1 and notwithstanding 10.5a.3c) and d) ii), the following regulations shall apply:</p> <p>i) Restriction of Uses within a Building 1. A Multiple Dwelling with a maximum of 50 dwelling units.</p> <p style="padding-left: 150px;">2. A Day Nursery with a maximum of 31</p>	<p>Requirement spaces. for a Day Nursery</p> <p>v) Visitor Parking Space Additional 0.16 parking spaces per dwelling unit.</p> <p>vi) Minimum Aisle Width 3.0 metres</p> <p>b) In addition to Subsection 10.5a.1 and notwithstanding 10.5a.3c) and d) ii), the following regulations shall apply:</p> <p>i) Restriction of Uses within a Building 1. A Multiple Dwelling with a maximum of 50 dwelling units.</p> <p style="padding-left: 150px;">2. A Day Nursery with a maximum of 31 children</p> <p>ii) Minimum Side Yard (northerly) 1.4 metres</p>	

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Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added	
		<p style="text-align: center;">children</p> <p>ii) Minimum Side Yard (northerly) 1.4 metres</p> <p>iii) Building Height Maximum 20.0 metres.</p>	<p>iii) Building Height Maximum 20.0 metres.</p>	
SE 711	New SE	<p>Within the lands zone Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 1934 of Schedule “A” – Zoning Maps and identified as 3079 Binbrook Road, the following special provisions shall apply:</p> <p>a) In addition to Subsection 10.5a.1, the following use shall also be permitted:</p> <p>i) Funeral Home</p> <p>b) Notwithstanding Subsection 4.6a), the following regulation shall also apply</p> <p>i) Sills, belt cornices, eaves or gutters, chimneys, bay windows, or pilasters may project into any required yard a distance of not more than 0.7 metres</p>	<p>Within the lands zone Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, identified on Map 1934 of Schedule “A” – Zoning Maps and identified as 3079 Binbrook Road, the following special provisions shall apply:</p> <p>a) In addition to Subsection 10.5a.1, the following use shall also be permitted:</p> <p>i) Funeral Home</p> <p>b) Notwithstanding Subsection 4.6a), the following regulation shall also apply</p> <p>i) Sills, belt cornices, eaves or gutters, chimneys, bay windows, or pilasters may project into any required yard a distance of not more than 0.7 metres</p> <p>c) Notwithstanding Subsections 10.5a.3b),</p>	<p>Zoning By-law Amendment application to change the zoning from the Existing Residential “ER” Zone in the Glanbrook Zoning By-law No. 464 was approved by Council on August 18, 2017. Subject lands added to the CMU Zone with a Special Exception to recognize Council adopted modifications from the approved By-law.</p>

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
		Grey highlighted strikethrough text = text to be deleted bolded text = text to be added		
		<p>c) Notwithstanding Subsections 10.5a.3b), c), d) ii), i), h) v), and k), the following provisions shall also apply:</p> <p>i) Minimum Side Yard 1.0 metre</p> <p>ii) Minimum Rear Yard 1.5 metres</p> <p>iii) Maximum Building Height 14.0 metres</p> <p>iv) Minimum Planting Strips Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone, a minimum 0.7 metre wide Planting Strip shall be provided and maintained.</p>	<p>c), d) ii), i), h) v), and k), the following provisions shall also apply:</p> <p>i) Minimum Side Yard 1.0 metre</p> <p>ii) Minimum Rear Yard 1.5 metres</p> <p>iii) Maximum Building Height 14.0 metres</p> <p>iv) Minimum Planting Strips Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone, a minimum 0.7 metre wide Planting Strip shall be provided and maintained.</p> <p>v) Parking between Building and No parking or aisles may be located within 2.5 metres of</p>	

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions

Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
		<p>v) Parking between Building and Street No parking or aisles may be located within 2.4 metres of any street line or 0.7 metres abutting a Residential or Institutional Zone, or lot containing a residential or institutional use.</p> <p>vi) Outdoor Storage Outdoor display areas, in the form of benches, other street furniture, and outdoor recreational equipment shall be permitted abutting a street and/or the boundary of any Residential or Institutional Zone or residential or institutional use and shall comprise no more than 22% of the total area of the</p>	<p>Street any street line or 0.7 metres abutting a Residential or Institutional Zone, or lot containing a residential or institutional use.</p> <p>vi) Outdoor Storage Outdoor display areas, in the form of benches, other street furniture, and outdoor recreational equipment shall be permitted abutting a street and/or the boundary of any Residential or Institutional Zone or residential or institutional use and shall comprise no more than 22% of the total area of the required front yard.</p> <p>d) In addition to Subsections 5.1a)v) a), b) and c), and 5.2 b) i), and 5.2b) f), the following use shall also be permitted:</p>	

