



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

**Meeting #:** 19-008  
**Date:** May 14, 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

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	<b>Pages</b>
<b>1. CEREMONIAL ACTIVITIES</b>	
<b>2. APPROVAL OF AGENDA</b> (Added Items, if applicable, will be noted with *)	
<b>3. DECLARATIONS OF INTEREST</b>	
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- 7.3 Site Plan Control Application for 310 Frances Avenue (PED19115) (Ward 10) (To be distributed)

**8. PUBLIC HEARINGS / DELEGATIONS**

- 8.1 David Partanen, Canadian Coalition for Firearm Rights, respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms (approved at the April 30th meeting) (No copy)
- 8.2 Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat (approved at the April 30th meeting) (No copy)
- 8.3 Applications for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1633, 1649 and 1653 Highway No. 6 North, Flamborough (PED19076) (Ward 13) 59

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- 10.1 Comprehensive Review of Discharge of Firearms By-law (PED16107(b)) (City Wide) (Outstanding Business List Item) 112
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(Deferred from the April 30th meeting)

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**13. GENERAL INFORMATION / OTHER BUSINESS**

- 13.1 Outstanding Business List
  - 13.1.a Items to be Removed:
    - P - Update to the Discharge of Firearms By-law (Item 10.1 on this agenda)

14. PRIVATE AND CONFIDENTIAL

15. ADJOURNMENT



## **PLANNING COMMITTEE**

### **MINUTES 19-007**

**9:30 a.m.**

**Tuesday, April 30, 2019**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Councillors M. Pearson (Chair), M. Wilson, J. Farr (1<sup>st</sup> Vice Chair), C. Collins, J.P. Danko, B. Clark, B. Johnson, T. Whitehead and J. Partridge

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

**1. By-law Enforcement Strategy Update (PED08263(c)) (City Wide) (Item 7.1)**

**(Clark/Partridge)**

That the updated By-law Enforcement Priority Framework attached as Appendix "A" to Report PED08263(c), be approved.

**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

**2. Expanding Administrative Penalty System (APS) to Include the Sign By-law 10-197 (PED19092) (City Wide) (Item 7.2)**

**(Collins/Farr)**

That the Administrative Penalty System By-law 17-225 (APS) be amended to include the Sign By-law 10-197 as Table 16 to Schedule A, in accordance with the amending by-law attached as Appendix "A" to Report PED19092 to 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

**3. By-law No. 18-261 – Correction of Typographical Errors for Lands Located at 5 Hamilton Street North, Flamborough (PED18179(a)) (Ward 15) (Item 7.3)**

**(Partridge/Danko)**

- (a) That By-law No. 18-261, respecting 5 Hamilton Street North, Flamborough be amended to correct one error and to add two administrative clauses, on the following basis:
- (i) That Section 3 (d) of By-law 18-261 be amended by deleting the word “east” and replacing it with “north”;
  - (ii) The following two administrative sections be added to By-law 18-261 as clauses 5 and 6:
    - 5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act; and,
    - 6. That no building or structure shall be erected, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Mixed Use – Medium Density (C5) Zone provisions, subject to the special requirements as referred to in Section 2 of this By-law.
- (b) That the draft By-law attached as Appendix “B” to Report PED18179(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (c) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and the Urban Hamilton Official Plan.

**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

**4. Hamilton Municipal Heritage Committee Report 19-003 (Item 7.4)**

**(Farr/Johnson)**

**1. Inventory and Research Working Group Meeting Notes – March 25, 2019 (Item 10.1)**

- (a) That the recommendations in the Inventory and Research Working Group Meeting Notes of March 25, 2019, be approved as presented; and,
- (b) That the following properties be added to the City Register of Non-designated Properties of Cultural Heritage Value or Interest, and to the staff work plan:
  - 1. 745 Crooks' Hollow Road, Dundas
  - 2. 7 Rolph Street, Dundas
  - ~~3. **23-25 King Street East, Stoney Creek**~~
  - 4. 45 Amelia Street, Hamilton

**2. Hamilton Municipal Heritage Committee Heritage Recognition Awards Update (Item 10.2)**

That the Nominations for the 2018 Hamilton Municipal Heritage Committee Heritage Recognition Awards, attached hereto as Appendix "A" and Appendix "B", be approved, as amended.

**Result: Main 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

**5. Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive, Glanbrook (PED19046) (Ward 11) (Item 8.1)**

**(Johnson/Clark)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-01 by Branthaven Mount Hope Inc., Owner, is to amend the Mount Hope Secondary Plan from “Neighbourhood Park”, “Low Density Residential 2c”, “Institutional” and “Utility” to “Low Density Residential 2”; from “Low Density Residential 2” to “Utility”; from “Low Density Residential 2” to “Natural Open Space”; and, from “Utility” to “Natural Open Space”. The amendment will also add a Site Specific Policy Area in order to permit residential development between 28 and 30 NEF contour lines; and, establish new local roads, for the lands located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown on Appendix “A” to Report PED19046, to be APPROVED, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That Amended Zoning By-law Amendment Application ZAC-18-003 by Branthaven Mount Hope Inc., (Owner), for changes in zoning from the Deferred Development “DD” Zone, Existing Residential “ER” Zone, Residential “H-R3-122” Zone and Public “P” Zone to Residential “R4-312” Zone, Modified for Blocks 1, 4, 6 - 8 and Residential “R4-312a” Zone, Modified for Blocks 4 and 5 in Zoning By-law No. 464; for lands located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown on Appendix “A” to Report PED19046, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED19046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe (2017); and,
  - (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.

- (c) That Zoning By-law Amendment Application ZAC-18-003 by Branthaven Mount Hope Inc., (Owner), for a change in zoning from the Deferred Development “DD” Zone to the Conservation / Hazard Land (P5) Zone, Modified (Blocks 125 and 126) to recognize the Natural Heritage System and vegetation protection zone and add a specific exception to permit a reduced setback from any building or structure to the Conservation / Hazard Land (P5) Zone, Modified, in Zoning By-law No. 05-200; for lands located 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown on Appendix “A” to Report PED19046, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED19046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe (2017); and,
  - (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (d) That Draft Plan of Subdivision Application 25T-201801 by Branthaven Mount Hope Inc., (Owner), to establish a Draft Plan of Subdivision on lands located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown in Appendix “E” to Report PED19046, be APPROVED subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Branthaven Mount Hope” 25T-201801, prepared by Urban Solutions Planning & Land Development Consultants Inc., and certified by Dan McLaren, O.L.S., dated November 28, 2018, consisting of a maximum of 123 lots for single detached dwellings (Lots 1 - 123), one block for a 0.3 metre road reserve (Block 124), one block for a storm sewer connection and walkway (Block 125), one block for open space purposes (Block 126), and three proposed public streets, shown as Streets “A,” “B” and “C”, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and will Special Conditions attached as Appendix “F” to Report PED19046.
  - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development shall be in accordance with the City’s Financial Policies and will be determined at the time of development; and,
  - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each



building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

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

**Result: Main Motion, As Amended, CARRIED by a vote of 8 to 1, as follows:**

YES – 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  
 YES – Councillor Brenda Johnson  
 YES – Councillor Brad Clark

**6. Application for a Zoning By-law Amendment for Lands Located at 122 and 126 Augusta Street and 127 Young Street and 125 Young Street, Hamilton (PED19089) (Ward 2) (Item 8.2)**

**(Farr/Collins)**

- (a) That the Amended Zoning By-law Amendment Application ZAC-18-013, by 1955132 Ontario Ltd., Owner, for a change in zoning from the "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the "E-3/S-1767" (High Density Multiple Dwellings) District, Modified and the "D/S-1767" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified to permit a four storey, 27 unit multiple dwelling and a three family dwelling on lands located at 122 & 126 Augusta Street and 127 Young Street, and 125 Young Street, Hamilton as shown on Appendix "A" to Report PED19089 be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED19089 which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law, attached as Appendix "B" to Report PED19089 be added to District Map E5 of Zoning By-law No. 6593 as "E-3/S-1767" and "D/S-1767";
  - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding Symbol 'H' as a suffix to the proposed zoning for Blocks 1, 3 and 4 as shown on Schedule "A" of Appendix "B" to Report PED19089;

The Holding Provision “E-3/S-1767-H” (High Density Multiple Dwellings) District, Modified, Holding applicable to Block 1 as shown on Schedule “A” of Appendix “B” to Report PED19089, be removed conditional upon:

- (1) The Owner conduct a Stage 3 Archaeological Assessment, and Stage 4 Archaeological Assessment if required, for the site and receive approval of this / these report(s) from the Ministry of Tourism, Culture and Sport and the City of Hamilton, to the satisfaction of the Manager of Development Planning, Heritage and Design.

The Holding provision “D/S-1767-H” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, Holding applicable to Block 3 as shown on Schedule “A” of Appendix “B” to Report PED19089, be removed conditional upon:

- (1) The Owner apply for a Building Permit to legalize the existing three family dwelling, to the satisfaction of the City’s Chief Building Official.

The Holding Provision “D/S-1767-H” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, Modified, Holding applicable to Block 4 as shown on Schedule “A” of Appendix “B” to Report PED19089, be removed conditional upon:

- (1) The Owner conduct a Stage 3 Archaeological Assessment, and Stage 4 Archaeological Assessment if required, for the site and receive approval of this / these report(s) from the Ministry of Tourism, Culture and Sport and the City of Hamilton, to the satisfaction of the Manager of Development Planning, Heritage and Design.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan.
- (b) That upon finalization of the amending By-law, that the subject lands be re-designated from “Single and Double” to “Medium Density Apartments” in the Corktown Neighbourhood Plan;
- (c) ***That there were no public submissions received regarding this matter.***

**Result: Main Motion, As Amended, 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  
YES – Councillor Terry Whitehead  
YES – Councillor Brenda Johnson  
NOT PRESENT – Councillor Brad Clark

**7. Entertainment on Outdoor Commercial Patios – Extension and Establishment of the Temporary Use By-laws (PED16155(b)) (City Wide) (Item 8.3)**

**(Farr/Collins)**

- (a) That approval be given to City Initiative CI-17-C to extend Temporary Use By-laws Nos. 17-083, and 17-255, under Zoning By-law No. 05-200 for a period of 36 months, to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios for four urban pilot project areas: Downtown Hamilton, Hess Village, parts of Upper James Street (Stone Church Road to Rymal Road), and Dundas; and some properties within the Rural area on the following basis:
- (i) That the draft Temporary Use By-laws, attached as Appendices “A” and “B” to Report PED16155(b) for the five pilot project areas and the rural area, be approved by City Council; and,
  - (ii) That the draft Temporary Use By-laws are consistent with the Provincial Policy Statement (PPS) 2014, conform to the 2017 Growth Plan for the Greater Golden Horseshoe, and comply with the Rural (RHOP) and Urban Hamilton Official Plans (UHOP).
- (b) That approval be given to City Initiative CI-17-C to extend Temporary Use By-laws No. 17-082 under Zoning By-law No. 6593 for a period of 36 months, to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios for two urban pilot project areas on James Street North and James Street South, on the following basis:
- (i) That draft Temporary Use By-law, attached as Appendix “C” to Report PED16155(b) for the James Street North and James Street South pilot project areas, be approved by City Council; and,
  - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2014, conforms to the 2017 Growth Plan for the Greater Golden Horseshoe and complies with the Urban Hamilton Official Plan (UHOP).

- (c) That approval be given to City Initiative CI-17-C to establish a Temporary Use By-law in Zoning By-law No. 05-200 for a period of 36 months, to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios for two urban pilot project areas: James Street North and James Street South / Augusta Street, on the following basis:
  - (i) That the Temporary Use By-law, attached as Appendix “D” to Report PED16155(b) for James Street North and James Street South / Augusta Street pilot areas, be approved by City Council; and,
  - (ii) That the draft Temporary Use By-law is consistent with the Provincial Policy Statement (PPS) 2014, conforms to the 2017 Growth Plan for the Greater Golden Horseshoe and complies the Urban Hamilton Official Plan (UHOP);

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

**Result: Main Motion, As Amended, 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  
 YES – Councillor Terry Whitehead  
 YES – Councillor Brenda Johnson  
 NOT PRESENT – Councillor Brad Clark

**8. Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091) (City Wide) (Item 9.1)**

**(Farr/Whitehead)**

- (a) That Report PED19091 (City Initiative CI-19-B), including the Discussion Paper titled Residential Care Facilities and Group Homes - Human Rights and the Zoning By-Laws within the Urban Area - March 2019, attached as Appendix “A” to Report PED19091 be received;
- (b) ***That the Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper be posted on the City’s website and invite written submissions on the proposed Zoning By-law regulation and definition changes for a period of 30 days, with staff reporting back to the Planning Committee on the written submissions received. In the event that additional public engagement is necessary, it would be included with other housing issues as part of the residential zoning project; and,***

- (c) That staff report back to the Planning Committee summarizing public input and identifying the preferred zoning definition and regulations for residential care facilities and group homes to be incorporated into the new residential zones in Zoning By-law No. 05-200.

**Result: Main 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  
 YES – Councillor Brenda Johnson  
 NOT PRESENT – Councillor Brad Clark

**9. Amendments to Property Standards By-law 10-221 and Yard Maintenance By-law 10-118 to Include Tree Requirements (PED19088) (City Wide) (Item 10.1)**

**(Collins/Farr)**

- (a) That the procedural and housekeeping changes to the City of Hamilton Property Standards By-law 10-221 and Yard Maintenance By-law 10-118 regarding the maintenance requirements for trees and the definition of Directors described in Report PED19088, detailed in the proposed amending by-law attached as Appendix “A” be approved; and,
- (b) That the amending by-law attached as Appendix “A” to Report PED19088, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council.

**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  
 YES – Councillor Brenda Johnson  
 NOT PRESENT – Councillor Brad Clark

**10. Tree Service Company Licensing Feasibility Report (PED19008) (City Wide)  
(Item 10.2)**

**(Whitehead/Farr)**

- (a) That Council adopt this Report and direct staff to draft a new licensing schedule (Tree Service Company) within the Business Licensing By-law 07-170 and bring it back in a form satisfactory to the City Solicitor for enactment; and,
- (b) That the item respecting the feasibility of implementing a By-law that will ensure that any commercial company that is contracted to remove trees within the City of Hamilton has a City Business Licence, be identified as complete and removed from the Planning Committee Outstanding Business List.

**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  
 YES – Councillor Brenda Johnson  
 NOT PRESENT – Councillor Brad Clark

**11. Licensing and By-law Services, Technology “Add-On” (PED19090) (City Wide) (Added Item 10.3)**

**(Farr/Partridge)**

- (a) That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the procurement of a by-law enforcement module (“add-on” to the existing parking system) and hardware, including printers, associated custom application development, system implementation and training, for the purpose of issuance and tracking of Licensing and By-Law Services penalties in the City of Hamilton and that the General Manager of the Planning and Economic Development Department be authorized to negotiate, enter into and execute a Contract and any ancillary documents required to give effect thereto with gtechna, a Division of ACCEO Solutions Inc., in a form satisfactory to the City Solicitor; and,
- (b) That the General Manager of Planning and Economic Development be authorized to appropriate \$145,000 from the Capital Project Account No. 4901445100, Parking Lots-Service Repairs to the 2019 approved Capital Project Account No. 4501957900, Handheld Ticketing Device-System Integration.

**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  
 YES – Councillor Brenda Johnson  
 NOT PRESENT – Councillor Brad Clark

**12. Ways to Better Protect Hamilton Trees on Private Property (Added Item 12.2)**

**(Farr/Collins)**

WHEREAS, the City of Hamilton has unanimously declared a Climate Emergency;

WHEREAS, trees are like the lungs of the planet. They breathe in carbon dioxide and breathe out oxygen. Additionally, they provide habitat for birds and other wildlife. They control flooding and improve water quality;

WHEREAS, Forests Ontario's "50 million tree" program, which aimed to plant that many trees by 2025 and has helped 4,000 landowners in rural Ontario by subsidizing the planting of 2.3 million trees annually is being eliminated in July by the current Ontario Government;

WHEREAS, the City of Hamilton currently has a by-law to protect trees on municipally owner lands;

WHEREAS, our current City of Hamilton By-laws only protect trees on private property within woodlands 0.5 acres in size or more, with limited protection in Ancaster, Dundas, and Stoney Creek for individual trees;

WHEREAS, the City of Hamilton's Tree Protection Guidelines, adopted by Council in 2010, provide a process for protecting trees on private lands as part of a *Planning Act* application; and,

WHEREAS, the City's existing urban tree canopy is under threat from invasive species;

**THEREFORE BE IT RESOLVED;**

That the appropriate staff from Planning and Economic Development provide a verbal update on the Urban Forest Strategy to the Planning Committee before the June 2019 public consultation on the Urban Forest Strategy; and that the update include ways we may better protect trees on private property.

**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  
 YES – Councillor Brenda Johnson  
 NOT PRESENT – Councillor Brad Clark

**13. Zoning By-law Amendment for 1400 Baseline Road (Added Item 12.1)**

**(Pearson/Whitehead)**

WHEREAS the City owns the property located at 1400 Baseline Road; and,

WHEREAS City Council has declared the lands surplus to the requirements of the City and authorized and directed Real Estate staff to sell the lands;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to investigate amending the Urban Lakeshore Secondary Plan (Urban Hamilton Official Plan) and the City of Stoney Creek Zoning by-law No. 3692-92, for the purpose of updating the planning permissions for the lands and establishing a land use designation and zoning requirements that reflect the highest/best use of the land;
- (b) That staff be directed to prepare a report and implementing by-laws for the approval of Planning Committee;
- (c) That staff be directed to provide adequate public notice pertaining to item (b) above, in accordance with the Planning Act; and,
- (d) That the General Issues Committee's Outstanding Business List item "Tourism Gateway Centre in Winona" be considered complete and removed.

**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  
 YES – Councillor Brenda Johnson  
 NOT PRESENT – Councillor Brad Clark



**FOR INFORMATION:**

**(a) APPROVAL OF THE AGENDA (Item 2)**

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

**1. COMMUNICATIONS (Item 5)**

- 5.1 Correspondence from Lakewood Beach Community Council respecting 310 Frances Avenue and the April 16<sup>th</sup> Planning Committee meeting

**2. DELEGATION REQUESTS (Item 6)**

- 6.2 Mark Clem respecting 45 Amelia Street being added to the Municipal Register of Properties of Cultural Heritage Value or Interest (Item 7.4) (For today's meeting)
- 6.3 David Partanen, Canadian Coalition for Firearm Rights, respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms (For the May 14<sup>th</sup> meeting)

**3. PUBLIC HEARINGS / DELEGATIONS (Item 8)**

- 8.1 Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive, Glanbrook (PED19046) (Ward 11)

(b) Written Comments:

- (i) Rose and Russ Bartolini  
(ii) Donald and Ann Pryer  
(iii) Dena Jones  
(iv) M. P. Butt

**4. DISCUSSION ITEMS (Item 10)**

- 10.3 Licensing and By-law Services, Technology "Add-On" (PED19090) (City Wide)

**5. NOTICES OF MOTION (Item 12)**

- 12.1 Zoning By-law Amendments for 1400 Baseline Road
- 12.2 Ways to Better Protect Hamilton Trees on Private Property

**(Whitehead/Partridge)**

That the agenda for the April 30, 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  
 NOT PRESENT – 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

**(b) DECLARATIONS OF INTEREST (Item 3)**

None declared.

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

**(i) April 16, 2019 (Item 4.1)**

**(Farr/Wilson)**

That the Minutes of the April 16, 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  
 NOT PRESENT – 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

**(d) COMMUNICATIONS (Item 5)**

**(i) Correspondence from the Lakewood Beach Community Council respecting 310 Frances Street and the April 16 Planning Committee meeting (Added Item 5.1)**

**(Whitehead/Clark)**

That the Correspondence from the Lakewood Beach Community Council respecting 310 Frances Street and the April 16 Planning Committee meeting, be deferred to the May 14, 2019 Planning Committee meeting.

**CARRIED**

**(e) DELEGATION REQUESTS (Item 6)**

- (i) Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat (For today's meeting) (Item 6.1)**

**(Farr/Collins)**

That the Delegation Request from Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat, be approved for today's meeting.

**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

- (ii) Mark Clem respecting 45 Amelia Street being added to the Municipal Register of Properties of Cultural Heritage Value or Interest (Item 7.4) (For today's meeting) (Added Item 6.2)**

**(Farr/Danko)**

That the Delegation Request from Mark Clem respecting 45 Amelia Street being added to the Municipal Register of Properties of Cultural Heritage Value or Interest, be approved for today's meeting, to be heard before Item 7.4.

**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

- (iii) **David Partanen, Canadian Coalition for Firearm Rights, respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms (For the May 14<sup>th</sup> meeting) (Added Item 6.3)**

**(Clark/Whitehead)**

That the Delegation Request from David Partanen, Canadian Coalition for Firearm Rights, respecting Perspectives on the Efficacy of Proposed Federal Legislation and Municipal By-laws respecting Firearms, be approved for the May 14, 2019 meeting.

**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

**(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)**

- (i) **Mark Clem respecting 45 Amelia Street being added to the Municipal Register of Properties of Cultural Value or Interest (Added Item 8.5)**

Mark Clem addressed the Committee respecting concerns with 45 Amelia Street being added to the Municipal Register of Properties of Cultural Value or Interest.

**(Clark/Johnson)**

That the Delegation from Mark Clem respecting 45 Amelia Street being added to the Municipal Register of Properties of Cultural Value or Interest, be received.

**CARRIED**

**(g) CONSENT ITEMS (Item 7)**

- (i) **Hamilton Municipal Heritage Committee Report 19-003 (Item 7.4)**

**(Collins/Farr)**

(a) That Item 1 (b) (3) to Hamilton Municipal Heritage Committee Report 19-003 be amended as follows:

**3. 23-35 25 King Street East, Stoney Creek**

- (b) That Item 1 (b) (3) to Hamilton Municipal Heritage Committee Report 19-003, respecting the property located at 23-25 King Street East, be Deferred to the next Planning Committee meeting.

**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 4.

**(h) PUBLIC HEARINGS / DELEGATIONS (Item 8) - CONTINUED**

- (i) Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive, Glanbrook (PED19046) (Ward 11) (Item 8.1)**

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 Official Plan Amendment, Zoning By-law Amendment or Draft Plan of Subdivision the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Jennifer Roth, Planner I, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

**(Johnson/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 provided an overview of the proposal.

**(Johnson/Clark)**

That the overview of the proposal by Matt Johnston, Urban Solutions, be received.

**CARRIED**

**Delegations:**

**1. Donald and Ann Pryer, 42 Aberdeen Avenue, Hamilton**

Donald and Ann Pryer addressed the Committee in opposition to the proposal.

**2. Margaret Butt, 3266 Homestead Drive, Hamilton**

Margaret Butt addressed the Committee in opposition to the proposal.

**3. Joanne Fenbow, 3260 Homestead Drive, Hamilton**

Joanne Fenbow addressed the Committee in opposition to the proposal.

**4. Jochen Bezner, 21 Grosvenor Avenue South, Hamilton**

Jochen Bezner addressed the Committee in opposition to the proposal.

**(Johnson/Clark)**

That the delegations, be received.

**CARRIED**

**(Johnson/Clark)**

That the following written submissions, be received:

- (i) Rose and Russ Bartolini
- (ii) Donald and Ann Pryer
- (iii) Dena Jones
- (iv) M. P. Butt

**CARRIED**

**(Johnson/Farr)**

That the public meeting be closed.

**CARRIED**

**(Johnson/Clark)**

That the recommendations in Report PED19046 be amended by adding the following sub-section (e):

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

**Result: Amendment CARRIED by a vote of 8 to 1, as follows:**

YES – 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  
 YES – Councillor Brenda Johnson  
 YES – Councillor Brad Clark

For disposition of this matter, refer to Item 5.

- (ii) **Application for a Zoning By-law Amendment for Lands Located at 122 and 126 Augusta Street and 127 Young Street and 125 Young Street, Hamilton (PED19089) (Ward 2) (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.

No members of the public came forward.

**(Farr/Collins)**

That the Public Meeting be closed.

**CARRIED**

Mark Kehler, Planner II, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

**(Farr/Collins)**

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 provided an overview of the proposal.

**(Farr/Whitehead)**

That the overview of the proposal by Matt Johnston, Urban Solutions, be received.

**CARRIED**

**(Farr/Collins)**

That the recommendations in Report PED19089 be amended by adding the following sub-section (c):

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

**Result: Amendment 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  
 YES – Councillor Terry Whitehead  
 YES – Councillor Brenda Johnson  
 NOT PRESENT – Councillor Brad Clark

For disposition of this matter, refer to Item 6.

**(iii) Entertainment on Outdoor Commercial Patios – Extension and Establishment of the Temporary Use By-laws (PED16155(b)) (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.

No members of the public came forward.



**(Whitehead/Farr)**

That the public meeting be closed.

**CARRIED**

**(Whitehead/Farr)**

That the staff presentation be waived.

**CARRIED**

**(Farr/Collins)**

That the recommendations in Report PED16155(b) be amended by adding the following sub-section (d):

- (d)      *That there were no public submissions received regarding the matter.***

**Result: *Amendment* 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  
 YES – Councillor Terry Whitehead  
 YES– Councillor Brenda Johnson  
 NOT PRESENT – Councillor Brad Clark

For disposition of this matter, refer to Item 7.

- (iv)    Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat (For today's meeting) (Item 8.4)**

Glenn Wise was not in attendance when called to speak. Staff advised that Glenn Wise may have thought he was to attend the May 14, 2019 Planning Committee meeting.

**(Collins/Whitehead)**

That the Delegation by Glenn Wise, Macassa Bay Live-Aboard Association, respecting Obtaining Permanent Approval for Year Round Residency on a Boat, be deferred to the May 14, 2019 Planning Committee meeting.

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

**(i) STAFF PRESENTATIONS (Item 9)**

**(i) Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper (CI 19-B) (PED19091) (City Wide) (Item 9.1)**

Joanne Hickey-Evans, Manager Policy Planning and Zoning By-law Reform, addressed the Committee with aid of a PowerPoint presentation.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

**(Farr/Whitehead)**

That the staff presentation be received.

**CARRIED**

**(Farr/Whitehead)**

That recommendation (b) of Report PED19091 be deleted in its entirety and replaced with the following:

~~(b) That staff be directed to undertake public engagement on the proposed Zoning By-law regulation options, in conjunction with other housing issues, as part of the development of the new residential zones;~~

***(b) That the Residential Care Facilities and Group Homes (Urban Area) – Human Rights and the Zoning By-law Discussion Paper be posted on the City's website and invite written submissions on the proposed Zoning By-law regulation and definition changes for a period of 30 days, with staff reporting back to the Planning Committee on the written submissions received. In the event that additional public engagement is necessary, it would be included with other housing issues as part of the residential zoning project; and,***

**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  
 YES– Councillor Brenda Johnson  
 NOT PRESENT – Councillor Brad Clark

For disposition of this matter, refer to Item 8.

**(j) NOTICES OF MOTION (Item 12)**

**(i) Effect of Heritage Designations on Property Values in Hamilton (Added Item 12.3)**

Councillor Farr introduced the following Notice of Motion respecting Effect of Heritage Designations on Property Values in Hamilton:

That the appropriate staff from PED be requested to consult with the Realtors Association of Hamilton-Burlington in an effort to determine if they are aware of or possess any documented proof (attained through previous reports, studies or sales figures analysis) that a heritage designation decreases a property's value in Hamilton.

**(ii) Ways to Better Protect Hamilton Trees on Private Property (Added Item 12.2)**

Councillor Farr introduced a Notice of Motion respecting Ways to Better Protect Hamilton Trees on Private Property.

**(Farr/Collins)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting Ways to Better Protect Hamilton Trees on Private Property.

**Result: Motion CARRIED by a 2/3's majority 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  
 YES – Councillor Brenda Johnson  
 NOT PRESENT – Councillor Brad Clark

For disposition of this matter, refer to Item 12.

**(iii) Zoning By-law Amendment for 1400 Baseline Road (Added Item 12.1)**

Councillor Pearson introduced a Notice of Motion respecting Zoning By-law Amendment for 1400 Baseline Road.

**(Pearson/Whitehead)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting Zoning By-law Amendment for 1400 Baseline Road.

**Result: Motion CARRIED by a 2/3's majority 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  
 YES – Councillor Brenda Johnson  
 NOT PRESENT – Councillor Brad Clark

For disposition of this matter, refer to Item 13.

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

**(i) Outstanding Business List (Item 13.1)**

**(Whitehead/Partridge)**

That the following changes to the Outstanding Business List, be approved:

**(a) Items to be Removed:**

C - OMB Decision respecting 121 Augusta Street - Staff review of RCF's as it relates to special needs and the Human Rights Code (Addressed as Item 9.1 on this agenda)

G - Feasibility of Tree Services By-law (Addressed as Item 10.2 on this agenda)

**(b) Items Requiring New Due Dates:**

B - City Initiative to Amend Zoning By-law No. 6593 for 118 - 338 Mountain Brow Blvd.

Current Due Date: July 9, 2019

Proposed New Due Date: July 2020

D - Request to Designate 437 Wilson Street East

Current Due Date: March 19, 2019

Proposed New Due Date: September 17, 2019

H - Report back on engagement between the HMHC and property owners surrounding the Gore

Current Due Date: February 5, 2019

Proposed New Due Date: October 1, 2019

I - Report back on City's Policies respecting Boulevard Standards with options/alternatives for future designs

Current Due Date: March 19, 2019

Proposed New Due Date: September 17, 2019

J - Sign Variance Appeal for 430 McNeilly Road

Current Due Date: March 19, 2019

Proposed New Due Date: September 3, 2019

P - Updated Discharge of Firearms By-law

Current Due Date: February 19, 2019

Proposed New Due Date: May 14, 2019

Q - Update on Animal Adoption Pilot Program

Current Due Date: September 3, 2019

Proposed New Due Date: December 3, 2019

T - Development Fees - additional staffing requirements and potential funding model

Current Due Date: April 2, 2019

Proposed New Due Date: October 15, 2019

U - Review of Hamilton Airshed Modelling System

Current Due Date: March 19, 2019

Proposed New Due Date: November 5, 2019

Z - Update on Effectiveness of Driving School By-law

Current Due Date: August 13, 2019

Proposed New Due Date: February 2020

GG - Staff recommendations after one year Pilot Program for dedicated Mohawk College Parking Enforcement Officer

Current Due Date: October 15, 2019

Proposed New Due Date: December 3, 2019

**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

YES – Councillor Brenda Johnson

NOT PRESENT – Councillor Brad Clark

**(I) ADJOURNMENT (Item 15)**

**(Danko/Wilson)**

That, there being no further business, the Planning Committee be adjourned at 2:37 p.m.

**CARRIED**

Respectfully submitted,

Councillor M. Pearson  
Chair, Planning Committee

Lisa Chamberlain  
Legislative Coordinator  
Office of the City Clerk

**Chamberlain, Lisa**

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**From:** Lakewood Beach Community Council  
**Sent:** April 29, 2019 10:02 AM  
**To:** Chamberlain, Lisa  
**Cc:** Pearson, Maria; Clark, Brad; Whitehead, Terry; Partridge, Judi; JP Danko; Collins, Chad; Farr, Jason; Wilson, Maureen; Johnson, Brenda  
**Subject:** 310 Frances Avenue

Good Morning Lisa, would you please be able to add this to tomorrow agenda as Communications to the Planning Committee?

Dear Madam Chair & Committee Members,

We are seeking your clarification on questions that have been raised by the residents since the meeting of April 16th; substantive and procedural. Some of these queries you might wish to address prior to approving the Minutes of the April 16th meeting.

Substantive:

*Can you please advise when Staff will be reporting back to Committee?*

We had thought going forward, documents/information/updates would be more public and easily available in order to provide the residents with information and possibly an opportunity for input.

Since the meeting, we asked again for electronic copies of the Studies. We were again told NO, they will not be made available to the public electronically until an Agenda is online for the unknown Tuesday Planning Committee meeting. (the documents are public, but according to Staff the process isn't. Hence, unlike opa/zba planning applications, won't electronically release on a usb stick)

We also asked for minutes and what the outcome was of the April 24th, Development Review Team meeting. We were told the applicant was asked to make revisions, but we have to wait for the details. We can read about the outcome when Staff provide Committee with a 'high level summary' of that meeting and it is on some future agenda.

*Can you please clarify the intent of the Motion?*

Procedural:

*Can you please advise why the Report to Council (and minutes) excluded the addition of the Staff Presentation to the Agenda. The presentation by Staff is showing as a Public Hearing/Delegation rather than a walk on presentation. As well, our slide presentation is not reflected in the reports/minutes. Those exclusions result in no accessible copies on the city's website and we believe, a legal public record that isn't complete.*

*Can you also please advise why the Motion appeared as a Direction contained in the Information Section of the meeting Report to Council on April 24? Shouldn't Council have been advised a Motion was made, that there was a seconder, it was electronically voted upon, and carried during the April 16th Planning Committee meeting? Those details are indicated in the Minutes, but were not in the Report to Council. Are some Motions ratified at Council and others aren't?*

We also believe Clr Partridge provided some directions to Staff that were omitted in the Report - direction to bump up our area in the planning process with a potential report back by the Fall; as well as a report back on other properties zoned RM5 (no height restriction). We're not positive on this, but we had always thought Directions to Staff form part of the public record for addition to the Outstanding Business List to ensure follow through.

We have also always thought Motions and Directions were different so we're confused by the Report/Minutes of the 16th.

It's quite possible we are unnecessarily worried & do not fully grasp the stages of a Site Plan process (or that we misinterpreted Committee's intent). Our understanding is that issues/concerns have already been identified and shared with the applicant as conditions of approval. (ie we read about sewer upgrades in a recent CBC article) It is also rumoured a follow up DRT meeting has been scheduled. We can't help but question if this is even fair to the applicant when Committee (once they receive information) may choose to exercise Council's authority and amend any issues/concerns/conditions/revisions.

Lastly, out of courtesy to the residents who had planned on speaking but were unable to. On behalf of the residents who provided other delegates with parts of their presentations; we would like to ask that rather than the public record reflecting "did not attend", those 2 individuals be afforded the same respectful wording another delegate who also wasn't present received. Specifically, "were unable to attend but ..." Those particular residents made an effort. As a courtesy, we would ask that the record reflect their efforts instead of leaving one to believe they were 'no shows'.

We look forward to any clarifications Committee can provide.

Thank you!

Respectfully,

Lakewood Beach Community Council



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

Submitted on Thursday, May 2, 2019 - 3:36 pm

**==Committee Requested==**

**Committee:** Planning Committee

**==Requestor Information==**

**Name of Individual:** Mark Clem

**Name of Organization:**

**Contact Number:**

**Email Address:**

**Mailing Address:**

**Reason(s) for delegation request:** Present Empirical data on Heritage Registered and Heritage designated residential property in Hamilton

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

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



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 14, 2019
<b>SUBJECT/REPORT NO:</b>	Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19078) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Joe Gravina (905) 546-2424 Ext. 1284
<b>SUBMITTED BY:</b>	Steve Robichaud Director of Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## **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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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: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19078) (City Wide) - Page 2 of 3**

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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 (subsection 17 (40)), Zoning By-law Amendment application after 150 days (subsection 34 (11)) and a Plan of Subdivision after 180 days (subsection 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.

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

Attached as Appendix “A” to Report PED19078 is a table outlining the active applications received prior to December 12, 2017 sorted by Ward, from oldest application to newest. As of March 8, 2109, there were:

- 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;

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

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

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

**SUBJECT: Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19078) (City Wide) - Page 3 of 3**

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- 25 active Zoning By-law Amendment applications; and,
- 10 active Plan of Subdivision applications.

Within 60 to 90 days of May 14, 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 PED19078 is a table outlining the active applications received after December 12, 2017 sorted by Ward, from oldest application to newest. As of March 8, 2109, 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;
- 42 active Zoning By-law Amendment applications; and,
- 6 active Plan of Subdivision applications.

Within 60 to 90 days of May 14, 2019, 15 applications will be approaching the 150, 180 or the 300 day statutory timeframe and will be eligible for appeal. Twenty-seven applications have passed the 150, 180 and 300 day statutory timeframe.

Combined to reflect property addresses, there are 68 active development proposals. Thirteen proposals are 2019 files, while 29 proposals are 2018 files and 26 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 Q3 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.

**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

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective March 8, 2019)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> 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 May 14, 2019
<b>Ward 1</b>									
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	774
<b>Ward 2</b>									
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	872
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	546
<b>Ward 7</b>									
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.	594
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	532

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective March 8, 2019)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> 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 May 14, 2019
<b>Ward 9</b>									
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.	944
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.	944
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.	949
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.	893
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.	778

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective March 8, 2019)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> 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 May 14, 2019
<b>Ward 10</b>									
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.	1412
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	564
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.	1215
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	872
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.	561

**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective March 8, 2019)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> 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 May 14, 2019
<b>Ward 11</b>									
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.	810
<b>Ward 12</b>									
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	1238
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.	655
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	644
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	629
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.	585



**Active Development Applications  
Deemed Complete Prior to December 12, 2017  
(Effective March 8, 2019)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> 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 May 14, 2019
<b>Ward 13</b>									
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.	1624
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.	643
<b>Ward 15</b>									
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	872
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.	552

Active Development Applications

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

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective March 8, 2019)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> 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 May 14, 2019
<b>Ward 1</b>									
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	508
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	330
UHOPA-19-004* ZAC-19-009	804-816 King St. W., Hamilton	21-Dec-19	n/a	18-Jan-19	n/a	n/a	17-Oct-19*	Urban Solutions Planning & Land Development	144
<b>Ward 2</b>									
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	531

**Active Development Applications  
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<b>Ward 2 cont'd</b>									
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	508
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	509
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	431
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.	411
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	312

**Active Development Applications  
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<b>Ward 2 cont'd</b>									
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	305
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	144
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.	141
ZAR-19-008	124 Walnut St. S., Hamilton	21-Dec-18	n/a	18-Jan-19	20-May- 19	n/a	n/a	IBI Group	144
<b>Ward 3</b>									
ZAC-19-014	116 Barnesdale Ave. N., Hamilton	31-Jan-19	n/a	20Feb-19	30-Jun-19	n/a	n/a	IBI Group	103

**Active Development Applications  
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<b>Ward 5</b>									
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.	165
<b>Ward 6</b>									
ZAC-19-004	560 Highland Rd. W., Hamilton	10-Dec-18	n/a	18-Jan-19	09-May- 19	n/a	n/a	WEBB Planning Consultants Inc.	155
<b>Ward 7</b>									
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	509
25T-19002	70 Bobolink Rd., Hamilton	3-Jan-19	n/a	18-Jan-19	n/a	02-Jul-19	n/a	IBI Group	131
<b>Ward 8</b>									
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	425

**Active Development Applications  
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<b>Ward 8 cont'd</b>									
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	397
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	257
ZAC-18-055	808 West 5 <sup>th</sup> St., Hamilton	31-Oct-18	n/a	08-Nov-18	30-Mar-19	n/a	n/a	A.J. Clarke & Associates Ltd.	195
<b>Ward 9</b>									
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.	375
<b>Ward 10</b>									
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.	515
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	340

**Active Development Applications  
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<b>Ward 10 cont'd</b>									
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	225
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	172
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.	146
<b>Ward 11</b>									
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	475
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	308
ZAA-18-053	2282 Westbrook Rd., Glanbrook	23-Oct-18	n/a	14-Nov-18	22-Mar-19	n/a	n/a	IBI Group	203

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective March 8, 2019)**

File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> 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 May 14, 2019
<b>Ward 12</b>									
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.	247
ZAA-18-052	1557 2 <sup>nd</sup> Concession Rd. W., Flamborough	16-Oct-18	n/a	22-Oct-18	15-Mar-19	n/a	n/a	Chris Van Berkel	210
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.	190
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	167
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.	162



**Active Development Applications  
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File	Address	Date Received	Date <sup>1</sup> Deemed Incomplete	Date <sup>1</sup> 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 May 14, 2019
<b>Ward 12 cont'd</b>									
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	144
<b>Ward 13</b>									
ZAR-19-013	574 NorthCliffe Ave., Dundas	31-Jan-19	n/a	21-Feb-19	30-Jun-19	n/a	n/a	IBI Group	103
<b>Ward 14</b>									
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	158
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.	151
ZAC-19-011	1933 Old Mohawk Rd., Ancaster	12-Dec-18	n/a	10-Jan-19	11-May-19	n/a	n/a	Urban Solutions Planning & Land Development	153

**Active Development Applications  
Deemed Complete After December 12, 2017  
(Effective March 8, 2019)**

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<b>Ward 15</b>									
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	445
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	295

Active Development Applications

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



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 14, 2019
<b>SUBJECT/REPORT NO:</b>	Micro-Mobility - E-Scooters (PED19099) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Ken Leendertse (905) 546-2424 Ext. 3059 Peter Topalovic (905) 546-2424 Ext. 5129
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	
<b>SUBMITTED BY:</b>	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
<b>SIGNATURE:</b>	

## INFORMATION

In the past few years, there has been an emergence of several new technologies aimed at providing options for first mile and last mile connections and short trips. These include bike share (e.g. Sobi), small one or two-person electric cars, and the newest trend – e-scooters.

Commonly referred to as “micro-mobility”, these new technologies will increase mobility choices for the citizens of Hamilton. However, there is also a risk that they could be perceived as a nuisance, and potentially create public safety concerns if not properly regulated. This report provides an overview of micro-mobility trends that may have an impact within the City of Hamilton. The primary focus is on e-scooters as they may pose the most concern for municipalities in terms of safety and required changes to by-laws and traffic regulations.

E-scooters represent a new way for residents to move around their communities. E-scooters are electronic powered, two-wheel standing vehicles designed for a single rider. These e-scooters are parked using a kickstand and usually have lights, sensors

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**SUBJECT: Micro-Mobility – E-Scooters (PED19099) (City Wide) - Page 2 of 4**

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and personal identification that activates the e-scooter by using an app on a smart phone.