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
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		<p>required front yard.</p> <p>d) In addition to Subsections 5.1a)v a), b) and c), and 5.2 b) i), and 5.2b) f), the following use shall also be permitted:</p> <p>i) Parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from a street, shall be subject to the following:</p> <p>a) Shall not be located within 2.4 metres of a street line.</p> <p>b) Shall provide a 2.4 metres wide Planting Strip being required and permanently maintained between the street and parking spaces or aisles.</p> <p>c) Where a Planting Strip is provided as per b) above, benches, other street furniture, and outdoor</p>	<p>i) Parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from a street, shall be subject to the following:</p> <p>a) Shall not be located within 2.4 metres of a street line.</p> <p>b) Shall provide a 2.4 metres wide Planting Strip being required and permanently maintained between the street and parking spaces or aisles.</p> <p>c) Where a Planting Strip is provided as per b) above, benches, other street furniture, and outdoor recreational equipment shall be permitted within a required Planting Strip.</p> <p>d) Where a parking area which is required to provide for more than four (4) vehicles abuts a Residential or Institutional Zone or a Residential or Institutional use, a Planting Strip of a minimum width of</p>	

Appendix “K” – Modifications and Updates Summary to Schedule “C” – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
		<p>recreational equipment shall be permitted within a required Planting Strip.</p> <p>d) Where a parking area which is required to provide for more than four (4) vehicles abuts a Residential or Institutional Zone or a Residential or Institutional use, a Planting Strip of a minimum width of 0.7 metres shall be provided and maintained, which shall also include fencing and also permit pedestrian and access walkways.</p> <p>ii) Parking Space Size Dimension A minimum parking space size of 2.6 metres by 5.5 metres.</p> <p>iii) Barrier Free Parking Space Size Dimension A minimum barrier free parking space size of 4.4 metres by 5.5 metres.</p>	<p>0.7 metres shall be provided and maintained, which shall also include fencing and also permit pedestrian and access walkways.</p> <p>ii) Parking Space Size Dimension A minimum parking space size of 2.6 metres by 5.5 metres.</p> <p>iii) Barrier Free Parking Space Size Dimension A minimum barrier free parking space size of 4.4 metres by 5.5 metres.</p>	

Appendix "K" – Modifications and Updates Summary to Schedule "C" – Special Exceptions				
Special Exception	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
SE23 SE 712	Assign different SE Number	With the lands zoned Settlement Residential (S1) Zone, identified on Map 80 of Schedule "A" – Zoning Maps and described as 706 Highway No. 8, the following special provisions apply:	With the lands zoned Settlement Residential (S1) Zone, identified on Map 80 of Schedule "A" – Zoning Maps and described as 706 Highway No. 8, the following special provisions apply:	Zoning By-law Amendment application was approved by Council on August 18, 2017 as Special Exception 23. However, this Special Exception number was previously taken by another application. A mapping amendment changes the Special Exception number to SE712.