Given their convenience for short trips, they have the potential to increase access to transit stops, replace short car trips in busy retail areas, and generally reduce dependence on single occupant vehicles. Because they are powered by batteries, they also have the potential to reduce greenhouse gas emissions and noise impacts, as compared to regular gasoline vehicles. A detailed overview of e-scooters was recently prepared by the Share the Road Cycling Coalition and is attached as Appendix “A” to this Report. The overview summarizes the opportunities, challenges and current state of legislation and policy related to e-scooters.

The prevalence of e-scooters has increased dramatically over the past two years. E-scooter companies, such as Lime and Bird, have placed e-scooters in over 100 cities worldwide. E-scooters are currently in operation in several major cities in the United States (US) as well as several European Countries. Within Ontario, the City of Waterloo is piloting e-scooters along the Laurel Trail and currently examining expanding the pilot to include the University of Waterloo in 2019.

Most e-scooters providers are operating with the approval and cooperation of the municipality; however, there are examples of companies launching start-ups in municipalities without approval. Companies who do not work with the municipality tend to opt for the model of ‘disrupt first and apologize later’. In these situations, e-scooters are often set up overnight with no regulations or by-laws in place. Several cities have now either banned or impounded these e-scooters. One of the main reasons that e-scooters are being impounded is because they are left in unsafe locations, blocking sidewalks or wheelchair accessible ramps, laying on the sidewalk or leaning against fire hydrants. Conversely, larger more established companies do not employ this strategy and work closely with municipalities to ensure mutual benefit.

With respect to safety, e-scooters have raised concerns as most do not come with helmets or require special training for operation. Several people have been seriously injured while driving e-scooters with at least three fatalities being reported in the US. A law suit was filed in California after several people were injured from tripping over e-scooters discarded on sidewalks or because the e-scooter operators have run into pedestrians from behind.

In Ontario, operating e-scooters on sidewalks or roadways is currently against the law. They can only be operated on private property if permitted by owners. However, given their inevitable introduction, new policies and regulations will be required at both the provincial and municipal level. The Ministry of Transportation (MTO) is currently in consultation with the e-scooter providers to examine if this new mode of transportation will be allowed on roadways and what restrictions, if any, will be considered.

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**SUBJECT: Micro-Mobility – E-Scooters (PED19099) (City Wide) - Page 3 of 4**

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One potential impact on municipalities may be an increased need to enforce e-scooter operators who are breaking the rules. For example, regulations may be required to ensure riders do not park e-scooters such that they block access to sidewalks, entrances or impede the safety of others.

Several US cities have implemented by-laws that give Municipal Law Enforcement Officers the ability to retrieve and impound the e-scooters from around the city. Some cities have licensed the e-scooter businesses, while others have created permits for each e-scooter so they can be parked on sidewalks. Where an established policy regime exists, and there is a strong partnership between the municipality and the e-scooter operator, there is a higher potential to achieve greater compliance of rules to ensure the pedestrian zone of the right of way is not impeded by improperly parked e-scooters.

As part of preparing for e-scooters in the City of Hamilton, staff met with the operator of Lime. Lime reported that many of the initial concerns about nuisances have not materialized in other cities where they have launched services. Many of the concerns identified previously have been effectively dealt with by the business model and technology. Strategies used by Lime, and other major operators, include:

- Re-balancing of the e-scooter fleet;
- Geo-fencing to restrict parking outside of suitable areas;
- Education for riders;
- End of trip policies to ensure e-scooters are parked correctly;
- An alert system and mobile response if the e-scooter is not left upright; and,
- Creation of a Local Operational Team that responds to any concerns.

As evidence that e-scooter behaviour can be managed, data from Lime shows that 72% of all e-scooters were parked correctly on sidewalks with most of the others (23%) parked off the streetscape on adjacent properties. Of the e-scooters parked on sidewalks, 90% did not disrupt pedestrian flow. Virtually all e-scooters were parked upright. Lime also encourages riders to wear helmets, have riders pledge to adhere to safe and responsible riding and have on-the-ground safety ambassadors dedicated to educating local communities about e-scooter safety.

Reputable e-scooter companies are willing to work with a municipality to ensure the e-scooters are placed in the most appropriate locations to ensure access, but not impact sidewalks or pedestrian flow.

Although there are still several regulatory changes that are required at the provincial level before e-scooters can be fully deployed, it is prudent that the City of Hamilton start to prepare for their introduction. While monitoring pending changes to the Highway Traffic Act (HTA), staff will continue to evaluate options to ensure some municipal control over these new modes, either through licensing or by contracting out to an

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**SUBJECT: Micro-Mobility – E-Scooters (PED19099) (City Wide) - Page 4 of 4**

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appropriate operator with specific guidelines. The latter approach would be similar to what was done with SoBi Hamilton for the introduction of bike share.

Staff will continue to report back to Council with respect to any potential introductions of e-scooters in Hamilton, as well as options for appropriately regulating and integrating them into the City as part of our multi-modal transportation system.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” - Draft Briefing Notes: E-Scooters in Ontario

KL:BH:st

## DRAFT BRIEFING NOTE: E-SCOOTERS IN ONTARIO

Prepared by: Share the Road Cycling Coalition

### THE OPPORTUNITY

E-scooters represent a new way for residents to get around their communities. They have been lauded as providing first and last mile connections to transit, particularly in areas where the trip is too long to walk. If residents choose to replace car trips with e-scooters, they also represent an opportunity to reduce traffic congestion. Preliminary evidence from the e-scooter pilot in Portland, Oregon suggests that e-scooter riders are using them to replace car trips (34%) and that the e-scooters are popular among residents, with 85% of those surveyed indicating that they would recommend e-scooters to a friend <sup>(1)</sup>.

### THE CHALLENGE

E-scooters are a relatively new technology and mode of transportation. As a result, there are few studies about their safety, market resilience and ability to operate through the winter. While the Portland pilot results indicate that people are using e-scooters for trips that otherwise may have been made by car, it is important to note that Portland is recognized as a Platinum Bicycle Friendly Community and has invested more than most in providing safe & convenient space for people to cycle. This bicycle infrastructure is also now being used by people riding e-scooters, and is preferred among riders who were surveyed <sup>(1)</sup>. Most communities do not have the same infrastructure available for bicycling or for e-scooter riders as Portland does and the availability of safe spaces to ride should be a key concern.



Sample photo of an e-scooter

Medical professionals have raised concerns about increased emergency room visits due to the proliferation of e-scooters, with many sources pointing to one Salt Lake City hospital that reported a 161% increase <sup>(2)</sup> in emergency room visits related to e-scooters (from 8 patients to 21) <sup>(3)</sup>. Another recent study of medical records from two UCLA hospitals in Los Angeles and Santa Monica indicate that e-scooters have been associated with 249 emergency room visits between September 2017 and August 2018 <sup>(4)</sup>. As of September 2018, the death rate among e-scooter riders across the United States was reported to be 1 per 10.75 million trips, compared to 1 per 61.5 million trips for bike share <sup>(5)</sup>. In December 2018, the Centre for Disease Control announced <sup>(6)</sup> that it would be conducting its first study of the health risks of dockless scooters in Austin, Texas.

There have also been collisions between e-scooter riders and pedestrians on the sidewalk and concerns about sidewalks being obstructed by poorly parked e-scooters, and the serious impact this has on the mobility of elderly and visually impaired residents and residents using mobility devices.

### E-SCOOTERS AND ONTARIO LAW

At present, e-scooters can only be operated where the Ontario Highway Traffic Act (HTA) does not apply, such as on private property if permitted by the owners. This is the case during the ongoing pilot conducted by Lime in Waterloo, ON, where the scooters are permitted only on private trails and university campus <sup>(7)</sup>.

## LEARNING FROM OTHER JURISDICTIONS

While there is no clear-cut guidance for this new technology, several jurisdictions have enacted policies to govern the use of e-scooters:

- Regulations currently being considered in Washington, DC would require companies to provide a toll-free phone number for people to report badly parked vehicles. They also require companies to provide a \$10,000 security deposit, which the city can keep if companies fail to remove badly parked e-scooters<sup>(8)</sup>.
- While some jurisdictions (ex. Denver) allow the use of e-scooters on the sidewalks, many jurisdictions have banned e-scooters from the sidewalks and require riders to use the road and bicycle lanes.
- Most e-scooters in the United States appear to be capped at a maximum speed of 15 mph (24 km/h). A 2018 effort in California – reportedly led by e-scooter company Bird – aimed to increase the maximum speed to 20 mph (32 km/h) and allow sidewalk riding, but failed to pass<sup>(9)</sup>.
- California recently passed legislation allowing people 18 years of age and older to operate e-scooters without a helmet. This same legislation stipulates that e-scooter riders cannot carry passengers or any packages that prevent them from keeping at least one hand on the handlebars. California also prohibits riders from leaving e-scooters lying on their side on any sidewalk, or from parking e-scooters on sidewalks in a manner that does not provide an adequate path for pedestrian traffic<sup>(10)</sup>.
- Some jurisdictions like Miami and Nashville have banned the use of e-scooters all together, while others like San Francisco require prospective companies to apply for a limited number of operating permits<sup>(11)</sup>. Some municipalities have set geographic limits on where e-scooters can be operated (ex. Santa Monica has banned them along the beach path<sup>(12)</sup> and Portland has banned them in Waterfront Park<sup>(11)</sup>).
- In Santa Monica, city council recently approved a “use of public space fee” for the use of public property for private commercial purposes. The recommended fee is \$0.98/scooter per day<sup>(12)</sup>.
- As part of their pilot project, Santa Monica is also repurposing street space to create shared mobility device zones to help prevent sidewalk blockage by e-scooters. Over 60 zones have been installed in the first few months<sup>(13)</sup>.
- In Washington, DC, e-scooter systems must offer cash payment options and the ability to unlock scooters without a smart phone to ensure that residents can access the e-scooters without a smartphone or bank account<sup>(14)</sup>.
- To ensure that these services are available to residents and communities that could benefit most, Portland, Oregon requires that e-scooter operators deploy a minimum of 100 e-scooters of 20% or their fleet (whichever is less) each day in the historically underserved East neighbourhoods<sup>(14)</sup>.
- Currently, the City of Waterloo is undertaking an e-scooter pilot project. The pilot is two phases, with a maximum of 100 e-scooters in Fall 2018 and a maximum of 150 e-scooters in spring 2019. The maximum speed of e-scooters during the pilot is 24 km/h. The pilot specifies the specific “pilot routes” on which the e-scooters can be operated. It also specifies hours of operation for e-scooters between 7am to 9pm. The operator (Lime) is responsible for removing all e-scooters from operation after 9pm and for collecting all e-scooters on public and private property (except those in designated recharge havens). E-scooter riders must be 18 years of age and upload a driver's license as proof of age<sup>(7)</sup>. Riders are not required to wear a helmet.



E-scooter companies themselves also have campaigns and technology aimed at enhancing the e-scooter experience. This includes requiring users to take photos of their parked e-scooters to encourage good parking behaviour, and allowing users to report poorly parked e-scooters through the app. To keep sidewalks clear, Bird has committed to re-organizing and re-balancing their systems at the end of every day <sup>(15)</sup>.

Companies require users to participate in an online safety tutorial the first time they use the app and many distribute free helmets to users who request them. Bird requires users to upload a driver's license as proof of being at least 18 years old. In San Francisco, Skip has established a community advisory council to oversee operations. Lime has indicated that they have the ability to provide incentives as well as fines to users through their app if required by local government <sup>(16)</sup>. In terms of ensuring that e-scooter users have safe spaces to ride, in some cities Bird provides \$1 per scooter per day to municipalities to help build protected cycling infrastructure <sup>(17)</sup>.

## DRAFT POLICY RECOMMENDATIONS FOR ONTARIO

Introducing a new mode of transportation is not a decision that should be made lightly, which is why we would like to see e-scooters permitted in Ontario as part of a **2-year pilot program**. Many municipalities in the US have adopted e-scooters under a pilot framework as it allows for a better understanding of the opportunities and challenges presented by e-scooters. Ontario should do the same.

Share the Road recommends that the Province of Ontario permit the riding of e-scooters on roads and in bicycle lanes, but not on sidewalks. Like e-bicycles, we recommend that e-scooters be permitted anywhere that conventional bicycles can operate, unless restricted by a municipal by-law.

In order to ensure the safety of all road users during this pilot project, we recommend that the Province:

- Require that all first time users participate in an online training tutorial via the operators app, developed by the operator and approved by the province and respective local municipality;
- Require that all e-scooter riders in the pilot be at least 18 years of age;
- Require that e-scooter companies provide a toll free number for residents to report poor parking of e-scooters, in addition to any in-app reporting that can be done by users;
- Limit the speed of e-scooters to 24 km/h and require an emergency power shut off switch;
- Require e-scooters to adhere to the same requirements as bicycles with regards to front and rear lights and a bell;
- Specify that e-scooter riders are prohibited from carrying passengers;
- Prohibit e-scooter riders from carrying any packages that prevent them from keeping two hands on the handlebars;
- Specifically prohibit e-scooter riders from leaving e-scooters lying on their sides or parked in a way that does not allow adequate space for pedestrian traffic;
- Allow municipalities the option of charging a "use of public space fee" to e-scooter companies;
- Allow municipalities to set geographic limits in which e-scooters can/cannot operate, and;
- Allocate a portion of the province's transportation funding to build safe and separate spaces for both bicycles and e-scooters in municipalities.

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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 14, 2019
<b>SUBJECT/REPORT NO:</b>	Applications for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1633, 1649 and 1653 Highway No. 6 North, Flamborough (PED19076) (Ward 13)
<b>WARD(S) AFFECTED:</b>	Ward 13
<b>PREPARED BY:</b>	Elyse Meneray (905) 546-2424 Ext. 6360
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That **Amended Rural Hamilton Official Plan Amendment Application RHOPA-17-038 by 1685486 Ontario Inc. (Owner)**, to establish a Site Specific Policy to permit the expansion of a Cannabis Growing and Harvesting Facility having a maximum gross floor area of 9,505 sq m consisting of 6,305 sq m of growing and harvesting, 600 sq m of agricultural related uses and 2,600 sq m of accessory uses, for portions of the lands located at 1633 and 1649 Highway No. 6 North, Flamborough, as shown on Appendix “A” to Report PED19076, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19076, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Greenbelt Plan (2017);
  - (iii) That in the event that RHOPA 21 comes into force and effect prior to the adoption of the draft Official Plan Amendment, attached as Appendix “B” to

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**SUBJECT: Applications to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1633, 1649 and 1653 Highway No. 6 North, Flamborough (PED19076) (Ward 13) - Page 2 of 37**

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Report PED19076, the definition of a Cannabis Growing and Harvesting Facility shall be removed.

- (b) That **Amended Zoning By-law Amendment Application ZAC-17-081 by 1685486 Ontario Inc. (Owner)**, for a modification to the Rural (A2) Zone to permit the expansion of a Cannabis Growing and Harvesting Facility having a maximum gross floor area of 9,505 sq m consisting of 6,305 sq m of growing, 600 sq m of agricultural related uses and 2,600 sq m of accessory uses, and a modification to the Conservation / Hazard Lands – Rural (P7) Zone to permit an office use in conjunction with the Cannabis Growing and Harvesting Facility and to prohibit a Cannabis Growing and Harvesting Facility, a Single Detached Dwelling, a Residential Care Facility, a Farm Labour Residence and an Agricultural Processing Establishment – Secondary within the existing building and prohibit expansions of the existing single detached dwelling, for portions of the lands located at 1633, 1649 and 1653 Highway No. 6 North, Flamborough, as shown on Appendix “A” to Report PED19076, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED19076, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That in the event that By-law 18-266 comes into effect prior to the passing of the draft By-law, attached as Appendix “C” to Report PED19076, the definition of the Cannabis Growing and Harvesting Facility shall be removed;
- (iii) 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 ‘H111’ to the proposed Rural (A2, 691) Zone.

The Holding Provision “H111” is to be removed to allow the development of the Cannabis Growing and Harvesting Facility, conditional upon:

- 1. The Owner submitting and receiving approval of an Odour Impact Assessment and Light Impact Assessment, to the satisfaction of the Director of Planning and Chief Planner.
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and will comply with the Rural Hamilton Official Plan upon approval of Official Plan Amendment No. \_\_\_.

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**SUBJECT: Applications to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1633, 1649 and 1653 Highway No. 6 North, Flamborough (PED19076) (Ward 13) - Page 3 of 37**

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## **EXECUTIVE SUMMARY**

The Applicant has applied for an Amendment to the Rural Hamilton Official Plan (RHOP) and the City of Hamilton Zoning By-law No. 05-200 for lands located at 1633, 1649 and 1653 Highway No. 6 North to permit the expansion of the existing Cannabis Growing and Harvesting Facility.

The purpose of the RHOP Amendment application, as amended, is to expand the existing Cannabis Growing and Harvesting Facility to a maximum gross floor area of 9,505 sq. m, consisting of 6,305 sq m of growing, 600 sq m of agricultural related uses and 2,600 sq m of accessory uses and to define a Cannabis Growing and Harvesting Facility, on a portion of the lands, as shown on Appendix “A” to Report PED19076.

The purpose of the Zoning By-law Amendment application, as amended, is to rezone a portion of the subject lands to a modified Rural (A2) Zone and a modified Conservation / Hazard Land – Rural (P7) Zone to permit the expansion of the Cannabis Growing and Harvesting Facility to a maximum gross floor area of 9,505 sq m and to recognize an existing single detached dwelling. The site specific Rural (A2) Zone will include the following provisions:

- An expansion to the existing facility within a new greenhouse structure with a maximum gross floor area of 9,505 sq. m, containing 6,305 sq m of growing, 600 sq m for an Agricultural Processing Establishment – Secondary and 2,600 sq m of accessory uses (office, packaging, testing, storage, internal corridors and shipping and loading);
- A minimum setback of 125 m from the existing single detached dwelling (1653 Highway No. 6 North);
- A maximum lot coverage of 37% for all buildings and structures on portions of the subject lands;
- A maximum gross floor area of 600 sq m for the all buildings and areas devoted to an Agricultural Processing Establishment – Secondary;
- A minimum 1.4 m setback from the (P7) and (P8) Zone Boundary; and,
- Prohibit any expansions to the existing single detached dwelling located at 1653 Highway No. 6 North.

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The site specific Conservation / Hazard Land - Rural (P7) Zone will include the following provisions:

- Permit an accessory office use in conjunction with the Cannabis Growing and Harvesting Facility for the existing building located at 1633 Highway No. 6 North;
- Add the permitted uses of the Rural (A2) Zone for the existing building located at 1633 Highway No. 6 North;
- Prohibit a Cannabis Growing and Harvesting Facility a Single Detached Dwelling, a Residential Care Facility, a Farm Labour Residence and an Agricultural Processing Establishment – Secondary within the existing building located at 1633 Highway No. 6 North; and,
- Prohibit any expansions to the existing building (formerly the single detached dwelling) located at 1633 Highway No. 6 North.

The lands were subject to a recent RHOPA and Zoning By-law Amendment (CI-18-H) which changed medical marihuana to cannabis, required a 150 m separation distance from a sensitive land use and updated the requirements of a complete application to include an Odour Impact Assessment, Light Impact Assessment and Traffic Impact Study. The By-laws are currently under appeal. Since the applications predated the new regulations and it is unknown at the time of writing this report when the appeals will be resolved, additional amendments are required including a 125 m setback from a sensitive land use and to recognize the definition of a Cannabis Growing and Harvesting Facility.

A Holding Provision will also be applied to the subject lands until such time as the applicant has submitted and received approval of an Odour Impact Assessment and Light Impact Assessment.

In light of the appeal, the Applicant has submitted a request to revise their proposal from a Medical Marihuana Growing and Harvesting Facility to a Cannabis Growing and Harvesting Facility to reflect the changes adopted by Council. As the applications are now for a Cannabis Growing and Harvesting Facility, this term will be used throughout the report.

The applications as amended have merit and can be supported as they are consistent with the Provincial Policy Statement (2014) and conform to the Greenbelt Plan (2017). The proposal is considered to be compatible with existing and planned agricultural uses / development in the area and represents good planning by preserving the

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Protected Countryside for agricultural use while providing for diversified agricultural economic opportunities.

**Alternatives for Consideration – See Page 36**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one public meeting to consider applications for an Official Plan Amendment and Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

**1.0 Former Use of Site**

No. 1649 (previously 1647) Highway No. 6 North was previously used as an automotive salvage yard with PCB storage on site and is currently used as a solar generation site and a Cannabis Growing and Harvesting Facility. In March, 2008, a Provincial Officers Order was issued by the Ministry of Environment Conservation and Parks (MOECP) to remove waste materials, tires and demolition waste and was complied with in late 2008. On October 16, 2009 the MOCEP issued a decommissioning letter for the PCB storage and removed the site from the Provincial PCB inventory. Although, extensive remediation has occurred on site, the previous use of the property has degraded the soil and rendered it infertile.

The former salvage yard was owned by Bulk Steel and Salvage Limited and the associated warehouse and office building was constructed in 1979. In 2008, the warehouse and office building suffered fire damage and was rebuilt. A two storey addition to the existing warehouse and office building was added in 2014 and was converted to the growing and harvesting for medical marihuana.

No. 1633 Highway No. 6 North was a residential dwelling built in the 1940s and remains a residential use. Records indicate that the single detached dwelling at No. 1653 Highway No. 6 North was built prior to 1989 and was the original house associated with the salvage yard operation.

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## 2.0 Subject Lands

The subject lands are located on the west side of Highway No. 6 North, at the intersection of Highway No. 6 North and Concession 10 Road East, Flamborough, and are municipally known as 1633, 1649 and 1653 Highway No. 6 North (see Location Map attached as Appendix “A” to Report PED19076). Through Site Plan Control Application (DAR-17-182), the proposed Cannabis Growing and Harvesting Facility will be assigned the address of 1649 Highway No. 6 North. The subject lands are approximately 7.2 ha in size, however due to significant natural heritage constraints and existing structures on site the total developable area for the proposal is limited to 2.5 ha.

The site is bounded by Highway No. 6 North to the east with a Significant Woodland as a buffer, agricultural uses and Bronte Creek to the south, a kennel, agricultural uses and wetlands to the north and wetlands and woodlands to the west. Regional Tractor Sales and Servicing Limited is located adjacent to the property, across Highway No. 6 North.

The subject lands contain areas of the Beverly Swamp Significant Wetland Complex, the Strabane North Wetlands Environmentally Sensitive Area (ESA), Significant Woodlands and is traversed by a tributary of Grindstone Creek. Therefore, the entirety of the property is regulated by Conservation Halton.

1633, 1649 and 1653 Highway No. 6 North have become merged on title, and are currently in agricultural use by the owner, who is a federally licensed medical marijuana producer. Table 1 summarizes the existing uses for each address on the subject lands.

**Table 1: Existing Uses on Site**

Address	Use
1633 Highway No. 6 North	Existing 210 sq m single detached dwelling
1649 Highway No. 6 North	Existing 880 sq m Cannabis Growing and Harvesting Facility
	33 Standalone solar panels
1653 Highway No. 6 North	Existing 290 sq m single detached dwelling
	Existing access off of Highway No. 6 North to the single detached dwelling and facility

## 3.0 Proposed Development

The proposal is to permit an 8,625 sq m expansion to the existing 880 sq m facility for the growing and harvesting of cannabis. The new expansion will be attached to the existing Cannabis Growing and Harvesting Facility and contain a combined total of

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5,570 sq m of growing, 650 sq m of enclosed walkways which join the two buildings, 415 sq m devoted to the processing of cannabis oil and 2,160 sq m of accessory uses. The building area statistics for the existing Cannabis Growing and Harvesting Facility and the proposed Cannabis Growing and Harvesting Greenhouse can be found below in Tables 2 and 3.

**Table 2: Building Area Statistics for the Existing Cannabis Growing and Harvesting Facility**

Existing Cannabis Growing and Harvesting Facility		
Type of Use	Existing Use	Existing Size
Growing	Growing	555 m <sup>2</sup>
Agriculture Related	Oil Production	185 m <sup>2</sup>
Accessory	Office	140 m <sup>2</sup>
<b>TOTAL:</b>		880 m <sup>2</sup>

**Table 3: Building Area Statistics for the Proposed Cannabis Growing and Harvesting Facility**

Proposed Cannabis Growing and Harvesting Facility		
Type of Use	Proposed Use	Proposed Size
Growing	Growing	5,750 m <sup>2</sup>
Agriculture Related	Oil Production (Agricultural Processing)	415 m <sup>2</sup>
Accessory	Office (within the facility)	100 m <sup>2</sup>
	Office (1633 Hwy 6)	210 m <sup>2</sup>
	Packaging	200 m <sup>2</sup>
	Testing (Agricultural Research)	200 m <sup>2</sup>
	Storage	200 m <sup>2</sup>
	Shipping and Loading	900 m <sup>2</sup>
	Internal Corridors	650 m <sup>2</sup>
<b>TOTAL:</b>		8,625 m <sup>2</sup>

### 3.1 Original Applications and Staff Recommendations

The submitted RHOP Amendment and Zoning By-law Amendment applications proposed to continue the Salvage Yard operation use, the addition of a Private Power Generation Facility on the property, several accessory uses to the Cannabis Growing and Harvesting Facility and amendments to the RHOP and the Rural (A2) Zone regulations. Many of the requested uses and accessory uses are already permitted, including:

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- Agricultural Processing Establishment, Standalone;
- Agricultural Processing Establishment, Secondary;
- Service and office buildings accessory to cannabis growing and harvesting operations; and,
- Agricultural Research Operation.

Staff amended the applications by limiting the total lot coverage to 37% and permitting a total gross floor area of 9,505 sq m for the Cannabis Growing and Harvesting Facility. Table 4 provides a summary of the requested uses from the original applications and Table 5 provides a summary of the original requested amendments and additional amendments recommended by staff. These amendments will be discussed in greater detail in the Analysis and Rationale section of the Report.

**Table 4: Proposed Uses Requested by the Applicant and Staff Recommendations**

<b>Proposed Uses Requested by the Applicant</b>	<b>Staff Recommendations</b>
Salvage Yard	Not supportive of proposed use
Medical Clinic	Not supportive of proposed use
Education Establishment	Uses are not permitted in the Rural Hamilton Official Plan, but are recognized and permitted through an Agricultural Research Operation.
Biotechnical Establishment	
Science and Technology Establishment	
Research and Technology Establishment	
Laboratory	

**Table 5: Proposed Amendments Requested by the Applicant and Staff Recommendations**

<b>Proposed Amendments Requested by the Applicant</b>	<b>Staff Recommendations</b>
Permit a 10,000 sq m Cannabis Growing and Harvesting Facility	Permit a 9,505 sq m Cannabis Growing and Harvesting Facility, including accessory and agricultural processing – secondary uses.
Two dwellings on one lot	One dwelling on the property and one dwelling converted to an office
A 1.0 m setback for all buildings and structures to the boundary of a (P7)	A 1.4 m setback for all buildings and structures related to the Cannabis Growing and

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and (P8) Zone	Harvesting Facility to the boundary of a (P7) and (P8) Zone.
A minimum lot size of 7.2 ha	Approved through Committee of Adjustment application FL/A-18:291.
<b>Additional Staff Recommendations</b>	A minimum setback of 125 m from a sensitive land use.
	Maximum lot coverage of 37%.
	Maximum gross floor area of 600 sq m for an Agricultural Processing Establishment – Secondary (included in overall GFA of site).
	Prohibit the expansion of the existing single detached dwelling located at 1653 Highway No. 6 North.
	Permit an office use in conjunction with the Cannabis Growing and Harvesting Facility for the existing building located at 1633 Highway No. 6 North.
	Prohibit a Cannabis Growing and Harvesting Facility and a Dwelling Unit within the existing building located at 1633 Highway No. 6 North.

### **3.1 City Initiative CI-18-H to the Official Plans and Zoning By-law No. 05-200 relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses**

In September, 2018, City Council adopted Urban Hamilton Official Plan Amendment 112 (By-law No. 18-264), Rural Hamilton Official Plan Amendment 21 (By-law No. 18-265) and Zoning By-law No. 18-266 to rename a Medical Marihuana Growing and Harvesting facility to a Cannabis Growing and Harvesting Facility, require the submission of odour, light, and traffic studies and establish a 150 m setback from a sensitive land use to a Cannabis Growing and Harvesting Facility. The amendments to the Rural Hamilton Official Plan and Zoning By-law No. 05-200 were appealed to the Local Planning Appeal Tribunal (LPAT), and accordingly, are not final and binding.

### **3.2 Site Plan Application**

The Applicant has also submitted a Site Plan Control application (DAR-17-182) to construct one greenhouse with a gross floor area of 8,364 sq m. On April 23, 2018, Conservation Halton informed staff, that the Applicant had started constructing the facility without a building permit from the City of Hamilton or a fill permit from Conservation Halton. On April 25, 2018, the City of Hamilton issued a stop work order and Conservation Halton issued a Compliance Agreement. Through this process, the

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Applicant also submitted a Minor Variance application (FL/A-18:291) on November 15, 2018 to permit a minimum lot size of 7.2 hectares and a minimum 1.4 m setback from a (P7) and (P8) Zone for a greenhouse, which became final and binding on December 5, 2018.

### 3.3 Required Information

Staff, MTO and Conservation Halton reviewed the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications and identified all the required materials needed for their review. The Site Plan Control application was reviewed simultaneously with the Official Plan Amendment and Zoning By-law Amendment applications as they contained the same information. Table 6 provides a summary of all the materials reviewed for the Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications and their status.

**Table 6: Official Plan Amendment, Zoning By-law Amendment and Site Plan Control Application Materials**

Department / Agency	Materials Requested	Status
MTO	Traffic Impact Study	Approved February 4, 2019 through the RHOPA and ZBA applications
	Drainage Report	
	Grading Plan	
	MTO Land Use Permit	Required through Site Plan; still outstanding
Conservation Halton and Natural Heritage	Environmental Impact Study	Approved through the RHOPA and ZBA applications, mitigation measures required through Site Plan
	Hydrogeological Study	Approved through the RHOPA and ZBA applications
	Grading and Drainage Plan	Approved through the RHOPA and ZBA applications; still outstanding for the Site Plan
	Erosion and Siltation Control Plan	Approved August 14, 2018 through Site Plan
	Stormwater Management Plan	Approved through the RHOPA and ZBA applications; still outstanding for the Site Plan
	Tree Protection Plan	Approved July 17, 2018 through the Site Plan
	Landscape Plan	Approved through the RHOPA and ZBA applications; still outstanding for the Site

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		Plan
Conservation Halton	Compliance Agreement	Approved July 24, 2018 through the Site Plan
Natural Heritage	Invasive Species Control Plan	Remains outstanding, will be implemented through the Landscape Plan
Source Water Protection	Hydrogeological Study	Approved through the RHOPA and ZBA applications; will be approved once Monitoring Agreement is finalized through the Site Plan
Development Engineering	Grading and Drainage Plan	Approved October 5, 2018 through the Site Plan
	Erosion and Siltation Control Plan	Approved August 8, 2018 through the Site Plan
	Stormwater Management Report	Approved October 5, 2018 through the Site Plan
Development Planning	Elevations	Approved June 3, 2018 through the Site Plan
	Site Lighting Design	Approved June 3, 2018 through the Site Plan
	Site Plan	Remains outstanding
	Archaeological Study	No longer required
	Planning Justification Report	Reviewed by staff for application
	Public Consultation Strategy	
	Survey	
	Odour and Dust Assessment	Required through RHOPA 21
	Light Impact Assessment	
Traffic Impact Study	Not required as site is located within the MTO regulated area	

The requirements for an Odour Impact Assessment and Light Impact Assessment will be discussed in greater detail in the Analysis and Rationale section of the Report.

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#### **4.0 Chronology**

- November 9, 2017: Rural Hamilton Official Plan Amendment RHOPA-17-038 and Zoning By-law Amendment ZAC-17-081 applications received.
- December 8, 2017: Rural Hamilton Official Plan Amendment RHOPA-17-038 and Zoning By-law Amendment ZAC-17-081 applications deemed incomplete.
- February 1, 2018: Rural Hamilton Official Plan Amendment RHOPA-17-038 and Zoning By-law Amendment ZAC-17-081 applications deemed complete.
- February 8, 2018: Notice of Complete Application and Preliminary Circulation sent to 29 property owners within 120 m of the subject lands.
- February 17, 2018: Public Notice sign installed on subject lands.
- April 17, 2019: Public Notice Sign updated with Public Meeting date.
- April 26, 2019: Notice of Public Meeting sent to 29 property owners within 120 m of the subject lands.

#### **5.0 Details of Submitted Applications**

- Agent:** Bennett Jones LLP (c/o Andrew Jeanrie)
- Owner / Applicant:** 1685486 Ontario Inc.
- Location:** 1633, 1649 and 1653 Highway No. 6 North
- Property Size:**
- |                  |                              |
|------------------|------------------------------|
| <u>Frontage:</u> | +/- 299.68 m                 |
| <u>Depth:</u>    | +/- 137.45 m                 |
| <u>Area:</u>     | +/- 71,629.36 sq m (7.16 ha) |
- Services:** Private Services

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## 6.0 EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<b><u>Subject Property:</u></b>	Agriculture (Cannabis Facility)	Rural (A2) Zone, Conservation / Hazard Land - Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone
<b><u>Surrounding Land Uses:</u></b>		
<b>North</b>	Agriculture	Rural (A2) Zone
<b>South</b>	Agriculture	Rural (A2) Zone, Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone
<b>East</b>	Agriculture, Tractor Dealership	Rural (A2) Zone and Existing Rural Commercial (E1) Zone
<b>West</b>	Vacant Land, Provincially Significant Woodlot and Provincially Significant Wetland	Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone

## POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

### 1.0 Greenbelt Plan (2017)

The subject lands are designated as “Protected Countryside” and they are within the “Natural Heritage” system. The following policies, among others, are applicable to the proposal.

“3.1.2.1 All types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected and a full range of *agricultural uses*, *agricultural-related uses* and *on-farm diversified uses* are permitted based on the provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with and shall not hinder surrounding agricultural operations.”

The growing and harvesting of cannabis is recognized as an agricultural use, which is permitted and promoted within the Greenbelt Plan. The processing of cannabis oil is

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considered to be a value-added agricultural product, diversifying the on-farm use of the subject lands. The processing into cannabis oil is conducted within a gross floor area of 600 sq m contained entirely within the proposed development and is secondary to the primary agricultural use. Therefore, the use is compatible with and will not hinder the surrounding agricultural and commercial uses.

- “3.2.2.1 The full range of existing and new agricultural, agriculture-related and on-farm diversified uses and normal farm practices are permitted subject to the policies of section 3.2.2.2.
- 3.2.2.2 New buildings or structures for agriculture, agriculture-related and on-farm, diversified uses are not subject to the policies of section 3.2.2.3, but are subject to the policies of section 3.2.5.
- 3.2.5 For lands within a key natural heritage feature or a key hydrologic feature in the Protected Countryside, the following policies shall apply:
4. In the case of wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes and significant woodlands, the minimum vegetation protection zone shall be a minimum of 30 m measured from the outside boundary of the key natural heritage feature of key hydrologic feature.
  5. A proposal for new development or site alteration within 120 m of a key natural heritage feature within the Natural Heritage System or a key hydrologic feature anywhere within the Protected Countryside requires a natural heritage evaluation or a hydrological evaluation which identifies a vegetation protection zone which:
    - a) Is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change and associated activities that may occur before, during and after construction and, where possible, restore or enhance the feature and / or its functions; and,
    - b) Is established to achieve and be maintained as natural self-sustaining vegetation.”

The subject lands contain areas of the Beverly Swamp Significant Wetland Complex, the Strabane North Wetlands Environmentally Sensitive Area (ESA), Significant Woodlands and is traversed by a tributary of Grindstone Creek. An Environmental Impact Study was submitted with the applications recommending reduced vegetation

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protection zones to the Provincially Significant Wetland and Significant Woodlands. Conservation Halton and staff have reviewed the EIS and are supportive of the reduced vegetation protection zones for the Provincially Significant Wetland and Significant Woodlands. These matters will be discussed in greater detail in the Natural Heritage Policy Analysis section of the Report.

The proposal conforms with the policies of protecting the Natural Heritage System of the Protected Countryside, while introducing a greater on-farm diversity of agriculture and agriculture-related uses to the rural area of Hamilton.

The proposal conforms to the Greenbelt Plan (2017).

### **1.1 Provincial Policy Statement (2014)**

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.

“1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

- (a) building upon rural character, and leveraging rural amenities and assets; and,
- (f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management of resources.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

1.1.5.8 Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices should be promoted and protected in accordance with provincial standards.”

As cannabis is considered a crop and an agricultural use and the proposal is for the growing and harvesting of cannabis within a greenhouse structure, the applications are consistent with the policies that promote and protect areas for agricultural use.

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These applications are consistent with the policies that focus on diversifying the activity of on-farm uses as processing cannabis into oils is a value-added agricultural product. These applications propose that the area for the processing of cannabis into cannabis oil will be 600 sq. m, and can be considered secondary, and related to the primary agricultural use of growing and harvesting cannabis. Secondary agricultural related processing uses are permitted as-of-right in the RHOP and Rural (A2) Zone in Zoning By-law No. 05-200, with a size limit of 500 sq. m.

“3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.”

Through the Ministry of Environment Conservation and Parks (MOECP), Ontario Regulation 153/04 requires property owners who want to change the use of a property to a new use that is more sensitive than the previous use, to file a Record of Site Condition on the Environmental Site Registry. The subject lands previously operated as a salvage yard under the former Town of Flamborough and were rezoned in 2015 as part of the Citywide Rural Rezoning.

Currently the site contains an existing 880 sq m Cannabis Growing and Harvesting Facility, 33 standalone solar panels and two single detached dwellings; the northern house is currently vacant and the southern house will be used as an office for the facility. As the applications will not be changing the use of the subject property and the cannabis facility is a permitted use in the Rural (A2) Zone, a Record of Site Condition is not required.

The proposal is consistent with the Provincial Policy Statement (2014).

## **2.0 Rural Hamilton Official Plan (RHOP)**

These lands are designated as “Rural” on Schedule ‘D’ – Rural Land Use Designations of the RHOP. The following policies, among others, are applicable to the proposal.

“D.4.1 Uses permitted in the Rural designation are limited to the uses permitted in Section D.2.0, Agriculture Designation of this Plan, other resource – based rural uses and institutional uses serving the rural community.

D.2.1.1.4 Medical marihuana growing and harvesting facilities are permitted in accordance with the regulations set out in the Zoning By-law and provided that the following conditions are met:

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- a) a medical marihuana growing and harvesting facility is permitted in buildings existing at the date of the passing of the Zoning By-law;
- b) The gross floor area for a new medical marihuana growing and harvesting facility shall not exceed 2000 square metres;
- c) No retail sales are permitted;
- d) No outdoor storage is permitted; and,
- e) The establishment of a new medical marihuana growing and harvesting facility or the expansion of an existing facility shall be subject to Site Plan approval to address the appropriate building size and location, setbacks, drainage and any other matters.”

The RHOP limits the permitted uses in the Rural Designation to the permitted uses in the Agricultural Designation and other resource based rural uses and institutional uses serving the rural community. As such, the Rural Designation permits a cannabis growing and harvesting facility. Cannabis has been recognized as an agricultural product by staff and consider it appropriate to give consideration to a limited increase of the maximum gross floor area for cannabis growing and harvesting on portions of the subject lands. The increased gross floor area will be discussed in greater detail in the Analysis and Rationale section of the Report.

“D.2.1.2 *Agricultural-related uses* are farm-related commercial and farm-related industrial uses that are *small scale*, producing products and services, wholly and directly related to a farming operation and which are required in close proximity to an *agricultural use*. They are uses necessary to support *agricultural uses* and are permitted provided the following conditions are met:

- a) The use must produce products or services directly related to a *farming operation*, and requires a location in close proximity to a *farm operation*. Permitted uses shall be limited to grain dryers, feed mills, grain and seed storage facilities, primary farm produce bulk storage and agricultural processing facilities, farm product supply dealers, livestock assembly points, agricultural research operations, and veterinary services for farm animals;
- b) The use shall be located to minimize the amount of land removed from agricultural production; and,

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- d) The use shall not negatively affect environmental features in accordance with section C.2.0, Natural Heritage System of this Plan.”

As discussed in the Greenbelt Plan analysis, the processing into cannabis oil is considered an agricultural related use. The area for the processing of cannabis oil will be 600 sq m and will be integrated within the new and existing buildings and structures, minimizing the land removed from agricultural production.

The proposed 8,625 sq m structure is adjoined to the existing 880 sq m cannabis facility. The building or structure for growing and harvesting of cannabis is located closest to the public right of way at a distance of 100 m and surrounded by woodlands. The processing of cannabis into cannabis oil is permitted as an agricultural related use as described in the RHOP. The proposed development can therefore be supported by staff in that it is supportive of the character of the agricultural landscape in its limited size, in that it is consistent in use and is discretely located from the public right of way.

### Natural Heritage

Based on mapping within Volume 1 of the RHOP (Schedule B Natural Heritage System), the majority of the property contains natural heritage features (Core Area, Greenbelt Protected Countryside and Greenbelt Natural Heritage System). Schedule B-2, B-4, B-6 and B-8 further classify these features as Provincially Significant Woodlands, Provincially Significant Wetlands, Key Hydrologic Feature – Stream and a Local Natural Area - Environmentally Significant Area. There are two Significant Woodlands surrounding the proposed development at the northeast portion of the subject lands, bordering Highway No. 6 North, and the southwest portion of the subject lands. There is a Provincially Significant Wetland, known as Beverly Swamp at the northwest of the subject lands and Schedule B-8 identifies a tributary of Grindstone Creek.

The following policies, among others, are applicable to the proposal.