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Schedule “L” – Modifications and Updates Summary to Schedule “D” – Holding Provision				
Holding Provision	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added	
65	Entire Section	<p>Notwithstanding Subsection 10.3.1, on those lands zoned Community Commercial (C3) Zone, identified on Map 1595 of Schedule “A” – Zoning Maps and described as 8 Kingsborough Drive, no development shall be permitted until such time as:</p> <p>i) The subject lands are consolidated with adjacent lands to ensure orderly development or demonstrate that the property can be developed on its own in accordance with the provisions of the Community Commercial (C3) Zone to the satisfaction of the Director of Planning and Chief Planner.</p>	None	This Holding Provision was removed from the Zoning through application ZAH-16-053.
66	Preamble	<p>Notwithstanding Subsection 10.6 and Special Exception No. 349 of this Bylaw, on those lands zoned District Commercial (C6, 349, H66, H67 H95, H96, H100, H104) Zone, Modified, identified on Maps 1501 and 1502 of Schedule “A” – Zoning Maps and described as 512 Highland Road West, the H66 H95 symbol may be removed by further amendment to this By-law at such time the Trinity Church Arterial Road is constructed to Rymal Road as the following condition has been satisfied:</p>	<p>Notwithstanding Subsection 10.6 and Special Exception No. 349 of this Bylaw, on those lands zoned District Commercial (C6, 349, H66, H67) Zone, Modified, identified on Maps 1501 and 1502 of Schedule “A” – Zoning Maps and described as 512 Highland Road West, the H66 symbol may be removed by further amendment to this By-law at such time the Trinity Church Arterial Road is constructed to Rymal Road as the following condition has been satisfied:</p>	An amendment to the Holding Provision regulation due to typo in the reference preamble of the Holding Provision. This does not change the intent of the regulations.
67	Preamble	<p>Notwithstanding Subsection 10.6 and Special Exception No. 349 of this Bylaw, on those lands zoned District Commercial (C6, 349, H66, H67 H95, H96, H100, H104) Zone, Modified, identified on Maps 1501 and 1502 of Schedule “A” – Zoning Maps and described as 512 Highland Road West, the H67 H96 symbol may be removed to permit limited development abutting Stone Church Road by further amendment to this By-law at such time as the following conditions have been satisfied:</p>	<p>Notwithstanding Subsection 10.6 and Special Exception No. 349 of this Bylaw, on those lands zoned District Commercial (C6, 349, H66, H67) Zone, Modified, identified on Maps 1501 and 1502 of Schedule “A” – Zoning Maps and described as 512 Highland Road West, the H67 symbol may be removed to permit limited development abutting Stone Church Road by further amendment to this By-law at such time as the following conditions have been satisfied:</p>	An amendment to the Holding Provision regulation due to typo in the reference preamble of the Holding Provision. This does not change the intent of the regulations.

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Schedule “L” – Modifications and Updates Summary to Schedule “D” – Holding Provision				
Holding Provision	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
H102	Pre- amble	Notwithstanding Subsection 10.5 and Special Exception 652, on those lands designated on those lands zoned Mixed Use Medium Density (C5, 652 H102) Zone, Modified, identified on Maps 1748, 1749 and 1785 of Schedule “A” – Zoning Maps, no residential development shall be permitted until such time:	Notwithstanding Subsection 10.5 and Special Exception 652, on those lands zoned Mixed Use Medium Density (C5, 652 H102) Zone, Modified, identified on Maps 1748, 1749 and 1785 of Schedule “A” – Zoning Maps, no residential development shall be permitted until such time:	An amendment to the Holding Provision regulation to remove the words “on those lands designated” to simplify the preamble to the Holding Provision.
H110	New Holding Provision	<p>Notwithstanding Subsection 10.6 and Special Exception 711 on those lands zoned Mixed Use Medium Density (C5, 711) Zone, Modified, identified on Map1934 of Schedule “A” – Zoning Maps and described as 3079 Binbrook Road, no development shall be permitted until such time as:</p> <p>i) The necessary upgrades to the Binbrook Sanitary Sewer Pumping Station are completed to the satisfaction of the Senior Director of Growth Management.</p> <p>ii) Notwithstanding Clause i) herein, the “H” Symbol shall not apply to a Personal Service use having a maximum Gross Floor Area of 675 square metres.</p>	<p>Notwithstanding Subsection 10.6 and Special Exception 711 on those lands zoned Mixed Use Medium Density (C5, 711) Zone, Modified, identified on Map1934 of Schedule “A” – Zoning Maps and described as 3079 Binbrook Road, no development shall be permitted until such time as:</p> <p>i) The necessary upgrades to the Binbrook Sanitary Sewer Pumping Station are completed to the satisfaction of the Senior Director of Growth Management.</p> <p>ii) Notwithstanding Clause i) herein, the “H” Symbol shall not apply to a Personal Service use having a maximum Gross Floor Area of 675 square metres.</p>	Zoning By-law Amendment application to change the zoning from the Existing Residential “ER” Zone in the Glanbrook Zoning By-law No. 464 was approved by Council on August 18, 2017. Subject lands added to the CMU Zone with a Holding Provision restricting development on the subject lands until such time as the Binbrook Pumping Station has been completed.
H112	New Holding Provision	<p>Notwithstanding Section 10.6 and Special Exception 301 on those lands zoned District Commercial (C6) Zone, Modified, identified on Map 1259 of Schedule “A” – Zoning Maps, and described as 1310 South Service Road, no development shall be permitted until such time as:</p> <p>i) Submission and approval of Urban Design Guidelines, to the satisfaction of the Director of Planning;</p> <p>ii) Completion of the Stoney Creek Transit Hub Feasibility Study, to</p>	<p>Notwithstanding Section 10.6 and Special Exception 301 on those lands zoned District Commercial (C6) Zone, Modified, identified on Map 1259 of Schedule “A” – Zoning Maps, and described as 1310 South Service Road, no development shall be permitted until such time as:</p> <p>i) Submission and approval of Urban Design Guidelines, to the satisfaction of the Director of Planning;</p> <p>ii) Completion of the Stoney Creek Transit Hub Feasibility Study,</p>	The additional of a Holding Provision for lands located on the southwest corner of Vince Mazza Way and South Service Road. This Holding Provision was approved through By-law No. 09-184. An application to remove the Holding Provision through By-law No. 14-113 removed the Holding Provision for the balance of the subject lands but not the