### Natural Heritage System – Core Areas

- “C.2.3.3 Any development or site alteration within or adjacent to Core Areas shall not negatively impact their environmental features or ecological functions.
- C.2.3.4 New development or site alteration shall not be permitted within provincially significant wetlands, significant coastal wetlands, or significant habitat of threatened or endangered species, except in accordance with applicable provincial and federal regulations with respect to significant habitat of threatened or endangered species.

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- C.2.4.2 New development or site alteration shall not be permitted within a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside, including any associated vegetation protection zone. However, new development or site alteration proposed adjacent to (within 120 m of) a key natural heritage feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside requires an Environmental Impact Study which identifies a vegetation protection zone, according to the requirements in Sections C.2.4.10, C.2.4.11, C.2.4.12, C.2.4.13 and C.2.4.14.
- C.2.4.3 New buildings or structures for agriculture, agriculture-related and secondary uses are subject to policies in Sections C.2.4.1, C.2.4.2, C.2.4.10 and C.2.4.13.
- C.2.4.6 New development or site alteration subject to Sections C.2.4.1, C.2.4.2, C.2.4.3, C.2.4.5, C.2.4.7, C.2.4.8 and C.2.4.9 requires, prior to approval, the submission and acceptance of an Environmental Impact Statement, which demonstrates to the satisfaction of the City in consultation with the relevant Conservation Authority that:
- a) there shall be no negative impacts on the Core Areas of their ecological functions;
  - b) connectivity between Core Areas shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape;
  - c) the removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or site alteration wherever possible; and,
  - d) the disturbed area of a site shall not exceed 25 percent of the total developable area, except for golf courses, where permitted, for which the disturbed area shall not exceed 40 percent of the site. Impervious surfaces to be established in such disturbed areas shall not exceed 10 percent of the total developable area.
- C.2.4.9 New development and site alteration within the Protected Countryside of the Greenbelt Area that is proposed to take place within or adjacent to any other Core Area identified on Schedule B – Natural Heritage System, through a consent, Plan of Subdivision, Zoning By-law, Site Plan approval, Official Plan

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amendment or Site Alteration By-law permit shall require an Environmental Impact Statement in accordance with Sections C.2.4.6 of this Plan.

Vegetation Protection Zones

C.2.4.10 An Environmental Impact Statement shall also propose a vegetation protection zone which:

- a) Has sufficient width to protect the Core Area and its ecological functions from impacts of the proposed land use or site alteration occurring, during and after construction, and where possible, restores, or enhances the Core Area and/or its ecological functions; and,
- b) Is established to achieve, and be maintained as natural self-sustaining vegetation.

C.2.4.11 Where vegetation protection zones have not been specified by watershed and sub-watershed plans, Secondary or Rural Settlement Area Plan policies, Environmental Assessments and other studies, the following minimum vegetation protection zone width objective shall be evaluated and addressed by Environmental Impact Statements:

- a) Permanent and intermittent streams: 30 m vegetation protection zone on each side of the watercourse, measured from beyond the stable top of bank;
- b) Wetlands: 30-m vegetation protection zone. The Environmental Impact Statement shall also take into consideration adjacent upland habitat that is required by wetland species for breeding, foraging, dispersal, and other life processes; and,
- c) Significant Woodlands: a minimum 30-m vegetation protection zone measured from the drip line of trees at the woodlands edge;

C.2.4.13 Within the Protected Countryside of the Greenbelt Plan area, new development and site alteration adjacent to wetlands, seepage areas, springs, fish habitat, lakes, permanent and intermittent streams and significant woodlands shall maintain a minimum 30-m vegetation protection zone as measured from the outside boundary of the feature. Such a vegetation protection zone shall be established with natural, self-sustaining vegetation where the land within the vegetation protection zone is not used for agricultural purposes. New agricultural buildings and structures for

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agricultural uses are required to provide a 30-m vegetation protection zone from a key natural feature within the Greenbelt Natural Heritage System or a key hydrologic feature anywhere in the Protected Countryside but may not be required to establish a condition of natural self-sustaining vegetation, if the land is, and will continue to be, used for agricultural purposes.”

The subject lands contain areas of the Beverly Swamp Significant Wetland Complex, the Strabane North Wetlands Environmentally Sensitive Area (ESA), Significant Woodlands and is traversed by a tributary of Grindstone Creek. Together with Conservation Halton, the City of Hamilton undertook a refinement of the boundaries related to the unevaluated wetlands and the dripline of the Significant Woodlands. This work informed the Environmental Impact Study submitted with the applications, entitled Scoped Environmental Impact Study (November 2, 2017) and the Hydrogeological Study entitled Hydrogeological Study – 2017 Update (December 15, 2017).

Policy C.2.4.2 requires the submission of an environmental evaluation or hydrogeological evaluation for new development or site alteration within 120 m of a key natural heritage feature within the Natural Heritage System or key hydrologic feature anywhere within the Protected Countryside to identify a sufficient vegetation protection zone (VPZ). Furthermore, policy C.2.4.11b) c) requires a minimum VPZ of 30 m from a Provincially Significant Wetland (PSW) and Significant Woodlands, unless a reduced buffer can be adequately justified through an environmental evaluation. The western portion of the proposed development maintains a varying 20-30 m VPZ from the Provincially Significant Wetland and Significant Woodland, which staff support as the site has been significantly disturbed from previous and existing uses of the property and naturalized plantings are proposed within the VPZ to mitigate impacts from the proposed development. On the eastern portion of the proposed development, by the conifer plantation, the proposed VPZs range from 1.44 to 10 m wide as shown on Appendix “E” to Report PED19076. Conservation Halton and staff have reviewed the Scoped Environmental Impact Study and are supportive of the reduced VPZs for the Provincially Significant Wetland and Woodland for the following reasons:

- The site contains significant areas of disturbance from the previous and existing uses of the property;
- The proposed vegetation protection zones contain potentially contaminated fill and materials; Conservation Halton and staff have recommended that the VPZs not be widened to accommodate the larger VPZs, as the area should not be disturbed and is not capable of growing naturalized vegetation;
- The habitat surrounding the dripline of the woodlands does not contain any species at risk or sensitive natural features; and,

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- The following mitigation measures will be implemented through the Site Plan application to protect the sensitive natural features on site:
  - Bird Friendly Design to reduce bird collisions with the glass of the greenhouses;
  - Black-out curtains for all greenhouses, that will remain closed overnight to reduce light trespass;
  - Exterior lights to be pointed away from the natural areas, mounted at low heights and will be motion censored;
  - An Invasive Species Plan, which includes a monitoring and adaptive management plan to control invasive plants;
  - Silt fencing and bollards along the VPZs boundaries of the Provincially Significant Wetland and Provincially Significant Woodlot to protect the features and prevent the encroachment of materials, snow, fill and other debris from entering the areas; and,
  - 1 to 1 tree compensation for the 23 trees to be removed on site.

Therefore, the proposed development complies with the natural heritage policies of the RHOP.

### Source Water Protection

#### C 5.0 Infrastructure

#### Private Water and Wastewater Services

“C.5.1.1 No draft, conditional, or final approval of development proposals shall be granted by the City for any development in the rural area that could impact existing private services or involves proposed private services until the development proposal has complied with all of the following:

- a) Prior to or at the time of application for a proposal that could impact existing private services or involves proposed private services, development proponents shall submit complete information regarding existing or proposed private water and wastewater services. This information shall be complete to the satisfaction of the City. Where sufficient information is not available to enable a full assessment of on-site and off-site water supply and/or sewage disposal impacts or if the

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proponent does not agree with the City's calculations, the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.2 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved or amended from time to time.

- d) Development of a new land use or a new or replacement building on an existing lot that require(s) water and/or sewage servicing, may only be permitted where it has been determined by the requirements of Policies C.5.1.1 a) and b) that the soils and size of the lot size are sufficient to accommodate the water system and sewage disposal system within acceptable levels of on-site or off-site impacts including nitrate impact, and shall include sufficient land for a reserve discharge site or leaching bed. The maximum lot size shall be in accordance with F.1.14.2.1 g).
- e) The private water supply and sewage disposal systems shall be capable of sustaining the proposed and existing uses within acceptable levels of on-site and off-site water quantity and quality impacts, including nitrate impact.”

A Hydrogeological Study was required as part of the Rural Hamilton Official Plan and Zoning By-law Amendment applications. The Hydrogeological Study evaluated the water quantity, water quality and impact assessment of wastewater for the site. A monitoring and reporting agreement is required as part of the Site Plan Control application. Additionally, Conservation Halton has reviewed the submitted Hydrogeological Study and are supportive of the evaluation because the development and site alteration will have no adverse effects on the hydrologically sensitive feature or the related hydrological function for the feature. The monitoring and reporting agreement will be discussed in greater detail in the Analysis and Rationale section of this report.

## **2.1 Rural Hamilton Official Plan Amendment 21 (CI-18-H)**

The purpose of Official Plan Amendment 21 to the Rural Hamilton Official Plan was to amend the definition and associated regulations for a cannabis growing and harvesting facility to incorporate non-medical cannabis (recreational marijuana) production facilities. Several changes were proposed to the Rural Hamilton Official Plan including:

- Deleting the definition of a Medical Marijuana Growing and Harvesting Facility and replacing it with the following new definition:

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**Cannabis Growing and Harvesting Facility:** shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law.

- Incorporating the testing, packaging, and shipping of cannabis as accessory uses to the cannabis growing and harvesting facility;
- Establishing an appropriate setback between a Cannabis Growing and Harvesting Facility and a sensitive land use through the Zoning By-law; and,
- Updating the submission requirements of a Complete Application and Formal Consultation as part of official plan amendment, zoning by-law amendment and site plan applications by adding an Odour and Dust Impact Study and Light Impact Assessment Study.

RHOPA 21 was appealed to the LPAT and is currently not final and binding.

### **3.0 City of Hamilton Zoning By-law No. 05-200**

The subject lands contain three separate zones. The majority of the property is zoned Conservation/Hazard Land – Rural (P7) Zone on the eastern and western portion of the site and Conservation/Hazard Land – Rural (P8) Zone on the western and northern portion of the site, whereas the interior of the site and north east corner is zoned Rural (A2) Zone. The proposal will modify the Rural (A2) Zone and Conservation / Hazard Land – Rural (P7) Zone; there are no modifications to the Conservation / Hazard Land – Rural (P8) Zone.

#### **3.1 Rural (A2) Zone**

The Rural (A2) Zone permits, among other things:

- A maximum lot coverage of 20% for all agricultural buildings and structures;
- A total gross floor area of 2,000 sq m for a cannabis growing and harvesting facility;
- No outdoor storage;
- No retail sales;
- A single detached dwelling on a lot; and,

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- Agricultural Processing Establishment - Secondary to agriculture and limited to 500 sq m.

The subject property contains two single detached dwellings, which as a result of the merger on title became a single lot containing two single detached dwellings as legal non-conforming. The Rural (A2) Zone permits one single detached dwelling for a residential use and accessory uses for the Cannabis Growing and Harvesting Facility. The single detached dwelling located at 1633 Highway No. 6 North will remain and be used as an office in conjunction with the facility. The single detached dwelling located at 1653 Highway No. 6 North will remain as a residential use.

An amendment is required to modify the subject lands to a site specific Rural (A2) Zone to permit the proposed use for a 9,505 sq m Cannabis Growing and Harvesting Facility. The specific provisions will permit:

- An expansion to the existing facility within a new greenhouse structure with a maximum gross floor area of 9,505 sq. m, containing 6,305 sq m of growing, 600 sq m of agricultural related uses and 2,600 sq m of accessory uses;
- A minimum setback of 125 m from the existing sensitive land use located at 1653 Highway No. 6 North;
- A maximum lot coverage of 37% for all buildings and structures on portions of the subject lands;
- A maximum gross floor area of 600 sq m for all buildings and areas devoted to an Agricultural Processing Establishment – Secondary; and,
- A minimum 1.4 m setback from the P7 and P8 Zone Boundary.

The specific provisions will prohibit:

- Any expansions to the existing single detached dwelling located at 1653 Highway No. 6 North.

### **3.2 Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone**

The Conservation / Hazard Land – Rural (P7) and Conservation / Hazard Land – Rural (P8) Zones permit agriculture, conservation, existing single detached dwelling, flood and erosion control facilities and passive recreation. The Zones do not permit the development of new buildings or structures.

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An amendment is required to modify the subject lands to a site specific Conservation / Hazard Land – Rural (P7) Zone to:

- Permit an accessory office use in conjunction with the Cannabis Growing and Harvesting Facility for the existing building located at 1633 Highway No. 6 North;
- Add the permitted uses of the Rural (A2) Zone for the existing building located at 1633 Highway No. 6 North;
- Prohibit a Cannabis Growing and Harvesting Facility a Single Detached Dwelling, a Residential Care Facility, a Farm Labour Residence and an Agricultural Processing Establishment – Secondary within the existing building located at 1633 Highway No. 6 North; and,
- Prohibit any expansions to the existing building (formerly the single detached dwelling) located at 1633 Highway No. 6 North

The proposed zoning modifications are discussed in greater detail in the Zone Chart included in Appendix “D” to Report PED19076 and the Analysis and Rationale Section of the Report.

### **3.3 Zoning By-law No. 18-266 (CI-18-H)**

The purpose of Zoning By-law No. 18-266 was to amend the definition and associated regulations for a medical marihuana growing and harvesting facility in Zoning By-law No. 05-200 for the Agriculture (A1) Zone and Rural (A2) Zone to incorporate non-medical cannabis (medical marihuana) production facilities. The changes to Zoning By-law No. 05-200 include:

- Deleting the definition of a Medical Marihuana Growing and Harvesting Facility and replacing it with the following new definition:

**Cannabis Growing and Harvesting Facility:** shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law.

- Updating the Agricultural Processing Establishment – Stand Alone definition to include cannabis products as agricultural processing;
- Requiring a 150 m setback from the Cannabis Production Facility to an existing sensitive land use or to a specific zone boundary;

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- Increase the setback from any lot line from 20 m to 30 m in the A1 (Agricultural) and A2 (Rural) Zones; and,
- Incorporating the testing, packaging, and shipping of cannabis as accessory uses to the cannabis growing and harvesting facility.

## **RELEVANT CONSULTATION**

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

- Forestry and Horticulture, Public Works Department.

The following Departments and Agencies submitted the following comments:

**Transportation Planning (Planning and Economic Development)** has advised that the Ministry of Transportation needs to comment on the application as the subject lands are located within their regulated limits and is to be completed through the Site Plan.

**Healthy Environments Division** staff have advised that any existing well on the property must be properly decommissioned according to Regulation 903 under the *Ontario Water Resources Act* to protect the local aquifer, which is overseen by the Ministry of Environment, Conservation and Parks (MOECP). Additionally, the Healthy Environments Division advises that if a septic tank exists on the property that is decommissioned in the future, then the septic tank should be emptied by an MOECP licensed sewage hauler and then filled with soil to reduce the likelihood of a future safety hazard.

**Corporate Assets and Strategic Planning Division (Public Works Department)** have noted that the subject lands are eligible for waste collection services which will be further reviewed at the Site Plan Control Stage.

**The Ministry of Environment Parks and Conservation (MOECP)** provides instruction related to stormwater management and rainwater reserve systems, including greenhouses. They indicate the necessity to seek permits if water taking is to exceed 50,000 L/day. These matters are being addressed through the Site Plan application.

**Conservation Halton** have reviewed the Environmental Impact Study, Hydrological Study, Stormwater Management Report, Landscape Plan, Wetland Impact Assessment, Grading and Drainage Plan and Erosion and Siltation Control Plan. Conservation Halton has advised that the reviewed reports are satisfactory for the Official Plan Amendment

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and Zoning By-law Amendment Stage, but revisions and mitigation measures will be required at the Site Plan Control Stage.

**The Ministry of Transportation (MTO)** advised that the following be resolved before approving the Rural Official Plan Amendment and Zoning By-law Amendments:

- Close the existing access and align the new access with Concession 10 East;
- Upgrade the proposed access to MTO standards;
- Upgrade the existing access to the house at 1633 Highway No. 6 North to MTO standards;
- Close the southern access to the house at 1633 Highway No. 6 North;
- Submit and receive approval of a Traffic Impact Study;
- Submit and receive approval of a Stormwater Management Report;
- Obtain a Ministry entrance permit for the solar panels on site;
- Obtain a Building and Land Use permit for the proposed development; and,
- Provide clarification from the City of Hamilton as to why there are two houses and three addresses on one lot of record.

At the time of writing this report, all MTO comments have been addressed with regards to the Rural Hamilton Official Plan and Zoning By-law Amendment Applications. All outstanding concerns, including obtaining a Building and Land Use permit for the proposed development, will be addressed at the Site Plan Control Stage.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, a Notice of Complete Application and Preliminary Circulation was circulated to 24 property owners within 120 m of the subject lands on November 28, 2017. A Public Notice sign was posted on the subject lands on December 19, 2017 and updated on April 17, 2019 with the Public Meeting date. Finally, Notice of the Public Meeting was circulated to 24 property owners on April 26, 2019 in accordance with the requirements of the *Planning Act*. To date, no comments or concerns have been received by staff from the public regarding the proposal.

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**Public Consultation Strategy**

The Applicant submitted a Public Consultation Strategy which noted that the owner has been working with the City of Hamilton to educate all residents interested in ongoing development of the cannabis industry in general and the agricultural nature of the proposal and the proposal facility in particular. The owner canvassed the residences within 120 m of the subject lands and provided information regarding the proposal. The owner also met with the Ward Councillor to determine whether a Neighbourhood Information Meeting would be required, and if so, an implementation and follow-up strategy that would be taken. At a March 2018 meeting, it was determined that a Neighbourhood Information Meeting would not be required.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Rural Hamilton Official Plan Amendment and Zoning By-law Amendment, as amended by staff, have merit and can be supported for the following reasons:
  - (i) It is an adaptive reuse of a former salvage yard and is a more appropriate use for the site as traditional agricultural practices would not be sustainable on the property;
  - (ii) They comply with the general intent of the RHOP in that they preserve Rural Designated lands for agricultural use, while protecting natural heritage features;
  - (iii) The proposed development maintains the subject lands in agricultural use within a greenhouse, and includes small scale processing, which is representative of value-added agricultural products and on-farm diversification; and,
  - (iv) They are consistent with the Provincial Policy Statement (2014) and conform to the Greenbelt Plan (2017).
  
2. The subject lands are located on the west side of Highway No. 6 North, at the intersection of Highway No. 6 North and Concession 10 Road East, Flamborough. The property currently contains two single detached dwellings located at 1633 and 1653 Highway No. 6 North and an existing 880 sq m Cannabis Growing and Harvesting Facility located at 1649 Highway No. 6 North. The applications purpose to permit the expansion of a Cannabis Growing and Harvesting Facility having a maximum gross floor area of 9,505 sq m consisting

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of 6,305 sq m of growing and harvesting, 600 sq m of agricultural related uses and 2,600 sq m of accessory uses.

**Official Plan Amendment**

In accordance with the policies of the RHOP, a Cannabis Growing and Harvesting Facility is limited to a maximum gross floor area of 2,000 sq. m. The proposal is for a 9,505 sq m Cannabis Growing and Harvesting Facility. On this basis, an amendment to the RHOP is required in order to permit the proposed Cannabis Growing and Harvesting Facility.

The property was previously used as an automotive salvage yard with PCB storage on site. The previous use has left the soil derelict and contaminated, preventing traditional agricultural practices on the property. Further, the site is severely constrained by natural features and existing structures, limiting the total developable area to 2.5 hectares. The proposal is for a Cannabis Growing and Harvesting Facility which is a permitted use in the Rural Designation. Staff are supportive of the RHOP amendment as it is an adaptive reuse of a former salvage yard, there are no other options for development on the site due to significant constraints and it preserves the property for agricultural and agricultural related uses.

**Zoning By-law Amendment**

The subject property is currently zoned Rural (A2) Zone, Conservation / Hazard Land – Rural (P7) Zone and Conservation / Hazard Land – Rural (P8) Zone in the City of Hamilton Zoning By-law No. 05-200.

An amendment is required to modify the subject lands to a site specific Rural (A2) Zone to permit the proposed use for a 9,505 sq m Cannabis Growing and Harvesting Facility. The specific provisions will permit:

- An expansion to the existing facility within a new greenhouse structure with a maximum gross floor area of 9,505 sq. m, containing 6,305 sq m of growing, 600 sq m of agricultural related uses and 2,600 sq m of accessory uses;
- A minimum setback of 125 m from the existing sensitive land use located at 1653 Highway No. 6 North;
- A maximum lot coverage of 37% for all buildings and structures on portions of the subject lands;

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- A maximum gross floor area of 600 sq m for all buildings and areas devoted to an Agricultural Processing Establishment – Secondary; and,
- A minimum 1.4 m setback from the (P7) and (P8) Zone Boundary.

The specific provisions will prohibit:

- Any expansions to the existing single detached dwelling located at 1653 Highway No. 6 North.

An amendment is also required to modify the subject lands to a site specific Conservation / Hazard Land – Rural (P7) Zone to:

- Permit an accessory office use in conjunction with the Cannabis Growing and Harvesting Facility for the existing building located at 1633 Highway No. 6 North;
- Add the permitted uses of the Rural (A2) Zone for the existing building located at 1633 Highway No. 6 North;
- Prohibit a Cannabis Growing and Harvesting Facility a Single Detached Dwelling, a Residential Care Facility, a Farm Labour Residence and an Agricultural Processing Establishment – Secondary within the existing building located at 1633 Highway No. 6 North; and,
- Prohibit any expansions to the existing buildings (formerly the single detached dwelling) located at 1633 Highway No. 6 North

The proposed expansion of the existing Cannabis Growing and Harvesting Facility can be supported as it is an adaptive reuse of a former salvage yard, promotes agricultural uses on property where traditional agricultural practices are not sustainable and supports on farm diversification through small scale processing. Further, the proposal will preserve Rural Designated lands for agriculture and complies with the intent of the RHOP. Therefore, staff support the Zoning By-law Amendment.

Staff's analysis and recommendation of the requested modifications are provided below and within Appendix "D" to Report PED19076.

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(i) Setback to a Sensitive Land Use

RHOPA 21 and By-law No. 18-266 (CI-18-H) included a 150 m setback requirement from a Cannabis Production Facility to an existing sensitive land use or to a specific zone boundary. The Applicant has requested a reduction to the 150 m setback to 125 m from the proposed Cannabis Growing and Harvesting Facility to recognize the existing single detached dwelling located at 1653 Highway No. 6 North. Staff are supportive of the reduced setback for the following reasons:

- The Applicant initiated the Planning process in November 2017, by way of these applications (RHOPA-17-038 and ZAC-17-081), which predates the Council adoption of the changes to the Official Plans and Zoning By-law No. 05-200 relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses;
- The existing Cannabis Growing and Harvesting Facility is setback back 128.8 m from the existing single detached dwelling located at 1653 Highway No. 6 North and 136.1 m from the proposed facility. Staff recognize this as an existing situation, dating back prior to 1989 and acknowledge that the existing single detached dwelling would not be able to be severed from the property, leaving no other options for the house;
- The amending Zoning By-law will prohibit the expansion of the existing single detached dwelling located at 1653 Highway No. 6 North. This will discourage further non-compliance with the 150 m setback from a sensitive land use regulation;
- The proposed facility is setback 114.0 m from the existing southern single detached dwelling located at 1633 Highway No. 6 North; however it will be utilized as an office use in conjunction with the Cannabis Growing and Harvesting Facility. Therefore this building will cease to be a sensitive land use;
- The amending Zoning By-law will prohibit a Cannabis Growing and Harvesting Facility and Dwelling Unit within the existing building located at 1633 Highway No. 6 North to ensure that a sensitive land use will not be located within 150 m of the facility and that the existing building will not be used for the growing and harvesting of cannabis, as it would be located closer than 150 m to the adjacent single detached dwelling located at 1625 Highway No. 6 North;

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**SUBJECT: Applications to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1633, 1649 and 1653 Highway No. 6 North, Flamborough (PED19076) (Ward 13) - Page 33 of 37**

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- The amending By-law will prohibit the expansion of the existing building located at 1633 Highway No. 6 North and the development of any new buildings;
- The proposed Cannabis Growing and Harvesting Facility is setback 150.4 m from an existing single detached dwelling located on adjacent lot at 1625 Highway No. 6 North and 174.5 m from the adjacent single detached dwelling located at 1659 Highway No. 6 North, maintaining the 150 m setback from a sensitive land use;
- The site is severely constrained by both existing structures and natural heritage features on site, limiting the total developable area to a small portion of property within the interior of the site. For the facility to function efficiently, the proposed development will be attached the existing facility that was built in 1979 and has functioned as a Medical Marihuana Growing and Harvesting Facility since 2014; and,
- The table lands are the most appropriate location for the development based on the vegetation protection zones established through the Environmental Impact Statement and for compliance to the 150 m setback. If the proposal were moved from its current state, it runs the risk of encroaching further into the Provincially Significant Wetland and Significant Woodlands and closer to the existing single detached dwelling located at 1625 Highway No. 6 North.

(ii) Development Constraints

The property contains areas of the Beverly Swamp Significant Wetland Complex, the Strabane North Wetlands Environmentally Sensitive Area (ESA), Significant Woodlands, is traversed by a tributary of Grindstone Creek, two single detached dwellings, an existing 880 sq m Cannabis Growing and Harvesting Facility and 33 standalone solar panels. The site is surrounded by Provincially Significant Wetlands to the west and north of the proposal and Significant Woodlands to the east. The south of the site contains 33 standalone solar panels, which further restricts the developable area of the site. The subject property is approximately 7.2 hectares in size, however due to the significant natural heritage constraints and existing structures on site; the total developable area for the proposal is limited to 2.5 hectares, which is considerably smaller than the majority of agricultural properties in the City of Hamilton. Given that the site has numerous constraints, staff are supportive of the expansion and increase in lot coverage, as there is no other options for development on the site.

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4. RHOPA 21 updated the requirements of a complete application to include the submission of an Odour Impact Assessment and Light Impact Assessment. Although, the applicant initiated the Planning process in November 2017, by way of these applications (RHOPA-17-038 and ZAC-17-081), which predates the Council adoption of the changes to the Official Plans and Zoning By-law No. 05-200 relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses staff are requiring the submission of an Odour Impact Assessment and Light Impact Assessment.

The Odour Impact Assessment and the Light Impact Assessment will determine the amount of nuisance to the surrounding areas and staff will use the information to determine the necessary mitigation measures for the site. These requirements will be implemented by adding a Holding Provision to the amending Zoning By-law, as shown on Appendix “C” to Report PED19076.

5. The subject lands were included in the new City Initiated CI-18-H changes to the Official Plans and Zoning By-law No. 05-200 relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses, which was passed on September 12, 2018 by Council (By-law No.18-264 and By-law No. 18-266). The amendments to the Rural Hamilton Official Plan and Zoning By-law No. 05-200 were appealed to the Local Planning Appeal Tribunal (LPAT). A Case Management Conference is scheduled for May 2, 2019. The amendment was appealed in its entirety and therefore the following regulations are not in force and effect:

- The new definition of a Cannabis Growing and Harvesting Facility;
- The recognition of the new term cannabis as opposed to medical marihuana;
- The requirement of a 150 m setback from a sensitive land use; and,
- The submission requirements of an Odour and Dust Impact Assessment and Light Impact Assessment.

As the Official Plan and Zoning By-law are currently under appeal, the new definition of a Cannabis Growing and Harvesting Facility was included in the Official Plan Amendment and Zoning By-law Amendment of this Report (Appendix “B” and Appendix “C”). If the new definition comes into force and effect, between the completion of the report and these applications being considered by Planning Committee and Council the definition of a Cannabis Growing and Harvesting Facility should be removed prior to the adoption of the Official Plan Amendment and the passage of the Zoning By-law Amendment.

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This recommendation was added to both the Official Plan and Zoning By-law Amendment applications to address this matter.

6. Through the review of the Hydrogeological Study it was determined that a monitoring and reporting agreement was required. The monitoring and reporting agreement will be dealt with through the Site Plan Control Application and include the following requirements:
- Daily estimates of the pumped water volume from the supply well at 1653 Hwy 6 as well as daily calculations of total water use to better determine effectiveness of water recycling rates. Water use should be calculated on a daily basis and calibration records of water meters shall be regularly provided;
  - Metered wastewater flows for both process wastewater and domestic sewage and provision of records and volumes of process water treated/hailed by external third party. Design of the industrial wastewater holding tank shall be provided to ensure potential overflows can be appropriately managed;
  - Continuous (one-hour frequency) groundwater level monitoring at the residential well at 1633 Hwy 6, with quarterly datalogger downloads;
  - Continuous (one-hour frequency) groundwater level measurements for all monitoring wells and, quarterly manual measurements for wetland drivepoint piezometers;
  - Annual spring water quality sampling of raw groundwater at 1653 Hwy 6 for historical parameters of concern – heavy metals, pH, DO, EC, turbidity, temperature, plus all nitrogen species, e. coli, total coliforms; and,
  - Biannual (spring/fall) water quality sampling of monitoring well(s) at downgradient property boundary – general chemistry, heavy metals, all nitrogen species, all phosphorus species.

The Applicant will be required to monitor and provide annual reports on the quality and quantity of water and wastewater to the City of Hamilton for a period of five years. As part of the agreement, staff reserves the right to modify, request additional information and extend the monitoring and reporting agreement past the required five years, if warranted. Staff are satisfied that the monitoring and reporting agreement has addressed all water and wastewater concerns on site.

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7. A Landscape Plan, Tree Protection Plan and Habitat Restoration Plan were submitted with the Applications. Staff have advised that the plans are satisfactory for the purposes of the Official Plan Amendment and Zoning By-law Amendment applications; however, a revised Landscape Plan will be required at the Site Plan Control Stage.
8. As part of the Application submission, the Applicant submitted a Stormwater Management Report, Grading and Drainage Plan and Erosion and Siltation Control Plan. Development Engineering staff have advised that the all submitted information is satisfactory for the purposes of the Official Plan Amendment and Zoning By-law Amendment Applications, and have been approved through Site Plan Control Application DAR-17-182.

### **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject lands would remain as the current Rural (A2) Zone and Conservation/Hazard Land – Rural (P7) and (P8) Zones in the City of Hamilton Zoning By-law 05-200, which permits, among other things:

- Maximum lot coverage of 20%;
- A maximum gross floor area for all new buildings and structures devoted to a Cannabis Growing and Harvesting Facility of 2,000 sq m;
- A single detached dwelling on a lot;
- Agricultural Research Operation secondary to agriculture; and,
- Agricultural Processing Establishment - Secondary to agriculture and limited to 500 sq m.

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

#### **Community Engagement & Participation**

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

#### **Economic Prosperity and Growth**

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

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**SUBJECT: Applications to Amend the Rural Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1633, 1649 and 1653 Highway No. 6 North, Flamborough (PED19076) (Ward 13) - Page 37 of 37**

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**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.*

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Location Map

Appendix "B" – Draft Official Plan Amendment

Appendix "C" – Zoning By-law No. 05-200 Amendment Rural (A2) Zone

Appendix "D" – Zoning Modification Chart

Appendix "E" – Proposed Site Plan

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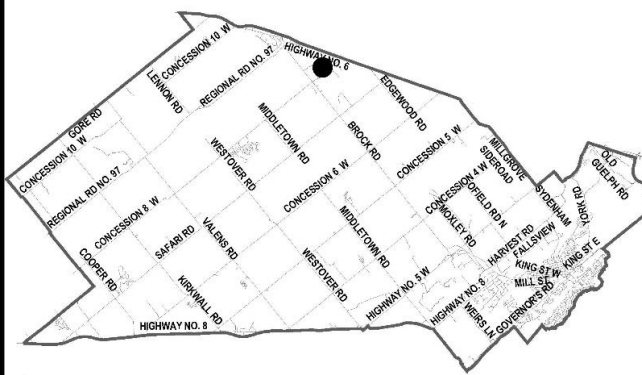
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● Site Location



Key Map - Ward 13

N.T.S.



## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
Amended ZAC-17-081

Date:  
April 15, 2019





Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
EM/NB

### Subject Property

1633, 1649 & 1653 Highway 6 North

-  **Block 1** - Modification in Zoning from Rural (A2) Zone to Rural (A2, 691, H111) Zone
-  **Block 2** - Modification in Zoning from Conservation/Hazard Land - Rural (P7) Zone to Conservation/Hazard - Rural (P7, 691) Zone
-  **Block 3** - Modification in Zoning from Rural (A2) Zone to Rural (A2, 691) Zone
-  Other Land Owned by Applicant



## DRAFT Rural Hamilton Official Plan Amendment No. X

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

### 1.0 Purpose:

The purpose and effect of this Amendment is to establish a Rural Site Specific Area to permit expansions to the existing *Cannabis Growing and Harvesting Facility*, to permit the processing of cannabis into cannabis oil as an *agricultural-related use*.

### 2.0 Location:

The lands affected by this Amendment are known municipally as 1633 and 1649 Highway No. 6 North, in the former Town of Flamborough.

### 3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment recognizes innovative on-farm diversification, through the expansion of an existing *agricultural use* and the introduction of an *agricultural-related use*;
- The proposed Amendment is compatible with the existing and planned *agricultural uses* in the immediate area as an adaptive re-use of a former salvage yard; and,
- The proposed Amendment is consistent with the Provincial Policy Statement, 2014, and conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

#### 4.0 Actual Changes:

#### 4.1 Volume 3 – Special Policy and Site Specific Areas

##### Text

##### 4.1.1 Chapter B – Rural Site Specific Areas

- a. That Volume 3: Chapter B – Rural Site Specific Areas be amended by adding a new Site Specific Area – R-XX as follows:

**“R-XX – Lands known municipally as 1633 and 1649 Highway No. 6 North, former Town of Flamborough.**

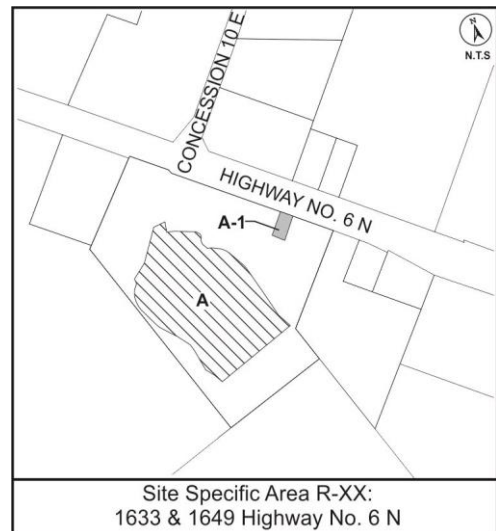
1.0 For the lands known municipally as 1633 and 1649 Highway No. 6 North, designated Rural on Schedule “D” – Rural Land Use Designations and identified as Areas A and A-1 in Site Specific Area R-XX, a *cannabis growing and harvesting facility* shall be permitted, subject to the following policies:

- a) Notwithstanding Policy D.2.1.1.4. b) of Volume 1, the maximum gross floor area for a *cannabis growing and harvesting facility* shall not exceed 9,505 square metres.

- b) That the definition of *Medical Marijuana Growing and Harvesting* be replaced with the following new definition:

**“Cannabis Growing and Harvesting Facility:** shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law.”

1.1 For the lands known municipally as 1633 Highway No. 6 North, designated Rural on Schedule “D” – Rural Land Use Designations and identified as Area A-1 in Site Specific Area R-XX, the following additional policies shall apply:



- a) in addition to the uses permitted in Section D.4 – Rural, an office associated with the *cannabis growing and harvesting facility* located in Area A shall be permitted within the building existing at the date of the passing of this By-law; and,
- b) the Zoning By-law shall identify the range of permitted and prohibited uses for the site.

### **Schedules and Appendices**

#### 4.1.2 Volume 3: Appendix A – Site Specific Key Map

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

### **5.0 Implementation:**

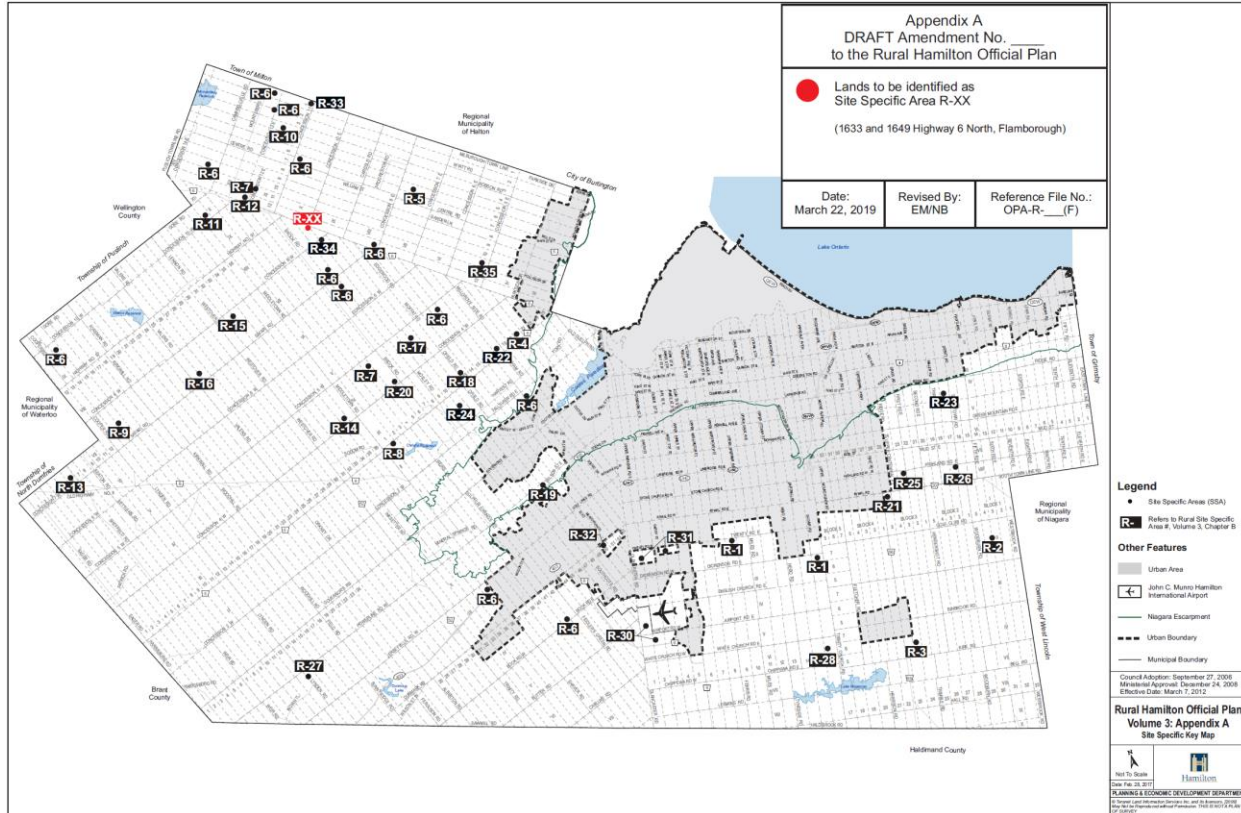
An implementing Zoning By-Law Amendment and Site Plan Control Application will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the \_\_\_\_\_ of \_\_\_\_\_, 2019.

## **The City of Hamilton**

\_\_\_\_\_  
F. Eisenberger  
MAYOR

\_\_\_\_\_  
J. Pilon  
ACTING CITY CLERK



**Authority:**  
**Ward: 13**  
**Bill No.**

## CITY OF HAMILTON

### BY-LAW NO.

#### To Amend Zoning By-law 05-200 Respecting Lands Located at 1633, 1649, 1653 Highway No. 6 North, Flamborough

WHEREAS Council approved Item \_\_\_ of Report PED19076 of the Planning Committee, at its meeting held on May 14, 2019;

WHEREAS this By-law will be in conformity with the Rural Hamilton Official Plan upon approval of Official Plan No. XX.

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

1. That Map No. RU25 and RU26 of Schedule "A" – Zoning Maps of Zoning By-law No. 05-200 be amended as follows:
  - a) by modifying the zoning from the Rural (A2) Zone to the Rural (A2, 691, H111) Zone, to the extent and boundaries of which are shown on Schedule "A" annexed hereto and forming part of this By-law; and,
  - b) by modifying the zoning from the Conservation / Hazard Lands – Rural (P7) Zone to the Conservation / Hazard Lands – Rural (P7, 691) 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 a special exception as follows:

691. Within those lands zoned Rural (A2) Zone, identified on Maps RU25 and RU26, of Schedule "A" – Zoning Maps and described as:

Property address	Map number
1633, 1649 and 1653 Highway No. 6 North, Flamborough	RU25 and RU26

- a) The following special provisions shall apply to 1649 and 1633 Highway No. 6 North:
  - i) Notwithstanding Section 3 Definitions, for the purposes of Special Exception 691 the following definition shall apply:

To Amend Zoning By-law 05-200 Respecting Lands Located at  
1633, 1649 and 1653 Highway No. 6 North, Flamborough

**Cannabis Growing and Harvesting Facility:** shall mean a wholly enclosed building or structure used for growing, harvesting, testing, destroying, packaging and shipping of cannabis, for a facility where a licence, permit or authorization has been issued under applicable federal law.

- ii) Notwithstanding Subsection 12.2.3.1 m) i) and 12.2.3.2 d) i), the maximum gross floor area for all buildings and structures devoted to the Cannabis Growing and Harvesting Facility shall not exceed 9,505 square metres and shall be comprised of:

1.	Growing and Harvesting of Cannabis	A maximum gross floor area of 6,305 square metres
2.	Agricultural Processing - Secondary	A maximum gross floor area of 600 square metres
3.	Accessory Uses (office, testing, packaging, storage, internal corridors and shipping and loading)	A maximum gross floor area of 2,600 square metres

- iii) Notwithstanding Section 12.2.3.1 e), the maximum lot coverage for all buildings and structures, devoted to a Cannabis Growing and Harvesting Facility shall not exceed 37% of the combined lot area.
- b) The following special provisions shall apply to 1649 Highway No. 6 North:
- i) Notwithstanding Subsection 12.2.3.1 m) iv) 2., and Subsection 4.12 d) any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 125 metres from the existing single detached dwelling located at 1653 Highway No. 6 North.
- ii) Notwithstanding Subsection 4.23 d) iii), the Cannabis Growing and Harvesting Facility shall be setback a minimum of 1.4 metres from the P7 and P8 Zone Boundary.
- c) The following special provisions shall apply to 1633 Highway No. 6 North:
- i) In addition to Subsection 7.7.1, an office use in conjunction with the Cannabis Growing and Harvesting Facility and the uses identified in Subsections 12.2.1 and 12.2.3.2 a) shall be permitted within the building existing at the date of the passing of the by-law (date)

To Amend Zoning By-law 05-200 Respecting Lands Located at  
1633, 1649 and 1653 Highway No. 6 North, Flamborough

- ii) Notwithstanding Clause i) the following uses shall be prohibited:
    - 1. Cannabis Growing and Harvesting Facility;
    - 2. Single Detached Dwelling;
    - 3. Residential Care Facility;
    - 4. Farm Labour Residence; and,
    - 5. Agricultural Processing Establishment – Secondary.
  - iii) Notwithstanding Subsection 7.7.2.1 b), no expansions to the existing building shall be permitted.
- d) The following special provisions shall apply to 1653 Highway No. 6 North:
- i) No expansions to the existing single detached dwelling shall be permitted.
3. That Schedule "D" – Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:
- "111. Notwithstanding Section 12.2 and within lands zoned Rural (A2 ,691) Zone of this By-law, identified on Maps RU25 and RU26 on Schedule "A" – Zoning Maps, and described as 1649 Highway No. 6 North, a Cannabis Growing and Harvesting Facility shall not be permitted until such time as:
- i) An Odour Impact Assessment and Light Impact Assessment has been submitted and approved, to the satisfaction of the Director of Planning and Chief Planner.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
5. That this By-law No. XXX shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

PASSED this X day of May, 2019.

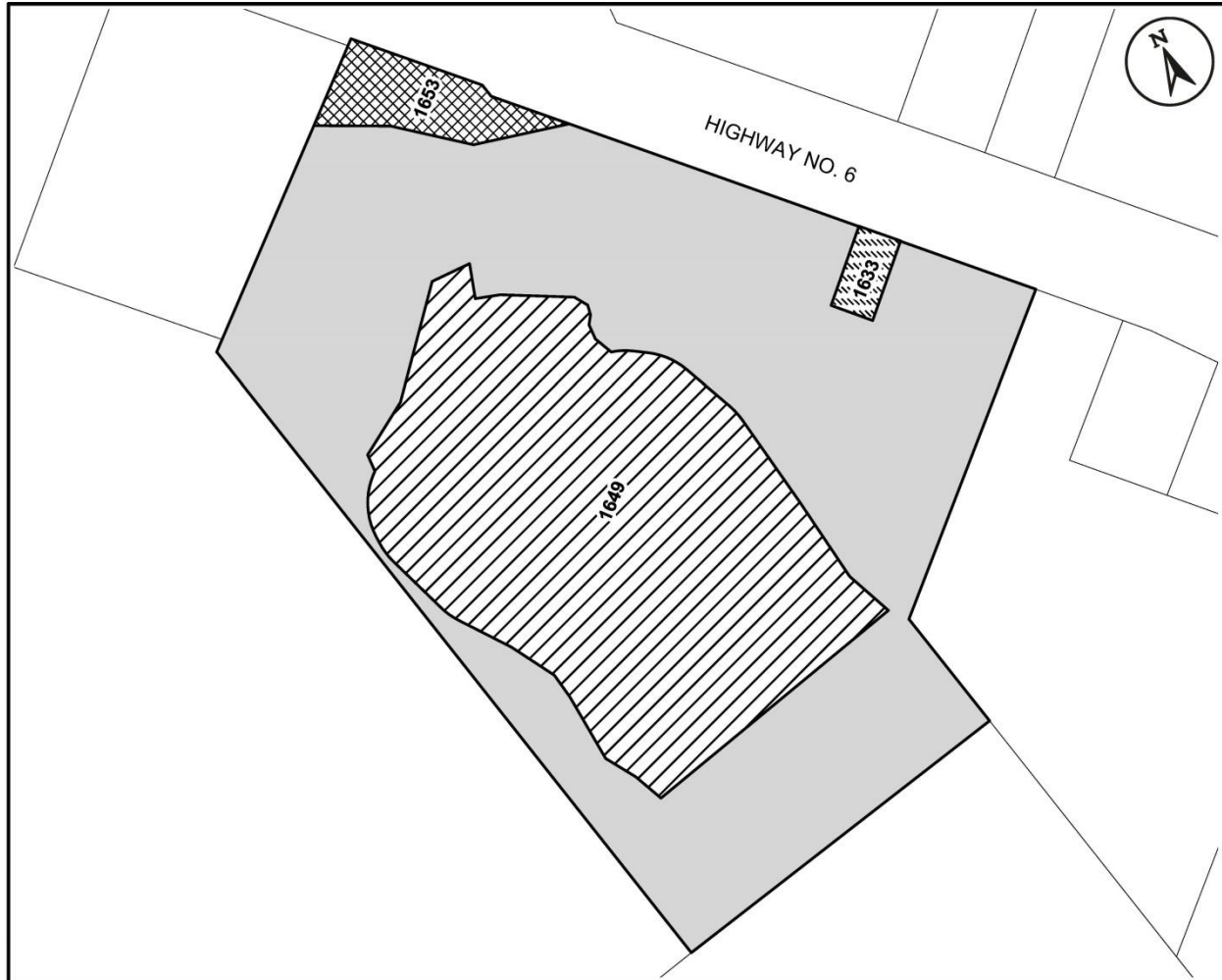
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Fred Eisenberger  
Mayor

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Janet Pilon  
Acting City Clerk

To Amend Zoning By-law 05-200 Respecting Lands Located at  
1633, 1649 and 1653 Highway No. 6 North, Flamborough







This is Schedule "A" to By-law No. 19-  
Passed the ..... day of ....., 2019

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Mayor  
-----  
Clerk

**Schedule "A"**  
  
Map Forming Part of  
By-law No. 19-\_\_\_\_\_  
  
to Amend By-law No. 05-200  
Maps RU25 & RU26

**Subject Property**  
1633, 1649 & 1653 Highway 6 North

-  **Block 1** - Modification in Zoning from Rural (A2) Zone to Rural (A2, 691, H111) Zone
-  **Block 2** - Modification in Zoning from Conservation/Hazard Land - Rural (P7) Zone to Conservation/Hazard Zone - Rural (P7, 691) Zone
-  **Block 3** - Modification in Zoning from Rural (A2) Zone to Rural (A2, 691) Zone
-  Other Land Owned by Applicant

Scale: N.T.S.	File Name/Number: Amended ZAC-17-081
Date: April 15, 2019	Planner/Technician: EM/AL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	





To Amend Zoning By-law 05-200 Respecting Lands Located at  
1633, 1649 and 1653 Highway No. 6 North, Flamborough

Is this by-law derived from the approval of a Committee Report? Yes

Committee: Chair and Members      Report No.: PED19076      Date: 04/16/2019

Ward(s) or City Wide: Ward: 13      (MM/DD/YYYY)

Prepared by: Elyse Meneray      Phone No: 6360

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

### Site Specific Modifications to the Rural (A2) Zone

Regulation	Required	Modification	Analysis
Maximum Gross Floor Area for a Cannabis Growing and Harvesting Facility	2,000 sq m per building	<p>Maximum gross floor area of 9,505 sq. m</p> <p><u>Existing Facility</u> Office: 140 m<sup>2</sup> Growing: 555 m<sup>2</sup> Oil Production: 185 m<sup>2</sup> <b>TOTAL: 880 m<sup>2</sup></b></p> <p><u>Proposed Facility</u> Growing: 5,750 m<sup>2</sup> Oil Production: 415 m<sup>2</sup> Accessory Uses: 2,460 m<sup>2</sup> <b>TOTAL: 8,625 m<sup>2</sup></b></p> <p><b>Note:</b> The maximum gross floor area of 9,505 sq m is a combined total of the existing facility and proposed facility.</p>	<p>The intent of the Rural (A2) Zone is to promote and preserve agricultural lands for predominately agricultural uses, while allowing for secondary agricultural and agricultural related uses. The proposed modification is to increase the maximum gross floor area for a Cannabis Growing and Harvesting facility to 9,505 sq m.</p> <p>The proposal is to permit an 8,625 sq m expansion to the existing 880 sq m facility for the growing and harvesting of cannabis. The new expansion will be attached to the existing Cannabis Growing and Harvesting Facility and contain a combined total of 5,570 sq m of growing, 650 sq m of enclosed walkways which join the two buildings, 415 sq m devoted to the processing of cannabis oil and 2,160 sq m of accessory uses.</p> <p>As the expansion will bring the use closer to the size of other agricultural operations within the City of Hamilton, as the use is permitted and it will be not be consuming prime agricultural land, staff are supportive of the amendment.</p>

**Site Specific Modifications to the Rural (A2) Zone**

Regulation	Required	Modification	Analysis
Medical Marihuana Growing and Harvesting Facility Definition	N/A	Recognize the definition of a Cannabis Growing and Harvesting Facility	<p>The lands were subject to a recent RHOPA and Zoning By-law Amendment (CI-18-H) which deleted the definition of a Medical Marihuana Growing and Harvesting Facility and replaced it with a new definition for a Cannabis Growing and Harvesting Facility. The By-laws are currently under appeal. Since the applications predated the new regulations and it is unknown at the time of writing this report when the appeals will be resolved, an amendment is required to recognize the definition of a Cannabis Growing and Harvesting Facility.</p> <p>Staff are supportive of the modification as the new definition will reflect the changes adopted by Council.</p>
Maximum Lot Coverage	20%	37%	<p>The intent of this provision is to limit the total lot coverage on agricultural lands to minimize the amount of land being removed from agricultural production. The subject lands are a former salvage yard and have significant natural heritage constraints, limiting the total developable area of the site to 2.5 hectares. Since the quality of the soil has been significantly degraded due to previous uses of the property, and would not be suitable for growing crops staff feel that allowing the increase in lot coverage would not be removing viable agricultural lands suitable for growing crops out of production and therefore support the modification.</p>

### Site Specific Modifications to the Rural (A2) Zone

Regulation	Required	Modification	Analysis
Maximum Gross Floor Area for Agricultural Processing Establishment – Secondary	500 sq m	600 sq m	<p>The intent of this provision is to limit the size of agricultural processing to ensure that it is secondary to the main agricultural use. The proposed modification will increase the allowable agricultural processing on site by 100 sq m for a total of 600 sq m.</p> <p>The proposed development will have a total gross floor area of 9,505 sq m, with 8,695 sq m (94%) for the cannabis growing and harvesting and 600 sq m (6%) for processing of cannabis. As the processing is clearly secondary to the main agricultural use, staff are supportive of the modification.</p>
Special Setback from a Conservation/Hazard Land (P5) Zone, Conservation/Hazard Land - Rural (P7) Zone and Conservation/Hazard Land - Rural (P8) Zone	7.5 m	1.4 m	<p>This modification was previously approved by the Committee of Adjustment through application FL/A-18:291, however the variance was written specifically to use of a greenhouse and not the use of a Cannabis Growing and Harvesting Facility. This modification was included to carry forward previous approvals.</p>
Single Detached Dwelling	N/A	Expansions to the existing buildings and structures located at 1653 Highway No. 6 North shall be prohibited.	<p>The intent of this modification is to prohibit any new buildings or structures, or the alteration or expansion of the existing buildings and structures located at 1653 Highway No. 6 North to discourage further non-compliance with the 150 m setback from a sensitive land use regulation. Preventing any new buildings or modifications to the existing building will ensure that the existing building will not encroach further into the 150 m setback, as such staff are supportive of the modification.</p>

### Site Specific Modifications to the Rural (A2) Zone – Under Appeal

Regulation	Required	Modification	Analysis
Minimum Setback from a Cannabis Growing and Harvesting Facility to any residential dwelling unit existing at the date of the passing of the by-law	150 m	125 m	The proposed modification is required to recognize the location of the existing single detached dwelling (1653 Highway No. 6 North). The single detached dwelling located at 1653 Highway No. 6 North, is the original house associated with the salvage yard and was built prior to 1989. The existing Cannabis Growing and Harvesting Facility is setback 128.8 m from the existing single detached dwelling and the proposed Cannabis Growing and Harvesting Facility is setback 136.1 m from the existing single detached dwelling. Staff recognize this as an existing situation, dating back prior to 1989 when the house was built within 128.8 m of the office building used for the salvage yard operation and acknowledge that the existing single detached dwelling would not be able to be severed from the property. Therefore, staff are supportive of the modification.

Regulation	Required	Modification	Analysis
Permitted uses	N/A	Permit an office use within the single detached dwelling and grant the use permissions of the Rural (A2) Zone, but prohibit a Cannabis Growing and Harvesting Facility, a Single Detached Dwelling, a Residential Care Facility, a Farm Labour Residence and Agricultural Processing Establishment – Secondary.	<p>The proposed modification is required to permit an office use in conjunction with the proposed Cannabis Growing and Harvesting Facility within the existing building located at 1633 Highway No. 6 North. Accessory uses are permitted for the Cannabis Growing and Harvesting Facility, therefore staff are supportive of the modification.</p> <p>In addition to permitting the office use, the modification will prohibit a Cannabis Growing and Harvesting Facility, a Single Detached Dwelling, a Residential Care Facility, a Farm Labour Residence and Agricultural Processing Establishment – Secondary within the existing building located at 1633 Highway No. 6 North. This modification is required to ensure that a sensitive land use will not be located within 150 m of the facility and that the existing building will not be used for the growing, harvesting and processing of cannabis, as it would be located closer than 150 m to the adjacent single detached dwelling located at 1625 Highway No. 6 North.</p>
Single Detached Dwelling (future office)	N/A	Expansions to the existing building and structure located at 1633 Highway No. 6 North shall be prohibited.	The intent of this modification is to prohibit any expansions or alterations of the existing buildings and structures located at 1633 Highway No. 6 North. The modification will also prohibit a Cannabis Growing and Harvesting Facility and Dwelling Unit within the existing building located at 1633 Highway No. 6 North to ensure that a sensitive land use will not be located within 150 metres of the facility and that the existing building will not be used for the growing and harvesting of cannabis.

### DRAWING LEGEND

- PROPERTY LINE
- SURFACE COVER (EXISTING)
- SURFACE COVER (PROPOSED)
- WELL HEAD / LIGHT POLE
- CHAIN SURV. POLE (EXISTING)
- WELL HEAD SERVICE (EXISTING)
- PROVISIONAL SIGNIFICANT WETLAND
- 30m WETLAND SETBACK
- 15m WETLAND SETBACK
- P6 ZONE
- P7 ZONE
- ERA / SIGNIFICANT WOODLAND BOUNDARY
- AREAS TO BE NATURALIZED (SEE LANDSCAPE PLAN (SCALE 0.5:1))
- SNOW STORAGE
- SELF SERVICE
- EDGE OF GRAVEL
- EXIST. & PROP. ELEVATION
- CONTOURS
- OVERLAND DRAINAGE ARROW



### GENERAL NOTES

- PROPERTY LINES ARE METRIC; DIMENSIONS ARE IN METERS.
- ANY DISCREPANCIES BETWEEN INFORMATION ON THIS SITE DRAWING AND ACTUAL FIELD CONDITIONS WHICH MAY IMPACT ON THE PROPOSED DEVELOPMENT, ARE TO BE REFERRED TO THE SENIOR CONSULTANT (C) ETC.
- ANY LANDSCAPED OR GRADED AREAS WITHIN THE AREA OF PROPOSED DEVELOPMENT WHICH ARE DAMAGED OR IMPACTED DURING THE COURSE OF CONSTRUCTION OR SITE DEVELOPMENT, ARE TO BE PROPERLY REPAIRED AND PROPERLY SEEDED. UNDEVELOPED AREAS WHERE TREES HAVE BEEN REMOVED ARE TO BE RE-GRADED AND RE-SEADED.
- EXACT LOCATIONS & BOUNDARIES OF ALL EXISTING SERVICES (SANITARY SEWERS, WATER, GAS, WELL, ETC.) SHOWN WERE FROM LATEST AVAILABLE RECORDS. DIMENSIONS, ETC. TO BE REFERRED BY CONTRACTOR PRIOR TO COMMENCEMENT OF ANY SITE WORK.
- ANY FILL PLACED ON THIS MUST BE COMPACTED TO A MIN. 95% STANDARD PROCTOR DENSITY.
- ALL WORK TO BE COMPLETED IN ACCORDANCE WITH THE CITY OF HAMILTON PROCEDURES AND SPECIFICATIONS. ALL FENCES AND SIGNS SHALL COMPLY WITH APPROPRIATE BY-LAWS.

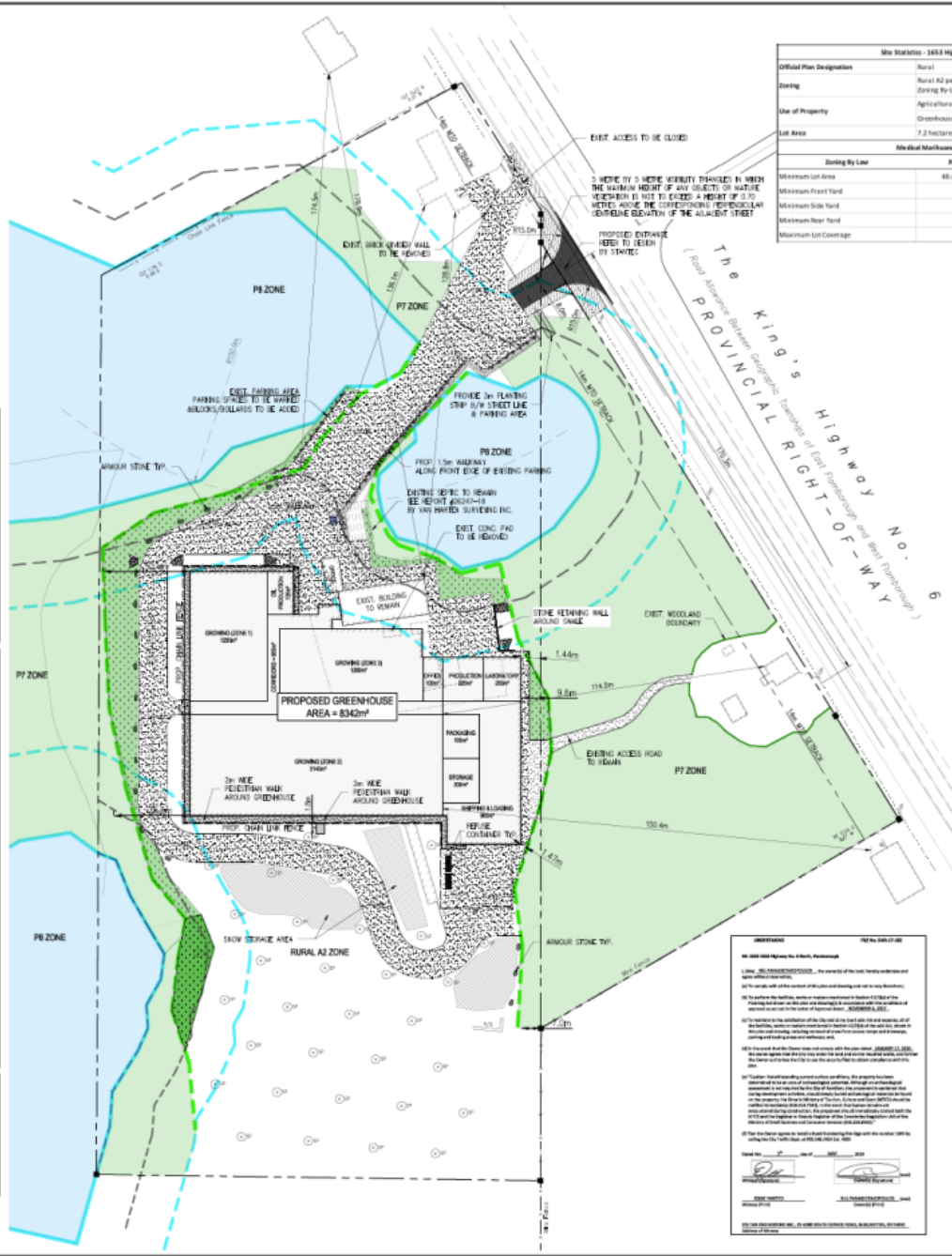
### CITY OF HAMILTON - SITE PLAN NOTES

- ALL WORK INVOLVED IN THE CONSTRUCTION, RECONSTRUCTION, REPAIR OF MATERIAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE OFFICER OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT.
- FIVE HOUR SIGNS AND 3-WAY FREE MOTIONS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY ENGINEER AND AT THE EVIDENCE OF THE OTHER VAIN DRIVEWAY SIGNAGES AT THE PROPERTY LINE BOUNDARIES AND 27.5m UNLESS OTHERWISE SPECIFIED.
- ALL OTHERS FROM PROPERTY LINES FOR THE FRONT 7.5m SHALL BE WITHIN THE WETLAND ZONE, THEREBY, ALL OTHERS SHALL BE WITHIN THE WETLAND ZONE.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:
  - S.1. BUILDING PERMIT
  - S.2. ROAD CUT PERMITS
  - S.3. APPROACH APPROVAL PERMITS
  - S.4. COMMITTEE OF ADJUSTMENT
  - S.5. SEWER AND WATER PERMITS
  - S.6. RELOCATION OF SERVICES
- ABANDONED ACCESSSES MUST BE REPAIRED AND THE CURBS AND BOLLARDS REINSTATED WITH USE AT THE OWNER'S EXPENSE TO THE SATISFACTION OF THE CIVIC ENGINEERING SECTION UNDER HIS SUPERVISION.
- FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE IS TO BE PROVIDED:
 

"5 METERS BY 5 METERS VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR NATURAL VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METERS ABOVE THE CORRESPONDING PERPENDICULAR CONTIGUOUS ELEVATION OF THE ADJACENT STREET"
- THE PROPERTY IS SUITABLE FOR RECYCLING COLLECTION OF WASTE, RECYCLING, COMPOSTS, AND LEAF AND WASTE THROUGH THE CITY OF HAMILTON SUBJECT TO COMPLIANCE WITH SPECIFICATIONS INDICATED BY THE PUBLIC WORKS DEPARTMENT AND SUBJECT TO COMPLIANCE WITH THE CITY'S SOLID WASTE MANAGEMENT BY-LAW (20-02), AS AMENDED.

### ARCHAEOLOGY NOTE:

"CAUTION: NOTWITHSTANDING CURRENT SURFACE CONDITIONS, THE PROPERTY HAS BEEN DETERMINED TO BE AN AREA OF POTENTIAL ARCHAEOLOGICAL INTEREST. ALTHOUGH AN ARCHAEOLOGICAL ASSESSMENT IS NOT REQUIRED BY THE CITY OF HAMILTON, THE PROPRIETOR IS CAUTIONED THAT ANY DEVELOPMENT ACTIVITIES SHOULD BEARLY INVADE ARCHAEOLOGICAL MATERIALS BE FOUND ON THE PROPERTY. THE OWNERS INTERESTS OF CULTURAL, HISTORICAL AND SPORT (MUSE) SHOULD BE NOTIFIED IMMEDIATELY (416-241-7443) IN THE EVENT THAT REMAINS ARE ENCOUNTERED DURING CONSTRUCTION. THE PROPRIETOR SHOULD IMMEDIATELY CONTACT THE CITY AND THE SENIOR OR SENIORITY REPRESENTATIVE OF THE OBSERVED REGULATORY UNIT OF THE MINISTRY OF SMALL BUSINESS AND CONSUMER SERVICES (416-326-8302)."



### Site Statistics - 1653 Highway 6, North

Official Plan Designation	Rural 1	
Zoning	Rural A2 per Section 12 of the City of Hamilton (Zoning By-Law 05-200)	
Use of Property	Agricultural	
Lot Area	7.2 Hectares	
Zoning By-Law	Required	Provided
Minimum Lot Area	48.4 Hectares	7.2 Hectares
Minimum Front Yard	20m	27.4m
Minimum Side Yard	20m	60.0m
Minimum Rear Yard	20m	32.1m
Maximum Lot Coverage	70%	5.84%



3 METERS BY 5 METERS VISIBILITY TRIANGLES IN WHICH THE MAXIMUM HEIGHT OF ANY OBJECTS OR NATURAL VEGETATION IS NOT TO EXCEED A HEIGHT OF 0.70 METERS ABOVE THE CORRESPONDING PERPENDICULAR CONTIGUOUS ELEVATION OF THE ADJACENT STREET

PROPOSED EXISTENCE REFER TO EXISTING BY STAKE

KEY PLAN NOT TO SCALE

Address/Lot Area	Required By-Law	Provided	Complying/Non-Complying
Minimum Lot Coverage Section 12.2.1.1 (A) of the Zoning By-Law 05-200	48.4 hectares	7.2 hectares	Non-Complying
Minimum Front Yard Section 12.2.1.2 (A) of the Zoning By-Law 05-200	20m	27.4m	Complying
Minimum Side Yard Section 12.2.1.3 (A) of the Zoning By-Law 05-200	20m	60.0m	Complying
Minimum Rear Yard Section 12.2.1.4 (A) of the Zoning By-Law 05-200	20m	32.1m	Complying
Maximum Lot Coverage Section 12.2.1.5 (A) of the Zoning By-Law 05-200	70%	5.84%	Non-Complying

### NOTES

1. ALL WORK INVOLVED IN THE CONSTRUCTION, RECONSTRUCTION, REPAIR OF MATERIAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE OFFICER OF PLANNING, PLANNING AND ECONOMIC DEVELOPMENT.

2. FIVE HOUR SIGNS AND 3-WAY FREE MOTIONS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE CITY ENGINEER AND AT THE EVIDENCE OF THE OTHER VAIN DRIVEWAY SIGNAGES AT THE PROPERTY LINE BOUNDARIES AND 27.5m UNLESS OTHERWISE SPECIFIED.

3. ALL OTHERS FROM PROPERTY LINES FOR THE FRONT 7.5m SHALL BE WITHIN THE WETLAND ZONE, THEREBY, ALL OTHERS SHALL BE WITHIN THE WETLAND ZONE.

4. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING:

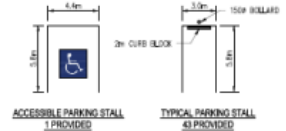
- S.1. BUILDING PERMIT
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- S.3. APPROACH APPROVAL PERMITS
- S.4. COMMITTEE OF ADJUSTMENT
- S.5. SEWER AND WATER PERMITS
- S.6. RELOCATION OF SERVICES

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6. FOR VISIBILITY TRIANGLES AT THE VEHICULAR ACCESS POINTS, THE FOLLOWING NOTE IS TO BE PROVIDED:

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7. THE PROPERTY IS SUITABLE FOR RECYCLING COLLECTION OF WASTE, RECYCLING, COMPOSTS, AND LEAF AND WASTE THROUGH THE CITY OF HAMILTON SUBJECT TO COMPLIANCE WITH SPECIFICATIONS INDICATED BY THE PUBLIC WORKS DEPARTMENT AND SUBJECT TO COMPLIANCE WITH THE CITY'S SOLID WASTE MANAGEMENT BY-LAW (20-02), AS AMENDED.



These design documents are prepared solely for the use by the party with whom the design professional has entered into a contract and there are no representations of any kind made by the design professional to any party with whom the design professional has not entered into a contract.

Do not make drawings. The contractor shall check and verify all dimensions and report any errors and omissions to the engineer. This drawing is not to be used for construction unless marked as 'Issued for construction', certified and sealed.

PART OF LOTS 9 AND 10 CONVEYANCE IS GEOGRAPHIC TOWNSHIP OF WEST FLAMBOROUGH TOWN OF FLAMBOROUGH

REFER TO THE FOLLOWING DOCUMENTS:  
 • LEGAL SURVEY & TOPOGRAPHY  
 • YOUNG & YOUNG SURVEYING PROJECT (11-17893) DATED: OCTOBER 20, 2017  
 • STORMWATER MANAGEMENT SHEET PROJECT (160961221) DATED: SEPTEMBER 10, 2018

REV.	DATE	REMARKS
13	05/04/19	SUBMISSION #1
12	21/02/18	SUBMISSION #2
11	21/02/18	ISSUED FOR VARIANCE
10	22/02/18	REVISED ENTRANCE
9	05/02/18	SUBMISSION #4
8	12/01/18	SUBMISSION #3
7	27/02/18	REVISED FOR APPROVAL
6	22/02/17	REVISED FOR CLARIFICATION
5	08/02/17	SUBMISSION #2
4	11/02/17	REVISED FOR SPA
3	13/02/17	ISSUED FOR SPA
2	10/01/17	ISSUED FOR REVIEW
1	27/07/17	ISSUED FOR APPROVAL
0	20/07/17	ISSUED FOR DISCUSSION

## ZOLTAN ENGINEERING

4380 S Service Road, Suite #25  
 Burlington, ON L7L 5Y6  
 ☎ Tel: 905.331.8307 • 📠 Fax: 905.331.6840

PROJECT TITLE  
 PROPOSED GREENHOUSE FACILITY  
 1649 HIGHWAY 6 N

FLAMBOROUGH ONTARIO

DRAWING TITLE  
 SITE PLAN

SCALE AS NOTED

DRAWN: CM/ARTS  
 CHECKED: JL  
 DESIGNED: JL

PROJECT No. 17-112  
 SHEET No. SP1



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	May 14, 2019
<b>SUBJECT/REPORT NO:</b>	Comprehensive Review of Discharge of Firearms By-law (PED16107(b)) (City Wide) <b>(Outstanding Business List Item)</b>
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Robert Ustrzycki (905) 546-2424 Ext. 4721
<b>SUBMITTED BY:</b>	Ken Leendertse Director, Licensing and By-law Services Planning and Economic Development Department
<b>SIGNATURE:</b>	

### RECOMMENDATION(S)

- (a) That the by-law attached as Appendix "A" to Report PED16107(b), which repeals and replaces the Discharge of Firearms By-law 05-114, that incorporates the recent and future urban developments in the City and that includes key aspects of a comprehensive review and public consultation process, and which has been prepared in a form satisfactory to the City Solicitor, be enacted;
- (b) That a new exemption permit application fee of \$100 and renewal fee of \$20 for the discharge of recreational firearms or bows be approved, and that the User Fees and Charges By-law be amended accordingly;
- (c) That the item respecting the Comprehensive Review of the Discharge Firearm By-law be considered complete and removed from the Planning Committee Outstanding Business List.

### EXECUTIVE SUMMARY

City staff was directed to undertake a comprehensive review of the Discharge of Firearms By-law 05-114, including public consultation, for recommendations to an effective and updated by-law that incorporates the recent and future urban

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

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

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



**SUBJECT: Comprehensive Review of Discharge of Firearms By-law  
(PED16107(b)) (City Wide) - Page 2 of 9**

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developments in the City. Staff Report PED16107(a) dated February 20, 2018 provided Committee the results of the comprehensive review, including a summary of the public and stakeholder consultations, and the analysis of a Working Group examining the comments and input from the public engagement process.

Licensing and By-law Services staff were directed to consult with Legal Services and develop and bring forward to the Planning Committee an updated by-law to repeal and replace City of Hamilton Discharge of Firearms By-law 05-114, that incorporates the recent and future urban developments in the City and includes the key aspects generated by the public engagement process as contained in Report PED16107(a).

**Alternatives for Consideration – Not Applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial/Staffing: The cost of the proposed by-law in Planning Committee Report PED16107(b) (Attached as Appendix “A”) would not have an impact on current Licensing and By-law Services (LBS) resources or change the annual operating budget.

While no applications or exemption permits have been issued under the current Discharge Firearm By-law 05-114, LBS staff recommend an application fee of \$100 and renewal fee of \$20 to reduce the administrative costs for receiving, processing and approving exception permit applications.

Legal: Public Notice was provided to consider the permit fees proposed in Report PED16107(b), as required by the City of Hamilton Public Notice By-law 07-351.

**HISTORICAL BACKGROUND**

The City of Hamilton Discharge of Firearms By-law 05-114, enacted on May 11, 2005 regulates where firearms may be discharged in the City for the safety of the inhabitants. The current by-law is a compilation of the former municipalities of the City (Report PD05119, Harmonization of Discharge of Firearm By-law, dated April 15, 2005) with no revision since its day of passing.

On August 10, 2015 General Issues Committee received Report LS15020 (Regulating Guns and/or Ammunition) regarding options with respect to the City’s authority over guns and/or ammunition. General Issues Committee was informed by the City Solicitor that the Discharge of Firearms By-law is in need of updating, that would require

**SUBJECT: Comprehensive Review of Discharge of Firearms By-law (PED16107(b)) (City Wide) - Page 3 of 9**

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consultation with the stakeholders, and be modified to clearly re-inforce the federal and provincial regulation of firearms.

At its meeting of September 23, 2015, Council approved information item h(ii) of Planning Committee Report 15-014 which reads as follows:

- (a) That Municipal Law Enforcement staff, in consultation with Legal Services and Planning staff as well as the Hamilton Police Service, undertake a comprehensive review of the Discharge of Firearms By-law 05-114, including stakeholder consultation, and
- (b) That staff be directed to report back with recommendations for the most effective Discharge of Firearms By-law including, but not limited to, consideration of where the discharge of firearms is permitted.

On May 25, 2016 City Council approved item 8.1 of Planning Committee Report 16-010 to receive Discharge of Firearms Report (PED16107) informing Members of Council that more analysis is needed to update the substantive provisions of the current by-law, and outlining the process intended by staff to:

- Establish a working group to review public comments, the overlapping jurisdictions, respective roles, safety issues, criteria for high risk areas, strategies and tasks necessary for an enforcement/administration/communication plan;
- Consult with City Councillors representing rural Wards;
- Consult with the numerous stakeholders and property owners having interest; and,
- Conduct a broader research of best practices in other jurisdictions.

On February 20, 2018 Report PED16107(a) provided the Planning Committee the results of the public consultation and comprehensive review. City Council directed LBS staff to consult with Legal Services to develop and bring forward to the Planning Committee an updated by-law to repeal and replace City of Hamilton Discharge of Firearms By-law 05-114.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The City of Hamilton Discharge of Firearms By-law 05-114

Staff review considered the following applicable Provincial and Federal Legislation:

*Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41*

*Conservation Authorities Act, R.S.O. 1990, c. C.27*

**SUBJECT: Comprehensive Review of Discharge of Firearms By-law  
(PED16107(b)) (City Wide) - Page 4 of 9**

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*Protection of Livestock & Poultry from Dogs Act, R.S.O. 1990, c. L.24*

*Animal Health Act 2009, S.O. 2009, c. 31*

*Trespass to Property Act, R.S.O. 1990, c. T.21:*

*Occupiers Liability Act, R.S.O. 1990, c. O.2*

*Municipal Act, 2001, S.O. 2001, c. 25*

*Heritage Hunting and Fishing Act, 2002, S.O. 2002, c. 10*

*Criminal Code, R.S.C., 1985, c. C-46*

*Firearms Act, S.C. 1995, c. 39*

*Migratory Birds Convention Act, 1994, S.C. 1994, c. 22*

*Navigable Waters Protection Act (Canada)*

## **RELEVANT CONSULTATION**

### Public Engagement

City staff hosted public consultations with stakeholders and persons having interest to gain community feedback. A meeting of stakeholders was conducted at Hamilton City Hall on January 26, 2017; and a total of 3 Open Public Meetings were held from February 13, 2017 to March 1, 2017 in Glanbrook, Rockton and Ancaster (detailed in Report PED 16107(a)).

An additional Open Public Meeting was held May 15, 2018 inviting the residents from the concession area east of Copetown to re-examine a proposed boundary expansion prohibiting the discharge of firearms. It was the consensus of property owners in attendance that the discharge of recreational firearms remains unchanged to those lands.

Councillors for Wards 11, 12, 14 and 15 were consulted in the comprehensive review and facilitated arrangements for the Open Public Meetings in the rural community. LBS staff updated and consulted with those Councillors not familiar or privy to the results of the comprehensive review in 2018.

The following internal departments were consulted in the comprehensive review:

- Planning;
- Legal Services;
- Public Works (Parks);
- Healthy and Safe Communities (Recreation);
- Senior Project Manager for Indigenous Community Affairs; and,
- Agricultural/Rural Affairs Committee.

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**SUBJECT: Comprehensive Review of Discharge of Firearms By-law  
(PED16107(b)) (City Wide) - Page 5 of 9**

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An advisory group (Working Group) was established from key professionals with extensive experience and knowledge in the administration, enforcement, education and use of firearms and public safety from the following agencies:

- Hamilton Municipal Law Enforcement;
- Hamilton Police Services;
- Hamilton Conservation Authority;
- Ontario Federation of Anglers and Hunters; and,
- Ministry of Natural Resources (declined involvement).

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

The goal and objective of the comprehensive review of the Discharge of Firearms By-law was to:

1. Update the Schedule Map(s) where the discharge of firearms is prohibited to incorporate recent and future urban development.
2. Determine if the current provisions provide a clear understanding of its provisions, balances the varied needs of the community, maintains public safety, and reinforces federal/provincial firearm regulations.

The public consultations provided a broad and diverse outlook to develop the following fundamental improvements to administer and enforce the By-law:

- Simplify the overall structure of the By-law and mapping;
- Provide better wording and understanding;
- Eliminate any ambiguity;
- Provide separate regulations for archery;
- Improve public education and communication; and,
- Improve and unify enforcement.

The Working Group reviewed and analysed the public and stakeholder comments to the boundary expansion and substantive issues to balance the overall needs of the community that considers:

- applicable legislation;
- current by-law provisions;
- best practices in other jurisdictions;

**SUBJECT: Comprehensive Review of Discharge of Firearms By-law (PED16107(b)) (City Wide) - Page 6 of 9**

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- safety issues;
- demographics for boundary changes; and,
- criteria for high risk areas.

Attached as Appendix “A” to Report PED16107(b) is the draft Discharge of Recreational Firearm By-law (Proposed By-law) to repeal and replace the current Discharge of Firearms By-law 05-144. The Proposed By-law reflects the majority of public opinion generated by the public engagement process and key aspects of the comprehensive review in Report PED16107(a). The current Discharge Firearm By-law 05-144 is attached as Appendix “B” to this Report.

The general intent and purpose of the Proposed By-law is public safety in the discharge of recreational firearms/bows which is reflected in the Short Title name of the By-law. The Proposed By-law is prepared in simple, plain text, divided into nine parts. It considers what is in the best interest of all the inhabitants and fair to all persons by not being too restrictive or more lenient.

The preamble specifies the statutory authorities for establishing the Proposed By-law, and deems that the discharge of firearms could create a safety hazard for the public. The city-wide and rural settlement Schedule Maps include the recent and future urban developments, and accurately denote the areas where the discharge of a firearm or bow is prohibited. The Schedule Maps are prepared in PDF format to meet the visual needs of the reader, and may be enlarged to greatly improve the ability to distinguish the prohibited areas.

The following annotations speak to the key aspects or changes in the Proposed By-law.

### Definitions

The by-laws from other jurisdictions, federal/provincial legislation, and case law were examined in preparation of the definition section. To support the strong public opinion, bows remain and apply outside the definition of firearm and any reference to a firearm as a weapon is removed.

Public centres, parks and trails are better defined to be more inclusive of those locations that may be frequented by the public. Other definitions are modernized or reformed to the outdated current by-law.

### Application of By-law

To understand the extent or limitations of the Proposed By-law, section 3 clearly identifies those circumstances in which the By-law does not apply, namely the lawful

**SUBJECT: Comprehensive Review of Discharge of Firearms By-law  
(PED16107(b)) (City Wide) - Page 7 of 9**

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use of firearms by the military, police agencies, regulated gun clubs/ranges, and the firing of blank ammunition.

General Prohibitions

The locations that prohibit the recreational use of firearms and bows are provided in sections 4 – 7. The onus remains on the user of recreational firearm or bow to obtain the express consent of the owner of land. Section 8 defines the prohibited areas and provides separation requirements, which reflect the diverse settings in the rural community that would be difficult to accurately plot on a map.

The current 100 m separation maintains as an appropriate distance from public locations and occupied buildings for firearms. Supported by public opinion, the reduced limit of 50 m introduced for bows/archery is consistent with best practices in other jurisdictions. These separation requirements may be relaxed with the express consent of the owner/occupier of the building or structure.

A new separation distance of 300 m is provided for the safety and security of airports and registered aerodromes within the City of Hamilton.

Exceptions

The exceptions in the Proposed By-law continue to recognize the importance of the discharge of firearms for farmers; and the education for the safe use of recreational firearms and bows. Other uses identified by stakeholder and public consultation as having merit as an exception are added to the Proposed By-law, including the lower risks associated with the use of archery, paintball and airguns within a secure indoor facility.

Permits and Appeal

Considering the demographics of the City, the exemption permit currently in place is the best solution dealing with extraordinary circumstances where the general provisions may not be reasonable. Although no application has come forward since the passing of the current Discharge of Firearms By-law, continuing this practise allows for specific exceptions not envisaged by the Proposed By-law or the Schedule Maps.

The LBS Director is authorized to grant, refuse or revoke an exemption permit, and impose conditions specific to the application after having consideration to the negative effects in high risk areas. Appeals to the permit application are made before the Planning Committee, whereas appeals under the current by-law are heard by Council.

**SUBJECT: Comprehensive Review of Discharge of Firearms By-law  
(PED16107(b)) (City Wide) - Page 8 of 9**

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Administration and Enforcement

The LBS Director is authorized to administer and enforce the Proposed By-law, including the authority to prescribe the format and content of any required forms or documents.