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Schedule “L” – Modifications and Updates Summary to Schedule “D” – Holding Provision				
Holding Provision	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
		Grey highlighted strikethrough text = text to be deleted	bolded text = text to be added	
		<p>the satisfaction of the Director of Strategic and Environmental Planning;</p> <p>iii) Completion and implementation of a stormwater management study detailing requirements for quality and quantity control in accordance with the SCUBE Subwatershed Study and Parcel A and B Master Drainage Plan, to the satisfaction of the Directors of Development Engineering, and Strategic and Environmental Planning, and the Ontario Ministry of Transportation;</p> <p>iv) Approval and implementation of the Traffic Impact Study submitted by Delcan, dated April 2009, by the Manager of Traffic Engineering and Operations, Public Works Department, and the Ontario Ministry of Transportation;</p> <p>v) That the owner/applicant shall submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee;</p> <p>vi) That Sustainability Design Elements/Guidelines be prepared, submitted, and agreements implemented, to the satisfaction of Director of Planning; and,</p> <p>vii) That the owner/applicant shall conduct an archaeological assessment of the entire development property and mitigate, through preservation and resource removal and</p>	<p>to the satisfaction of the Director of Strategic and Environmental Planning;</p> <p>iii) Completion and implementation of a stormwater management study detailing requirements for quality and quantity control in accordance with the SCUBE Subwatershed Study and Parcel A and B Master Drainage Plan, to the satisfaction of the Directors of Development Engineering, and Strategic and Environmental Planning, and the Ontario Ministry of Transportation;</p> <p>iv) Approval and implementation of the Traffic Impact Study submitted by Delcan, dated April 2009, by the Manager of Traffic Engineering and Operations, Public Works Department, and the Ontario Ministry of Transportation;</p> <p>v) That the owner/applicant shall submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee;</p> <p>vi) That Sustainability Design Elements/Guidelines be prepared, submitted, and agreements implemented, to the satisfaction of Director of Planning; and,</p> <p>vii) That the owner/applicant shall conduct an archaeological assessment of the entire</p>	southwest corner.

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Schedule “L” – Modifications and Updates Summary to Schedule “D” – Holding Provision				
Holding Provision	Sub-section	Proposed Change	Proposed Revised Zone Regulation	Rationale
Grey highlighted strikethrough text = text to be deleted bolded text = text to be added				
		<p>documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.</p>	<p>development property and mitigate, through preservation and resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.</p>	

Appendix “M” – Modifications and Updates Summary to Mapping Amendments						
Municipal Address	Map Number	Ward	Schedule Number	Existing Zoning	Proposed Amendment	Rationale
Part of 1546 Main Street West, Hamilton	947	1	A8	<p>The northerly portion of the subject lands is currently zoned “C/S-1335a” (Urban Protected Residential, Etc.) District in Hamilton Zoning By-law No. 6593.</p> <p>The southerly portion of the subject lands is currently zoned Mixed Use Medium Density (C5, 570) Zone in Hamilton Zoning By-law No. 05-200.</p>	Mixed Use Medium Density (C5, 570) Zone.	<p>The southerly portion of the subject lands is currently zoned Mixed Use Medium Density (C5, 570) Zone. However, the northerly portion was previously not given a consistent zoning as it had a residential zoning under Hamilton Zoning By-law No. 6593. The owner had purchased the northerly portion of the subject lands and had merged in title.</p> <p>The subject lands is designated Mixed Use Medium in the Land Use Plan Map B.6.2-1 of the Ainslie – Wood Westdale Secondary Plan.</p>
52 – 64 Ottawa Street North, Hamilton	1043	4	A5	Community Shopping and Commercial, etc. (H/S-1747) District, Modified	Mixed Use Medium Density – Pedestrian Focus (C5a, 710) Zone	Zoning By-law Amendment application was approved by Council on July 14, 2017. Subject lands added to Schedule “A” – Zoning Map of Hamilton Zoning By-law No. 05-200.
328 – 358 Beach Boulevard, Hamilton	834	5	A2	Neighbourhood Commercial (C2) Zone	Residential Character Commercial (C1) Zone	These properties were previously sold by the City of Hamilton as surplus lands with the intention to be developed for residential and commercial uses.
1405 Upper Ottawa Street, Hamilton	1450	6	A1	Prestige Industrial (M-11/S-1746) District, Modified	District Commercial (C6, 706) Zone	Zoning By-law Amendment application was approved by Council on June 14, 2017. Subject lands added to Schedule “A” – Zoning Map of Hamilton Zoning By-law No. 05-200.

Appendix “M” – Modifications and Updates Summary to Mapping Amendments						
Municipal Address	Map Number	Ward	Schedule Number	Existing Zoning	Proposed Amendment	Rationale
30 Rymal Road East, Hamilton	1394	7	A6	Designated Neighbourhood Shopping Area (G-4/S-1123b) District, Modified	Mixed Use Medium Density (C5) Zone	Zoning By-law Amendment application was approved by Council on June 28, 2017. Subject lands added to Schedule “A” – Zoning Map of Hamilton Zoning By-law No. 05-200.
3079 Homestead Drive, Glanbrook	1748, 1749	11	A3	General Commercial “C2-303” Zone, Modified	District Commercial (C6, 708) Zone	Zoning By-law Amendment application was approved by Council on April 12, 2017. Subject lands added to Schedule “A” – Zoning Map of Hamilton Zoning By-law No. 05-200.
3079 Binbrook Road, Glanbrook	1934	11	A12	General Commercial – Holding “H-C3-305” Zone	Mixed Use Medium Density – Pedestrian Focus (C5a, 711, H110) Zone	Zoning By-law Amendment application was approved by Council on August 18, 2017. Subject lands added to Schedule “A” – Zoning Map of Hamilton Zoning By-law No. 05-200.
8 Kingsborough Drive, Glanbrook	1595	11	A9	Community Commercial (C3, H65) Zone	Community Commercial (C3) Zone	The Holding Provision was removed on November 22, 2016 and this amendment removes it from the CMU Zone.
4080 Hall Road, Glanbrook	RU 218	11	A10	Agriculture (A1) Zone	Agriculture (A1, 159) Zone	A zone boundary adjustment with the zone boundaries to be consistent with By-law 464-47-99 which was approved by the Town of Glanbrook Council in 1999. The zone provisions in the Special Exception remain unchanged.
1310 South Service Road	1259	11	A7	District Commercial (C6, 301) Zone	District Commercial (C6, 301, H112) Zone	The additional of a Holding Provision for lands located on the southwest corner of Vince Mazza Way and South Service Road. This Holding Provision was approved through By-law No. 09-184. An application to remove the Holding Provision through By-law No. 14-113 removed the Holding Provision for the balance of the subject lands but not the southwest corner.

Appendix "M" – Modifications and Updates Summary to Mapping Amendments						
Municipal Address	Map Number	Ward	Schedule Number	Existing Zoning	Proposed Amendment	Rationale
118 Hatt Street, Dundas	860, 902	13	A4	General Industrial "IG-FP/S132" Zone, Modified	Mixed Use Medium Density (C5, 709) Zone	Zoning By-law Amendment application was approved by Council on August 18, 2017. Subject lands added to Schedule "A" – Zoning Map of Hamilton Zoning By-law No. 05-200.
706 Highway No. 8, Flamborough	80	14	A11	Settlement Commercial (S1, 23)	Settlement Commercial (S1, 712)	Zoning By-law Amendment application was approved by Council on August 18, 2017 as Special Exception 23. However, this Special Exception number was previously taken by another application. A mapping amendment changes the Special Exception number to SE712.