Enforcement and Penalties

The penalty for contravening the Proposed By-law provides for a minimum fine of \$500 and maximum fine of \$100,000, demonstrating the seriousness envisioned by Council. The landowner consenting to the use of their property for the recreational use of firearms may also be charged for knowingly permitting the unlawful activity.

Officers may enter upon land at any reasonable time, without notice, or in conjunction with a person possessing special or expert knowledge for the purpose of carrying out an inspection. This administrative power of entry includes specific inspection powers for the production of documents or information. Obstructing or refusing an Officer exercising a power or performing an inspection is a contravention of the *Municipal Act, 2001*.

Officers generally arrive before or after the discharge of a firearm or bow, and commonly deal with the property owner when unable to locate/identify the suspect(s). Staff experience has been that most offenders are unfamiliar with the provisions of the By-law, or mistake the boundary for prohibited areas. Municipal Orders may be issued to discontinue the activity, or compel the landowner to revoke consent or take actions to bar or prevent the unlawful entry onto the property. The Municipal Order is an educational tool issued in the first instance before taking enforcement steps. Once issued, having presumed knowledge of the By-law, a charge would follow for disobeying the order and/or require any remedial action at the property owner's expense.

Repeal and Enactment

The Proposed By-law, to repeal and replace the current outdated Discharge of Firearms By-law, considers public opinion and the key issues identified from the comprehensive review.

Enforcement Strategy

The general public has a misunderstanding of the current Discharge of Firearms By-law and are frustrated by the lack of response, public education, and disconnect of the enforcement agencies. There is need for solutions directing calls to the correct service for information or action; and to examine and improve methods to educate the public.

LBS staff consulted with other enforcement agencies and authorities in preparation of the Enforcement Strategy (Attached as Appendix "C" to Report PED16107(b)) and will

**SUBJECT: Comprehensive Review of Discharge of Firearms By-law  
(PED16107(b)) (City Wide) - Page 9 of 9**

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continue to engage in discussions to improve service in the administration and enforcement of the Proposed By-law.

An effective communication plan is the best tool available to inform the public of their legal obligations and prevent contraventions of the By-law. Members of the public are seeking accurate information in a user friendly format. The Enforcement Strategy includes the creation of an information pamphlet containing excerpts from the Proposed By-law and related legislation, contact information for enforcement agencies, and links to the City website. It is intended that this information, the By-law and Schedule Maps be posted on the City website, along with hard copies available to the public at strategic locations in the City.

### **ALTERNATIVES FOR CONSIDERATION**

N/A

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

#### **Community Engagement and Participation**

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

#### **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.

#### **Culture and Diversity**

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

#### **Our People and Performance**

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

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A": Discharge of Recreational Firearms By-law

Appendix "B": Discharge of Firearms By-law 05-114

Appendix "C": Enforcement Strategy

KL:RU:st



## Appendix "A" to Report PED16107(b)

Page 1 of 9

Authority: Item:  
Report (PED16107(b))  
CM:  
Ward: City Wide

Bill No.

## CITY OF HAMILTON

## BY-LAW NO.

**To repeal and replace By-law No. 05-114,  
being a by-law to regulate the discharge of firearms**

**WHEREAS** subsection 10(1) of the *Municipal Act, 2001* provides that single-tier municipalities may provide any service or thing that the municipality considers necessary or desirable for the public; and pursuant to paragraphs 6 and 8, may pass by-laws respecting the health, safety and well-being of persons and the protection of and property;

**WHEREAS** pursuant to section 119 of the *Municipal Act, 2001*, a municipality is authorized to prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapon for the purpose of safety;

**WHEREAS** pursuant to subsection 23.1(1) of the *Municipal Act, 2001*, a municipality is authorized to delegate its powers and duties under the Act, subject to certain restrictions;

**WHEREAS** pursuant to section 425 of the *Municipal Act, 2001*, a municipality is authorized to pass by-laws providing that a person who contravenes a by-law of the Municipality passed under the *Municipal Act, 2001* is guilty of an offence;

**WHEREAS** pursuant to section 429 of the *Municipal Act, 2001*, a municipality may establish a system of fines for offences under a by-law of the Municipality passed under the *Municipal Act, 2001*;

**WHEREAS** pursuant to section 436 of the *Municipal Act, 2001*, a municipality may pass a by-law providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, direction, order, or condition of license passed or made under the *Municipal Act, 2001*;

**WHEREAS** sections 444 and 445 of the *Municipal Act, 2001* provides that if a municipality is satisfied that a contravention of a by-law passed under the *Municipal Act, 2001* has occurred, that the municipality may make an order requiring the person who contravened the by-law or caused or permitted the contravention or the owner or occupier of the land to discontinue the contravention or do work to correct the contravention of the by-law;

**Appendix “A” to Report PED16107(b)****Page 2 of 9**

**WHEREAS** the Council for the City of Hamilton deems that the discharge of firearms could create a safety hazard for the public;

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

**SHORT TITLE**

1 This By-law may be cited as the Discharge of Recreational Firearms By-law.

**DEFINITIONS**

2 In this By-law,

“bow” means a curved or re-curved, stave of a resilient material strung taut from end to end and used to launch an arrow, a bolt, a quarrel, or any similar projectile and includes a crossbow, longbow, compound bow, re-curve bow, or any class thereof;

“City” means the City of Hamilton;

“Council” means the Council for the City of Hamilton;

“Committee” means the Planning Committee established by Council for the City of Hamilton;

“Director” means the City’s Director of Licensing and By-law Services and their designate or successor;

“firearm” means any type of gun or similar barrelled device from which any shot, bullet or other projectile can be discharged and that is capable of causing bodily injury or death, and includes air gun, spring-gun, pellet gun or paint ball gun;

“highway” means a common and public highway and includes a street, bridge or other structure forming part of a highway over or across which a highway passes, and includes the whole of a road allowance under the jurisdiction of the City;

“land” includes any public or private property, premises, grounds, yards or vacant lot and includes land owned by a Conservation Authority or agreement forest established by or under the *Conservation Authorities Act*;

“Officer” means a police officer, municipal law enforcement officer, officer appointed under the *Fish and Wildlife Conservation Act, 1997* or *Conservation Authorities Act*, or other person appointed to enforce the provisions of this By-law;

“person” includes a company, a corporation, a partnership, or an individual Person;

“park” means a private or public park or recreational area that is open to the general public for sports, recreational uses and like activities, and includes open space, campgrounds and picnic area;

**Appendix “A” to Report PED16107(b)****Page 3 of 9**

“public centre” means a parcel of land on which is situated a cemetery, place of worship, public hall, community centre, day nursery, community sports facility, hospital, school or golf course; and

“public trail” means a managed pathway or designated travel corridor which is open to use by the general public for the purposes of walking, biking, hiking, cross country skiing or other means of recreational travel.

**APPLICATION OF BY-LAW**

3 This By-law does not apply to,

- (a) a peace officer, police officer or member of the Canadian Armed Forces in the performance of their duty;
- (b) a person appointed as an animal control officer, municipal law enforcement officer, or as an agent for the City or for a provincial or federal government agency for the purpose of destroying sick, injured or vicious animals as authorized by law in the performance of this stated duty;
- (c) a bona fide gun club or range, registered and regulated by the *Firearms Act* (Canada), the use and location of which is permitted pursuant to the applicable zoning by-law and building requirements and any other applicable federal, provincial and municipal laws;
- (d) a facility operated by or for a municipal, provincial or federal police force;
- (e) any device designed and intended by the person in possession therefore, for use exclusively for signalling, notifying of distress or firing stud cartridges, explosive-driven rivets or similar industrial ammunition, or firing blank cartridges;
- (f) the firing of blank ammunition which does not discharge a projectile for or in connection with lawful use in a motion picture, television and stage productions, ceremonial military memorial services, military re-enactments and historical displays or educational programs, or for the purpose of starting or controlling a sporting event.

**GENERAL PROHIBITIONS**

4 No person shall discharge a firearm or bow in the City except in accordance with this By-law.

5 No person shall discharge or cause to be discharged or allow to be discharged, a firearm or bow on any land except with the express consent of the owner of the land.

6 (1) No owner or occupier of land where the discharge of a firearm or bow is prohibited pursuant to section 8 shall knowingly allow any person to discharge a firearm or bow on such land.

**Appendix "A" to Report PED16107(b)****Page 4 of 9**

(2) Where a contravention of this By-law has occurred, every owner of land shall take reasonable precautions to prevent the continuation or repetition of the contravention on such land.

7 No person shall discharge or cause to be discharged or allow to be discharged a firearm or bow between half an hour after sunset to half an hour before sunrise unless otherwise permitted under the *Fish and Wildlife Conservation Act, 1997*, or regulations thereunder.

8 (1) For the purposes of this section, a prohibited area is any of the following:

- (a) lands within the urban boundary as set out on Schedule D to the Rural Hamilton Official Plan;
- (b) lands within a rural settlement area, which are as shown as "Firearms & Bows Prohibited" on the maps in Schedule A, which forms part of this By-law;
- (c) lands zoned residential;
- (d) a park;
- (e) a public centre;
- (f) a public trail.

(2) No person shall discharge or cause to be discharged or allow to be discharged, a firearm or bow within any of the following locations:

- (a) a prohibited area;
- (b) within 300 m of the John C. Munro Hamilton International Airport or a registered aerodrome;
- (c) on or within any watercourse or body of water defined as navigable water pursuant to the *Navigable Waters Protection Act (Canada)*;
- (d) on, over or across any highway, railway or portion thereof;
- (e) within an unopened road allowance.

(3) In addition to subsection (1), no person shall discharge or cause to be discharged or allow to be discharged,

- (a) a firearm within 100 m of any of the following locations:
  - (i) a prohibited area;
  - (ii) any occupied dwelling, building or structure except with the express consent of the owner or occupier of the dwelling, building or structure.
- (b) a bow within 50 m of any of the following locations:

**Appendix "A" to Report PED16107(b)****Page 5 of 9**

- (i) a prohibited area;
- (ii) any occupied dwelling, building or structure except with the express consent of the owner or occupier of the dwelling, building or structure.

**EXCEPTIONS**

9 Sections 7 and 8 do not apply to:

- (a) a farmer or their agent discharging a firearm or bow on land owned by the farmer in order to scare or destroy animals that are found in the act of killing or injuring livestock or poultry or destroying their property, provided that such discharge complies with any of the following:
  - (i) *Migratory Birds Convention Act, 1994* (Canada);
  - (ii) *Fish and Wildlife Conservation Act, 1997*; or
  - (iii) *Protection of Livestock and Poultry from Dogs Act*;
- (b) a trapper licensed by the Ministry of Natural Resources in accordance with the *Fish and Wildlife Conservation Act, 1997* to hunt and trap fur-bearing mammals;
- (c) the discharge of a bow, air gun, spring-gun, pellet gun or paint ball gun provided that such discharge takes place within a secure indoor facility where there is no danger of any projectile fired or discharged therein passing out of the building or into any other part of the building;
- (d) the discharge of a bow at a competition, educational or recreational event sanctioned by a school board, the Federation of Canadian Archers, the Ontario Association of Archers, Ontario Federation of Anglers and Hunters, or the Rockton Agricultural Society; or
- (e) land owned by, or under the control of a Conservation Authority where the discharge of a firearm or bow is permitted.

**PERMITS AND APPEAL**

10 (1) Any person may apply for an exemption permit from this By-law or any provision of it.

(2) An application for an exemption permit shall be made at least sixty (60) days before the event for which the exemption is sought.

(3) The exemption permit application shall be made in writing to the Director, in the form prescribed by the Director, and shall contain the following:

- (a) the name, address and telephone number of the applicant and owner of the property where the event will occur;

**Appendix "A" to Report PED16107(b)****Page 6 of 9**

- (b) the period of time for which the exemption is sought, including time of day and duration;
- (c) the reasons why the exemption is sought;
- (d) the type of firearm or bow to be used;
- (e) proof that the person seeking the exemption has notified, in writing, all owners of property within 100 m of the perimeter of the property where the event will take place, that an exemption to the By-law is being sought; and
- (f) a detailed map showing:
  - (i) the surrounding residential areas and properties;
  - (ii) the location and uses of all buildings and structures on and within 100 m of the subject lands;
  - (iii) the form and location of a safe backstop to be used where the discharge of firearm or bow will occur.

(4) An application for an exemption permit shall be accompanied by the fee as set out in the City's User Fees and Charges By-law, or as otherwise set and approved by Council from time-to-time.

11 (1) Upon receipt of a completed application for an exemption permit, the Director may:

- (a) issue the exemption permit subject to such conditions as the Director may determine; or
- (b) refuse the exemption permit.

(2) An application for an exemption permit for the discharge of a firearm or bow from an activity that is prohibited under any other by-law shall be refused by the Director.

(3) In considering an application for an exemption permit, the Director shall have regard to:

- (a) any negative effects the issuance of the exemption permit may have on neighbouring properties or on the City;
- (b) any previous violations of this By-law or an exemption permit by the applicant; and
- (c) any other factors that the Director considers relevant to the decision.

(4) Where the Director refuses the exemption permit, a notice including the date and grounds for the Director's refusal will be sent by regular or registered mail to the applicant to the last known address on file.

**Appendix "A" to Report PED16107(b)****Page 7 of 9**

12 (1) An applicant for an exemption permit may appeal the decision of the Director to the Committee within ten (10) days of the Director's decision being made by sending a notice of appeal in writing to the Director, including the grounds for their appeal and accompanied by the fee as set out in the City's User Fees and Charges By-law.

(2) Upon receipt of a completed appeal and accompanied fee, the Director shall prepare a report to Committee with respect to the exemption permit application and notify the applicant once an appeal date before the Committee has been set and if the applicant does not attend on the appeal date, the Committee may proceed in their absence and the applicant shall not be entitled to further notice in the proceeding.

(3) The Committee shall consider the Director's report and recommend to Council that an exemption permit be refused or issued, or that a condition imposed on an exemption permit.

(4) Council may uphold or vary the recommendation(s) of the Committee or do any act or make any decision it might have done had it conducted the appeal itself and the decision of Council is final.

13 Failure to comply with any of the terms or conditions of an Exemption Permit shall render the exemption null and void.

**ADMINISTRATION**

14 (1) The Director is authorized to administer and enforce this By-law including,

(a) arranging for:

- (i) the assistance or work of City staff, City agents or the assistance of police officers;
- (ii) the making of orders or other requirements and the imposition of conditions as authorized under this By-law;
- (iii) the obtaining of court orders or warrants as may be required;
- (iv) the commencement of such actions on behalf of the City to recover costs or restrain contravention of this By-law as deemed necessary;

(b) prescribing the format and content of any forms or other documents required under this by-law.

(2) The Director may assign Officers to enforce this By-law and Officers so assigned or appointed by Council to enforce this By-law shall have the authority to:

- (a) carry out inspections;
- (b) make orders or other requirements as authorized under this By-law; and
- (c) give immediate effect to any orders or other requirements made under this By-Law.

**Appendix "A" to Report PED16107(b)****Page 8 of 9**

(3) The Director may assign duties or delegate tasks under this By-law to be carried out in the Director's absence or otherwise.

**ENFORCEMENT AND PENALTIES**

15 Every person who contravenes any of the provisions of this By-law is guilty of an offence and upon conviction is liable to a fine of not less than \$500 and not more than \$100,000.

16 (1) An Officer may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) this By-law;
- (b) a direction or order made under the *Municipal Act, 2001* or this By-law.

(2) An Officer carrying out an inspection under subsection (1) may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts; and
- (c) require information from any person concerning a matter related to the inspection.

(3) A receipt shall be provided for any document or thing removed under subsection (2) and the document or thing shall be promptly returned after the copies or extracts are made.

17 (1) If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the person who contravened the by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred to:

- (a) discontinue the contravening activity, or
- (b) do work to correct or prevent the contravention.

(2) An order made under subsection (1) shall set out:

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the Land on which the contravention occurred; and
- (b) the date by which there must be compliance with the order.



**Appendix “A” to Report PED16107(b)**

**Page 9 of 9**

(3) An order under subsection (1) may require work to be done even though the facts which constitute the contravention of the by-law were present before the by-law making them a contravention came into force.

(4) An order issued under subsection (1) shall be served personally or by registered mail to the last known address on the person whom the Officer believes is contravening this By-law.

18 (1) Any person who contravenes an order under section 17 is guilty of an offence.

(2) If a person fails to comply with an order under section 17, the City may do the things required by the order at the person’s expense.

(3) The City may recover the costs of doing any thing or matter under subsection (2) by action or by adding the costs to the tax roll and collected in like manner as taxes.

(4) The costs in subsection (3) shall include interest calculated at a rate of 15 per cent, calculated for the period commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.

(5) For the purposes of subsection (2), the City may enter upon land at any reasonable time.

**REPEAL AND ENACTMENT**

19 The City of Hamilton By-law No. 05-114 is hereby repealed in its entirety.

20 This By-law comes into force on the day it is passed.

PASSED this \_\_\_\_\_, 2019.

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F. Eisenberger  
Mayor

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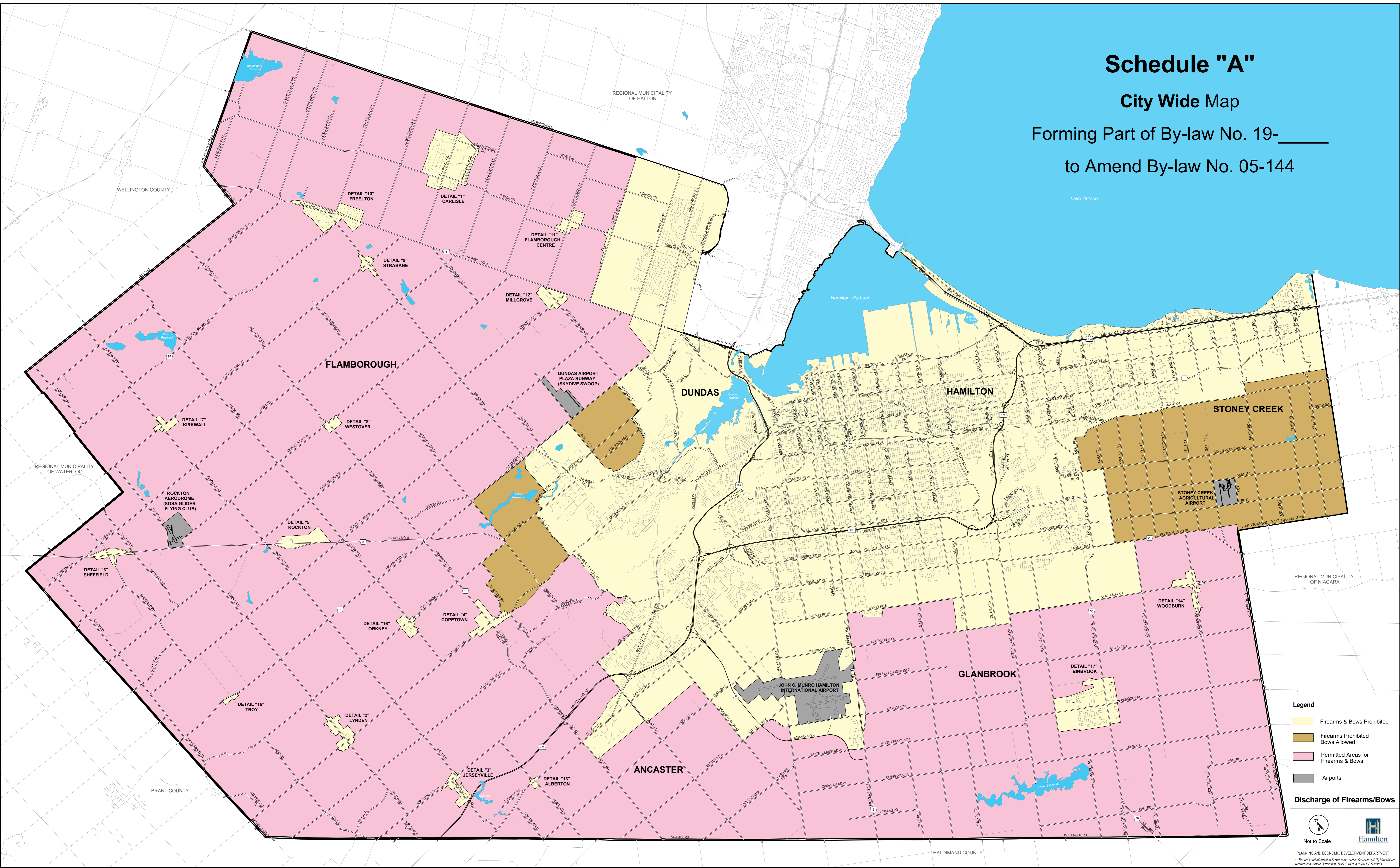
J. Pilon  
Acting City Clerk

# Schedule "A"

## City Wide Map

Forming Part of By-law No. 19-\_\_\_\_\_

to Amend By-law No. 05-144



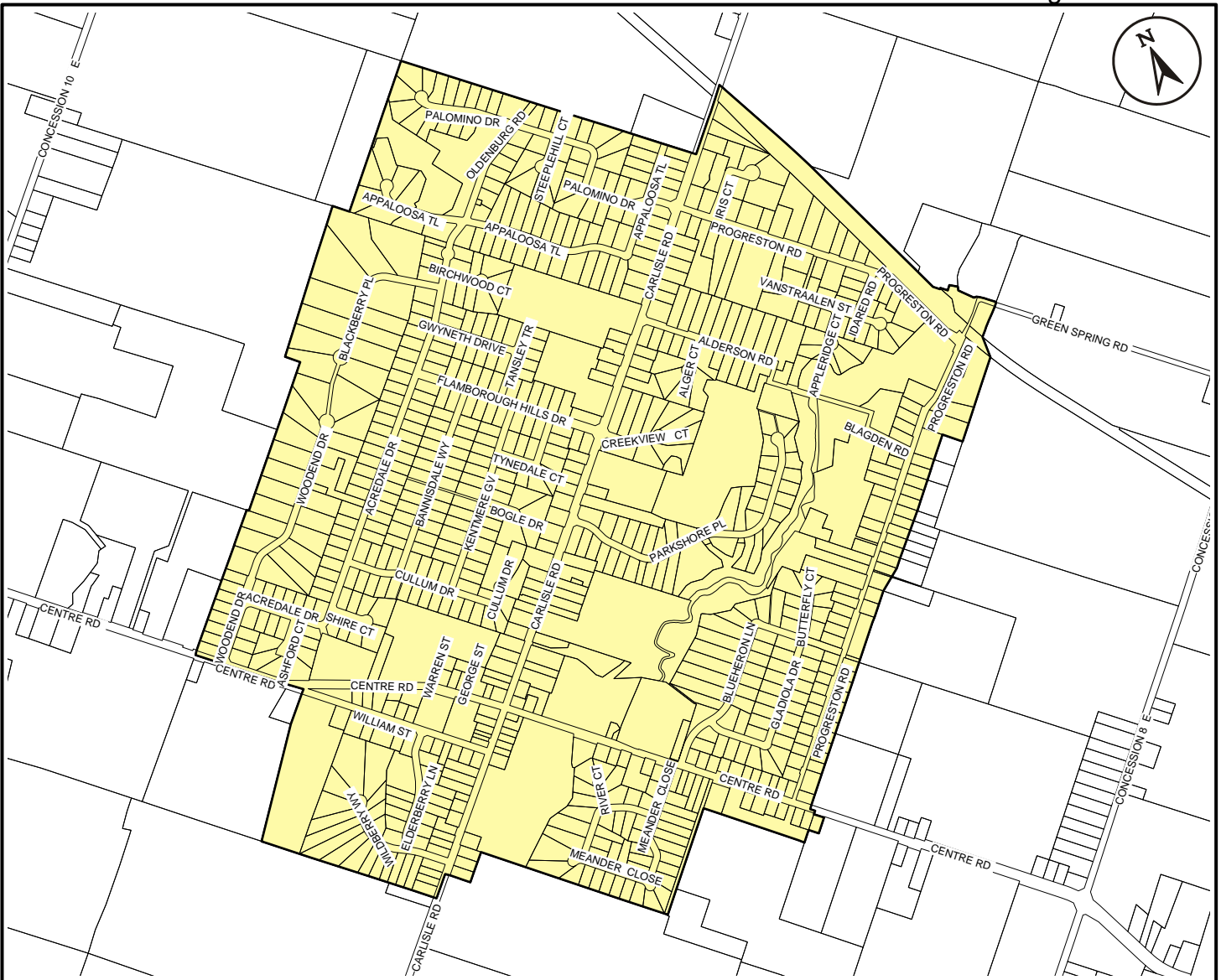
**Legend**

- Firearms & Bows Prohibited
- Firearms Prohibited  
Bows Allowed
- Permitted Areas for  
Firearms & Bows
- Airports

**Discharge of Firearms/Bows**

Not to Scale

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
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This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

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 Mayor

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 Clerk

# Schedule "A"

Map Forming Part of  
 By-law No. 19-\_\_\_\_\_

to Amend By-law No. 05-144

## Subject Property

Detail 1 - Carlisle

- Firearms & Bows Prohibited
- Firearms & Bows Permitted

**Scale:**  
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**File Name/Number:**  
 Detail 1 to Schedule A & B

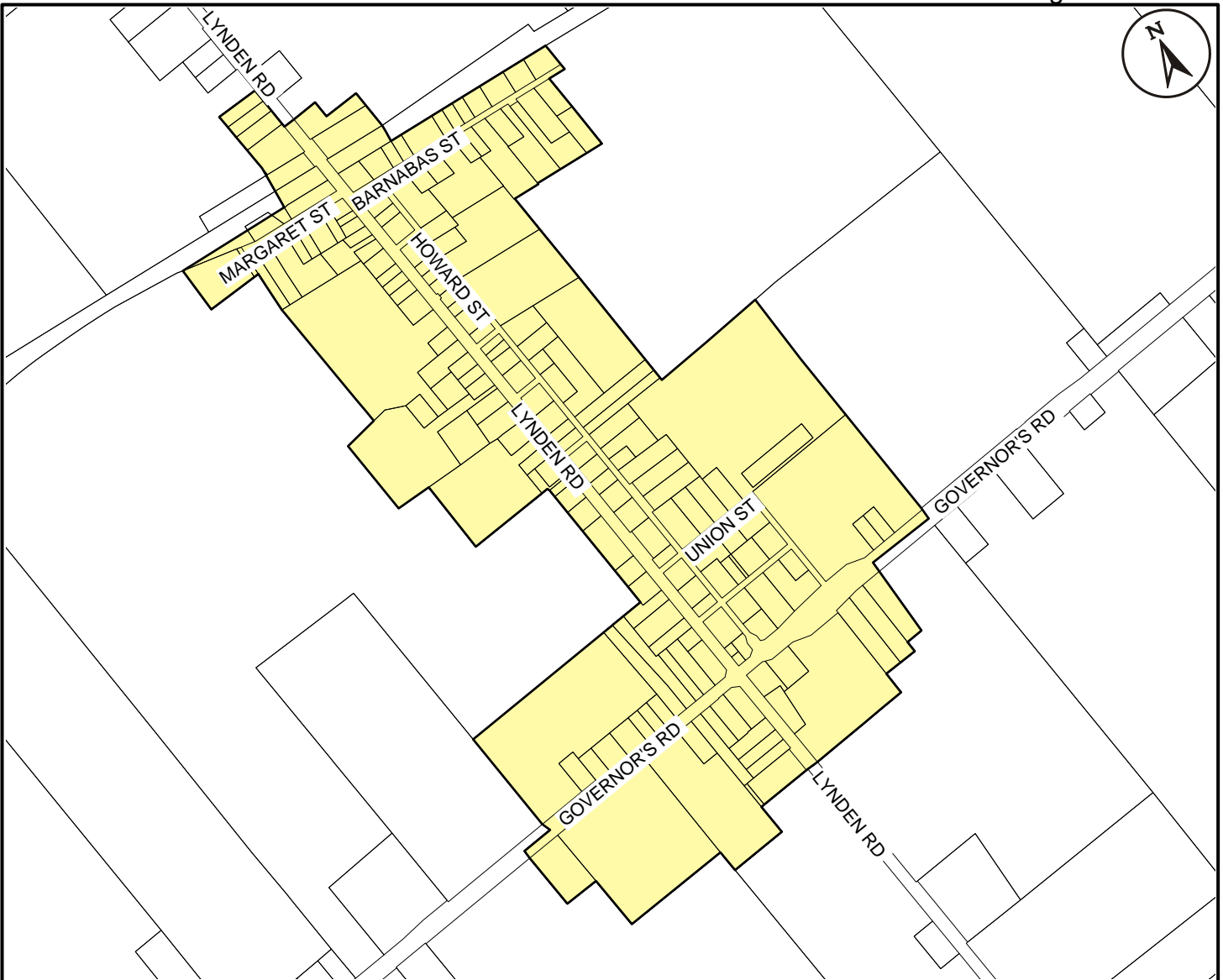
**Date:**  
 July 12, 2018

**Planner/Technician:**  
 RU/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

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Mayor

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Clerk

# Schedule "A"

Map Forming Part of  
By-law No. 19-\_\_\_\_\_

to Amend By-law No. 05-144

## Subject Property

Detail 2 - Lynden

- Firearms & Bows Prohibited
- Firearms & Bows Permitted

**Scale:**  
N.T.S.

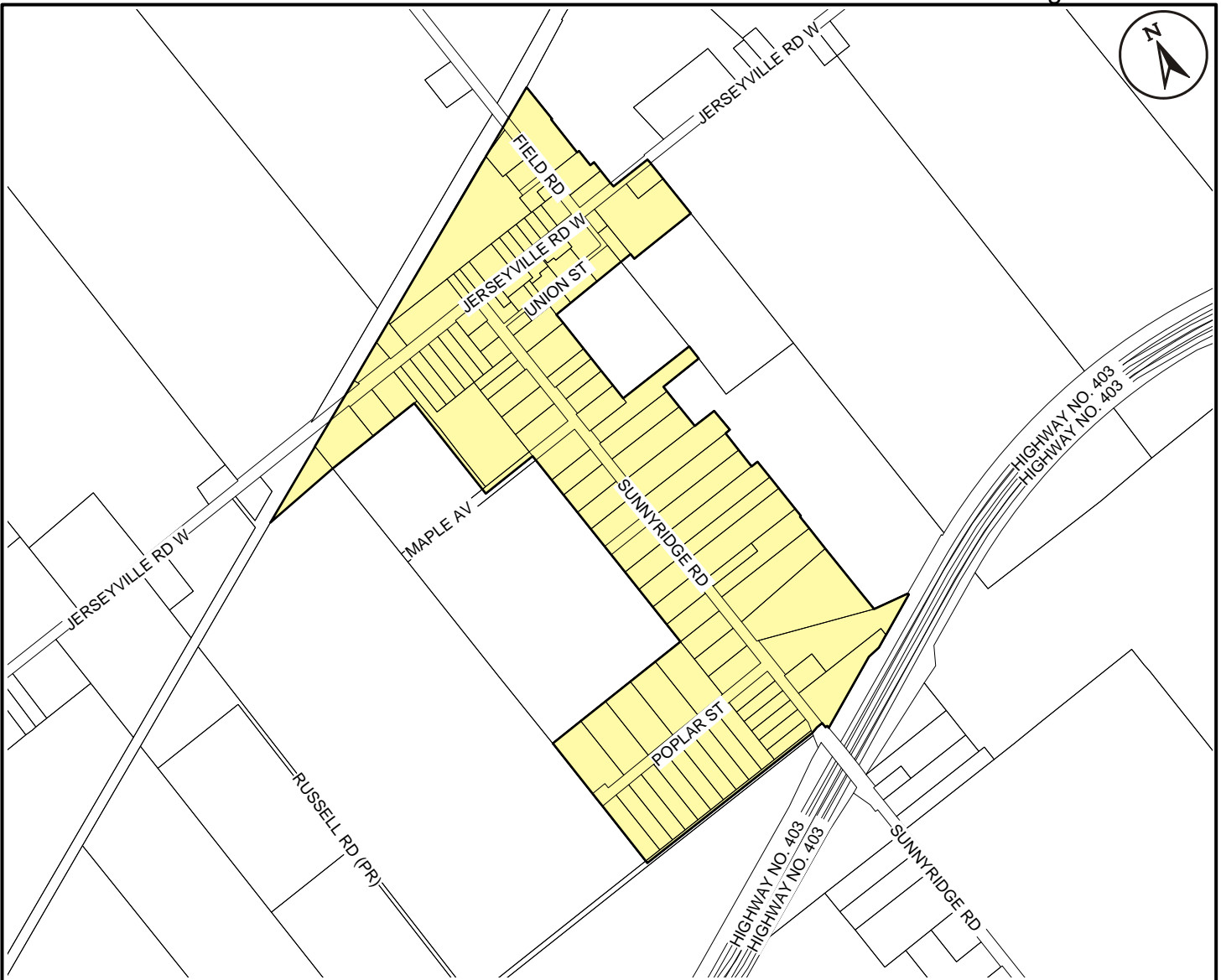
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**Date:**  
July 12, 2018

**Planner/Technician:**  
RU/VS



Hamilton



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Passed the ..... day of ....., 2019

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Mayor

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Clerk

# Schedule "A"

Map Forming Part of  
By-law No. 19-\_\_\_\_\_

to Amend By-law No. 05-144

### Subject Property

Detail 3 - Jerseyville

- Firearms & Bows Prohibited
- Firearms & Bows Permitted

**Scale:**  
N.T.S.

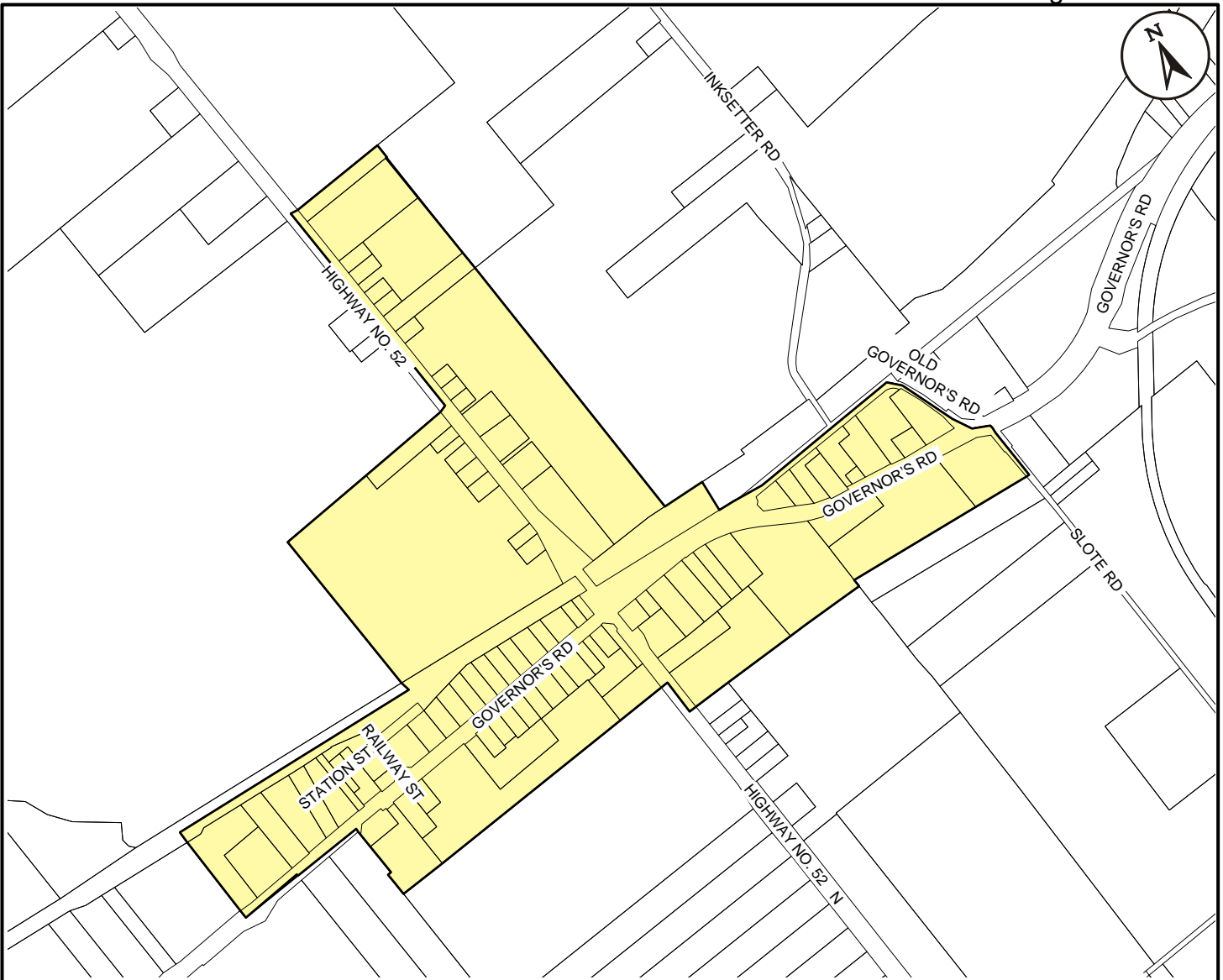
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Detail 3 to Schedule A & B

**Date:**  
July 12, 2018

**Planner/Technician:**  
RU/VS



Hamilton

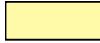
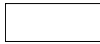


This is Schedule "A" to By-law No. 19-  
 Passed the ..... day of ....., 2019

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 Mayor  
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 Clerk

**Schedule "A"**  
 Map Forming Part of  
 By-law No. 19-\_\_\_\_\_  
 to Amend By-law No. 05-144

**Subject Property**  
 Detail 4 - Copetown

 Firearms & Bows Prohibited  
 Firearms & Bows Permitted

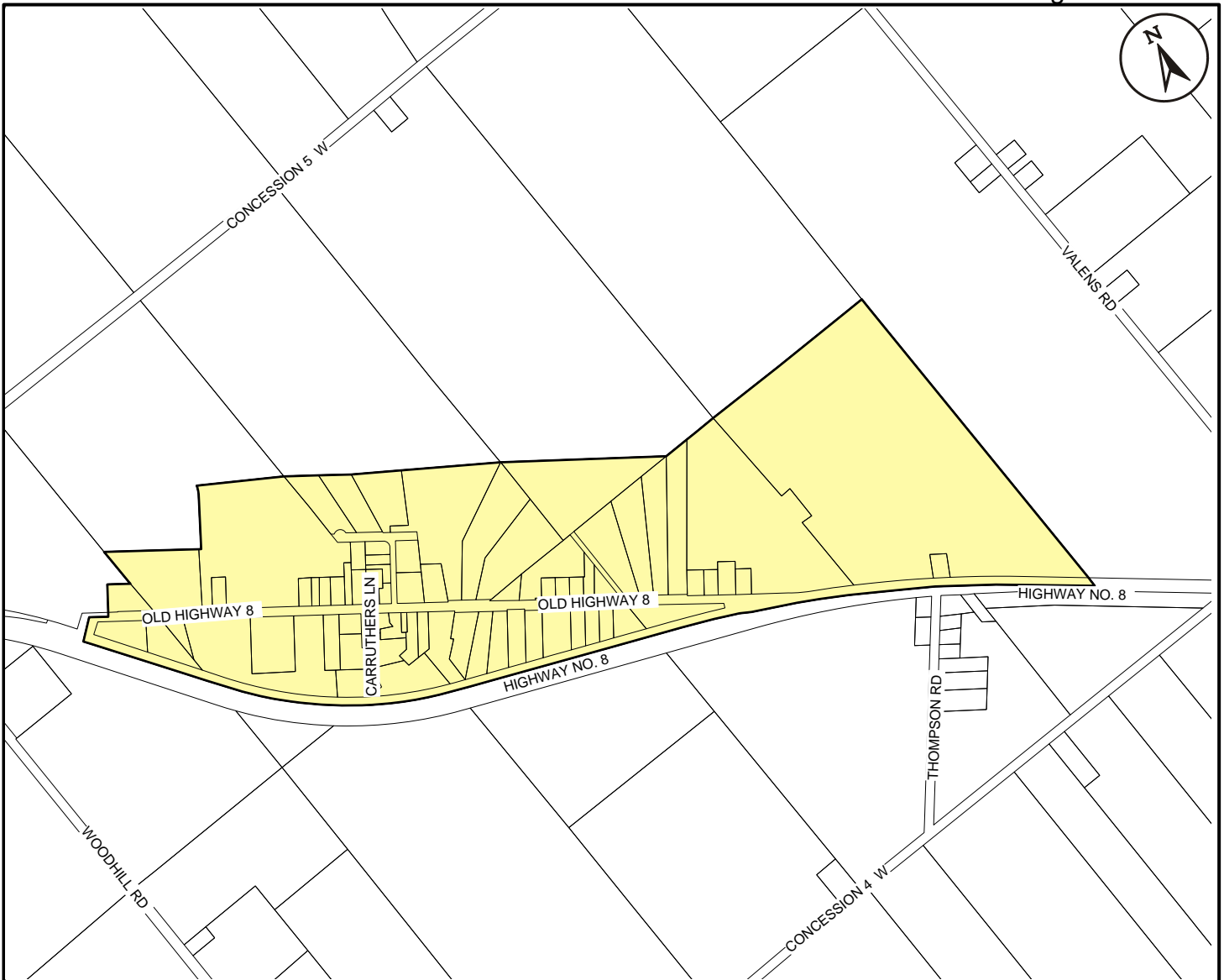
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**Date:**  
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**File Name/Number:**  
 Detail 4 to Schedule A & B

**Planner/Technician:**  
 RU/VS





This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

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Mayor

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Clerk

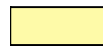
## Schedule "A"