Updated List of Existing Planning Applications for Lands Located in the Commercial and/or Mixed Use Zone Areas

Zoning By-law Amendment Application	Official Plan Amendment Application	Municipal Address	Municipality	Ward	Status
ZAC-15-062		52 Ottawa Street North	Hamilton	4	Application approved on July 14, 2017 by Council. Added to Appendix "B" – Draft Zoning By-law as Special Exception SE710
ZAC-16-047		1405-1439-1447 Upper Ottawa Street	Hamilton	6	Application approved on June 14, 2017 by Council. Added to Appendix "B" – Draft Zoning By-law as Special Exception SE706
ZAR-17-010		952-957 Concession Street	Hamilton	7	Application was approved by Council in November 2017 but was subsequently appealed. LPAT approved By-law in January 2018. CMU By-law that have been held in abeyance to be brought forward to Council.
ZAR-16-061		30 Rymal Road East	Hamilton	8	Application approved on June 28, 2017 by Council. By-law 17-133 permits restaurant as an added permitted use. However, this use is already permitted in the Mixed Use Medium Density (C5) Zone. Added to Appendix "B" – Draft Zoning By-law mapping.
ZAC-16-056	UHOPA-16-020	157 Upper Centennial Parkway	Stoney Creek	9	Application is currently in process.
ZAC-16-064	UHOPA-16-025	1809, 1817, 1821 Rymal Road East	Hamilton	9	Application is currently in process.
ZAC-15-015(R)	UHOPA-15-007(R)	165 Upper Centennial Parkway	Hamilton	9	Application is currently in process.
ZAC-17-028	UHOPA-17-015	417, 419, 421, and 423 Highway No. 8, 175 Margaret Avenue, and 176 Millen Road	Stoney Creek	10	Application was approved by Council in April 2018. CMU By-law that have been held in abeyance to be brought forward to Council.

Zoning By-law Amendment Application	Official Plan Amendment Application	Municipal Address	Municipality	Ward	Status
ZAC-07-111	UHOPA-15-003	9255 Airport Road West	Glanbrook	11	Application approved on January 24, 2018 by Council. Added to Appendix “B” – Draft Zoning By-law as Special Exception SE707
ZAC-14-018		3079 Homestead Drive	Glanbrook	11	Application approved on April 2017 by Council. Added to Appendix “B” – Draft Zoning By-law as Special Exception SE708
ZAC-16-051		3033, 3047, 3055, 3063 Binbrook Road	Glanbrook	11	Application is currently in process.
ZAC-16-054	UHOPA-16-19	3100-3140 Regional Road 56	Glanbrook	11	Application is currently in process.
ZAC-15-056	UHOA-15-026	2064 – 2070 Rymal Road East	Stoney Creek	11	Application was added to the CMU Zones with Special Exception 301
ZAR-15-042		393 Wilson Street East	Ancaster	12	Application was added to the CMU Zones with Special Exception 572
ZAR-16-028		118 Hatt Street	Dundas	13	Application approved on August 18, 2017 by Council. Added to Appendix “B” – Draft Zoning By-law as Special Exception SE709
ZAR-15-004		64 Hatt Street	Dundas	13	Application is currently in process.
ZAC-14-025	UHOPA-15-009	71 Main Street and 10 Baldwin Street	Dundas	13	Applicant also appealed the CMU Zones and will be addressed at the Tribunal
ZAC-15-055		383 Dundas Street East and 4 First Street	Flamborough	15	Application currently at the LPAT. However, this property will be addressed at the future Residential Zoning project.

CITY OF HAMILTON

MOTION

PLANNING COMMITTEE: MARCH 19, 2019

MOVED BY COUNCILLOR

SECONDED BY COUNCILLOR

Urban Design Through Site Plan Control Authority

WHEREAS, for more than 10 years, the Planning Act under Section 41 has given municipalities the authority through site plan control to address “matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design”;

WHEREAS, careful attention to excellence in urban design and architecture in both the public and the private realm is essential to healthy, attractive and vibrant cities;

WHEREAS, the City of Hamilton Official Plan contains policies that encourages and promotes good urban design;

WHEREAS, to ensure excellence in urban design and architecture, the City has undertaken numerous initiatives including the creation of urban design guidelines, establishment of a Design Review Panel, and the hosting of a biannual Urban Design and Architecture Awards program;

WHEREAS, there is a clear and significant public interest in ensuring excellence in urban design and architecture;

WHEREAS, the Ontario Association of Architects has recently called upon the provincial government to exclude design as a matter that municipalities can address through site plan control; and,

WHEREAS, excluding matters of design from site plan control would essentially provide no means by which municipalities can ensure new development proposals adhere to principles of good urban design and architecture;

THEREFORE BE IT RESOLVED:

That the Mayor write to the Premier of Ontario, the Minister of Municipal Affairs and Housing, and the President of the Ontario Association of Architects to re-confirm the City of Hamilton’s support for excellence in urban design and architecture and for retaining within the Planning Act a municipality’s long-standing authority to address matters related to exterior design through the site plan process.