Map Forming Part of  
By-law No. 19-\_\_\_\_\_

to Amend By-law No. 05-144

### Subject Property

Detail 5 - Rockton



Firearms & Bows Prohibited



Firearms & Bows Permitted

**Scale:**  
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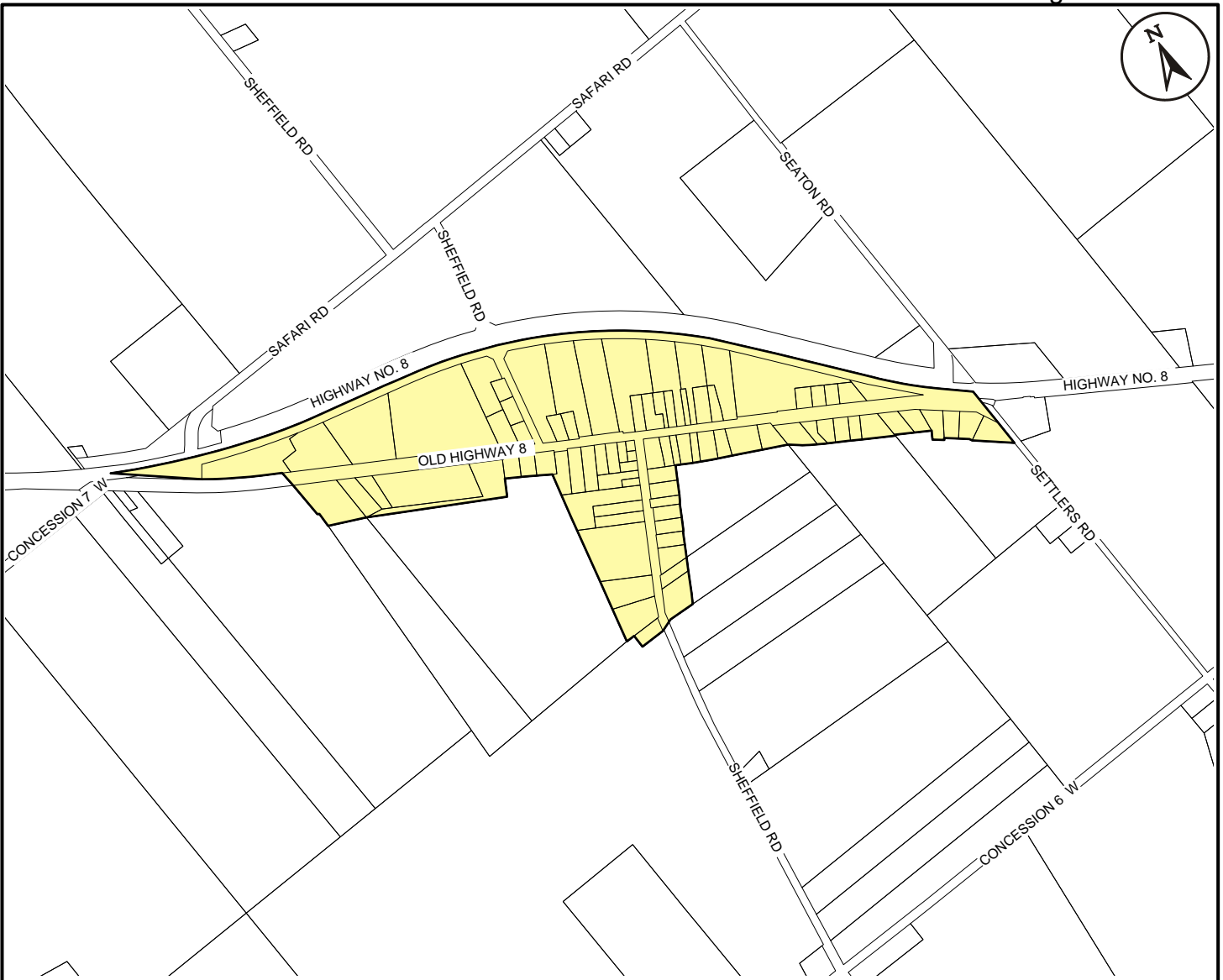
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Detail 5 to Schedule A & B

**Date:**  
July 12, 2018

**Planner/Technician:**  
RU/VS



Hamilton



This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

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Mayor

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Clerk

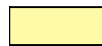
# Schedule "A"

Map Forming Part of  
By-law No. 19-\_\_\_\_\_

to Amend By-law No. 05-144

## Subject Property

Detail 6 - Sheffield



Firearms & Bows Prohibited



Firearms & Bows Permitted

**Scale:**  
N.T.S.

**File Name/Number:**  
Detail 6 to Schedule A & B

**Date:**  
July 12, 2018

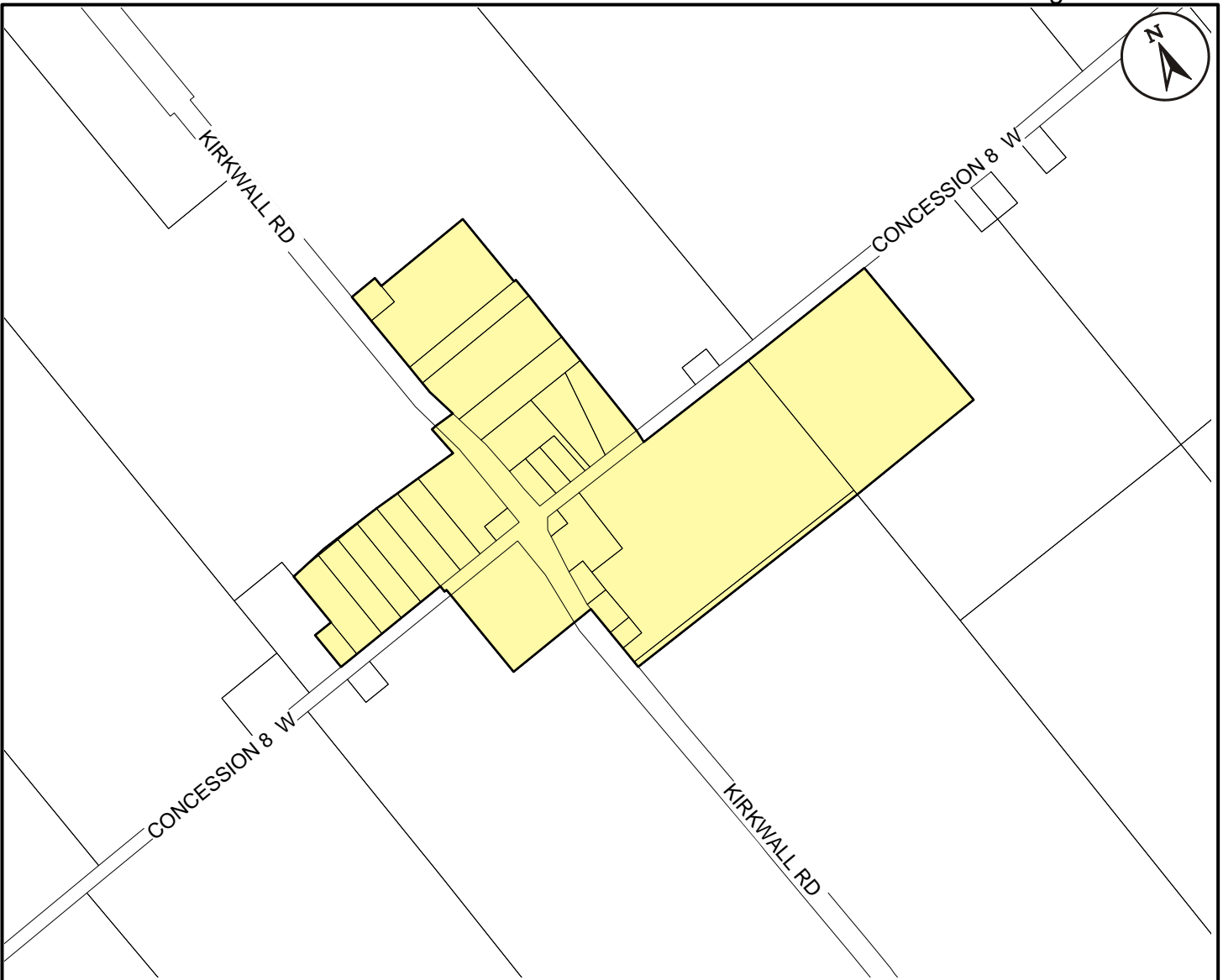
**Planner/Technician:**  
RU/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT





This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

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Mayor

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Clerk

# Schedule "A"

Map Forming Part of  
By-law No. 19-\_\_\_\_\_

to Amend By-law No. 05-144

## Subject Property

Detail 7 - Kirkwall

- Firearms & Bows Prohibited
- Firearms & Bows Permitted

**Scale:**  
N.T.S.

**File Name/Number:**  
Detail 7 to Schedule A & B

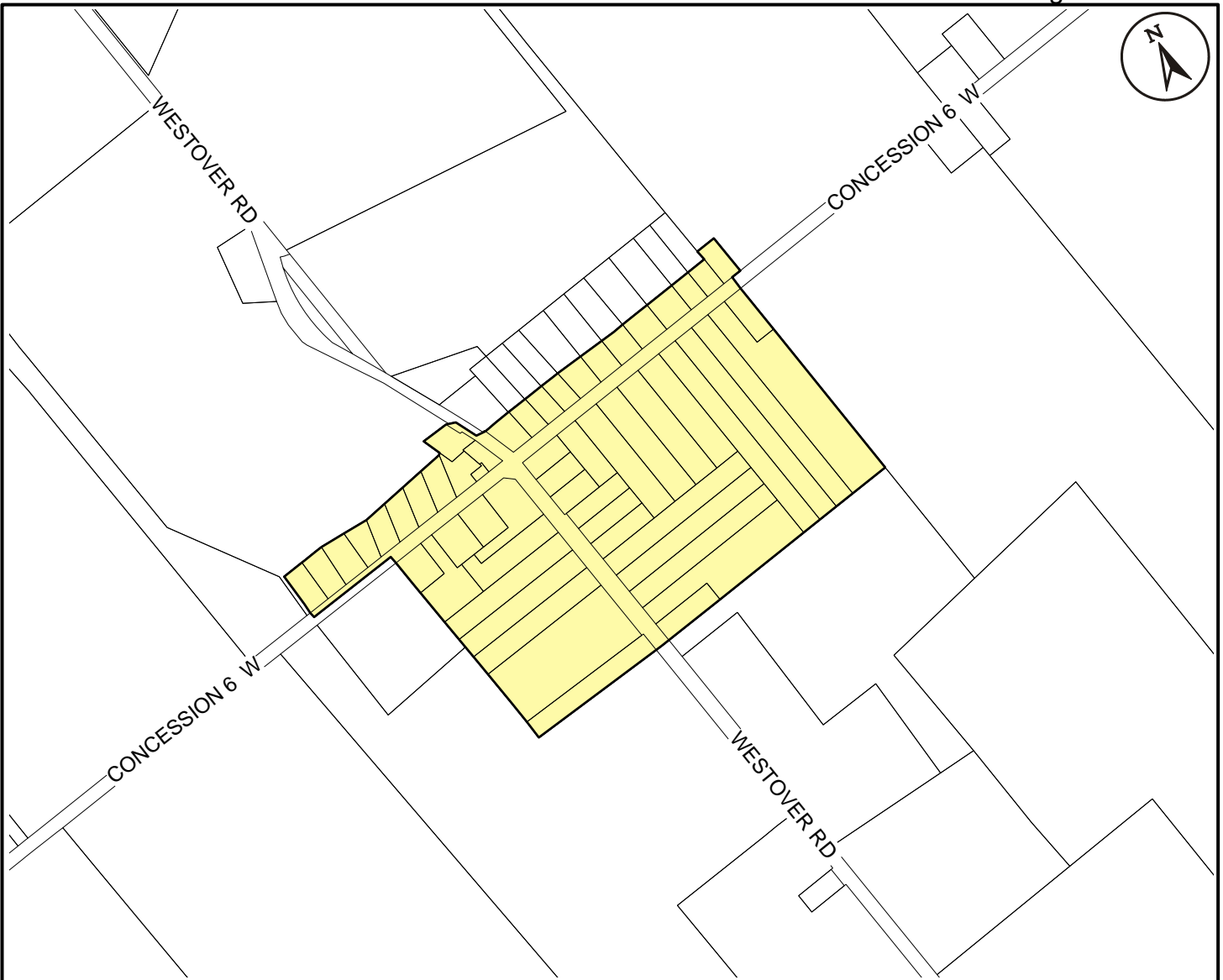
**Date:**  
January 3, 2017

**Planner/Technician:**  
RU/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

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Mayor

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Clerk

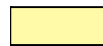
# Schedule "A"

Map Forming Part of  
By-law No. 19-\_\_\_\_\_

to Amend By-law No. 05-144

## Subject Property

Detail 8 - Westover



Firearms & Bows Prohibited



Firearms & Bows Permitted

**Scale:**  
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**File Name/Number:**  
Detail 8 to Schedule A & B

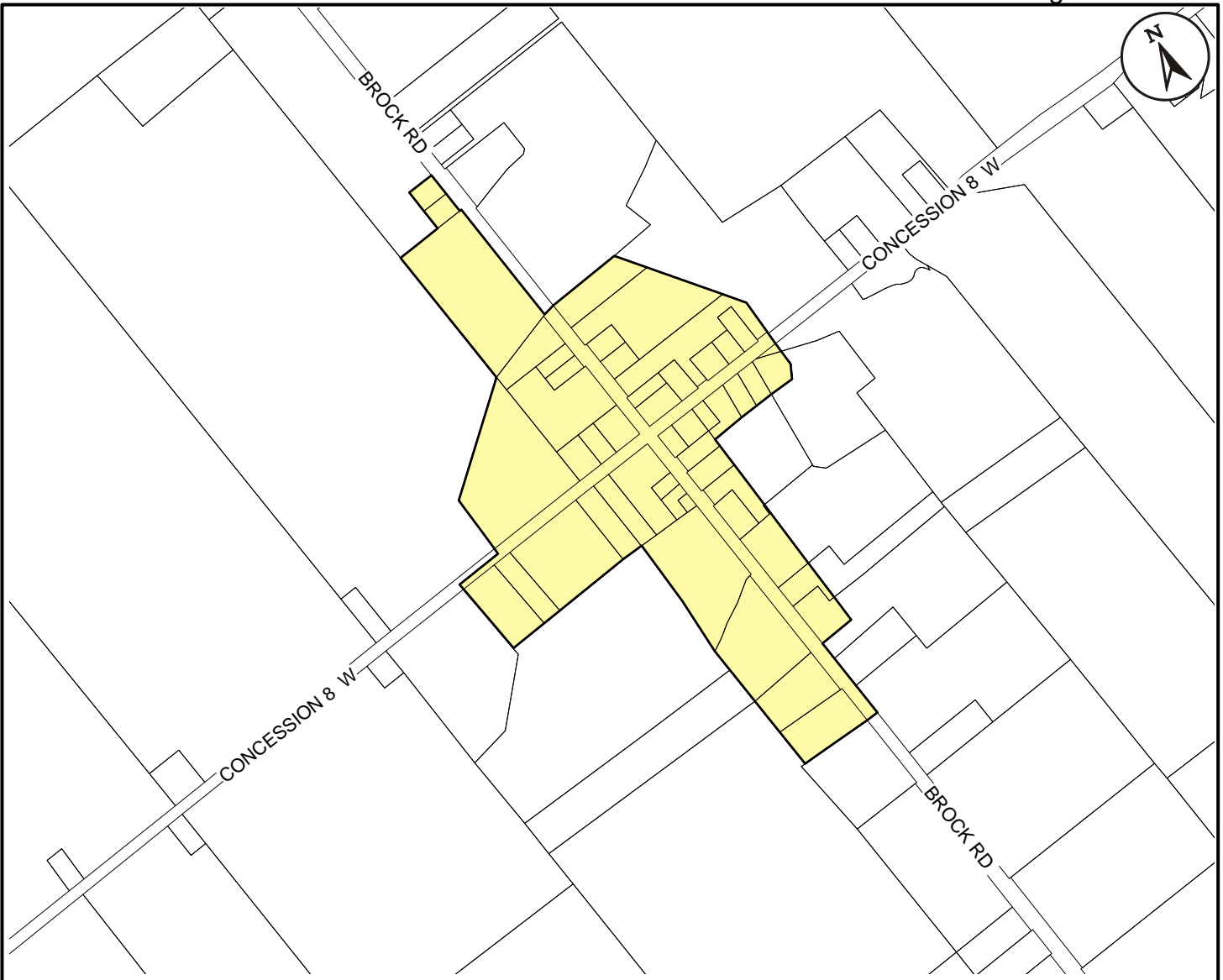
**Date:**  
July 12, 2018

**Planner/Technician:**  
RU/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

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Mayor

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Clerk

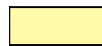
# Schedule "A"

Map Forming Part of  
By-law No. 19-\_\_\_\_\_

to Amend By-law No. 05-144

## Subject Property

Detail 9 - Strabane



Firearms & Bows Prohibited



Firearms & Bows Permitted

**Scale:**  
N.T.S.

**File Name/Number:**  
Detail 9 to Schedule A & B

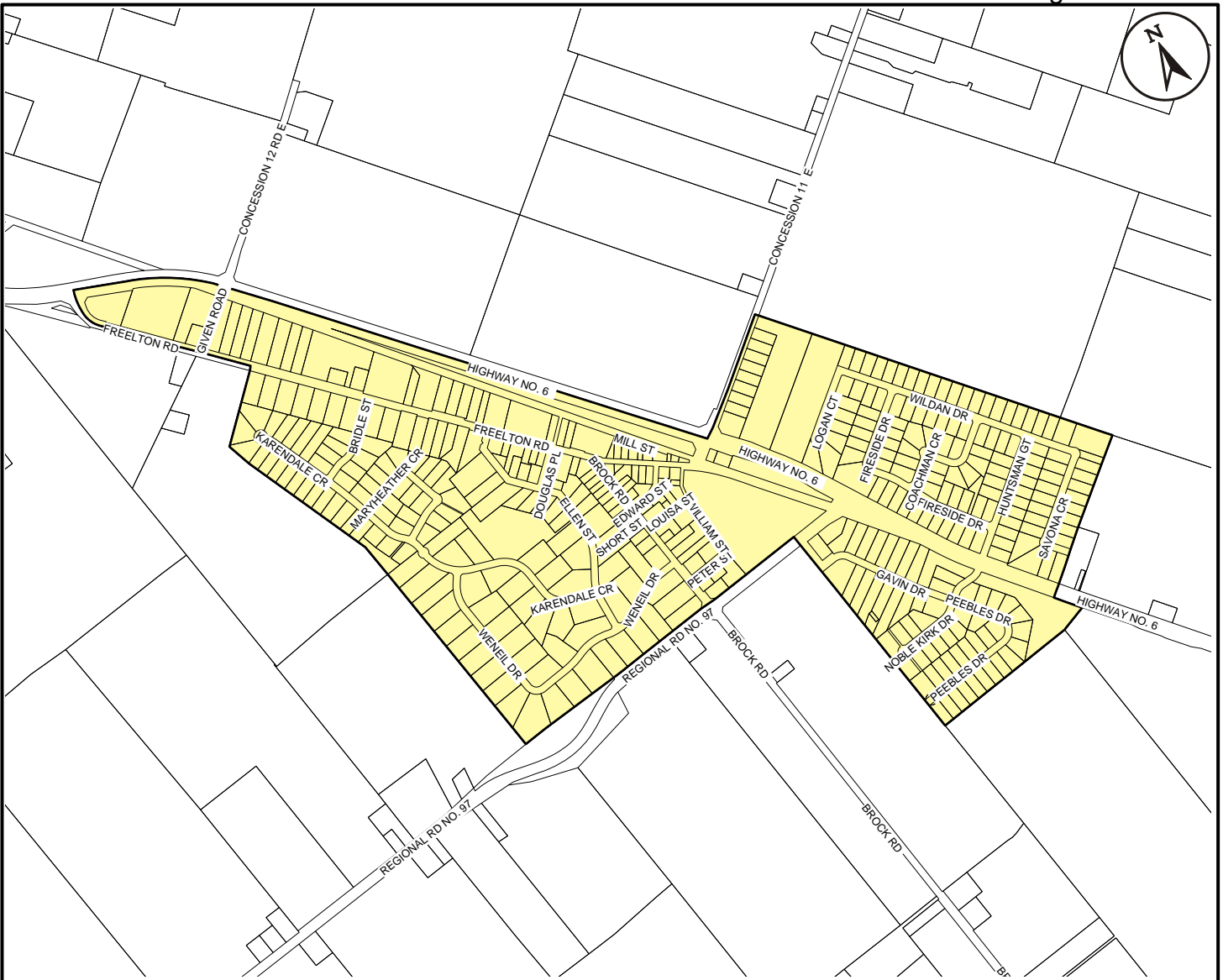
**Date:**  
July 12, 2018

**Planner/Technician:**  
RU/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

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 Mayor

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 Clerk

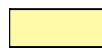
# Schedule "A"

Map Forming Part of  
 By-law No. 19-\_\_\_\_\_

to Amend By-law No. 05-144

## Subject Property

Detail 10 - Freelon



Firearms & Bows Prohibited



Firearms & Bows Permitted

**Scale:**  
 N.T.S.

**File Name/Number:**  
 Detail 10 to Schedule A & B

**Date:**  
 July 12, 2018

**Planner/Technician:**  
 RU/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

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Mayor

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Clerk

# Schedule "A"

Map Forming Part of  
By-law No. 19-\_\_\_\_\_

to Amend By-law No. 05-144

## Subject Property

Detail 11 - Flamborough Centre

- Firearms & Bows Prohibited
- Firearms & Bows Permitted

**Scale:**  
N.T.S.

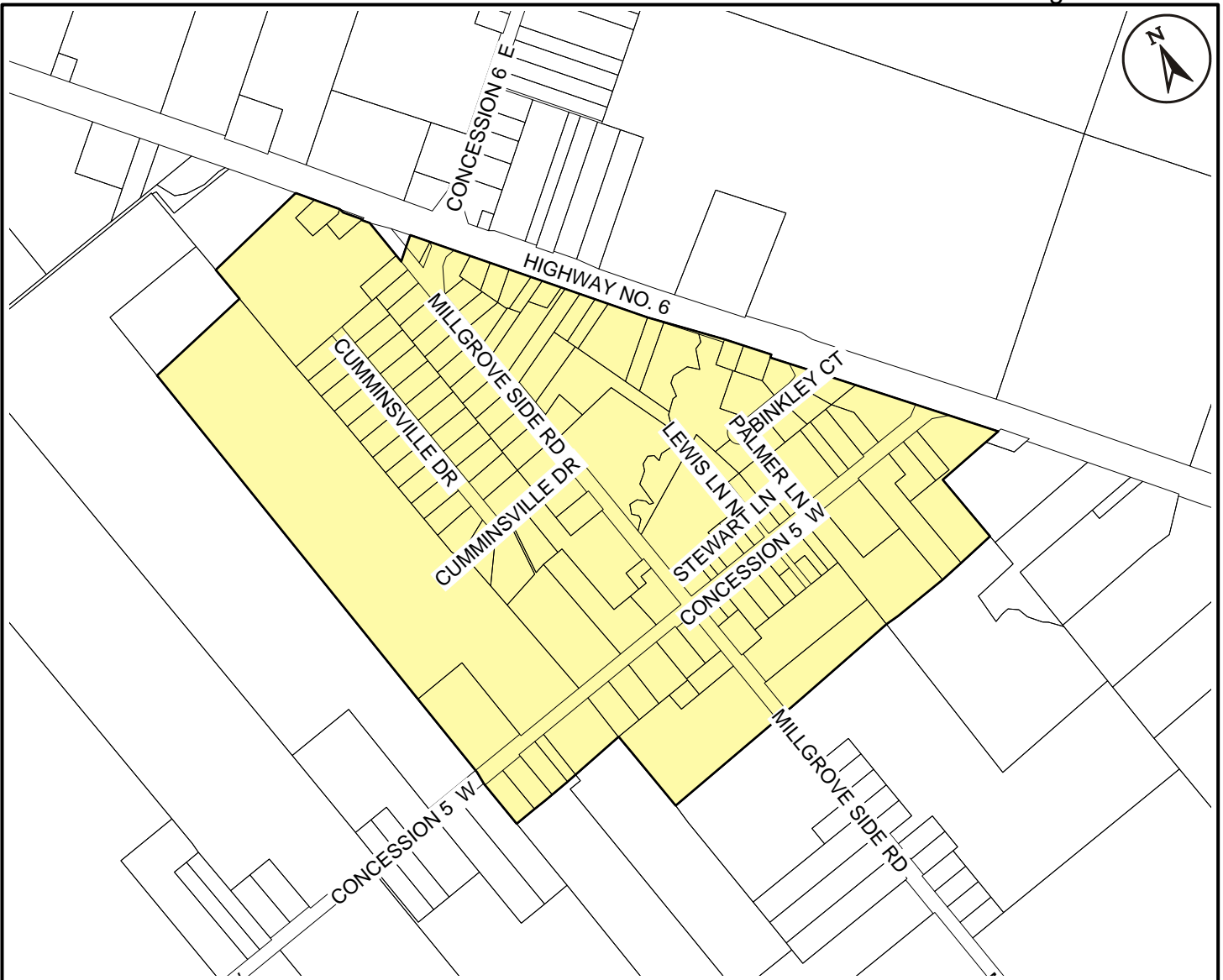
**File Name/Number:**  
Detail 11 to Schedule A & B

**Date:**  
July 12, 2018

**Planner/Technician:**  
RU/VS



Hamilton



This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

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Mayor

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Clerk

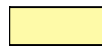
# Schedule "A"

Map Forming Part of  
By-law No. 19-\_\_\_\_\_

to Amend By-law No. 05-144

## Subject Property

Detail 12 - Millgrove



Firearms & Bows Prohibited



Firearms & Bows Permitted

Scale:  
N.T.S.

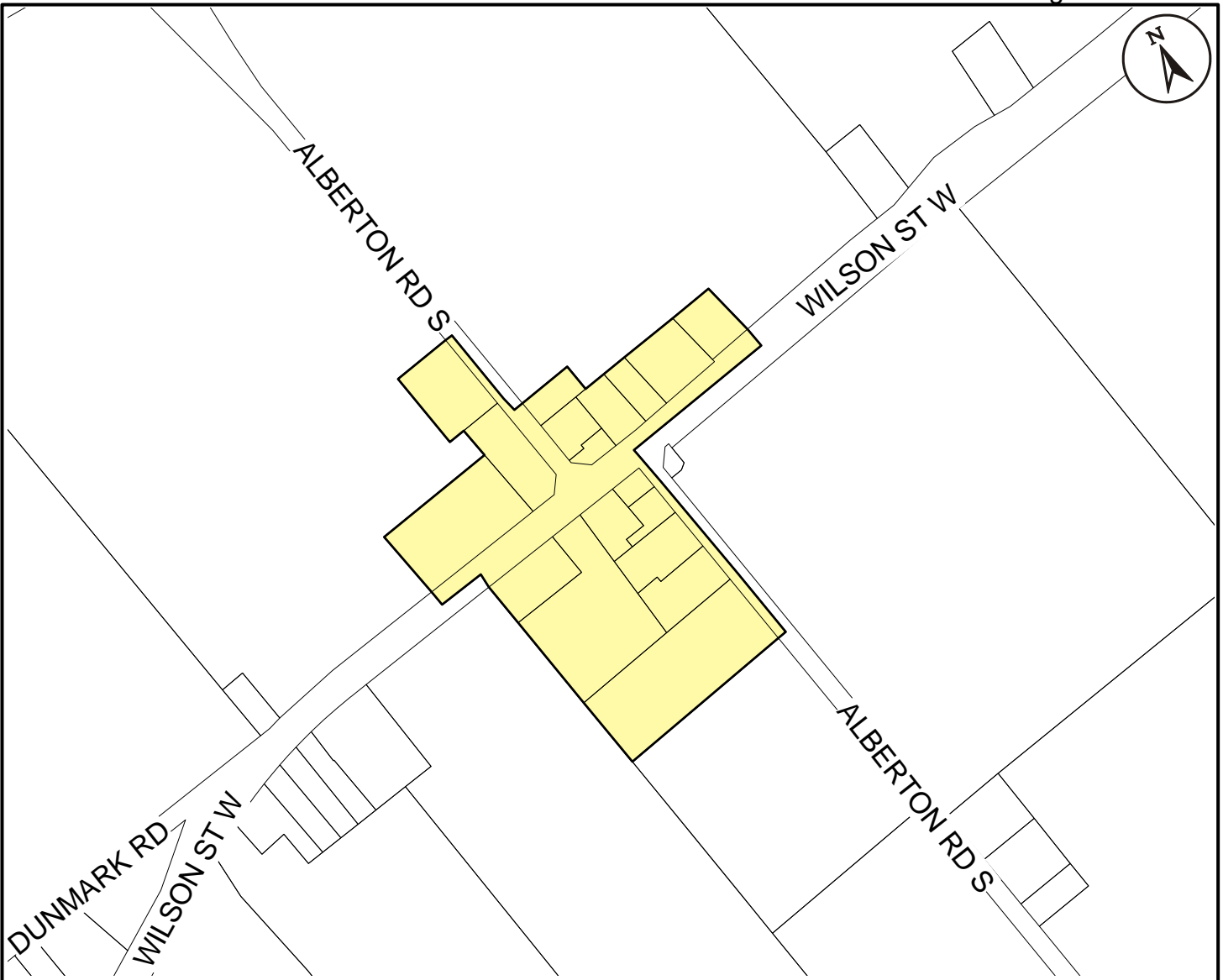
File Name/Number:  
Detail 12 to Schedule A & B

Date:  
July 12, 2018

Planner/Technician:  
RU/VS



Hamilton



This is Schedule "A" to By-law No. 19-  
 Passed the ..... day of ....., 2019

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 Mayor  
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 Clerk

**Schedule "A"**  
 Map Forming Part of  
 By-law No. 19-\_\_\_\_\_  
 to Amend By-law No. 05-144

**Subject Property**  
 Detail 13 - Alberton

- Firearms & Bows Prohibited
- Firearms & Bows Permitted

**Scale:**  
 N.T.S.

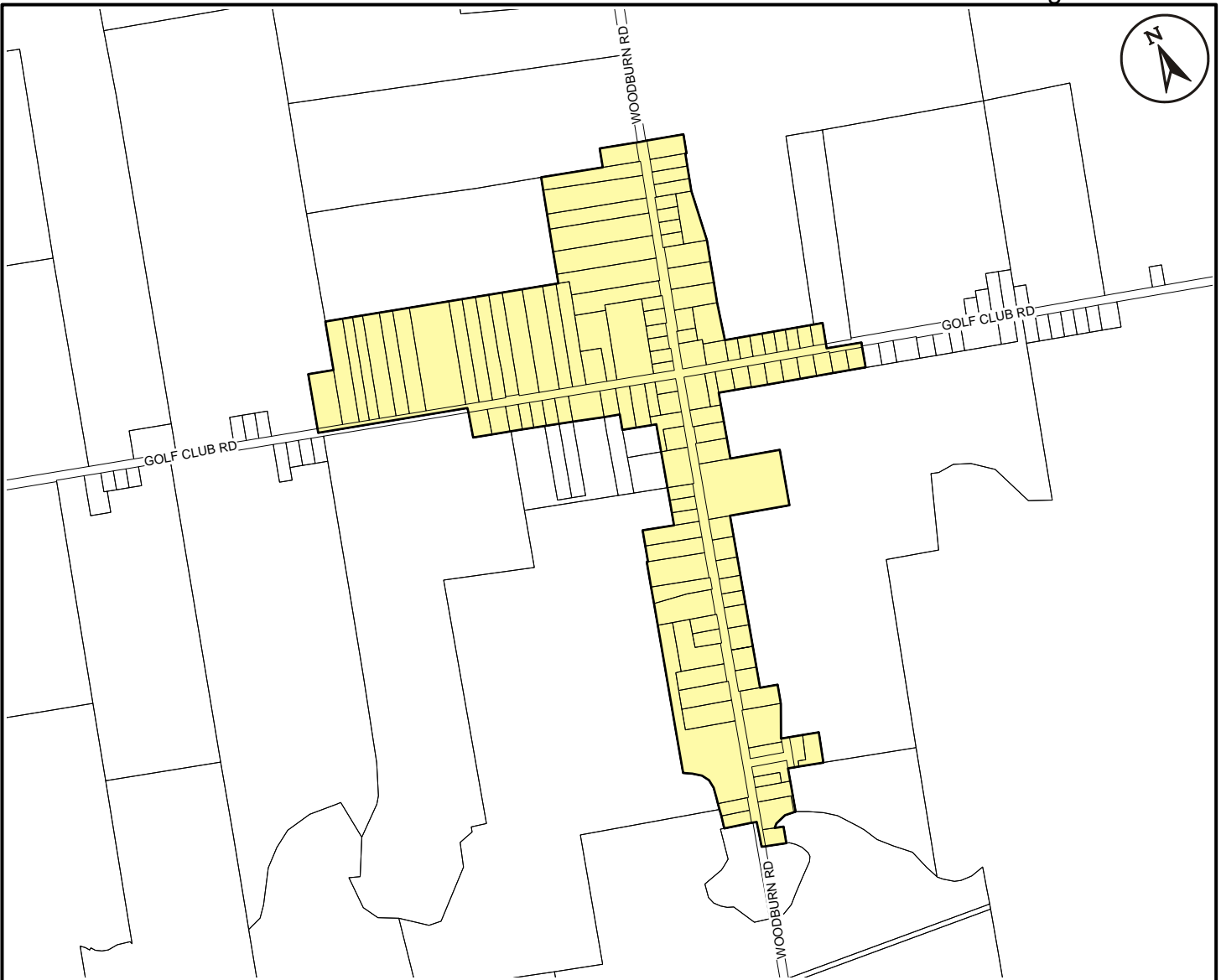
**File Name/Number:**  
 Detail 13 to Schedule A & B

**Date:**  
 July 12, 2018

**Planner/Technician:**  
 RU/VS



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

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Mayor

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Clerk

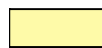
# Schedule "A"

Map Forming Part of  
By-law No. 19-\_\_\_\_\_

to Amend By-law No. 05-144

## Subject Property

Detail 14 - Woodburn



Firearms & Bows Prohibited



Firearms & Bows Permitted

**Scale:**  
N.T.S.

**File Name/Number:**  
Detail 14 to Schedule A & B

**Date:**  
July 12, 2018

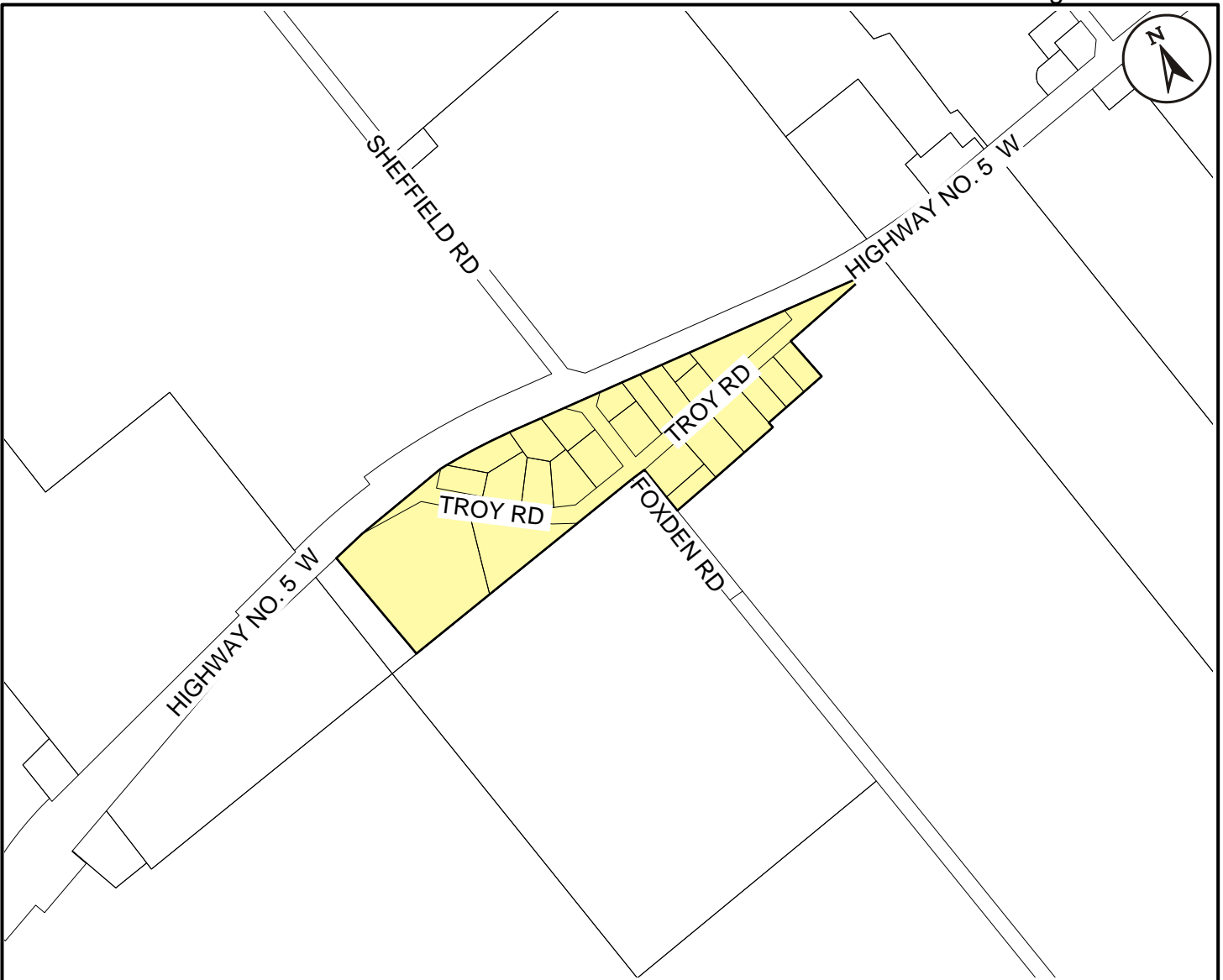
**Planner/Technician:**  
RU/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT





This is Schedule "A" to By-law No. 19-  
 Passed the ..... day of ....., 2019

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 Mayor  
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 Clerk

**Schedule "A"**  
  
 Map Forming Part of  
 By-law No. 19-\_\_\_\_\_  
  
 to Amend By-law No. 05-144

**Subject Property**  
 Detail 15 - Troy

- Firearms & Bows Prohibited
- Firearms & Bows Permitted

**Scale:**  
 N.T.S.

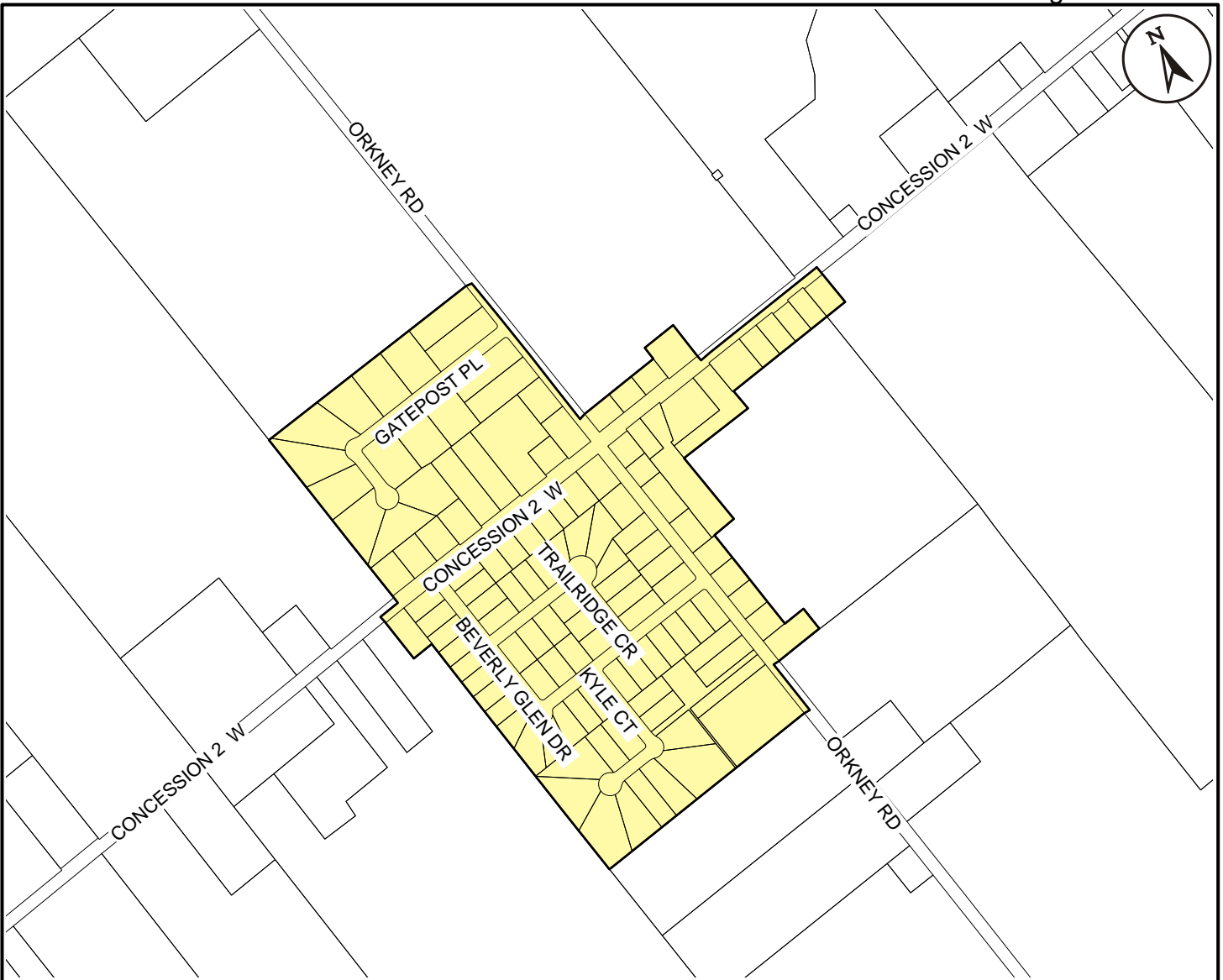
**File Name/Number:**  
 Detail 15 to Schedule A & B

**Date:**  
 July 12, 2018

**Planner/Technician:**  
 RU/VS



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

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Mayor

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Clerk

# Schedule "A"

Map Forming Part of  
By-law No. 19-\_\_\_\_\_

to Amend By-law No. 05-144

## Subject Property

Detail 16 - Orkney

- Firearms & Bows Prohibited
- Firearms & Bows Permitted

**Scale:**  
N.T.S.

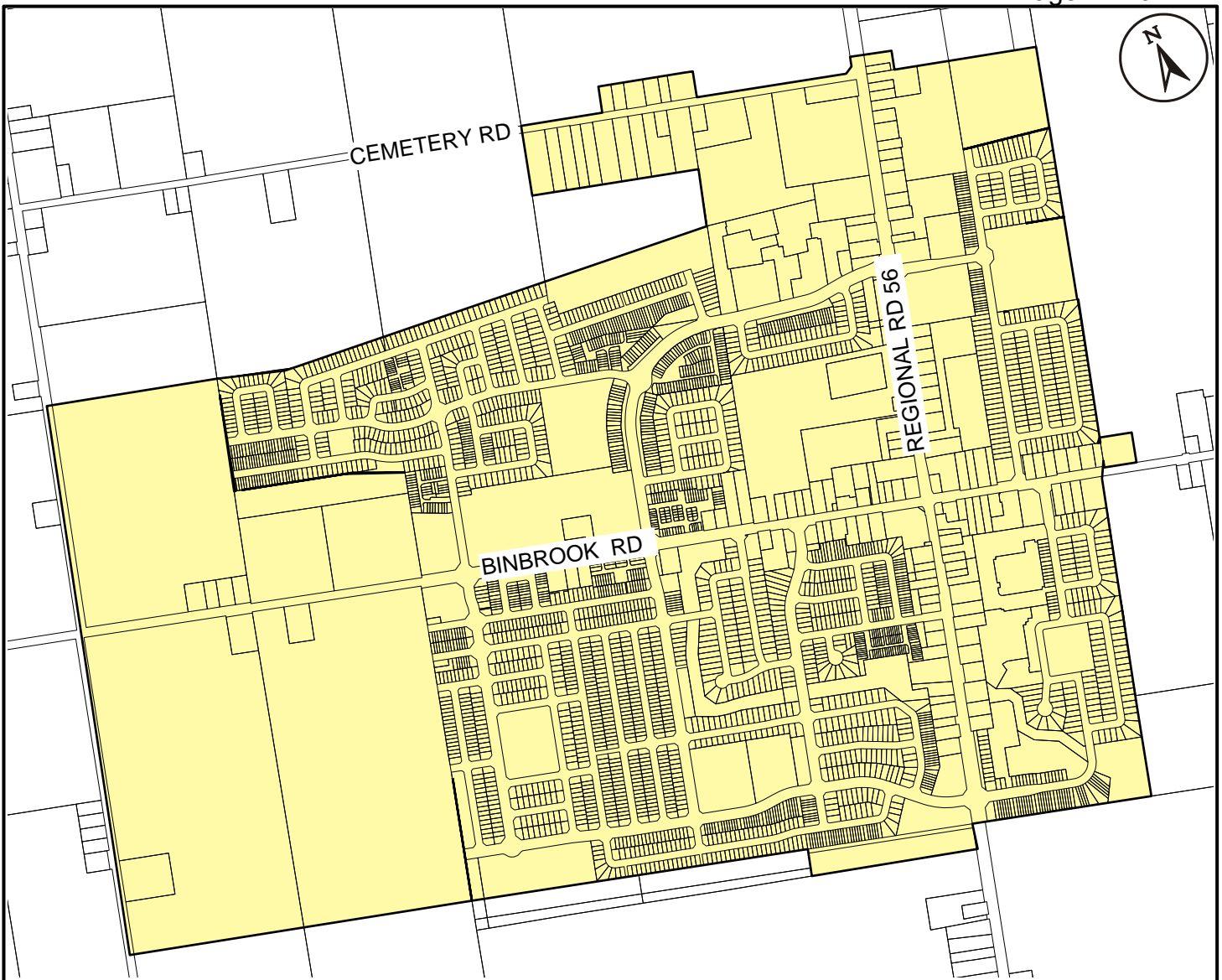
**File Name/Number:**  
Detail 16 to Schedule A & B

**Date:**  
July 12, 2018

**Planner/Technician:**  
RU/VS



Hamilton



This is Schedule "A" to By-law No. 19-

Passed the ..... day of ....., 2019

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Mayor

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Clerk

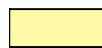
# Schedule "A"

Map Forming Part of  
By-law No. 19-\_\_\_\_\_

to Amend By-law No.

## Subject Property

Detail 17 - Binbrook



Firearms & Bows Prohibited



Firearms & Bows Permitted

**Scale:**  
N.T.S.

**File Name/Number:**  
Detail 17 to Schedule A & B

**Date:**  
July 12, 2018

**Planner/Technician:**  
RU/VS



Hamilton

**Authority:** Item 11, Planning and Economic  
Development Committee  
Report 05-010 (PD05119)  
CM: May 11,2005

**Bill No. 114**

**CITY OF HAMILTON**

**BY-LAW NO. 05-114**

**Discharge of Firearms By-law**

**WHEREAS** the City of Hamilton is the successor to the following former area municipalities: The Corporation of the Town of Ancaster; The Corporation of the Town of Dundas; The Corporation of the Town of Flamborough; The Corporation of the Township of Glanbrook; The Corporation of the City of Hamilton; and The Corporation of the City of Stoney Creek;

**AND WHEREAS** the City of Hamilton Act, 1999, provides that the By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Municipal Act, S.O. 2001, Chapter 25, as amended, section 119, authorizes a local municipality, for the purpose of public safety, to prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other firearm.

**AND WHEREAS** this By-law shall be referred to as the "Discharge of Firearms Bylaw".

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

**1. SHORT TITLE**

This by-law may be cited as the "DISCHARGE OF FIREARMS BY-LAW".

## 2. DEFINITIONS

- (1) **“bow means”** a longbow, compound bow, re-curve bow, or any class thereof, or cross-bow
- (2) **“corporation”** means a corporation incorporated pursuant to the Business Corporations Act, R.S.O. 1990, as amended, the Corporations Act, R.S.O. 1990, as amended, or the Canada Business Corporations Act.
- (3) **“educational institution”** means any educational institution under the jurisdiction of the Ministry of Education or the Ministry of Colleges and Universities; a non-profit institution licensed or recognized by or under an Act of Parliament or the legislature of a province to provide pre-school, elementary, secondary or post-secondary education; and a non-profit institution that is directed or controlled by a board of education regulated by or under an Act of the legislature of a province and that provides continuing, professional or vocational education or training and includes an outdoor area when in use for instructional or recreational purposes by an education institution, whether or not adjacent to a building;
- (4) **“farm lands”** means lands that are:
  - (a) primarily and actively used for the raising of livestock and/or growing of produce; and
  - (b) a contiguous parcel of land having an area of no less than four (4) hectares and zoned agricultural; and
  - (c) identified as a “farm class” by the Farms Lands Property Class Tax Program administered by the Ontario Ministry of Agriculture and Food.
- (5) **“firearm”** or **“firearms”** means a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death, and includes, air-guns, spring-guns, pellet gun or paint ball gun.
- (6) **“immediate danger”**, for the purposes of section 5, means a continuing and immediate danger posed by an animal to livestock, produce or property on farm lands or the fenced or penned area in which such livestock or produce may be located,
- (7) **“Law Enforcement Officer”** includes a police officer, a Provincial Offences Officer, a Municipal Law Enforcement Officer.

- (8) **“livestock”** includes cattle, poultry, swine and other domesticated animals;
- (9) **“private park”** means a recreational area other than a public park and may include outdoor or indoor swimming pools, wading pools, snack bars, picnic areas, boating facilities, tennis courts, lawn bowling, gardens, or similar open spaces facilities, but excluding overnight camping areas.
- (10) **“produce and staple crops”** includes cultivated fresh fruits, vegetables, grains, rice and other consumable plants;
- (11) **“public park”** means a recreational area or any land, and land covered by water and all portions thereof owned by or made available by lease, agreement, or otherwise to the City of Hamilton, that is or hereafter may be established, dedicated, set apart or made available for use as a public open space or public golf course, and that has been or hereafter may be placed under the jurisdiction of the City of Hamilton including any and all buildings, structures, facilities, erections, and improvements located in or on such land or any other recreational area owned or controlled by the City of Hamilton or any board, or commission established under any statute of the province of Ontario.
- (12) **“religious institution or organization”** means an association that is (a) charitable according to the law of Ontario, (b) organized for the advancement of religion and for the conduct of religious worship, services or rites, and (c) permanently established both as to the continuity of its existence and as to its religious beliefs, rituals and practices;
- (13) **“Target Archery”** means indoor or outdoor archery organized for sport in which the participant uses a bow to discharge arrows at a target for practice or competition, but does not include forms of archery known as, field archery, ski archery, Clout archery, Flight archery, Popijay archery or Archery golf.

### 3. GENERAL PROHIBITIONS

- (1) No person shall discharge a firearm or bow within the limits of the City of Hamilton, except as provided for in Section 5
- (2) No owner or occupier of property shall permit the discharge of a firearm or bow on property to which they own or occupy, except as provided for in Section 5

**Page 4 of 7**

- (3) No person permitted under this By-Law to discharge a firearm or bow shall fail to ensure that projectile(s) discharged from the firearm or bow will not leave the property from where the discharge took place.
- (4) No person shall discharge a firearm or bow within one hundred (100) meters of a dwelling, a public park or private park, a public open space or the premises of an educational institution or of a religious institution or organization, including but not limited to any building, structures or grounds related thereto.
- (5) No person shall obstruct a Law Enforcement Officer while such Law Enforcement Officer is engaged in his or her duties under this By-Law.

**4. SCOPE**

This By-Law does not apply to:

- (a) lands which are a federally regulated national defence establishment as defined by the National Defence Act; and
- (b) any duly authorized Law Enforcement Officer exercising the authorities found within the Fish and Wildlife Conservation Act S.O. 1997, CHAPTER 41 or engaged in the performance of his or her duties including, any training exercises.
- (c) Target Archery the location and use of which is lawful with applicable zoning and building requirements and any other applicable federal, provincial and municipal laws.

**5. EXEMPTIONS**

(1) Subsections 3.(1) and 3.(2) of this By-law do not apply to:

- (a) a person discharging a firearm who holds all hunting and firearms licences required by law providing that the discharge occurs in the areas indicated on the map attached as Schedule 'A'; attached hereto, which Schedules form part of this By-law.
- (b) a person discharging a bow who holds all hunting and firearms licences required by law providing that the discharge occurs in the areas indicated on the map attached as Schedule 'B'; attached hereto, which Schedules form part of this By-law.

**Page 5 of 7**

- (c) a federally regulated and licensed rifle range, gun shop, firearms dealer or gun club, the use and location of which is lawful with applicable zoning and building requirements and any other applicable federal, provincial and municipal laws
- (d) a person discharging a firearm or bow or permitting the discharge of a firearm or bow on the lands indicated on Schedule "A" and on Schedule "B" attached hereto provided that such person is the lawful owner or occupier of such lands or such person has been expressly authorized by the lawful owner or occupier to do so and provide that such person complies with subsection 5(a) and (b).

(2) Subsections 3.(1), 3.(2) and 3(4) of this By-law do not apply to:

- (a) the discharge of a firearm by an individual while on his or her own farm lands, provided that the property comprises a contiguous parcel of land having an area of four (4) hectares or more and is zoned agricultural and that the purpose of the discharge is to protect livestock or produce from the immediate danger of attack from animals;
  - (i) In the event that the farm lands are owned by a corporation, representatives of the corporation authorized under this subsection shall be entitled to the exemption provided by this subsection. The corporation may designate authorized representatives, at any time, for the purpose of this subsection provided that the authorized representative complies with subsection 6(1)
- (3) Any person who is the Event Organizer undertaking a military re-enactment exercise or practice shall as part of the Special Event, apply in writing to the City of Hamilton for an exemption from sections 3(1) and 3(2) and sections 5(1)(a) and 5(1)(b), with respect to public parks or public open space or specified area thereof, of this By-law, provided that the safety measures for such exercise and all other requirements, including but not limited to insurance and indemnification for loss, injury or damages, which may be imposed by the City of Hamilton are to the satisfaction of the City of Hamilton's Special Events Advisory Team.
- (4) An individual while on his or her own land may apply in writing to the Building and Licensing Division of the City of Hamilton for an exemption from



**Page 6 of 7**

subsection 3(1). Applications for an exemption pursuant to this section must receive Council approval. Council in its discretion, after considering the report from Committee may grant, modify or refuse to approve the application.

- (5) An application made pursuant to section 5(4) must indicate the following:
- (i) that the discharge of a firearm or bow is for the purpose of hunting by the individual while on his or her own land, and
  - (ii) that a survey plan, has been submitted indicating the municipal address, geographical location and layout of where the hunting is to take place and the portion of the surrounding area that could be affected by the discharge of the firearm or bow, and
  - (iii) that the property comprises a contiguous parcel of land having an area of four **(4)** hectares or more and is zoned agricultural, and
  - (iv) whether a firearm or bow or both will be used.
- (6) Exemptions granted pursuant to section 5(4) are subject to a one (1) year limitation, after which time the exemption is revoked.

**6. REGULATIONS**

- (1) Notwithstanding subsection 5, no person, where such person is not the lawful owner or occupier of the lands upon which the person carries a firearm or bow, shall fail to have in their possession and be able to produce, upon request of a Law Enforcement Officer, the current name address and phone number of the lawful owner or occupier of the said lands or legal representative giving such person the permission to discharge a firearm or bow.

**7. ENFORCEMENT**

- (1) Any person who contravenes any provision of this By-Law is, upon conviction, guilty of an offence and is liable to any penalty as provided by the Provincial Offences Act.
- (2) The Court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

**8. REPEAL**

The following By-Laws:

The Corporation of the Town of Ancaster By-Law No. 76- 29 and By-Law No. 89-115;

The Corporation of the Town of Dundas By-Law No. 2792-75;

The Township of Flamborough By-Law No. 81-93-F, as amended by By-Law No. 90-13-F and By-Law No. 96-48-F;

The Corporation of the Township Of Glanbrook By-Law No. 55-74, as amended by By-Law No. 55-1-93 and by-law No. 222-80 as amended;

The Corporation of the City of Hamilton By-Law No. 8567; and

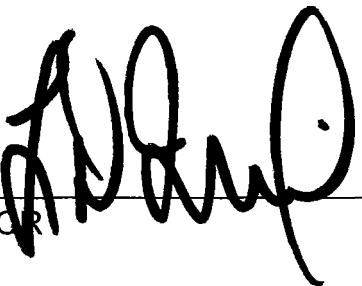
The Corporation of the Town of Stoney Creek By-Law No. 92-74, as amended by By-Law No. 187-75, By-Law No. 1253-82 and By-Law No. 394 1-94


shall be and the same are hereby repealed.

**9. ENACTMENT**

This By-Law shall come into force on the day it is passed.

**PASSED and ENACTED** this 11<sup>th</sup> day of May, 2005.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK

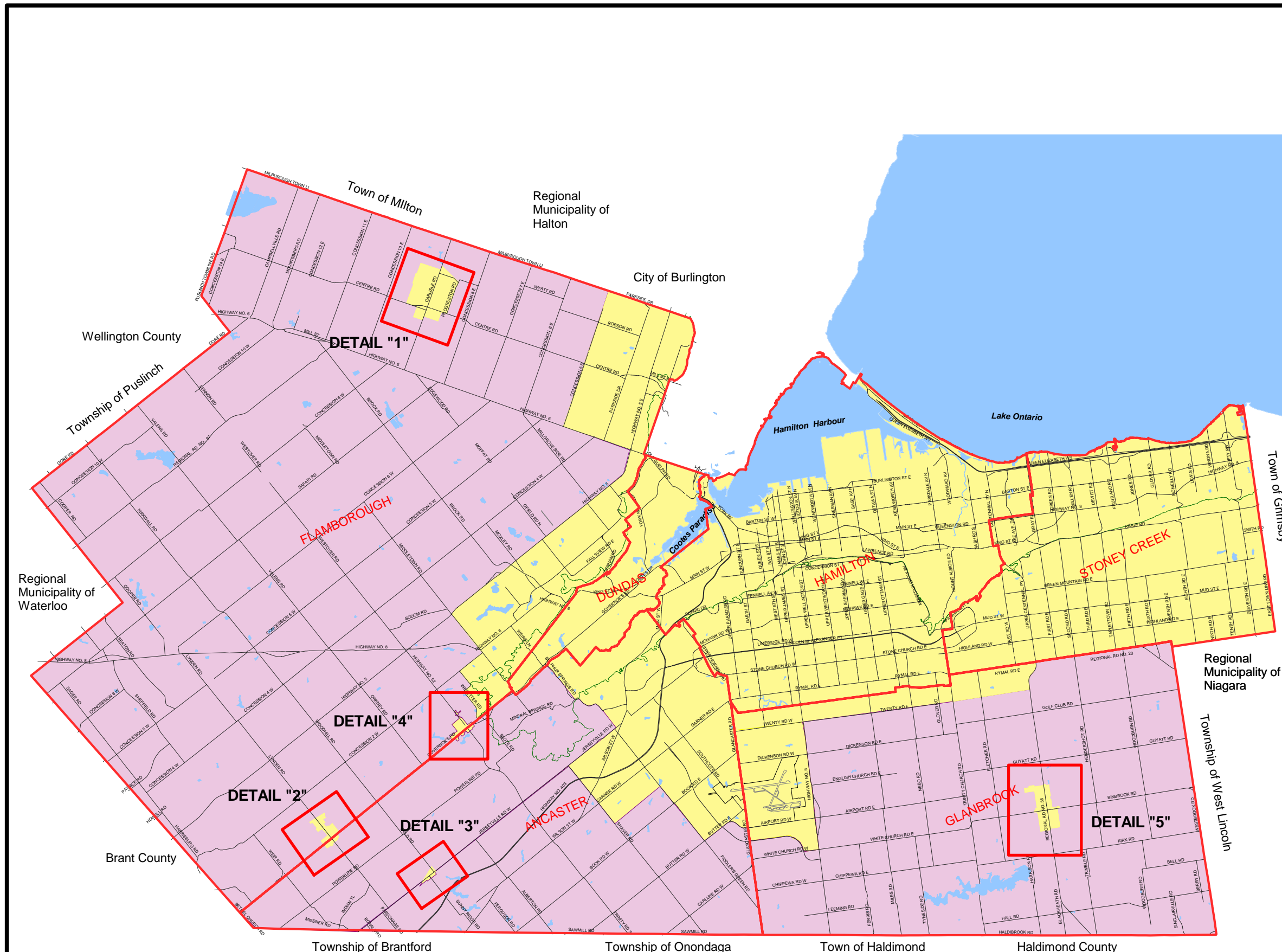


Hamilton

City of Hamilton

SCHEDULE 'A'

Discharge of Firearms Area



LEGEND

- DISCHARGE OF FIREARM PERMITTED
- AREA SUBJECT TO SECTION 3(1) OF THIS BY-LAW



NORTH  
 SCALE N.T.S.

APRIL 2005

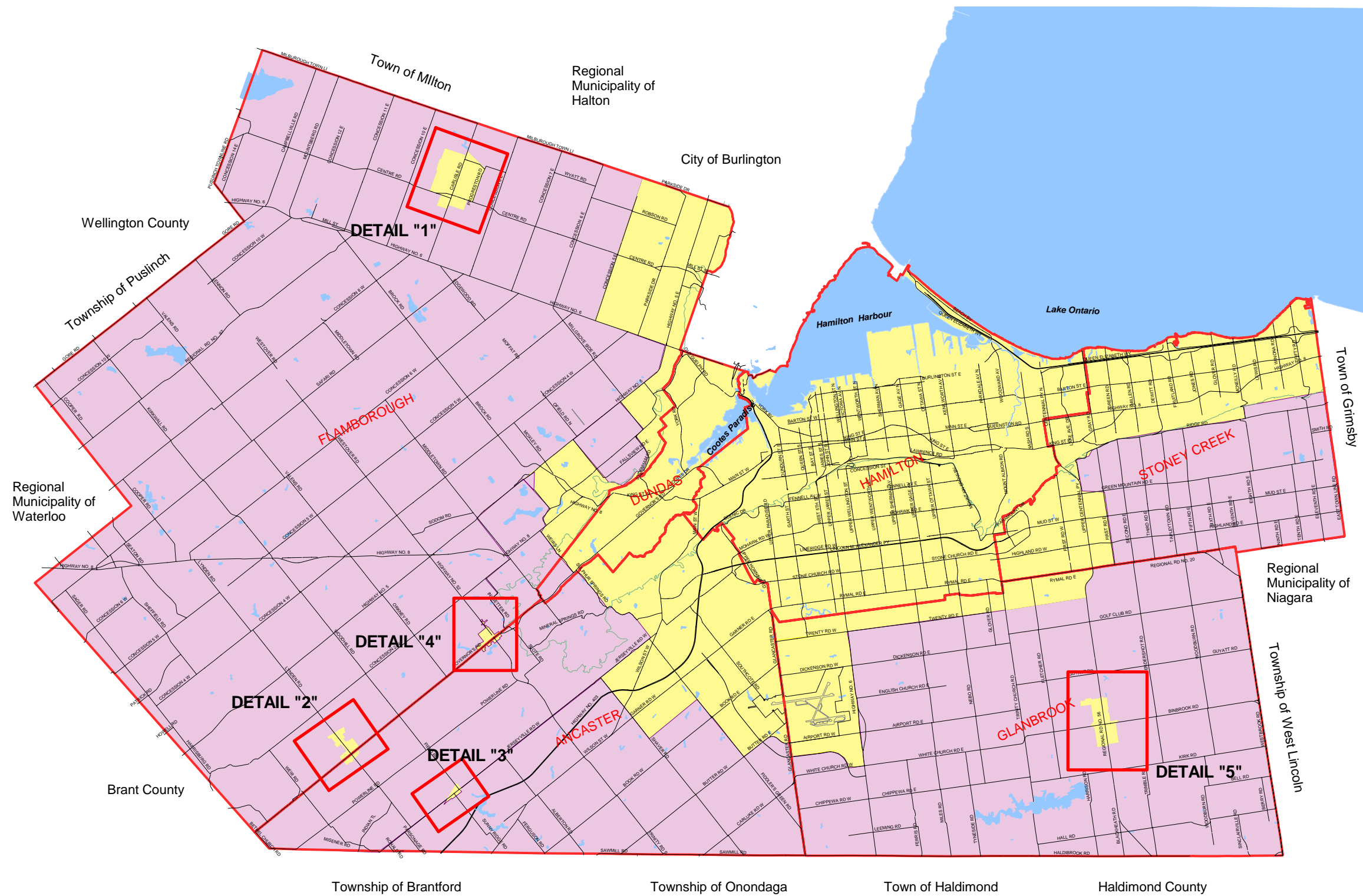


Hamilton

City of Hamilton

SCHEDULE 'B'

Discharge of Bow Area



LEGEND

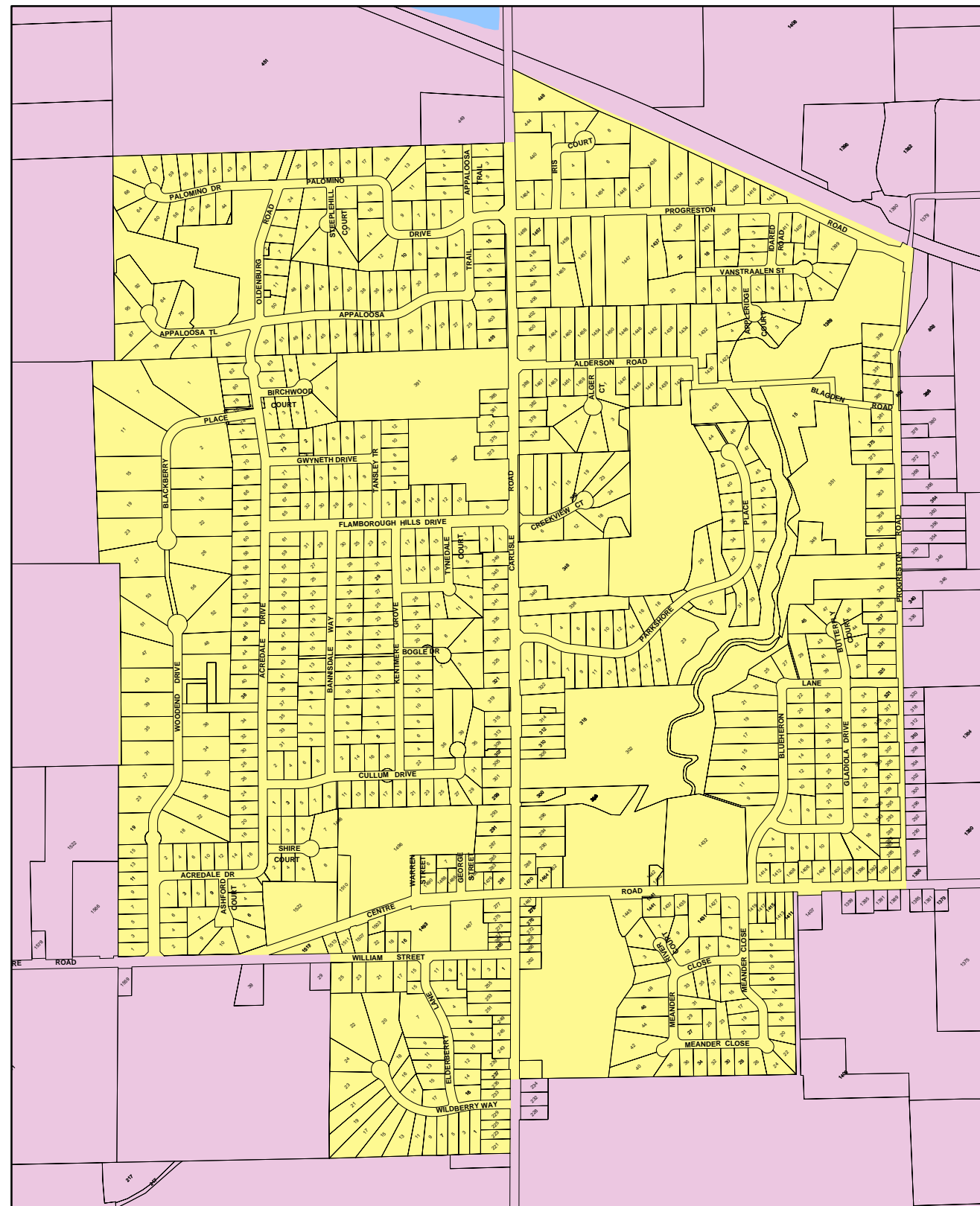
- DISCHARGE OF FIREARM PERMITTED
- AREA SUBJECT TO SECTION 3(1) OF THIS BY-LAW



SCALE N.T.S.

APRIL 2005

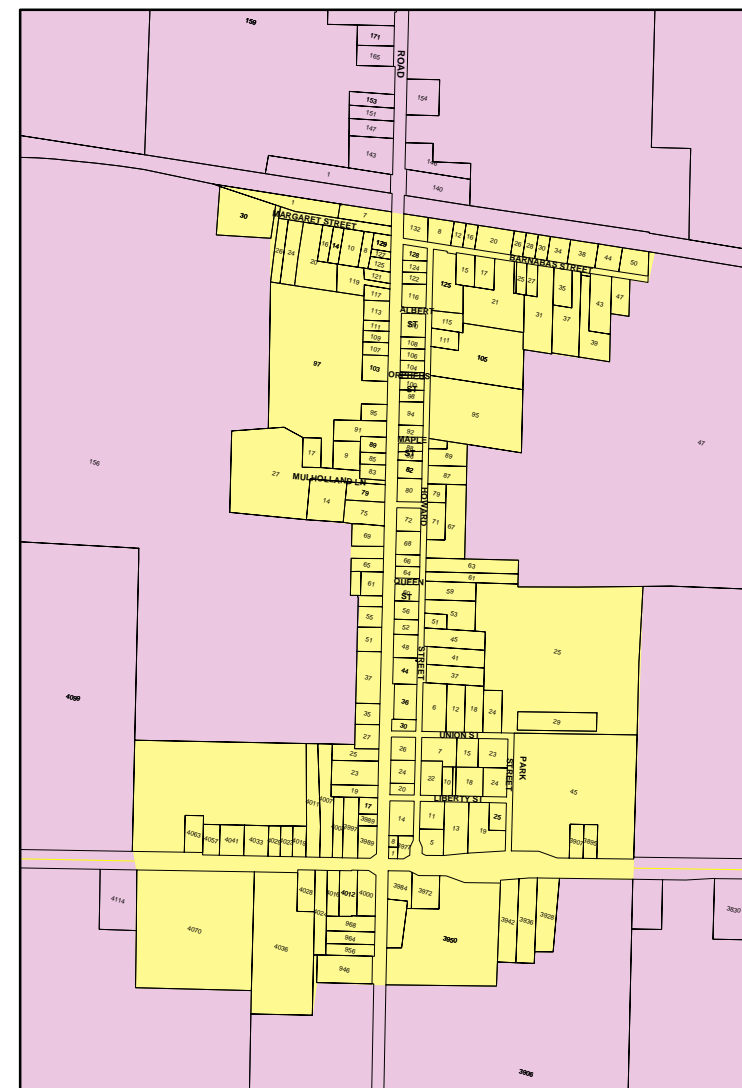
**DETAIL 1 TO SCHEDULE A AND SCHEDULE B**



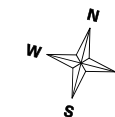

SCALE 1:12500



**DETAIL 2 TO SCHEDULE A AND SCHEDULE B**



SCALE 1:12500






**Hamilton**  
 City of Hamilton

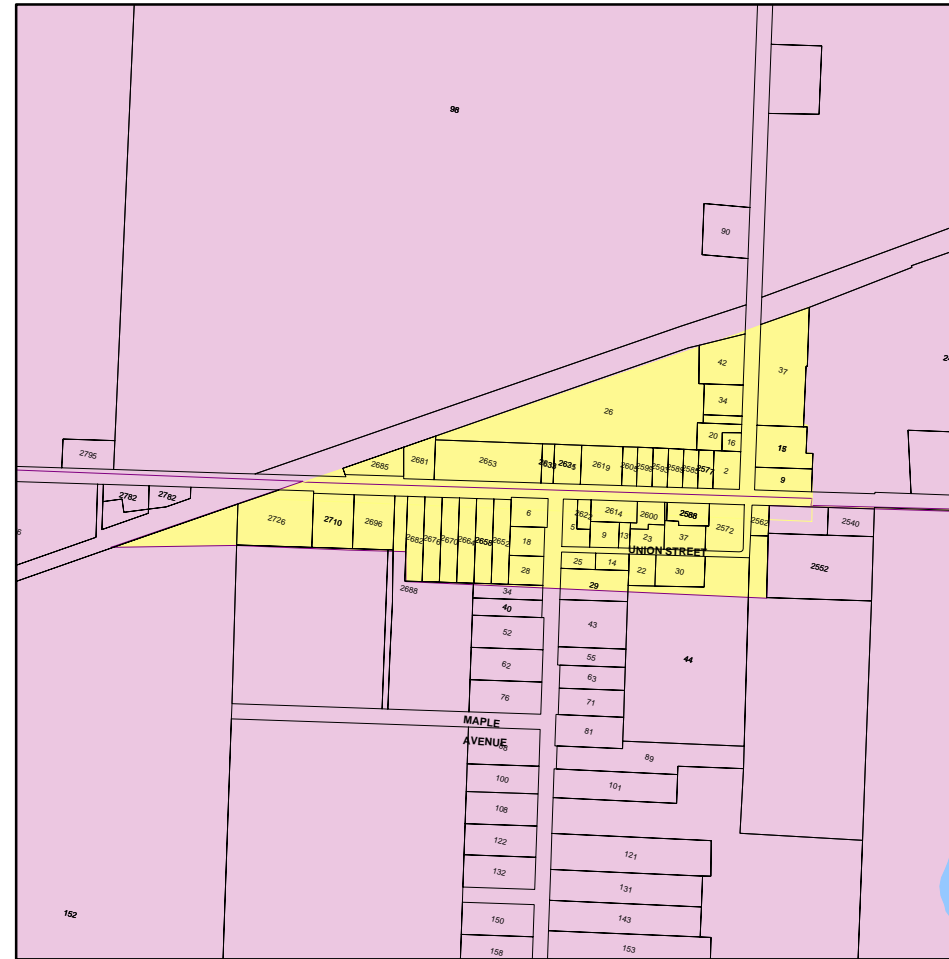
**SCHEDULE 'A' Details 1 & 2**

**Details Discharge of  
 Firearms and Bows Areas**

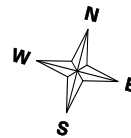
**LEGEND**

-  DISCHARGE OF FIREARM AND BOWS PERMITTED
-  AREA SUBJECT TO SECTION 3(1) OF THIS BY-LAW

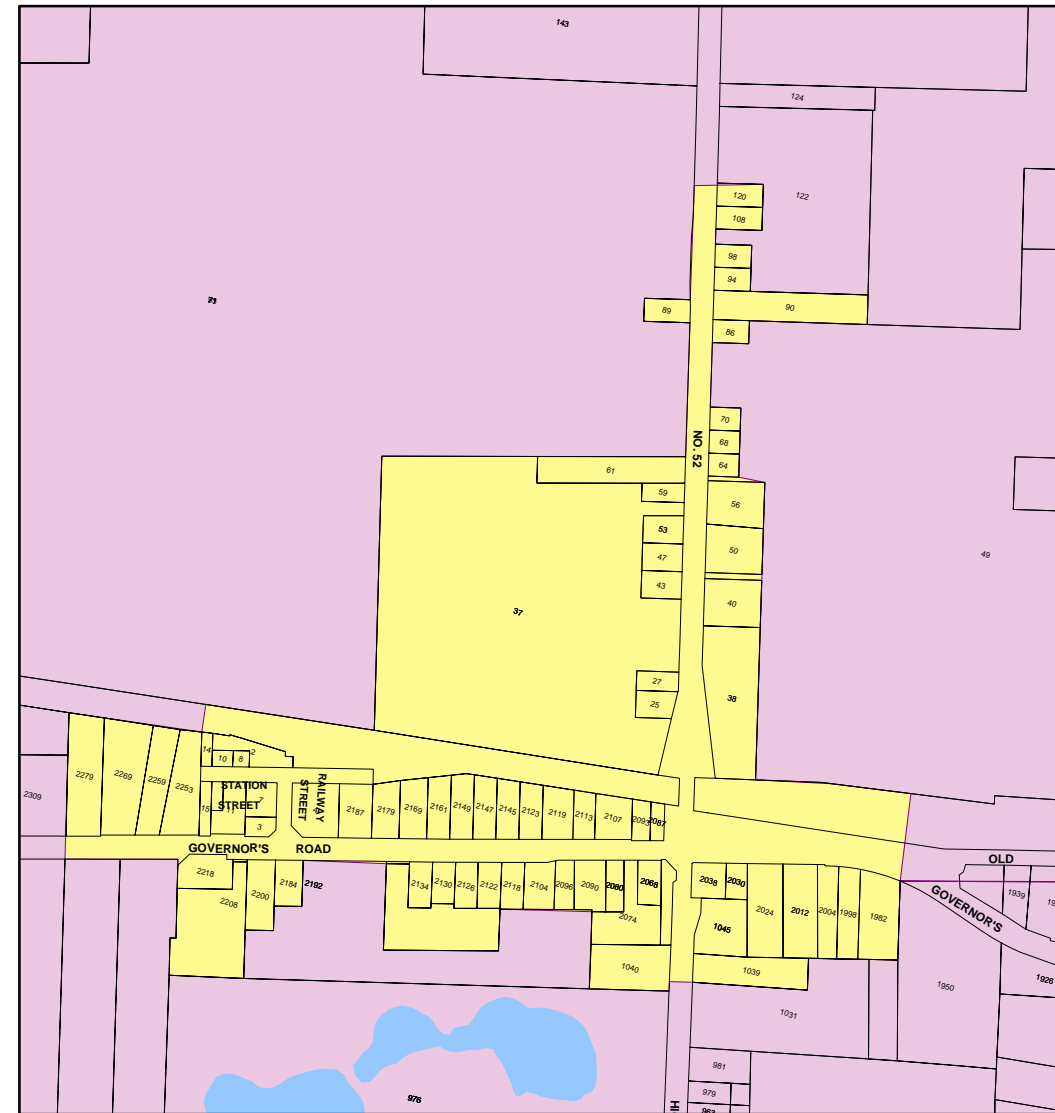
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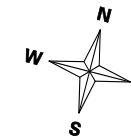
SCALE 1:10000



**DETAIL 4 TO SCHEDULE A AND SCHEDULE B**



SCALE 1:10000



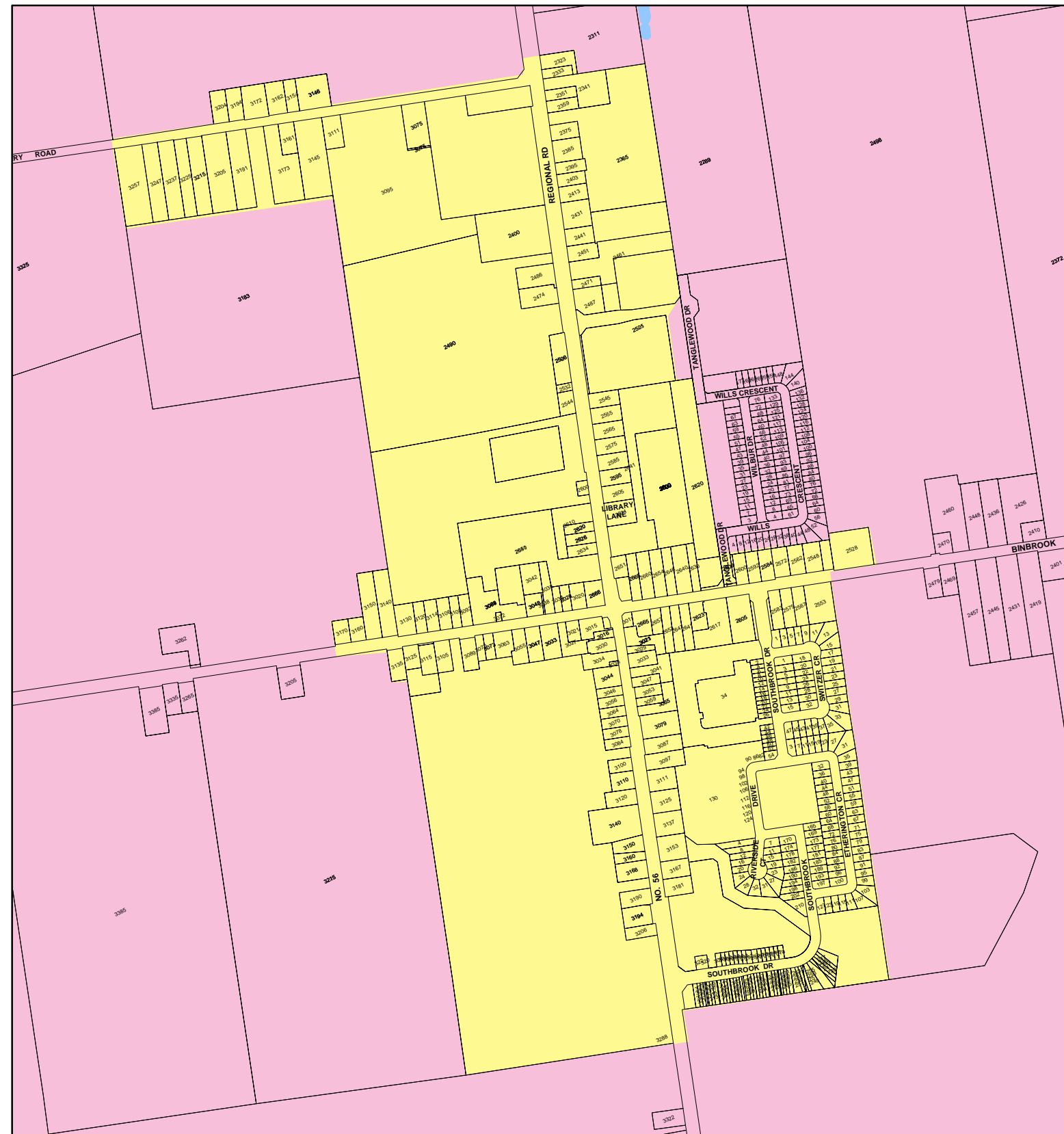
**SCHEDULE 'A' Details 3 & 4**

**Details Discharge of Firearms and Bows Areas**

**LEGEND**

- DISCHARGE OF FIREARM AND BOWS PERMITTED
- AREA SUBJECT TO SECTION 3(1) OF THIS BY-LAW

### DETAIL 5 TO SCHEDULE A AND SCHEDULE B



SCALE 1:10000





Hamilton  
City of Hamilton

### SCHEDULE 'A' Detail 5

### Details Discharge of Firearms and Bows Areas

### LEGEND

-  DISCHARGE OF FIREARM AND BOWS PERMITTED
-  AREA SUBJECT TO SECTION 3(1) OF THIS BY-LAW

# ENFORCEMENT STRATEGY

## *Discharge of Recreational Firearms By-law 19-###*

### **Municipal Law Enforcement**

The general intent and purpose of the *Discharge of Recreational Firearm By-law 19-###* is public safety in the discharge of recreational firearms/bows. The purpose and objective of this Enforcement Strategy is to ensure compliance with the By-law.

As with all by-laws enforced by Municipal Law Enforcement (MLE), education, prevention and voluntary compliance are the desired outcome. As such, the general enforcement practice, unless directed otherwise, is to educate and seek voluntary compliance. However, one can anticipate that a certain percentage will resist any regulatory scheme regardless of MLE staff efforts to be congenial. Although staff approach will remain firm, fair, friendly and consistent, legal action will be initiated should efforts toward voluntary compliance fail.

### **Communications**

Details of the new By-law will be shared with the public through a media release, social media and the City website.

A brochure with general information regarding the new By-law and contact information of the relevant enforcement agencies will be posted in key locations, including local conservation areas, stores and locations where hunting and fishing licenses and supplies can be purchased.

### **Action plan**

#### Enforcement:

Enforcement will be complaint driven. The City's call center as well as MLE clerical staff will be provided with key information regarding the new By-law to assist in addressing calls received. Complaint calls regarding the sound of gun shots with no other detail will be immediately referred to Hamilton Police Services (HPS).

Staff experience is that most complaint calls involve the observation of hunting or shooting activity within a particular area combined with the sound of gun shot or the observation of a cross bow. Municipal Law Enforcement Officers (MLEOs) generally arrive before or after the discharge of a firearm or bow, and commonly deal with the property owner when unable to locate/identify the suspect(s). Municipal Orders may be issued to discontinue the activity, or compel the landowner to revoke consent or take actions to bar or prevent the unlawful entry onto the property.



**Appendix "C" to Report PED16107(b)****Page 2 of 3**

Most offenders are unfamiliar with the provisions of the By-law, or mistake the boundary for prohibited areas. The Municipal Order is an educational tool issued in the first instance before taking enforcement steps. Once issued, having presumed knowledge of the By-law, a charge would follow for re-offending or disobeying the order; and/or require any remedial action at the property owner's expense.

Where a complaint is received, the MLEO will:

- interview the complainant;
- determine the municipal address for the location of the complaint
- using City tax base information, obtain contact information for owner

**If the location of the contravention is within the prohibited area,** (see Schedule A of the By-law - no recreational firearms activity is acceptable)

- make every reasonable effort to contact the property owner and discuss the complaint in person
  - emphasize owner responsibilities and obligations under the *Discharge of Recreational Firearms By-law*
  - educate the property owner and explain the role/procedure for City staff administering/enforcing the By-law
  - seek voluntary compliance to cease the contravention
- review with supervisor any recommendation to issue a charge under the By-law noting any required witness to the event

**If the location of the contravention is outside of the prohibited area** (see Schedule A of the By-law for prohibited area)

- check the MLE database to determine if an exemption permit exists for the location
- If a permit exists,
  - review complaint and the conditions of any permit found. If applicable, educate the complainant as to the conditions of the permit
- If no permit is found or if conditions of any issued permit may have been violated
  - make every reasonable effort to contact the property owner and discuss the complaint in person at the property
  - educate the property owner about the By-law and their responsibilities.
    - If any condition(s) of a permit may have been violated, review with Supervisor any recommendation to cancel permit
    - review with Supervisor any recommendation to issue a charge under the By-law noting any required witness

Protocols are already in place for the sharing of information between HPS and MLE. Similar protocols have been developed between MLE and the Ministry of Natural Resources and Forestry (MNR). These agencies will continue to meet yearly to discuss legislative, enforcement and administrative changes for the continuous

**Appendix “C” to Report PED16107(b)**  
**Page 3 of 3**

improvement of service levels to the community. MLE Policies and Procedures will be created that adopt the principles of this Enforcement Strategy and support the mandate of the enforcement partners.

Exemption permit:

Contained within this new By-law are provisions for an exemption permit system in certain permitted rural locations. After a satisfactory site inspection by a MLEO, an exemption permit may be issued following the Director of Licensing and By-law Services review and consultation with nearby landowners and the Ward Councillor. This permit would allow for the discharge of a recreational firearm(s) at approved locations during pre-arranged times. All exemption permits will be tracked within the MLE database making this information readily available to MLE clerical staff and MLEOs responding to complaint calls from concerned citizens.

At this time, all exemption permit applications, renewal applications and required payments must be made in person until an on-line option is available.

### **Conclusion**

Both proactive and reactive enforcement strategies are important components in ensuring compliance with any by-law. This strategy focuses on an education and a consultative approach with complainants and home owners to conclude most matters. If necessary and viable, the issuance of a charge will act as a general and specific deterrent to prevent the individual from re-offending.



Hamilton

# BUILT HERITAGE INVENTORY FORM

4c

Address King Street ...<sup>23+</sup> 25 King Street East <sup>(some maps)</sup> #36 King Community...Stoney Creek

Also known as... Millen's Store \_\_\_\_\_ Legal Description LOT 24 Cone 3

P.I.N. \_\_\_\_\_ Roll No. 251800355 Ward 5 Neighbourhood \_\_\_\_\_

Heritage Status:  Inventory  Registered  Designated (Part IV / Part V)  Easement (City / OHT)  NHS  
 Heritage Conservation District (if applicable): \_\_\_\_\_ Cultural Heritage Landscape (if applicable): Stoney Creek  
 downtown landscape

Property Status (Observed):  Occupied Building  Vacant Building  Vacant Lot  Parking Lot

Integrity:  Preserved / Intact  Modified  Compromised  Demolished (date) \_\_\_\_\_

Construction Period:  Pre 1867  1868-1900  1901-1939  1940-1955  1956-1970  Post 1970  
 Year (if known) circa 1854 Architect / Builder / Craftsperson (if known) \_\_\_\_\_

Massing:  Single-detached  Semi-detached, related  Semi-detached, unrelated  Row, related  Row, unrelated  Other \_\_\_\_\_

Stores:  1  1 1/2  2  2 1/2  3  3 1/2  4 or more  Irregular  Other \_\_\_\_\_

Foundation Construction Material:  Stone  Brick  Concrete  Wood  Other \_\_\_\_\_ Finish: \_\_\_\_\_

Building Construction Material:  Brick  Frame (wood)  Stone  Log  Other \_\_\_\_\_ Finish: WOOD 1850's  
- FIRE INSC MAP 1939

Building Cladding:  Wood  Stone  Brick  Stucco  Synthetic  Other: alum siding Finish: 2019

Roof type:  Hip  Flat  Gambrel  Mansard  Gable  Other \_\_\_\_\_ Type: \_\_\_\_\_

Roof Materials:  Asphalt Shingle  Wood Shingle  Slate  Tile/Terra Cotta  Tar/Gravel  Metal  Other \_\_\_\_\_

### Architectural Style / Influence:

- |   |   |  |  |  |
|---|---|--|--|--|
| <input type="checkbox"/> Art Deco / Moderne<br>(1920s-1950s)  | <input type="checkbox"/> Chateau<br>(1880-1940)               | <input type="checkbox"/> Gothic Revival<br>(1830-1900) | <input type="checkbox"/> Neo-Gothic<br>(1900-1945)         | <input type="checkbox"/> Romanesque Revival<br>(1850-1910) |
| <input type="checkbox"/> Beaux-Arts Classicism<br>(1900-1945) | <input type="checkbox"/> Craftsman / Prairie<br>(1900s-1930s) | <input type="checkbox"/> International<br>(1930-1965)  | <input type="checkbox"/> Period Revivals<br>(1900-Present) | <input type="checkbox"/> Second Empire<br>(1860-1900)      |
| <input type="checkbox"/> Brutalism<br>(1960-1970)             | <input type="checkbox"/> Colonial Revival<br>(1900-Present)   | <input type="checkbox"/> Italian Villa<br>(1830-1900)  | <input type="checkbox"/> Post-Modern<br>(1970-Present)     | <input type="checkbox"/> Vernacular                        |
| <input type="checkbox"/> Bungalow<br>(1900-1945)              | <input type="checkbox"/> Edwardian<br>(1900-1930)             | <input type="checkbox"/> Italianate<br>(1850-1900)     | <input type="checkbox"/> Queen Anne<br>(1880-1910)         | <input type="checkbox"/> Victory Housing<br>(1940-1950)    |
| <input type="checkbox"/> Classic Revival                      | <input type="checkbox"/> Georgian / Loyalist                  | <input type="checkbox"/> Neo-Classical                 | <input type="checkbox"/> Regency                           | <input type="checkbox"/> 1950s Contemporary                |

(1830-1860)

(1784-1860)

(1800-1860)

(1830-1860)

(1945-1965)

Other \_\_\_\_\_

**Notable Building Features:**

- X Porch: \_\_\_\_\_  Sill(s): \_\_\_\_\_  Tower/Spire  Bargeboard  Eaves: \_\_\_\_\_
- Verandah: \_\_\_\_\_  Lintel(s): \_\_\_\_\_  Dome  Transom  Verges: \_\_\_\_\_
- Balcony: \_\_\_\_\_  Shutters: \_\_\_\_\_  Finial  Side light  Dormer: \_\_\_\_\_
- Door(s) : \_\_\_\_\_  Quoins: \_\_\_\_\_  Pilaster  Pediment  Chimney: \_\_\_\_\_
- Stairs: \_\_\_\_\_  Voussoirs: \_\_\_\_\_  Capital  Woodwork  Parapet: \_\_\_\_\_
- Fire wall: \_\_\_\_\_  Cornice: \_\_\_\_\_  Panel  Date stone  Bay: \_\_\_\_\_
- Windows: \_\_\_\_\_  Column  Cresting  Other \_\_\_\_\_

Notes:

**Context:**

Historic Context Statement:  Yes  No Name of HCS Area: \_\_\_\_\_

X Streetscape (Residential / Commercial)  Terrace / Row X Complex / Grouping  Landmark

Multi-address parcel (list addresses): \_\_\_\_\_  Other \_\_\_\_\_

Related buildings: \_\_\_\_\_

Plan:  Square  Rectangular  L  U  T  H  Cross  Irregular  Other \_\_\_\_\_

Wings: \_\_\_\_\_ Setback:  Shallow  Deep  At ROW  Other \_\_\_\_\_  Corner Lot

**Accessory Features and Structures:**

Features (e.g. stone wall, fountain):

Structures (e.g. shed, outbuilding):

\_\_\_\_\_

**Additional Notes:**

Related Files: \_\_\_\_\_

Fire Insurance Mapping: 1898 Sheet No. \_\_\_\_\_ 1911 Sheet No. \_\_\_\_\_ 1949 Sheet No. \_\_\_\_\_ 1964 Sheet No. \_\_\_\_\_

Additional Documentation and Research Attached (if applicable):

<b>Surveyed by:</b>	<b>Date:</b>	<b>Survey Area:</b>
<b>Staff Reviewer:</b>	<b>Date:</b>	

# PRELIMINARY EVALUATION

<b>Physical / Design Value:</b>	
<input type="checkbox"/>	The property's style, type or expression is: <input checked="" type="checkbox"/> rare <input type="checkbox"/> unique <input type="checkbox"/> representative <input type="checkbox"/> early
<input type="checkbox"/>	The property displays a high degree of: <input checked="" type="checkbox"/> craftsmanship <input type="checkbox"/> artistic merit
<input type="checkbox"/>	The property demonstrates a high degree of: <input type="checkbox"/> technical achievement <input type="checkbox"/> scientific achievement
<b>Historical / Associative Value:</b>	
<input checked="" type="checkbox"/>	The property has direct associations with a potentially significant: <input type="checkbox"/> theme <input type="checkbox"/> event <input type="checkbox"/> belief <input checked="" type="checkbox"/> person <input type="checkbox"/> activity <input checked="" type="checkbox"/> organization <input type="checkbox"/> institution
<input checked="" type="checkbox"/>	The property yields, or has the potential to yield, information that contributes to an understanding of a community or culture
<input checked="" type="checkbox"/>	The property demonstrates or reflects the work or ideas of a potentially significant: <input type="checkbox"/> architect <input type="checkbox"/> artist <input checked="" type="checkbox"/> building <input type="checkbox"/> designer <input type="checkbox"/> theorist
<b>Contextual Value:</b>	
<input checked="" type="checkbox"/>	The property is important in: <input checked="" type="checkbox"/> defining <input checked="" type="checkbox"/> maintaining <input checked="" type="checkbox"/> supporting the character of the area
<input checked="" type="checkbox"/>	The property is linked to its surroundings: <input checked="" type="checkbox"/> physically <input type="checkbox"/> functionally <input checked="" type="checkbox"/> visually <input checked="" type="checkbox"/> historically
<input type="checkbox"/>	The property is a landmark

**Classification:**

- Significant Built Resource (SBR)  
 Character-Defining Resource (CDR)  
 Character-Supporting Resource (CSR)  
 Inventory Property (IP)  
 Remove from Inventory (RFI)  
 None

**Recommendation:**

- Add to Designation Work Plan  
 Include in Register (Non-designated)  
 Remove from Register (Non-designated)  
 Add to Inventory – Periodic Review  
 Inventory – No Further Review (Non-extant)  
 No Action Required

Evaluated by: <i>K. WAKEMAN</i>	Date: <i>SEPT 2018</i>
HMHC Advice:	Date:
Planning Committee Advice:	Date:
Council Decision:	Date:
Database/GIS Update:	AMANDA Update:

forefathers, having lived on the same estate for more than two hundred years, as farmers.

**Jane Foster** was born August 13th, 1814, in the same parish and belonged to an old English family. They had eleven children. **Samuel (Millen)** died before the family left England, and was buried in Westwell Parish.

**John (Millen)** and **Jane (Foster)**, and nine children, all of whom were registered in the English Church records at Westwell Parish, Kent County, England, left England, as stated, in 1849.

On their way up the St. Lawrence River, and when the boat was between Quebec and Montreal, **James (Millen)**, who was less than two years of age, took ill and died. He was buried in the Anglican Church burying ground at Montreal

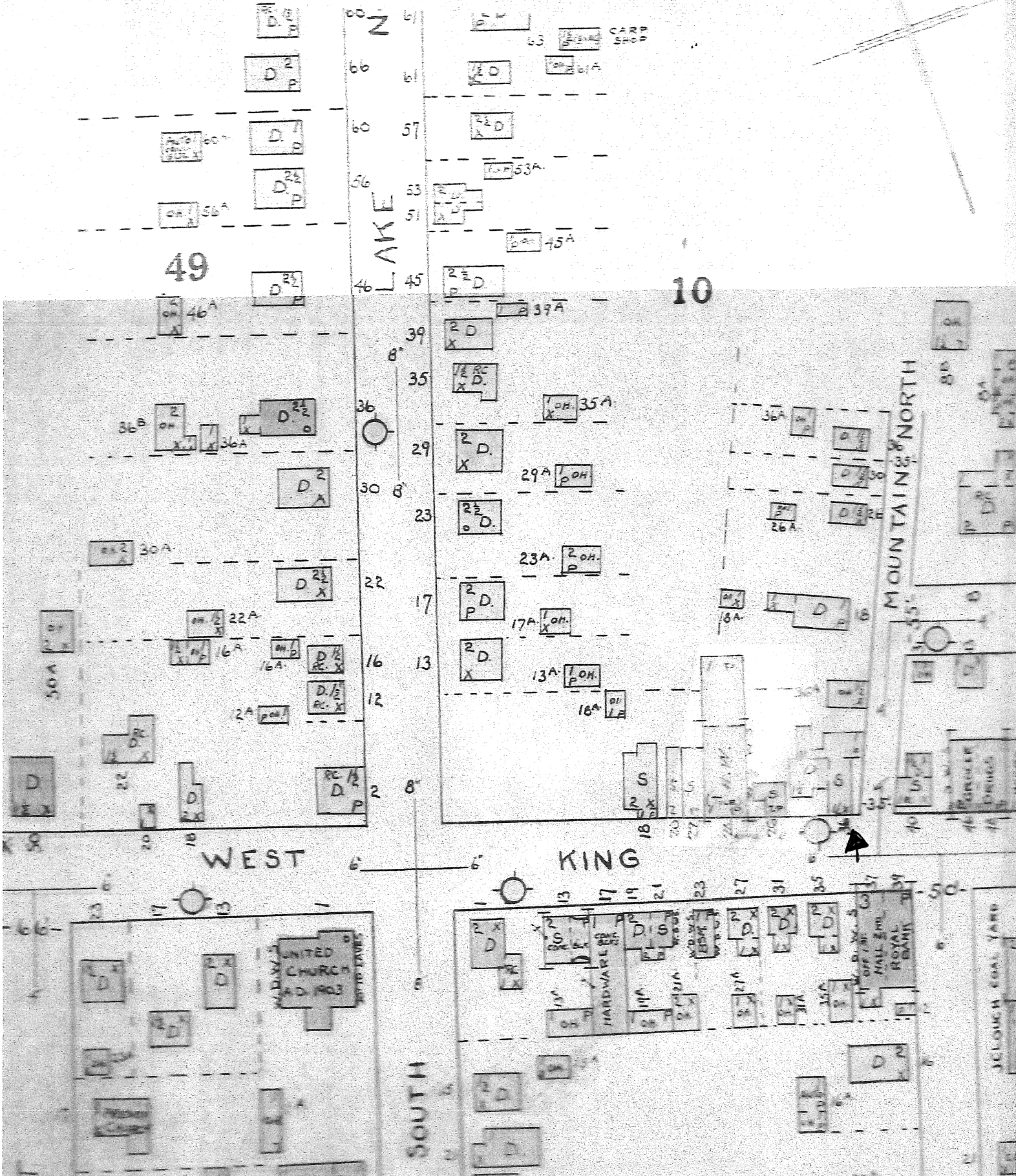
The family journeyed on to Hamilton, arriving there on June 4th, 1849.

They settled near the village of Stoney Creek, on a farm in the Township of Saltfleet, County of Wentworth. It was here that **Isaac (Millen)** was born

**John Millen** stayed in the Township of Saltfleet for some years. **Jane Millen (Foster)**, his wife, died November 29th, 1854, and her remains were interred in the Methodist Church cemetery at Stoney Creek. The names of their children, and the years of their birth are: **William (Millen)**, born June 25th, 1836; **Mary (Millen)** and **Elizabeth (Millen)** (twins), 1838; **Thomas (Millen)**, December 26th 1839; **Ann (Millen)**, 1842; **John (Millen)**, 1843; **Richard (Millen)**, 1845; **Stephen (Millen)**, February 23rd, 1846; **Samuel (Millen)**, died in England; **James (Millen)**, died in infancy; **George (Millen)**, 1849; **Isaac**, February 28th 1852. **Isaac** was the only child in this family to be born in Canada.

**John Millen** remained a widower a few years and subsequently married **Miss Sarah Canada**, of Saltfleet Township, by whom he had two daughters, **Jane (Millen)** and **Catherine (Millen)**, both of whom died when young; and one son, **Francis Byron (Millen)**, who was born in 1860.

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# on Spectator

SATURDAY NOVEMBER 25 1950

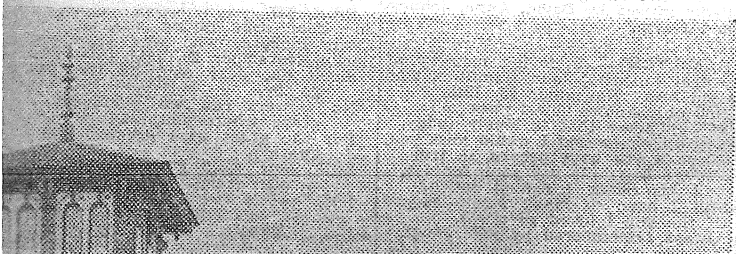
NUMBER 275

CLASSIFIED SECTION

## From Dream Of The Past



**IN BUSINESS FOR 130 YEARS** — Millen's general store at Stoney Creek, seen in this photograph, is believed to be the oldest place of business in that historic village. Old accounts indicate that business was actually done at the site in 1820. The first post office for the community was opened in this building in 1832 and was there for many years. The late A. R. Millen purchased the business in 1903 from Isaac Corman and it is still conducted by Mrs. Millen. Isaac Corman, it is understood, bought the business from John McNeilly who had secured it from Charles Moore. While others had previously owned and operated it, their names were not immediately available.

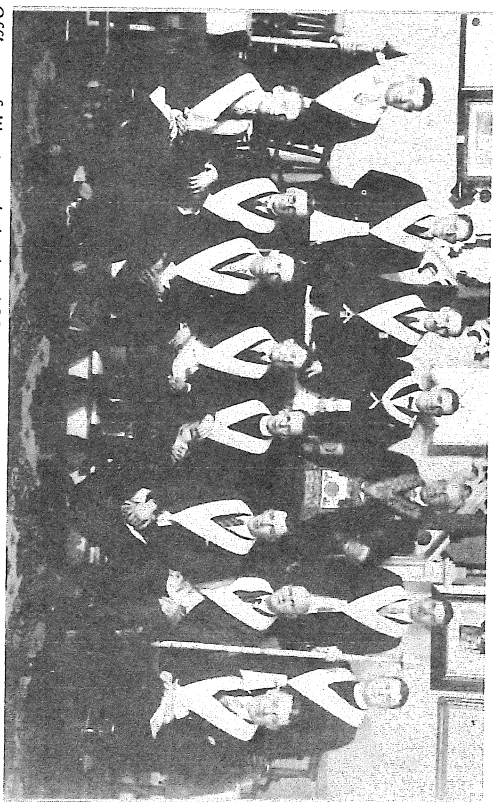




obtained from the Grand Lodge of Canada and a meeting was held in Wilson's Hotel on Monday, 15th day of August 1864, to instal the officers named on the Warrant. These officers were Bro. Walter McKay, Worshipful Master; Bro. Jos. DeClops, Senior Warden; Bro. William Pettit, Junior Warden; Bros. Abel Land, Enos McMillan, Wm. Campbell, Jacob Pettit, John S. Carl, Christopher Biggar and Levi Neil.

The Lodge moved into two rooms in the home of Charles Moore, which stood at the south-east corner of Lake Avenue and King Street in 1865 and shortly afterwards into rooms over the store owned by Alva Jones, later known as Richard Millen's store. On the 23rd of December, 1901, the Lodge moved again to the third floor of the Institute Building at the south-west corner of King Street and Mountain Avenue where the members climbed forty-four steps to the Lodge Rooms which were without running water or washroom facilities.

In 1954 a Committee, under the leadership of Rt. Wor. Bro. Leighton McDermid, purchased the present lot at Dawson and Passmore Streets and in 1957 the present modern brick Masonic Temple was erected on the site. The official builder was Wor. Bro. W. E. Bland but many brethren co-operated with labour and money.



Officers of Wentworth Lodge 166, A.F. & A.M., - 1926

Through the efforts of two members of the legal profession Wor. Bro. Ben Simpson and his illustrious father Most Wor. Bro. T. H. Simpson the Stoney Creek Masonic Hall Association was formed and a Charter procured authorizing the sale of Bond Certificates, non-

interest bearing, to the brethren and thus financing was arranged. The Building Committee became the first Trustees and were Rt. Wor. Bro. Leighton McDermid, Chairman; Wor. Bro. S. Lloyd Hagan, Secretary-Treasurer; Wor. Bro. W. E. Bland; V. Wor. Bro. D. R. McLeod and Wor. Bro. Alex Skene.

A new lodge named Thomas Hamilton Simpson Lodge No. 692 G.R.C. was formed consisting mostly of members of Wentworth Lodge with V. Wor. Bro. D. R. McLeod installed as first Worshipful Master.

One of the oldest Masons still attending Lodge in Stoney Creek is V. Wor. Bro. John H. Lee who is 93. He was elected Secretary in 1918 in Wentworth Lodge, retiring in 1924 and was elected again in 1926. He resigned in 1960 to become Worshipful Master of Thomas Hamilton Simpson Lodge No. 692 and in the same year received a Grand Lodge appointment as Superintendent of Works.

The new Temple has a spacious Board Room, modern cloak-rooms and washrooms, with a banquet room and kitchen in the basement. At present, nine other Lodges meet in this Temple pending construction of a new Central Masonic Temple in Hamilton to replace the one destroyed by fire in 1967.

The Lodge, while referred to as a fraternal organization, contributes time, money and energy to other organizations. High on its list is the giving of blood. The members also assist in the welfare of their members and their families. They also give financial support to an adopted orphan under the Christian Children's Fund.

Through the 110 years that this Masonic Lodge has been part of Stoney Creek its members have contributed a great deal to the welfare of the community but perhaps the greatest is their good citizenship.

#### THE ORDER OF THE EASTERN STAR

Historic Chapter No. 194 O.E.S. was instituted on April 12th, 1929, in Stoney Creek with Mrs. Myrtle McDougall of King Street East the first Worthy Matron and Mr. Walter Beswick, Worthy Patron. The Chapter is part of the largest organization in the world that has both men and women members. At present 40 percent of the membership are men.

It is mainly a benevolent organization where local Chapters, of which there are nearly 280 in Ontario, raise money in various ways to give their support to other organizations. Cancer research, Muscu-

# **Saltfleet—Then and Now**

**1792**

**1973**

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The Town of Stoney Creek

Printed by

D. G. SELDON PRINTING LIMITED  
Hamilton, Ontario, Canada

# Storekeeper's daughter recalls general store

By Barb Joy

When Thelma Millen (now Felker) walked into her father's general store on King Street in her growing-up years, she hoped she wouldn't have to weigh coffee or pump molasses.

Of all the duties she performed in the store, those were the two she disliked.

"I always enjoyed selling," said Mrs. Felker in a recent interview. "But you know how molasses gets cold in the winter and then it's harder than ever to pump, and to fill up those jars the customers brought with them."

On entering the store, a customer would note the stairway about three-quarters of the way back that led to a partitioned part of the room above, where the Canadian Order of Foresters met and the Gun Club held its oyster suppers.

In another section at the top, stovepipes were stored while under the stairway stood large containers of the hated molasses and cans of coal oil.

## TABLE WAS PILED WITH CLOTHING

In the middle of the store stood a long table piled with overalls, shirts and other assorted dry goods and under it were stacked pots, pans and various cooking utensils.

At the back of the store clustered shoes, boots and rubber boots. Sugar and flour were scooped from large bins, and coffee was ground then weighed according to the customer's orders.

"I was always hoping no one would come in and ask for a pound of coffee," said Mrs. Felker. "I just hated doing that."

On her way through the store, the young Miss Millen might note the spittle around the cuspidor.

"One customer just couldn't hit it so I made a sign reading 'If you can't hit the cuspidor, don't spit on the floor,'" she said.

Of the merchandise in the store, perhaps the most attractive to the young girl was the case of hair ribbons with drawers that pulled out to reveal the varied colors under glass covers.

## NO PRICE TAGS WERE NEEDED

No price tags were on any article, as none were needed. They were all in the hands of the seven members of the Millen family who served the customers and made change from a box behind the counter.

A special day was Wednesday when Miss Millen climbed into the horse-drawn cart and made the long trip to Winona to pick up orders. Back at the store the next day, the stairway was lined with orders which were scrutinized to make sure coal oil wasn't resting too close to butter and lard.

And Friday saw the cart loaded for the trek to Winona again. Many of the customers were employees of E.D. Smith & Sons who were at work at the time of delivery.

"They'd leave the money on the table. We'd leave the order and the change," said Mrs. Felker. "In those days, people were honest. Now you don't dare leave your door unlocked."

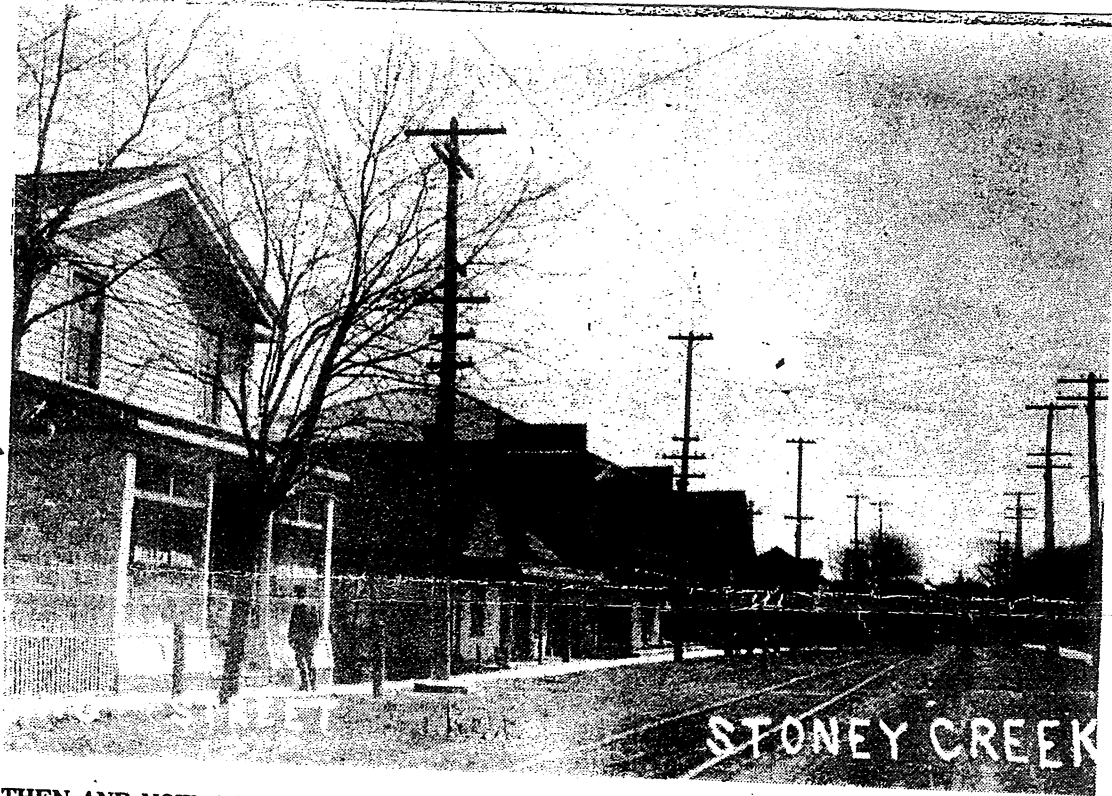
## STORE BUILT IN LATE 1700s

The store, built in 1791 or '92, saw many storekeepers, among them Isaac Corman. From 1822 to 1899, part of it became a post office. Mrs. Felker's father bought it in 1903 and, after his death in 1937, her mother and then her brother kept the business going until it was sold in 1971. It is now an office building containing the business premises of Lyle Peterson, Accountant, on the corner of Mountain Avenue and King Street.

But, before it was sold, the old store had been modernized to become a self-serve. Gone was the camaraderie it once contained when men swapped news and opinions on politics.

"I remember Burton Corman asking my father if he thought he should run for reeve and my father said 'yes'," said Mrs. Felker.

It led to a long public life for Mr. Corman, and the incident demonstrated the close affiliation of Stoney Creek residents back in the days of the old general store.



**THEN AND NOW:** King Street has a different look today than it had when this old picture was taken, showing the Millen Store as it was then

and the radial railway running along the main street.



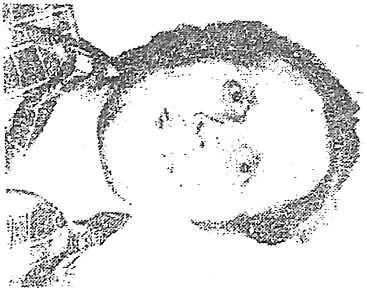
*Stoney Creek News*

*circulating*

*Stoney Creek History: Millen's Farming Agriculture*

by STEPHEN J. BECKROFT

# Down on the farm



Later his uncle quit and joined up with Hames R. Twaddle. Together they opened another store until Mr. Twaddle became Postmaster in 1940. Mr. Twaddle had come to Stoney Creek in 1924, originally hailing from Scotland.

The old store prospered under the name "A.R. Millen" and did a good trade. Crawl Millen has a folding wooden rule, 36 inches long, with the inscription "A.R. Millen, Groceries and Dry Phone Winona 192-2". I was puzzled about the Winona number, but it seemed that prior to World War I, Stoney Creek Subscribers were listed with the Winona exchange.

"When I was six years old," said Crawl Millen, "my father opened a branch store at Grimsby Beach - in those days it was a busy place in the summer, with all the cottages. Uncle George stayed in Stoney Creek and minded the main store. We had one hired man at Grimsby Beach that summer; his name was Bob Adams. We always got a hundred loaves of bread delivered by Canada Bread Co. for the weekend and by the time we locked the door on Saturday night they had all gone. We did a good business at Grimsby Beach!"

We talked about stores opening on Sundays, and the legislation passed earlier this year which requires

large stores to close on holidays and Sundays. If they stay open they are allowed a maximum floor space of 2,400 square feet and only three employees.

"I don't see why they have to open on Sundays at all," he said. "My father never did. No stores did in those days. On Saturdays we were busy, though. People used to get the radial to the store. We stayed open until 10:30 or 11:00 at night."

I asked about the prices of merchandise in those days, but he didn't remember many.

"A lot of goods were sold by bulk. Vinegar from the barrel sold at 40 cents a gallon... mollasses were sold from the barrel, too. I remember that mollasses ran real slow in winter and if you were in a hurry it seemed to take even longer to fill the customer's container. We kept 100 gallons of oil out back and sold it for lamps and stoves."

I searched other records and found prices charged by Grimsby stores prior to the Depression so I would imagine that these are similar to A.R. Millen's prices. Here are some examples:- Hats and caps from \$1.50; shorts \$3.00; Lisle socks for men 50 cents; Silk socks for men 89 cents; hot-water bottles 89 cents (with one year guarantee - they cost an extra 30 cents for two years' guarantee!); "Princess" Soap, Flakes 23 cents; "Gold Medal" Jelly Powders - 4 for 25 cents; Brunswick Sardines - 4 cans for 25 cents; rolled oats in bulk 5 lbs. for 17 cents; fresh cranberries 18 cents a pound; cauliflowers 3 for 25 cents; cabbages 5 cents each; squash 10 cents each; soda biscuits 21 pounds for 27 cents... and so on.

"In those days," comments Crawl Millen, "Prices didn't go up and down like they do now. Once you got the prices in your head, you were O.K. I don't know how these clerks remember the prices nowadays - they seem to change every week." He shook his head.

"I remember a lot of the old customers. Georgina Van Wagner - she married Bert Woodman and she died last April in the Brodie Nursing Home - the old Glover house that was. I remember old Doc. Thomson in Stoney Creek. He loved cheese, did Doc Thomson; the stronger the better. Then we had one regular customer - Mr. Griffith, who was cook at E.D. Smith's. He came in every night and bought ten cigars. We kept them for him specially."

We talked about credit. Apparently at the A.R. Millen store the E.D. Smith customers could buy groceries through the week and pay for them on payday at the end of the week. Farmers were able to get two or three months' credit until they sold their crops.

"We used to do a lot of deliveries. I hated making deliveries in the freezing rain or snow, but it had to be done. We had a covered van pulled by one horse, but the driver was out at front. Exposed to the weather! We did the Beach on Mondays, Red Hill on Saturdays, Eastern districts - such as Winona, Fruitland - on Wednesdays and Fridays. I did some deliveries and my brother Harold did others." He chuckled.

"I remember once we had been out together delivering on Barton Street - and - wow! it was it cold! One lady took pity on us, 'Come inside,' she cries, 'and have a dish of cider.'"

"Well, we did. I guess we weren't used to cider at that age. By the time we got home we were giggling and fooling around. My mother never said anything. I think she guessed what had happened, but she never said a word."

Dick Millen passed on just prior to the outbreak of World War II, in 1937. He brought the business through the heartbreaking years of the Depression, and it was those terrible bleak days that soured Crawl Millen against the store. The tragedy of customers who needed groceries but who were unable to pay for them - the continual worry of trying to keep the store open amidst poverty and heartache!

The store was then carried on by another son, Richard Millen who operated it through the war years and only sold out about ten years ago. So ended a history of over fifty years in the hands of the Millen family.

"I wish I'd kept all the papers," muses Crawlford Millen. "But at the time you don't think papers are of any value once they're finished with."

Both Mr. Millen and I would like to wish Bob Cenac all the best in his new venture. Maybe if he listens hard enough he WILL hear the walls talking!

Jack "Listen To This" Heugh commented about "the oldest grocery store in Stoney Creek" which has been recently taken over by Bob Cenac and is now called Bob's Grocery (THE NEWS, September 8) Jack Heugh wondered about the history of it and wished that the walls could talk.

Well, Jack, walls don't talk. But farmers do. And Crawlford Millen, a retired farmer who is his 75th year, is a son of one of the owners of the old store.

I talked with Mr. Millen about his early days in the store.

It had been started, he told me, by his Uncle George and his father, whose full name was Anthony Richard Millen, although he was known as "Dick" to all his friends. Opening in 1901, they traded under the name Millen Brothers and were one of the first telephone subscribers in Stoney Creek.



**8- Augustus & Stephan Jones store 1790's**

MILLEN'S STORE, STONEY CREEK

by Mrs. Kenneth Emberley

REFERENCE circulating

A history of Stoney Creek is unfolded in the telling of the story of Millen's Store at the corner of King Street East and Mountain Avenue North, the age of which dates, believably, from 1791-2 to 1967. It is the oldest continuing business in town -- and business is good! The end of September 1967 brought, after 64 years, the end of store-keeping for the A.R. Millen family in Stoney Creek.

In the days of "way-back-when" a man by the name of William Jones, with his brother James, built a big house and lived in it for many years with his growing family. A brother, Augustus, was the first land surveyor in upper Canada and later he received a grant of land of 2000 acres. He lived in the "Canada House" at Lake and King Streets, east side. William was given a 1200 acre grant of land. This acreage extended east of Lake Avenue from the mountain to the lake. The fine old Jones home "Locust Lawn" on Jones Street is now occupied by Murray Felker Johnson and his family. The house was well-built as were a number of smaller houses built nearby, presumably for employees.

The store was also built of wood with rough cast plaster coating adhering to long horizontal strips of 1½ inches by ½ inch width and thickness of material called lath. This method of construction is called "stucco" today and it retains heat well. It was greatly used in former days. It is thought that these buildings were built by the same brothers. A brother-in-law, James, built the Battlefield House. (see footnote #1)

The first store-keeper was William Jones and his son Stephan. His daughter Emmy was the first Postmistress. The post office later had official post date markings of 1822 - 26 and was housed here until 1899. Within memory of the writer, a verandah stretched across the front of the building and the store windows were of small panes of glass. A heavy screening of coarse wire mesh protected them. This has been modernized but the same door, lock and key are in use at the present. The walls of the foundation are very thick stone. At one time the upper story was used as a meeting place for fraternal societies -- the Maccabees, Orange Lodge, Foresters and Masons met there until the new town hall was built at the turn of the century. Entrance to the upper story was reached by an outside stairway on the east wall.

The early storekeepers included William Jones, Captain Williamson, E.B. Smith, Henry Wodehouse, J. Charles Moore, John H. McNeilly, Isaac Corman, and A.R. Millen.

Old accounts disclose that business was transacted at the site in 1820. The family of John Frederick Felker of Mud Street in the township of Saltfleet dealt here in trade and barter of farm products, fleeces and household necessities of the time. Pounds, shillings and pence was the currency used at that early date.

The mountain families of Adam Reid, the Stewarts, and the Lees, the mountain

known as "Millen Brothers" for some time, but later as A.R. Millen General Store. Page 176 of 177  
When the store was first purchased, groceries were called for in person. Later deliveries were made weekly by Mr. Millen to the outlying homes. Again, later his sons helped in this work. One such trip was made every Wednesday to Winona, which took all day from early morning until dark, A hot mid-day meal was ready regularly each Wednesday at the Jerry Dean house in Fruitland.

The employees of E.D. Smith and Sons were regular customers. They frequently came by radial car with orders that were delivered the following Friday. There was also the "Beach Trip" once a week and calls were made at the Van Wagners, George Corman's, Roderick's, Lutz' Corey's, Boden's and Green's.

A.R. Millen was a very fine man, interested in the village and in municipal affairs. He enjoyed a Sunday walk, with an unnecessary cane and a necessary pipe. He was affectionately known throughout the area as "Dick" and an era and a way of life passed with his death in 1937. His wife, formerly Mary-Jane Cown, was an accomplished Horsewoman and rode side-saddle as was the custom. She and Miss Jessie Reid and Miss Alic Foran rode in Many Fall Fairs. Mrs. Millen was also a forthright woman of business and so continued the store successfully until her death in 1955. Both she and Mr. "Dick" were of pioneer stock.

The present Millen brothers and sisters, all of whom were born in the house attached to the store, include - Crawford, Harold, Richard, Evelyn, Fevez and Thelma Felker. Each has contributed to the success of the family business by clerking in the store, in the housekeeping and in making deliveries of groceries by horse, by truck or on foot. Five grandsons were also born here -- Lloyd Millen, Randall and Michael Felker, Barry and David Millen. Richard Cowan Millen succeeded his mother in business and for 12 years has been faithful to the family tradition in storekeeping. Under his management changes have been made and improvements have taken place. his wife, the former Ivy Lee, died in June 1966 after a long illness. They had two sons -- Barry and David -- who also assisted their father in the store. They work elsewhere now but continue to live at home.

May good wishes go with Richard as he leaves the business and home he has known all his life. Angelo Molina has bought the store and will continue the high standard of business that he assumed with the purchase of this property.

Good wishes for Richard and success for Molina.

Stoney Creek NEWS - October 1967

#1 - James Gage's mother was a sister to the Jones brothers , therefore James is a nephew not a brother-in-law as mentioned in this article.



**11.1**

**CITY OF HAMILTON**

**MOTION**

**Planning Committee Date: May 14, 2019**

**MOVED BY COUNCILLOR FARR.....**

**MOVED BY COUNCILLOR .....**

**Effect of Heritage Designations on Property Values in Hamilton**

That the appropriate staff from PED be requested to consult with the Realtors Association of Hamilton-Burlington in an effort to determine if they are aware of or possess any documented proof (attained through previous reports, studies or sales figures analysis) that a heritage designation decreases a property's value in Hamilton.